

Parish:	Heacham	
Proposal:	OUTLINE WITH SOME MATTERS RESERVED: Residential development of up to 64 dwellings	
Location:	Land Off Cheney Hill Cheney Hill Heacham Norfolk	
Applicant:	W H Kerkham (Rhoon) Ltd	
Case No:	16/01385/OM (Outline Application - Major Development)	
Case Officer:	Mrs K Lawty	Date for Determination: 1 November 2016

Reason for Referral to Planning Committee – The views of the Parish Council are contrary to the Officer recommendation

Case Summary

There are two sites in Heacham allocated for future housing. This application site is approximately one half of the larger local plan site allocation for the village of Heacham. Policy G47.1 refers to this site, and also to the part of the site already with outline planning permission for 69 dwellings (Phase 1). Policy G47.1 relates to the whole site of 6 hectares, with an allocation of at least 60 dwellings across the site.

The application site comprises just under 3 hectares of agricultural land on the edge of the built up area of Heacham. The site is currently used as agricultural land/ paddock and split into fields divided by hedgerows and drainage ditches. There are no farm buildings on site and no other structures.

The site is bounded by residential development to the east and the north east, accessed from Marea Meadows. Marea Farm and associated buildings are to the south east. To the west is land within the same ownership which already has outline planning permission approved for 69 dwellings (lpa ref: 15/00352/OM). The access road serving this current proposed development would link through from this approved development, running through to Cheney Hill in the west. This current proposal would form Phase 2 of the Cheney Hill development.

Open space and agricultural land adjoins the site to the south. The site's boundaries are generally defined by hedgerows and trees.

The dwellings to the north east and east of the site on Marea Meadows are within the established village settlement boundary but the buildings on Marea Farm are outside the settlement boundary and within the countryside.

Land to the east of the main A149, which is approximately 100m to the east of the site, is within the AONB, but the whole of the village of Heacham and this site is not within the AONB.

This outline planning application is for the construction of up to 64 dwellings on the site and for associated infrastructure. The application is in outline only with all matters reserved except for access.

Key Issues

Principle of Development;
Impact upon the wider countryside;
Design, character and appearance;
Impact upon Residential Amenity;
Affordable housing;
Access Issues;
Flood Risk and Drainage Issues;
Contamination
Nature Conservation
Ecology
Crime and Disorder Act 1998;
Archaeology;
Trees;
Utilities;
Other material considerations.

Recommendation

(A) APPROVE subject to conditions and completion of Section 106 Agreement.

(B) In the event that the Section 106 agreement is not completed within 4 months of the date of this Committee meeting, the application shall be REFUSED due to the failure to secure affordable housing, public open space and play facilities, SuDs maintenance, Habitats Mitigation Contribution and County contributions.

THE APPLICATION

There are two sites in Heacham allocated for future housing. This application site is approximately one half of the larger local plan site allocation for the village of Heacham. Policy G47.1 refers to this site, and also to the part of the site already with outline planning permission for 69 dwellings (Phase 1). Policy G47.1 relates to the whole site of 6 hectares, with an allocation of at least 60 dwellings across the site.

Initially the application covered the whole site, proposing 133 dwellings, but during the course of the application it was reduced to covering only part of the site and the numbers reduced to 64 (Phase 2).

The development site comprises approximately 3 hectares of agricultural land on the edge of the built up area of Heacham. The site is currently used as agricultural land/paddock and split into fields divided by hedgerows and drainage ditches. There are no farm buildings on site and no other structures.

The site is bounded by residential development to the east and the north east, accessed from Marea Meadows. Marea Farm and associated buildings are to the south east. To the west is land within the same ownership which already has outline planning permission approved for 69 dwellings (lpa ref: 15/00352/OM). The access road serving this current

proposed development would link through from this approved development, running through to Cheney Hill in the west.

Open space and agricultural land adjoins the site to the south. The site's boundaries are generally defined by hedgerows and trees.

The dwellings to the north east and east of the site on Marea Meadows are within the established village settlement boundary but the buildings on Marea Farm are outside the settlement boundary and within the countryside.

Land to the east of the main A149, which is approximately 100m to the east of the site, is within the AONB, but the whole of the village of Heacham and this site is not within the AONB.

This outline planning application is for the construction of up to 64 dwellings on the site and for associated infrastructure. The application is in outline only with all matters reserved except for access.

As it is in outline an indicative Masterplan has been submitted showing how the number of houses might fit on the site and also the point of access into the site.

Details of the mix of housing proposed has been submitted along with draft Heads of Terms for the S106 Agreement with regard to affordable housing, open space provision and maintenance, play facilities, county education contribution and highways works.

The application shows a single vehicular access point linking through to Cheney Hill to the west.

SUPPORTING CASE

The application has been submitted along with a raft of supporting documents including:

- Site Location Plan
- Masterplan
- Arboricultural Constraints Report
- Arboricultural Impact Assessment
- Affordable Housing Statement (within the Planning Statement)
- Heritage Statement Incorporating a Geophysical Report
- Design and Access Statement
- Extended Habitats Phase 1 Survey
- Habitats Regulations Assessment
- Flood Risk Assessment and Drainage Strategy
- Geo-Technical Desk Study Report
- Landscape & Visual Impact Assessment
- Planning Statement
- Transport Assessment
- Utilities Statement
- Local Air Quality Assessment

The applicant has submitted a supporting statement which reads:-

'The application site is allocated for residential development in the approved Site Allocations Development Management Policies Document (SADMPD) (2016). A portion of the site has

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outline planning permission for 69 dwellings (15/00352/OM). The approved vehicular access on Cheney Hill remains unchanged for this current application and the Highways Authority has no objection to the approved access arrangements. An access for emergency vehicles will also be provided on Malthouse Crescent and this has received approval from the Highways Authority.

The proposed 64 houses, subject of this application, sensitively respond to the previously approved 69 houses and the masterplan presents a seamless development between the two parts of the site, as shown on the submitted masterplan and perspective drawing. The development achieves a wide mix of housing types, works with and continues the urban pattern of Heacham, respects the residential amenity of residential properties and is of a modest scale appropriate to the local setting.

All statutory consultees have supported this application and there remains no outstanding technical issues. The supporting information has satisfied all the policy requirements of Approved SADMP Policy G47.1 in relation to habitat regulations, access requirements, provision of open space, provision of affordable housing and landscape impact.

The benefits of this application proposal include:

- The provision of well-designed residential dwellings contained within a pleasant landscaped setting; assisting the Council in maintaining a robust housing land supply.
- Provision of much needed affordable housing; 20% - 13 houses in total (27 in total including the previously approved scheme)
- A significant level of public open space; 0.96ha provided (requirement 0.74 ha) Calculated as per the whole development of 133 dwellings on the full 6 ha allocated site.
- An improved walking route to the Infant school;
- Provision of a walkway through the site linking with other existing footpaths;
- CiL monies towards education, library, nature conservation and transport improvements.

As set out in the supporting information submitted with this application, this site is allocated for residential development in the adopted SADMP and has the potential to accommodate more development than originally considered. This will provide the LPA with a flexible approach to its housing provision and housing land supply position as recommended by the SADMP Inspector. The benefit of this approach is further supported by the Inspector considering an appeal at School Road, Heacham, the decision letter stated:

“37. In support of the Council’s trajectory, I note that a number of SADMP allocations have either been granted planning permission or are in the process of obtaining permission. Additionally, the allocations in the SADMP are expressed as minima and it is not inconceivable that some allocated sites will yield more than envisaged in the plan. This is evidenced more generally in the LPA’s response to the SADMP Inspector on this matter and is exemplified locally in Heacham on the main allocation at site G47.1 (where the total allocated capacity has been permitted on approximately half the allocated site area). Accordingly, I consider that the LPA’s assessment on the scale of supply from the SADMP allocations is not over-inflated.”

The Council has been adopting this flexible approach and has approved increased levels of development on allocated sites. At the Local Plan Task Group on 18 January 2017, a report was tabled which outlined the positive impact that the ‘at least’ wording was having on the Council’s housing land supply. It set out that overall 3,613 dwellings are potentially coming forward on allocations for 2,818 dwellings (this includes this current application proposal). This represents a further 795 dwellings (28% increase) which accounts for in excess of one year’s worth supply of housing land. This continued flexible approach will ensure that the Council can adequately maintain their 5-year housing land supply. This approach of

allocating more dwellings to come forward on a site that is sustainable and acceptable to the Borough Council as it is part of the Adopted Plan (and can comply with all the relevant policy requirements) is preferable than to have a number of dwellings coming forward on sites that are not part of the Plan and potentially not suitable i.e. approved according to national policy if no 5-year housing land supply position is demonstrable.

As the Council is starting their Local Plan review and considering options in relation to the future housing provision it is important to ensure sustainable development is supported. At the Local Plan Task Force Group on 12 April 2017, it was agreed that the next Local Plan should deliver 10% more than the objectively-assessed need (calculated at 670 p.a.). Therefore, the 10% adjusted figure of 737 dwellings per annum is an increase from the adopted Core Strategy requirement of 690 dwellings per annum. Therefore, this proposal represents an opportunity to provide additional housing in accordance with this emerging strategy.

The proposal for 64 houses will deliver much-needed housing (both open market and affordable) on a site that is allocated for residential development in the SADMP. The proposal will also deliver significant open space and will increase the catchment of local residents to use the village shops and services, aiding their long term viability. There is an adopted and clear policy approach which supports the approval of this application.'

PLANNING HISTORY

15/00352/OM - Permitted 09.02.16 - Outline Application: construction of up to 69 dwellings and associated infrastructure

RESPONSE TO CONSULTATION

Parish Council: OBJECT – 3 main reasons:

- A) i) the total number of proposed houses (64+69) is approximately double that which was originally allocated to Heacham and deemed sustainable by BCKLWN. Land allocations for at least 66 dwellings in Heacham are contained in the SADMP on 2 sites. Planning permission has been granted on site G47.1 for 69 units in addition to a windfall supply of 19 dwellings.

Heacham Parish Council also reminds BCKLWN of the 166 homes being built immediately to the north of Heacham and being accessed through the Heacham road network. These have been allocated to Hunstanton but Heacham will carry the brunt of the ensuing traffic issues. Before any further expansion of Heacham, common sense dictates that all the homes already under construction require to be consolidated and their impact on infrastructure monitored.

- ii) At the Heacham Inquiry [into application on School Road, Heacham lpa ref:13/01541/OM] the BCKLWN's Statement of Case said that developing 70 market housing units [for this School Road appeal site] for Heacham plus the preferred options site would result in 136 units being developed over the plan period in Heacham. This is just over double the number of general housing units anticipated by the Local Plan. Proposed development that conflicts with an up to date Local Plan should be refused unless other material considerations indicate otherwise. If there is no five year housing supply, then the same approach applies albeit the application of para 14 of the NPPF may result in material considerations outweighing any breach of policy. The same criticism levied by the LDF Manager

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in response to the failed School Road application should apply; so this application should be refused. 133 houses on this site is 64 houses over and above the 69 houses which were agreed last year.

- iii) BCKLWN's Closing Statement 14th July Inquiry Under the heading 'Sustainable development.' (Abridged) Scenario 1,
"The proposal (for 70 marketable homes etc.) is approved The 2 proposed sites (G47. 1 and G47.2) are adopted..... The resulting development is on a scale that Heacham cannot sustain given the level of services, pool of labour and public transport links."
Under 'Summary'.
"Provision is made for 66 dwellings in Heacham through the Local plan process. This would represent a sustainable level of development".

Heacham Parish Council agrees with these words. Heacham is already at a stage of unsustainable development and adding more dwellings would be an act of folly.

- iv) BCKLWN's Closing Documents (QC) 14th July Inquiry
Paragraph 59 in reference to the School Road development succeeding:
"There will be an increase in market housing at Heacham of about double the planned provision. There has been no challenge to the principle of the settlement hierarchy nor any challenge to the methodology used to assess the appropriate level of growth at each settlement. Substantial weight must be given to the Council's Core Strategy and its emerging SADMP." The statement made by BCKLWN's QC given above could be written exactly the same with reference to this application for 64 houses plus the 69 already agreed (total 133) - it doubles the planned provision and ridicules the settlement hierarchy.

- B) Part of the development site, if built upon, will intrude on landscape quality.

The proposed development site is adjacent to the failed School Road site along one edge. The planning inspector at the public enquiry into School Road made several references to the Heacham Millennium Wood. Heacham Parish Council considers that approximately half of the proposed development site, that half nearest to the failed School road site, impacts upon the views enjoyed from the location of Heacham Chalk Pit and, consequently, that part of the site should not be used for development.

- C) Road access to and from the site is unacceptable. When the proposal for 69 houses on this site came forward in 2015 Heacham Parish Council objected on two grounds; the increase in housing numbers from 60 to 69 and the road access which the Parish Council considered inadequate and potentially dangerous. The road access to this proposed development of 64 houses plus the 69 already agreed (total 133) has not significantly improved and is consequently rejected outright by Heacham Parish Council.

Planning Policy Team

Thank you for consulting the planning policy team regarding the above amendment to the application.

The Borough Council has an up-to-date local plan. This comprises the Core Strategy (CS) (2011) and the Site Allocations and Development Management Policies Plan (SADMP) (2016). The Borough Council can also demonstrate a housing land supply position in excess of five years' worth. This was upheld at appeal ('Heacham' APP/V2635/W/14/2221650). An

application for permission was made to bring a claim under s.288 (1) of the 1990 Act challenging the Inspector's decision. Permission was refused (CO/4336/2016).

This means that relevant policies for the supply of housing should be considered up-to-date. The local policy framework is securing a deliverable supply against a slightly higher full objectively assessed need (FOAN) consequently the policies are fully consistent with the National Planning Policy Framework's (NPPF) objectives to widen housing choice and boost supply significantly. Accordingly full weight should be attached to development plan policies.

There have been some significant changes in circumstances regarding 5 year housing land supply since the above appeal decisions. These can be summarised as follows:

- The publication of a new FOAN based upon the latest data (at the time) published by DCLG and ONS. This concludes the FOAN for the borough to be lower (670 dwellings p.a.) than the previous FOAN (710 dwellings p.a.), and;
- The publication of the Borough Council's annual update of its housing land supply position based upon the above. This concludes that a 5 year housing land supply position is maintained with 5.9 years' worth.

The application relates to part of a site (approx. 50%) which is allocated for residential use by SADMP. Policy G47.1 Heacham – Land off Cheney Hill allocated an area of land amounting to 6 hectares for a residential development of at least 60 dwellings. The site by virtue of being identified as a SADMP allocation, having been through the whole local plan process, has been identified as a sustainable location for residential development.

Planning permission (15/00352/OM) has already been granted for up to 69 dwellings on approximately 50% of the allocated site. In combination with the current proposal this could potentially lead to a total of 133 dwellings being built.

The issue of flexibility and provision of dwelling numbers was central to the SADMP Inspector's report, in which will a number of main modifications he found to be 'sound' and therefore could be adopted. The first main modification recommend was the inclusion of 'at least' in each of the residential allocation polices with regard to dwellings numbers. The inspector considered that this would enable the Borough Council to meet the housing need and afforded flexibility to guard against a site or sites not being able to be delivered as envisaged due to unforeseen circumstances or constraints such as flood risk (a key constraint within the borough). The 'at least' wording would therefore allow higher numbers to come forward on sites that are relatively constraint free. The Inspector within his report also states that it is important that the best use of land is achieved but that should not be at the expense of other considerations.

It is important to note that the 'at least' approach has been a key component in enabling the Borough Council to be able to demonstrate a positive five year housing land supply position, as mentioned earlier. Indeed the 'Heacham' Inspector in his report concluded that the Borough Council's assessment of land supply was not over inflated as the SADMP allocation were all expressed a minima it was not inconceivable that some of allocated sites will yield more dwellings than the plan envisages. He considered that this was exemplified by the allocation G47.1 (where the total allocated capacity has been permitted on approximately half the allocated site area), to which this current proposal related to.

As a recommended by the SADMP Inspector the Borough Council is currently reviewing the Local Plan (CS & SAMP). This looks forward from 2016 to 2036 and is seeking to provide a number of residential allocations to meet the FOAN (670 dwellings p.a.) over this time period.

Whilst Policy G47.1 does offer flexibility in terms of the numbers which could come forward on the site, by expressing the number dwellings as 'at least', careful consideration needs to be given to the impacts that delivering extra dwelling numbers on the site could potentially have upon the local and wider natural and built environment. It is vital that the proposals on the allocated site G47.1 are not only consistent with the policy for the site, but also others within the Local Plan (particularly SADMP Policy DM15 – Environment, Design and Amenity) as well as having regard to national policy (NPPF).

Highways Authority: NO OBJECTION – conditionally

Internal Drainage Board: NO OBJECTION – conditionally; further tests will be required to prove that the infiltration drainage techniques proposed would be an effective method of surface water disposal across the whole site. would recommend that any drainage systems which serve multiple properties or communal areas are commuted to a competent authority (not a management company) and designed in conjunction with that authority.

Pre-commencement conditions should ensure that full details of the surface water disposal methods and drainage systems – including further percolation test results, existing and proposed rates and volumes of run-off, details of exceedance routes and how flows are managed and in perpetuity maintenance arrangements for any communal drainage systems – have to be submitted and approved prior to commencement of development.

Environment Agency: NO OBJECTION – conditionally - It will now be necessary for you to consult the Lead Local Flood Authority (LLFA), Norfolk County Council, in respect of its statutory consultee role on planning, specifically sustainable surface water drainage.

Anglian Water: NO OBJECTION – conditionally - The foul drainage from this development is in the catchment of Heacham Water Recycling Centre that will have available capacity for these flows; the sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991; the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management.

Environmental Health & Housing - Environmental Quality: NO OBJECTION but commented that conditions should be attached.

Environmental Health & Housing - CSNN: NO OBJECTION – conditionally; Foul and Surface Water Drainage Details; Lighting Scheme; Dust suppression; Protection scheme from construction; construction management plan

Lead Local Flood Authority: NO OBJECTION – conditionally - The applicant has provided Site Specific Flood Risk Assessment (FRA) and Drainage Strategy (Transport Planning Associates, ref.1603- 50/FRA/02, April 2017) for the site of 6.2 ha with 133 dwellings proposed. The current application has a site area of 2.96 ha with up to 64 dwellings. No FRA and Drainage Strategy has been provided for the site of 2.96 ha. In further correspondence with the developer (email from John Hopkins, 9 May 2017) it has been established that the FRA and the drainage strategy has been produced for planning applications 15/00352/OM and 16/01385/OM together - Phases I and II, accordingly. Suggest condition requesting new surface water drainage scheme prior to approval of reserved matters.

Natural England: NO OBJECTION subject to appropriate mitigation being secured

Arboricultural Officer: NO OBJECTION in principle but I would like to see a tree survey and a survey of the hedge lines at full application stage.

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County Planning Obligations Team: NO OBJECTION – subject to contributions towards education and library books being secured through CIL. Suggested contribution towards Council's green infrastructure responsibilities.

Historic Environment Service: NO OBJECTION – conditionally. If planning permission is granted, we therefore ask that this be subject to a programme of archaeological work in accordance with National Planning Policy Framework para. 141.

Housing Enabling Officer: NO OBJECTION – conditionally

Open Space Officer: NO OBJECTION – conditionally; requirement for 56m² open space per dwelling (30% equipped children's play space); robust arrangements for maintenance of landscaping/boundary landscaping; comments re: maintenance of soft landscaping on the outside of property boundary features; footpaths would not be adopted by this authority, preference for these to be adopted as public highway (i.e. section 38).

Public Rights of Way Officer: NO OBJECTION - on public rights of way issues, but made comment regarding pedestrian links and dog walking facilities.

Secured by Design Officer: NO OBJECTION acknowledges this is merely an indicative layout at outline stage but would be pleased to work with the agent or developer to ensure that the proposed development incorporates all of the required elements.

REPRESENTATIONS

Sir Henry Bellingham **objects** – the original figure for 69 dwellings is sustainable and in keeping with the spirit of the LDF. The figure of 133 dwellings is simply not sustainable or acceptable.

Councillor Terry Parish objects. Change from 133 houses to 64 is confusing and no mention made of reduction ie. CIL. 88 houses already approved in Heacham (69 and 19 windfall) is above 'sustainability'. The number of houses is significant. 'At least' does not mean an unlimited number and is a careless use of language.

More traffic will flow through Heacham to avoid congestion on the A149 following the construction of the Hopkins Homes roundabout. This will be compounded when Lidl is operating. These cannot be viewed in isolation. Need to look at the whole picture. Pre-Application discussion not disclosed. Concern re: road access, adverse affects on services, detrimental impact on landscape quality, object to proposed improvements to footpaths which will destroy a grass verge.

Councillor Colin Manning Objects. Overdevelopment; traffic and visibility problems near the school made worse, no need for 133 properties, double the original figure, additional application is unacceptable.

257 third party comments received to the two rounds of public consultation. Some people have written in more than once and comments received refer to the following:-

Amount of development

- This would double the number of houses proposed which is unacceptable
- Will unacceptably change the character of the village/lose identity

- Too much housebuilding in the area; it is time to stop
- Number of dwellings is unsustainable and inappropriate in a village
- The encroachment of Hunstanton and Heacham by recent development already makes Heacham busy; this will make it worse
- Will create slums/backward step
- Not needed in the village
- Does not accord with LDF Policy
- Cumulative impacts of all development in this part of the borough
- overdevelopment

Traffic:

- Impact on road infrastructure/can't cope
- Will add to existing congestion on A149
- Will increase the volume of traffic through the village
- Danger to pedestrians from additional traffic, particularly children going to school
- Highway safety issues from cramming in houses and vehicles
- Heacham will soon be a rat run/traffic shortcut with more traffic as a result of existing development on edge of Hunstanton; this will exacerbate traffic problems
- Poorly designed, dangerous access into the site

Infrastructure/amenities:

- No amenities for new residents
- Not enough facilities/services for existing residents e.g. doctors, dentists, school places, social services

Noise/pollution:

- Concern regarding pollution from extra traffic
- Air quality issues
- Noise from construction
- Noise from extra traffic

Wildlife:

- Loss of land for wildlife
- Impact on existing wildlife

Countryside:

- Loss of land for crops
- Impact on countryside/visual impact

Drainage

- Surface water drainage issues
- Foul drainage concerns

Other:

- No employment locally; residents will need to travel for work
- Parish Council comments are being ignored

- Local opinion being ignored
- Affordable housing is never affordable
- No houses for young people
- Loss of land for dog walking
- Harmful impact on resident's quality of life
- Not beneficial to the village only the developer's pocket/ greed
- Dangerous precedent if approved
- Developer has halved the number of units to get an approval
- Number of units reduced to avoid paying CIL
- Irresponsible to allow more development in Heacham
- Developer should pay for a one way system to be in place
- Loss of grass verge in School Road
- Leave the green belt alone
- Local tourism will fail due to congestion

Supporting comments have made reference to:

- Good location
- Provision of family homes
- The government provides funding for local services

NATIONAL GUIDANCE

National Planning Policy Framework – sets out the Government's planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS09 - Housing Distribution

CS11 – Transport

CS12 - Environmental Assets

CS14 - Infrastructure Provision

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM12 - Strategic Road Network

DM15 – Environment, Design and Amenity

DM16 – Provision of Recreational Open Space for Residential Developments

DM17 - Parking Provision in New Development

PLANNING CONSIDERATIONS

The key principle issues to be addressed in this instance are: -

- Principle of Development;
- Design, character and appearance;
- Impact upon Residential Amenity;
- Affordable housing;
- Access Issues;
- Flood Risk and Drainage Issues;
- Contamination
- Nature Conservation
- Ecology
- Crime and Disorder Act 1998;
- Archaeology;
- Trees;
- Utilities;
- Other material considerations.

Principle of Development

The development site comprises approximately 3.0 hectares of agricultural land on the edge of the built up area of Heacham. Ground levels change modestly across the site.

In February last year outline planning permission was approved for up to 69 dwellings on the land to the west of this application site. This is owned by the same applicant. Vehicle access for this site was from Cheney Hill and this current application proposes to use the same access point. This proposed development would form Phase 2 of the Cheney Hill site allocation.

The whole of this application site is approximately one half of one of the sites allocated for housing for the village. A smaller allocation is on St Mary's Close (at least 6 dwellings on 1.3 hectares) and the larger allocation on Cheney Hill for at least 60 dwellings on 6 hectares. Policy G47.1 of the Site Allocations and Development Management Policies Plan 2016 refers:

'Policy G47.1 Heacham - Land off Cheney Hill

Land amounting to 6 hectares, as shown on the Policies Map, is allocated for residential development of at least 60 dwellings. Development will be subject to compliance with all of the following:

1. Establishment of safe pedestrian and vehicular access to the site with primary access from Cheney Hill. Opportunities for increasing connectivity to the surrounding secondary road network for pedestrian/cycle access should be explored;

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2. Submission of details of layout, phasing, and conceptual appearance;
3. Submission of details showing how sustainable drainage measures will integrate with the design of the development and how the drainage system will contribute to the amenity and biodiversity of the development. A suitable plan for the future management and maintenance of the SUDS should be included with the submission;
4. A financial contribution for any upgrades or additional provision in terms of water supply, sewerage, schools, highways etc. necessary to serve the development;
5. Enhanced informal recreational provision on, or in the vicinity of the allocated site to limit the likelihood of additional recreational pressure (particularly in relation to exercising dogs) on Habitats Regulations protected nature conservation sites in the wider area.

This provision may consist of some combination of:

1. informal open space (over and above the Council's normal standards for play space)
2. pedestrian routes which provide a variety of terrain, routes and links to greenspace and/or the wider footpath network;
3. a contribution to greenspace provision or management in the wider area within which the site is located;
6. Provision of a programme of publicity aimed at both occupants of the development and other residents of Heacham, highlighting the opportunities for recreation (especially dog walking) in the vicinity avoiding areas within the Wash Special Protection Area and the North Norfolk Coast Protection Area and the North Norfolk Coast Special Protection Area, and the sensitivity of those areas to dog walking and other recreation.
7. A project level habitats regulations assessment, with particular regard to the potential for indirect and cumulative impacts through recreational disturbance to the Wash Special Protection Area and the North Norfolk Coast Protection Area.
8. Provision of affordable housing in line with the current standards.'

This current proposal is for up to 64 dwellings. The previous application (Phase 1) approved up to 69 dwellings. Collectively (Phases 1 and 2) i.e. the whole site, would provide for up to 133 dwellings which would be 73 more dwellings than the number in Policy G47.1, albeit that this number is caveated by the words 'at least' and is therefore a minimum figure not the maximum.

In terms of density this would result in a figure of 21.3dph across this part of the site. The previously approved permission (Phase 1) had a density of 22 dph which is a particularly low density when compared to immediately surrounding development. For example Benstead Close to the north is a recent development and has a density of approximately 40dph. Marea Meadows to the east is approximately 21 dph and the east side of Cheney Hill, closest to the site, is approximately 25 dph.

At the LDF site allocation stage the reason for the large site allocation was to provide the opportunity at the design stage for a number of options to be explored in relation to the design and open space provision. However, during the consideration of Phase 1 it was agreed that for the whole site to be developed for just 60 houses it would provide a development of too low a density to be in keeping with the surrounding area. The NPPF and local policy promotes good design and development which responds to local character and respects the identity of local surroundings. Additionally the applicant confirmed that this would not be commercially viable. On this basis, and as the scheme met the policy requirements of G47.1 Phase 1 was approved.

This current scheme follows the same density as Phase 1 and links into this approved development. In response to housing numbers on the allocated sites the Local Plan Task Group considered the impacts of the 'at least' wording imposed by the Inspector during the

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Local Plan Hearing. At their meeting of 18 January 2017 the Task Group found that the wording is having a positive effect on housing delivery which is helping to maintain the Council's five year supply and boosting significantly housing as per the NPPF. It concluded:

'It is clear that by expressing the SADMP allocations as 'At Least x number of dwellings' is having a positive impact upon the number of dwellings coming forward. Whilst some sites have come forward for the same number of dwellings as specified by the relevant policy as a minimum, and some have even come forward for less, overall 3,613 dwellings are potentially coming forward on allocations for 2,818 dwellings. This represents a further 795 dwellings coming forward that could have without the Main Modification. This accounts for in excess of one year's worth of supply with an FOAN of 710 dwellings per year, and highlights the importance of the Main Modification in the context of five year housing land supply and meeting the housing need of the borough.

Whilst there is the potential for sites to come forward for a higher number than the minimum number provided by the relevant SADMP Policy, the proposal will still be judged against that policy, others contained within the SADMP and Core Strategy, as well as National Policy.'

These findings were based on a summary of applications submitted in January, with the figures for this site shown as 133. Consequently this current application is adding towards the five year housing land supply and meeting the housing need of the borough.

The site has already been established through the local plan process as being in a sustainable location in terms of its proximity to the village and its services which enables new residents to easily access village facilities by walking or cycling.

The Parish Council and third parties have raised objection to the number of units resulting in a scale of development which they believe is unsustainable in terms of services, employment and transport.

The Borough Councillor, Parish Council and third parties have made reference to the Heacham appeal and its outcome with regard to the scale of further development in the village. In particular they make reference to the Council's closing submission in the appeal, and feel there are similarities with the circumstances of the current application, to the appeal case. Members will recall that this appeal related to a site off School Road Heacham, which is outside the existing development boundary. The application proposed the construction of a care home, housing with care facilities and 70 new homes along with allotments and infrastructure. The application was refused and then dismissed on appeal.

The Inspector's Appeal decision is attached at the end of this report.

In the appeal decision the Inspector observed:

'37... the allocations in the SADMP are expressed as minima and it is not inconceivable that some allocated sites will yield more than envisaged in the plan. This is evidenced more generally in the LPA's response to the SADMP Inspector on this matter and is exemplified locally in Heacham on the main allocation at site G47.1 (where the total allocated capacity has been permitted on approximately half of the allocated site area). Accordingly, I consider the LPA's assessment on the scale of supply from the SADMP allocations is not over-inflated.

The Inspector therefore acknowledged that site G47.1 (along with other allocations) could provide more housing than envisaged in the plan and makes reference to this at para 37. At para 81 he commented '...the proposed housing allocations in the SADMP, extant permission and windfall potential within Heacham provide ample scope for local housing

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need to be met in a sustainable way' recognising that the numbers of houses on site G47.1 would very likely increase given that the total allocated capacity had already been permitted only on approximately half of the allocated site area.

Recognising this existing potential for higher figures on known sites within Heacham, the Inspector found that a further 70 dwellings, as proposed by the appeal, would then harmfully unbalance the spatial strategy for this settlement and conflict with the development plan and the appeal was subsequently dismissed. This was a key factor in the appeal decision.

Although there are undoubtedly concerns locally that this current development proposed would be unsustainable officers view on this issue is that the Inspector clarifies in this appeal decision that future growth for the village through the proposed housing allocations in the SADMP would be met in a "sustainable way".

However, the site is already allocated as land appropriate for development, through the local plan process. It is close to existing facilities within the village by walking and cycling as well as access to the surrounding road network. It has connectivity to the surrounding towns and villages.

In this case the applicant has demonstrated that the number of units can be accommodated on the site with no harm to the character or appearance of surrounding development. Ultimately the layout would be determined at reserved matters stage, but the submitted Masterplan indicates that the requirements of Policy G47.1 can be met.

In this case it is considered that the principle of development for residential use of this site is to be supported.

Design, character and appearance

The diamond shape application site has no road frontage; it backs onto properties on Marea Meadows to the north east and to the buildings associated with Marea Farm to the east. The site is an open field and is separated from Benstead Close and Cheney Hill to the west by the previously approved Phase 1 development area. There are few constraints on the site. The only vehicle link to a highway is to the west travelling through the Phase 1 part of the site.

The application is in outline with all matters reserved other than access. Consequently details of the proposed appearance, layout and scale of the residential development are not for consideration at this stage. An indicative layout has been provided and the applicant explains that the indicative appearance and layout of the houses has been influenced by the existing character of Heacham.

The proposed layout shows a density of 21.6 units per hectare across the site. (64 dwellings on 2.96 hectares). The road layout shows the link through to Phase 1 and a central loop road with cul-de-sac development spurring off to the south. An area of open space is located to the eastern part of the site.

The applicant states that the following design objectives have been at the heart of the formulation of the design and layout of proposals:

- Provide a residential development of detached, semi-detached and terraced houses, contained within an integrated landscape setting;
- Develop a sustainable, carefully considered and sensitive scheme within Heacham;

- Provide an integrated network of streets with pedestrian access off both Cheney Hill and Malthouse Crescent;
- Create an interlinked green corridor through the site comprising community gardens and village green.
- Provide a comprehensive network of dog walking opportunities on site.
- Retain on site mature hedgerows and trees, and incorporate additional hedgerows and trees into the proposed scheme.

No details on house designs have been provided at this stage. However, the Planning Statement envisages that the proposal will predominantly take the form of two storey buildings with a small number of 2.5 storey buildings. This reflects the scale of development in the local area as described in the Design and Access Statement. The mix will incorporate the appropriate amount of affordable housing units. However, should planning permission be forthcoming a full breakdown of housing mix and tenure will be agreed at a later detailed stage.

No information regarding building materials has been provided at this stage although the supporting documents refer to the development being influenced by the existing character of Heacham. Reference to local building materials, namely red brick, carstone and pantile roofs would be expected, with the road frontage properties being the most visually apparent and important properties.

The proposed layout gives opportunity for landscaping and planting. The landscaping will be an important part of a successful scheme given that the site adjoins the open countryside.

Details of maintenance arrangements for all open space would need to be covered by S106 legal agreement and reference to this has been made within the submitted draft heads of terms.

Impact upon Residential Amenity

There are existing residential properties on the north eastern site boundary, but otherwise existing residential properties are separated by the Phase 1 approved development to the north and west.

A proposed site layout has been submitted, but no elevation plans. The ground levels change across the site. An assessment of the impact upon the amenity of neighbouring properties cannot be fully undertaken at this stage with such limited information and will need to be addressed at the detailed design stage.

The key areas for the consideration of the impact upon the amenity of the occupants of neighbouring properties are issues of overlooking, overshadowing and whether or not the dwellings will be over bearing. However, it is considered that the site is of sufficient size to ensure that appropriate measures can be designed into the scheme to ensure loss of privacy and loss of daylight is mitigated effectively.

It is unlikely that the proposed development would result in any significant neighbour amenity issues.

Affordable housing

The site is of a size where it needs to provide 20% affordable housing in accordance with Core Strategy Policy CS09. Policy CS09 also states that the preferred tenure split for the

delivery of affordable housing is; 70% affordable rent and 30% shared owner. It is also referred to in draft Policy G47.1.

An Affordable Housing Statement has been submitted within the Planning Statement. The provision of 27 affordable dwellings (19 for rent and 8 for shared ownership) meets the Council's policy requirement to provide 20% affordable housing. The Masterplan shows that the site provides the opportunity to locate affordable accommodation throughout the site in a manner that reflects the requirements of both the eventual Registered Social Landlord and the Council.

A full breakdown of the affordable housing mix and tenure would need to be provided at a later stage of the planning process. The affordable housing contribution will be confirmed through entering into a s106 Agreement with the Council. Draft Heads of Terms have been submitted with the application and the S106 Agreement will need to be secured prior to the issuing of any planning permission.

The Housing Development Officer raises no concerns regarding the proposal.

Access Issues

Core Strategy policy CS11 requires new development to reduce the need to travel and promote sustainable forms of transport appropriate to their location. Policy DM15 requires that development proposals should demonstrate that safe access can be provided and adequate parking facilities are available. DM17 refers to parking provision within new development. Para 32 of the NPPF states the need for developments to provide safe and suitable access for all and for sustainable transport modes opportunities to be taken up. The NPPF also states that development should only be refused on transport grounds where the cumulative impacts of the development are severe.

The Transport Statement that accompanies this application demonstrates that there are no technical reasons to object to the access solution developed for this scheme and that the site benefits from a reasonable level of accessibility via all modes of transport, given its village location. Additionally, a number of off-site highways works are recommended in the Transport Statement and can be delivered as part of the scheme.

The Transport Statement outlines that low traffic flows were observed in Heacham during the AM peak hour, therefore, traffic generated by the proposed development is likely to become a high proportion of the total traffic. It is therefore possible that the new trips may initially be noticed by residents in the immediate vicinity.

However, the Transport Statement concludes that in terms of operational capacity, the proposed development is unlikely to materially affect the operation of the surrounding local highway network. Therefore it is considered that the proposal can be delivered without adverse impact on the capacity or safety of the highway network.

Initial concerns were raised by the Highways Authority relating to the dimensions of the visibility splays at the entrance to the site from Cheney Hill. However, the applicant has supplied additional information which addresses the concerns of the Highway Authority.

In the event the development is approved the Highways Authority recommend the developer produce a Construction Traffic Management Plan to ensure matters such as the how and when delivery vehicles will access the site, temporary wheel washing facilities during the construction period and on-site parking for construction vehicles can be agreed prior to works commencing on site. It is recommended delivery vehicles be directed to / from A149 via Lamsey Lane & Cheney Hill, rather than routed through the centre of the village.

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Additionally the Highway Authority recommends conditions and informatives be appended to the consent notice relating to off-site highway improvement works, the submission of detailed plans of the roads, footways, foul and surface water drainage, visibility splays and construction of the roadways and footpaths.

Conditionally there are no outstanding highways issues.

The Public Rights of Way Officer raises no objection to the proposal. However, he comments that this area is generally poorly served by public access to the countryside. The previous permission for Phase 1 approved pedestrian access points to the north west corner onto Malthouse Crescent and also to the east onto Marea Meadows. This current proposal makes no changes to that situation.

The proposal also provides for a circuitous footpath to encourage dog walkers to stay in the vicinity rather than travel out to the nature conservation areas along the north coast. The PROW Officer suggests the land to the south of the application site that remains in the control of the applicant could be used to provide a linear perimeter link to the development but this is not a proposal by the applicant and, as it would not be overlooked by residences, it could result in secured by design issues. Accordingly this is not being pursued.

Parish Council and third party objection has been made to the location of the proposed new vehicle access on Cheney Hill, and to highway safety issues for pedestrians near the school, but as referred to above, the access point has been amended since the public consultation exercise and the Highways Authority are now happy with the position and design in terms of highway safety.

Flood Risk and Drainage Issues

The majority of the site is located in Flood Zone 1 (low risk). The Flood Risk Assessment supporting this application identifies that the risk of flooding is considered to be negligible.

The submitted Site Specific Flood Risk Assessment and Drainage Strategy concludes that the site's proposed land use, being classified as 'More Vulnerable', is suitably located within Flood Zone 1 in accordance with NPPF Tables 1-3. It recommends that a detailed surface water drainage design is provided and approved as part of the technical approval process prior to construction on site. This can be subject to a planning condition and be addressed as part of a reserved matters application.

The Strategy confirms that foul water from the development will be drained via a separate Foul Water Sewer, to be adopted under a Section 104 agreement with Anglian Water. Foul water will discharge at a rate agreed with Anglian Water into a public Foul Water sewer within Cheney Hill and Malthouse Crescent.

The LLFA initially objected to the proposal based on the information submitted and the fact that the drainage scheme for Phase 2 relies upon works covered within land within the Phase 1 area. Following the submission of additional information, however, the LLFA have withdrawn their objection subject to the imposition of a planning condition requiring more detailed information relating to the surface water drainage scheme at reserved matters stage.

The Environment Agency has raised no objection to the proposal regarding flood risk, surface water drainage and foul drainage.

The IDB has also requested more details regarding the surface water drainage scheme and that these be agreed before any scheme is brought into use. Particular attention would need to be given to perpetuity maintenance arrangements for all SUDS, particularly where they affect any public open space. Details of maintenance arrangements will need to be covered in the S106 legal agreement.

Accordingly, subject to the imposition of appropriate planning conditions it is considered that the proposal complies with Core Strategy Policy CS08 and draft Policy G47.1.

Contamination

A Geo Environmental Desk Study supports this planning application.

The site walk-over and historical review did not identify any potential sources of contamination. In light of this the desk study concluded no recommendations for site investigation.

However, the Environmental Health Officer has requested full contamination conditions given that the area in which the site is located can be subject to elevated naturally occurring contamination.

Concerns over information relating to air quality have been addressed and the Environmental Health Officer confirms there are no outstanding objections on air quality grounds.

Nature Conservation

Policy G47.1 makes clear at point 5 there is an expectation for enhanced recreational provision on or in the vicinity of the allocated site. This requirement is linked to the proximity to protected nature conservation sites in the wider area.

The indicative Masterplan accompanying this application illustrates the potential to provide open space within the development. There is also an opportunity to provide a walking route within the site linking to Phase 1 development and other areas adjacent to encourage walking and healthy living. The indicative route is shown on the Masterplan although details of the exact location of this route will be finalised during the detailed design stages of the layout.

Additionally the application has been supported by the submission of a Habitats Regulations Assessment (HRA), by Southern Ecology Solutions (SES), to investigate the impact on nature conservation sites. The HRA highlights a number of options that can be delivered as part of the proposal to mitigate any impact on nearby SACs, SPAs, Ramsar sites and SSSIs.

The proposed mitigation is to provide a combination of all three delivery mechanisms in line with policy G17.1, comprising:-

- some 'informal' on-site open space,
- links to greenspaces, and
- a contribution to the management and monitoring of the Wash SPA at Heacham.

To provide local greenspace for use by the new community for regular walks and dog-walks, the masterplan incorporates 0.8ha of on-site Suitable Alternative Natural Green Space (SANGS) including a suitable circular extended walking route. Pedestrian links have been designed to join adjacent existing routes to local greenspaces. An agreed developer financial

contribution will be made per new household, to provide funds for the management and monitoring of the SPA, to ameliorate impacts on these more distant greenspaces, requiring car-based journeys. Such a combined approach will negate any requirement for further off-site SANGS

On this basis, the HRA concludes that the recreational pressure arising from the proposal will result in no likely significant adverse effects (in isolation or in combination with other plans or projects) on the integrity of nearby designated sites. Accordingly, the applicant considers that the proposal accords with the requirements of Policy G47.1 and the relevant wildlife legislation.

The application is subject to the £50 per household contribution towards the Habitat Mitigation Tariff to implement the Borough-wide mitigation strategy.

Consequently, subject to the applicant agreeing to appropriate mitigation measures, development of the site will not have effects in isolation or in-combination effects upon nature conservation sites.

Policy DM16 relates to the provision of recreational open space for new residential developments across the borough. Using the methodology for the provision of open space within this policy (based on an average of 2.33 people per household and a requirement for 2.4 hectares open space per 1000 population) this site for 64 dwellings would normally be expected to provide 0.36 hectares of open space. This would be expected to be 70% amenity and outdoor use and 30% equipped play space.

The submitted Habitats Regulations Assessment confirms that a total of 0.96ha open space will be provided across the wider Phase 1 and 2 sites. The previous application for Phase 1 approved 0.6ha and this current application proposes an additional 0.36ha, equating to 0.96ha. The policy requirement for a total of 133 houses is 0.74ha so the provision of a total of 0.96ha across the whole site exceeds the standard requirements.

The NCC Landscape and Green Infrastructure Officer has requested a contribution towards work relating to proposed new coastal accesses in the area amounting to £200 per dwelling (or £12,800). However, the development is CIL liable and Strategic Green Infrastructure is listed on the Regulation 123 List as one of the infrastructure projects which may be wholly or partly funded by the Borough's CIL receipts. Accordingly the NCC request in this case cannot be pursued.

The submitted Habitats Regulations Assessment found that, subject to the development incorporating additional recreational provision in the form of informal open space and dog walking facilities, footpath links to existing pedestrian routes and the applicant agreeing to undertake the appropriate mitigation measures as set out in the Natura 2000 Sites Monitoring and Mitigation Strategy with specific regard to the Habitat Mitigation Contribution, then permission may be granted.

Consequently, if the application is to be supported the applicant will be required to provide on-site open space for recreation purposes, including a walking route within the site, provide links to existing pedestrian routes and provide the Habitat Mitigation Contribution of £50 per house (plus legal and administration costs) towards appropriate projects set out by the Habitat Mitigation Advisory Panel. This financial contribution would need to be secured through a clause in the legal agreement.

Ecology

The NPPF advises that the planning system should minimise the impact on biodiversity with the aim to conserve and enhance biodiversity (paragraph 118). Core Strategy Policy CS12 states that development proposals which may affect biodiversity will be required to provide appropriate measures to mitigate any adverse impacts.

The Extended Phase 1 Habitats Survey supporting this application states that the site broadly consists of semi-improved grassland fields. Hedgerows dissect these fields and horses are present grazing certain fenced areas. The site is located in close proximity to several statutory/non-statutory designated sites for nature conservation. The site was resurveyed in 2016 and conditions were found to be very similar to the results of the original survey in 2014 with consistent management practices resulting in no significant changes to the habitats on site.

Accordingly precautionary methods recommended include:

- Retention of hedgerows and trees. Hedgerows enhanced through additional native plantings. Any clearance of these habitats should be undertaken in a staged way and compensated through further planting;
- If works are to be undertaken during the breeding bird seasons (March to August inclusive), a nesting bird check is required to ensure that there is no nest disturbance within the site; and
- Sensitive lighting strategy; and
- Pre-construction badger survey.

The Extended Phase 1 Habitats Survey concludes that through the above survey and precautionary methods, given the small scale and low impacts of the current proposal it is considered that all significant impacts upon biodiversity, including any potential adverse impacts upon specific protected species, habitats and designated sites will likely be able to be wholly mitigated in line with relevant wildlife legislation.

It is recommended that planning conditions be imposed with regard to the retention of hedgerows and trees and details of any lighting scheme prior to installation. Similarly conditions relating to works being conducted outside the bird breeding season and a pre-construction badger survey are recommended.

In light of the above it is considered that the proposal accords with Policy CS12 of the adopted Core Strategy.

Crime and Disorder Act 1998

Section 17 of the above act requires Local Authorities to consider the implications for crime and disorder in the carrying out of their duties.

The Police Architectural Liaison Officer acknowledges this is merely an indicative layout at outline stage and would be pleased to work with the agent or developer to ensure that the proposed development incorporates all of the required elements.

Archaeology

The NPPF and Core Strategy Policy CS12: Environmental Assets require proposals to avoid, mitigate or compensate for any adverse impacts on heritage. The design of new development should be sensitive to the surrounding area, and not detract from the inherent quality of the environment.

The Heritage Statement supporting this application identifies that the single non-designated heritage asset (cropmarks of curvilinear ditches NHER 26832) identified on the Phase 1 site does extend into the Phase 2 development. It is envisaged that any effects that the proposed development may have on these features can be mitigated by a programme of archaeological works. It is considered such works could be appropriately conditioned as part of any planning permission.

Following further consideration of the historic environment implications of the proposed development and additional discussions with the applicant's agent the Historic Environment Service raises no objection to the proposed development subject to a programme of archaeological work in accordance with National Planning Policy Framework para. 141 and the provisions of Policy CS12 of the adopted Core Strategy.

Trees

The Arboricultural Impact Assessment (AIA) identifies two individual trees, two groups and three hedgerows that will need to be removed to accommodate the proposed development layout. Additionally one section of poor form and low quality hedge trees should be removed due to poor physiological condition.

The AIA states that provided precautions to protect the identified trees are specified and implemented through the measures included in this report, the development proposal will have little impact on the retained trees or their wider contribution to amenity and character.

Utilities

This Utilities Statement supporting this application identifies the existing utility and service infrastructure within the vicinity of the development site and outlines the broad constraints and opportunities for future domestic connections. The Statement concludes that the proposed development should be capable of connecting to required domestic utilities and services.

Anglian Water confirms the foul drainage from this development is in the catchment of Heacham Water Recycling Centre that will have available capacity for these flows and the sewerage system at present has available capacity for these flows.

Other material considerations

Norfolk County Council has commented with regard to county contributions towards library books, education and fire hydrants. However, CIL is now being collected and there is no requirement for county contributions.

Third party comments have been made regarding the impact of the proposal on the village infrastructure, including schools and doctors, which it is stated are both at full capacity. However, this would have been addressed through the LDF process and in any case is not a reason for the refusal of the application.

The Borough Council and Parish Council concerns regarding impact on the countryside and comparisons with the School Road appeal site area noted. However, the School Road site was outside the settlement boundary and a more exposed site. By comparison this site is more contained and surrounded by development on three sides. Further, the visual impact upon the wider countryside has already been assessed through the local plan process and site allocation exercise.

Should planning permission be forthcoming this will be subject to the signing of a S106 legal agreement to cover affordable housing, open space and play facilities, HRA mitigation payment, and Suds maintenance.

CONCLUSION

As part of the review of settlement boundaries through the LDF process this site is listed as one of two sites allocated for residential development for the village of Heacham. Adopted Policy G47.1 relates to the 6.0 hectare site to provide at least 60 dwellings.

The application seeks outline planning permission for the redevelopment of land off Cheney Hill to provide 64 dwellings, open space and associated infrastructure. The application also includes vehicular access to the site from the existing public highway off Cheney Hill.

This application site relates to 2.96 hectares of the 6.0 hectare site referred to under draft Policy G47.1. Clearly the number of dwellings for the part of this site is in excess of the figure given for the whole site in the allocation policy. Indeed combining the number of units on the approved scheme (69) with that now proposed would result in a total of 133 units which is more than double referred to in the policy. That said the density of development set out in draft Policy G47.1 is extremely low, averaging just 10 dwellings per hectare. By comparison existing surrounding development is of significantly higher density, between approximately 39.6 dph at Benstead Close to 21 dph at Marea Meadows. Development at this density would be in keeping with surrounding development and uphold policy requirements for good design which promotes local distinctiveness.

Additionally the allocation numbers are minimum numbers, with the policy referring to 'at least 60'. It is considered that the whole site can accommodate 133 dwellings without material harm to the visual amenity of the locality, highway safety or neighbour amenity. The supporting technical reports demonstrate that any impacts of the development can be satisfactorily mitigated.

The wording of the policy and lack of planning harm, taken with the sustainability of the settlement of Heacham are given significant weight by officers, and are considered to overcome issues raised about too many dwellings across this allocated site, and in Heacham as a whole.

Actual numbers that can be achieved will be determined at reserved matters stage taking into account relevant constraints and policy, although a condition is proposed restricting the numbers on the site to no more than 64.

The applicant's Planning Statement concludes that there are clear benefits that will result from the proposal and officers agree with these conclusions. These are as follows:

- Delivery of development which is in full compliance with the adopted Core Strategy and emerging Policy G47.1 in the Site Allocations and Development Management Policies;
- Delivery of sustainable development in accordance with the NPPF;
- Provision of housing to assist the LPA in securing a robust five year housing land supply;
- The recommended mitigation measures outlined in the Habitats Regulations Assessment, Extended Phase 1 Habitats Survey and supporting Species Surveys can deliver on-site ecological benefits and enhance and protect biodiversity at the nearby Special Protection Areas; and

- The proposals are not considered to change the character of the AONB or wider contextual landscape. No AONB or other protected land is lost as a result of the proposal and there are minimal opportunities for views to the site from the AONB.

All other matters can be adequately conditioned or secured via the S106 Agreement. For these reasons, the proposal is considered acceptable in accordance with the NPPF, NPPG, Policies CS01, CS02, CS04, CS06, CS08, CS09, CS11, CS12 and CS14 of the Core Strategy 2011 and Policies DM1, DM2, DM12, DM15 and DM16 and G47.1 of the Site Allocations and Development Management Policies Plan 2016.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called 'the reserved matters') for any phase of the development shall be obtained from the Local Planning Authority before any development is commenced.
- 1 Reason To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition Plans and particulars of the reserved matters referred to in Condition 1 above (for any phase of the development) shall be submitted to the Local Planning Authority in writing and shall be carried out as approved.
- 2 Reason To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 Condition Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.
- 3 Reason To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 4 Condition The development hereby permitted shall be begun not later than the expiration of one year from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the latest such matter to be approved.
- 4 Reason To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 5 Condition No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).
- 5 Reason To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard.

- 6 Condition No works shall commence on the site until such time as detailed plans of the roads, footways, foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. All construction works shall be carried out in accordance with the approved plans.
- 6 Reason To ensure satisfactory development of the site and a satisfactory standard of highway design and construction.
- 7 Condition No works shall be carried out on roads, footways, foul and surface water sewers otherwise than in accordance with the specifications of the Local Planning Authority in consultation with the Highway Authority.
- 7 Reason To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway.
- 8 Condition Before any dwelling is first occupied the road(s) and footway(s) shall be constructed to binder course surfacing level from the dwelling to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- 8 Reason To ensure satisfactory development of the site.
- 9 Condition Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4m x 43m shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.
- 9 Reason In the interests of highway safety.
- 10 Condition Prior to the commencement of any works on site a Construction Traffic Management Plan, to incorporate details of on-site parking for construction workers, access arrangements for delivery vehicles and temporary wheel washing facilities for the duration of the construction period shall be submitted to and approved in writing with the Local Planning Authority in consultation with Norfolk County Council Highway Authority.
- 10 Reason In the interests of maintaining highway efficiency and safety.
- 11 Condition For the duration of the construction period all traffic associated with the construction of the development will comply with the Construction Traffic Management Plan and unless otherwise approved in writing with the Local Planning Authority in consultation with the Highway Authority.
- 11 Reason In the interests of maintaining highway efficiency and safety.
- 12 Condition Notwithstanding the details indicated on the submitted drawings no works shall commence on site until a detailed scheme for the off-site highway improvement works as indicated on drawing numbers 1603- 50-PL07(C), 1603-50-PL04(B), 1603-50-PL05(B), 1603-50-PL06(B) & 1603-50-PL08(B) have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

- 12 Reason To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor.
- 13 Condition Prior to the first occupation of the development hereby permitted the off-site highway improvement works referred to in Condition 12 shall be completed to the written satisfaction of the Local Planning Authority in consultation with the Highway Authority.
- 13 Reason To ensure that the highway network is adequate to cater for the development proposed.
- 14 Condition No development shall commence until full details of the foul water drainage arrangements for the site have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.
- 14 Reason To ensure that there is a satisfactory means of drainage in accordance with the NPPF.
- 15 Condition Prior to the first occupation of the development hereby approved, a detailed outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lighting columns, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site. The scheme shall be implemented in accordance with approved scheme and thereafter maintained and retained as agreed.
- 15 Reason In the interests of minimising light pollution, to minimise impact on wildlife and to safeguard the amenities of the locality in accordance with the NPPF.
- 16 Condition No development shall commence on site until a scheme has been submitted to and approved in writing by the Local Planning Authority that provides for the suppression of dust during the period of construction. The scheme shall be implemented as approved during the period of construction unless otherwise agreed in writing by the Local Planning Authority.
- 16 Reason In the interests of the amenities of the locality in accordance with the NPPF.
- 17 Condition Prior to commencement of development a detailed construction management plan, must be submitted to and approved by the Local Planning Authority; this must include proposed timescales and hours of construction phase. The scheme shall also specify the sound power levels of the equipment, their location, and proposed mitigation methods to protect residents from noise and dust. The scheme shall be implemented as approved.
- 17 Reason To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.
- 18 Condition A) No development (other than demolition of the existing structure to ground-level only) 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, and,

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

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.

- 18 Reason To safeguard archaeological interests in accordance with the principles of the NPPF.
- 19 Condition Prior to the first use or occupation of the development hereby approved, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include finished levels or contours, hard surface materials, refuse or other storage units, street furniture, structures and other minor artefacts. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate.
- 19 Reason To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 20 Condition All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 20 Reason To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 21 Condition No existing trees, shrubs or hedges within the site that are shown as being retained on the approved plans shall be felled, uprooted, willfully damaged or destroyed, cut back in any way or removed without the prior written approval of the Local Planning Authority. Any trees, shrubs or hedges removed without such approval or that die or become severely damaged or seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of a similar size and species in the next available planting season, unless the Local Planning Authority gives written approval to any variation.
- 21 Reason To ensure that the development is compatible with the amenities of the locality and to minimise the impact of the development upon protected species in accordance with the NPPF.

- 22 Condition The development shall not be brought into use until a scheme for the provision of a fire hydrant has been implemented in accordance with a scheme that has previously been submitted to and approved in writing by the Local Planning Authority.
- 22 Reason In order to ensure that water supplies are available in the event of an emergency in accordance with the NPPF.
- 23 Condition A landscape management plan including long-term design objectives, management responsibilities, management and maintenance schedules for all landscape areas and swales, (other than small privately owned, domestic gardens), shall be submitted to and approved by the Local Planning Authority prior to the occupation of any part of the buildings or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved and retain in perpetuity.
- 23 Reason To ensure that the landscaping is properly maintained in accordance with the NPPF.
- 24 Condition Notwithstanding details contained within other conditions attached to this planning permission or unless otherwise agreed in writing by the Local Planning Authority prior to commencement of development no removal of hedgerow, trees or scrub shall be undertaken during the nesting bird season (March-August inclusive). If any construction works are to be undertaken within the breeding bird season a nesting bird check shall be undertaken by an ecologist immediately prior (within 24hrs) to removal of suitable nesting habitat.
- 24 Reason To ensure that the development takes place substantially in accordance with the principles and parameters contained with the Extended Phase 1 Habitat Survey.
- 25 Condition Prior to the construction of any physical works a badger walkover survey shall be undertaken by an ecologist to ensure no setts have been dug since the 2016 survey. In the event that badgers are found they should be protected as set out in the Extended Phase 1 Habitat Survey.
- 25 Reason To ensure that the development takes place substantially in accordance with the principles and parameters contained with the Extended Phase 1 Habitat Survey.
- 26 Condition Prior to the commencement of groundworks, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - * human health,
 - * property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - * adjoining land,

- * groundwaters and surface waters,
- * ecological systems,
- * archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

- 26 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 27 Condition Prior to the commencement of groundworks, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- 27 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 28 Condition The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of groundworks, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

- 28 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 29 Condition In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 27, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 28, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 29.

- 29 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 30 Condition Prior to the commencement of the development hereby approved, a survey specifying the location and nature of asbestos containing materials and an action plan detailing treatment or safe removal and disposal of asbestos containing materials shall be submitted to and approved by the local planning authority. The details in the approved action plan shall be fully implemented and evidence shall be kept and made available for inspection at the local planning authority's request.
- 30 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of land after remediation.
- 31 Condition Prior to first occupation of the development hereby approved evidence of the treatment or safe removal and disposal of the asbestos containing materials at a suitably licensed waste disposal site shall be submitted to and approved by the local planning authority.
- 31 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of land after remediation.
- 32 Condition Prior to the approval of any reserved matters application, a new surface water drainage scheme incorporating the following measures designed specifically for the area within the red line of this development (application 16/01385/OM) shall be submitted to and agreed with the Local Planning Authority in consultation with the Lead Local Flood Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:
- I. Detailed infiltration testing in accordance with BRE Digest 365 along the length of the proposed attenuation storage.
 - II. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1 in 100 year return period, including allowances for climate change, flood event.
 - III. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the: * 1 in 30 year critical rainfall event to show no above ground flooding on any part of the site.
- * 1 in 100 year critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility

plant susceptible to water (e.g. pumping station or electricity substation) within the development.

- IV. The design of the attenuation basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1 in 100 year return period. This will include surface water which may enter the site from elsewhere.
 - V. Revised FRA noting the risk of surface water flooding within the site boundary and stating how this risk will be mitigated. Ideally properties will be located outside of the areas of risk, as avoidance is always the best approach to mitigating flood risk. Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding.
 - VI. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C697, 2007), or the updated The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.
 - VII. A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development.
- 32 Reason To prevent flooding in accordance with National Planning Policy Framework paragraph 103 and 109 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the surface water drainage system operates as designed for the lifetime of the development.
- 33 Condition The development shall comprise of no more than 64 residential units.
- 33 Reason To define the terms of the consent.