

AGENDA ITEM NO: 8/1(i)

Parish:	West Winch	
Proposal:	17 no. dwellings and creation of new access and adopted road and reconfiguration of public house grounds	
Location:	The Winch 70 Main Road West Winch Norfolk	
Applicant:	Basin Topco Limited	
Case No:	15/01053/FM (Full Application - Major Development)	
Case Officer:	Mrs H Morris	Date for Determination: 12 October 2015 Extension of Time Expiry Date: 5 August 2016

Reason for Referral to Planning Committee – The views of West Winch Parish Council is contrary to the Officer recommendation.

Case Summary

The application site is situated on the western side of Main Road (A10), West Winch and comprises The Winch public house and car park together with agricultural land at its rear.

The whole site lies within Built Environment Type 'D' as identified by the King's Lynn and West Norfolk Local Plan (1998) Proposals Map. However, the rear part of the site beyond the pub car park lies outside the development boundary and is defined as countryside by 'Inset E2 West Winch' within the Site Allocations and Development Management Policies document (2015) (SADMP).

The application seeks full planning permission for 17 no. dwellings and creation of a new access and adopted road and reconfiguration of public house grounds.

Key Issues

The key issues identified in the consideration of this application are as follows:

- The principle of development;
- Form and character / impact on the countryside;
- Neighbour amenity;
- Highways impact;
- Flood risk and drainage;
- Ecology;
- Affordable housing; and
- Other considerations.

Recommendation

A) APPROVE subject to conditions and the completion of a Section 106 Agreement within 4 months of the date of this decision.

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 and SUDs maintenance.

THE APPLICATION

The application seeks full planning permission for 17 no. dwellings and creation of a new access and adopted road and reconfiguration of public house grounds.

Revised block plan, site layout plan and levels were submitted on 20th January 2016 in order to introduce a 5m planting buffer at the rear of the site to soften the boundary. Further revised versions of these plans were then submitted on 29th January 2016 in order to address Norfolk County Highways comments.

The application site is situated on the western side of Main Road (A10), West Winch and comprises The Winch public house and car park together with agricultural land at its rear.

The whole site lies within Built Environment Type 'D' as identified by the King's Lynn and West Norfolk Local Plan (1998) Proposals Map. However, the rear part of the site beyond the pub car park lies outside the development boundary and is defined as countryside by 'Inset E2 West Winch' within the Site Allocations and Development Management Policies document (2015) (SADMP).

SUPPORTING CASE

A Planning, Design and Access Statement (PDAS), Design and Landscape Strategy (DLS), Planning Statement (PS), Sustainability and Energy Statement (SES), Transport Statement (TS), Public House Viability Assessment (PHVA), Ecology Appraisal (EA), Phase 1 Environmental Report (ER) and Flood Risk Assessment (FRA) have been submitted in support of the application.

The submitted PDAS advises this is full application seeking consent to erect 17 dwelling houses, together with associated vehicular access and parking provisions on land part of the curtilage of the PH. The sub-divided plot will constitute the area adjacent and south of the existing PH and the entirety of the rectangular area behind it.

The site will be accessed from a new access point off the A10, south of the PH. The new dwellings will be arranged in a rectangular layout which follows the shape and configuration of the site, served by a centrally located access road.

The PH has changed hands in the recent past and is struggling in viability terms. It is under new ownership intent on structurally and operationally rejuvenating it so it may continue to serve the community. Part of the strategy for achieving this is to build houses to cross-subsidise the PH's refurbishment to guarantee long term viability. The proposal itself will not lead to a loss of the PH. Rather, it will enhance it.

Having regard to the policies in the development plan, in particular policies CS02, CS03, CS 06, saved LP policies 4/21 and 8/1 the principle of housing development in the area and on this site is acceptable. The location is sustainable in terms of the spatial strategy and settlement hierarchy as set out in the Core Strategy.

The NPPF also carries a presumption in favour of housing development.

It provides that proposals which are sustainable and accord with the development plan should be approved without delay. This is in line with its thrust to significantly boosting the housing supply.

To the extent that the Council cannot demonstrate a five year housing supply of deliverable sites, the housing related policies in the development plan and the pre-submission document, including those defining settlement boundaries, cannot be regarded as up to date and the application has to be considered in the context of a presumption in favour of sustainable development in accordance with paragraph 14 of the NPPF.

Notwithstanding that the development boundaries in the development plan are out of date; the application is within the defined development boundary of West Winch and in accordance with the spatial strategy and settlement hierarchy. In environmental terms therefore, the proposal does not cause any demonstrable harm to the overall strategy. The proposed development has been carefully designed to blend with the character of the area which minimises any environmental harm. That the site sits outside the boundaries in respect of the pre-submission allocations document is inconsequential given the five year supply decision.

In terms of economic and social roles, the proposal satisfies housing need in the district. Also, by subsidising the PH, the proposal ensures that the community facility is retained and will continue to contribute to the objectives of development plan, particularly in relation to prosperity of rural economies.

When all three dimensions of sustainability in the NPPF and other wider sustainable objectives of the Core Strategy satisfactorily demonstrated by accompanying technical evidence, the site is considered sustainable.

The submitted DLS considers that the proposed development meets the requirement for special care along the countryside buffer and that it does provide a soft visual edge. It does this through the maintenance of the existing baseline situation in relation to existing vegetation, the enhancement of such vegetation and additional tree planting. By retaining the mature tree belt to the west and other vegetation along all boundaries of the site, the proposed development allows the soft edge of West Winch in this location to be maintained. The nature of the settlement edge in this location is characterised by a number of different components including hedgerows, tree belts, water course, common land and built form. All these elements and features will remain. The integrity of the countryside buffer will not be compromised by the proposed development.

The proposed development conserves open views and positively reinforces them by providing a view corridor towards the landscape to the west; it also helps to conserve the existing settlement pattern by taking its cues from the existing character and road layout of West Winch. It provides a green setting to the settlement edge through the retention and enhancement of existing landscape infrastructure boundaries.

The overall design strategy will help to assimilate the proposed development with the local landscape character and reduce the likelihood of impacts on visual amenity, particularly in respect of the 'West Winch Countryside Buffer'.

PLANNING HISTORY (Recent)

13/00954/F - Provide 2 no.canopies to the existing elevations; install new pergola, planters and fences. Adapt areas of paving. Replace perimeter fences and ramp balustrades. Planning permission was granted on 27th August 2013.

12/01542/F - New dummy pitched roof to existing flat roof. New fence to existing garden, new paved area and pergola. Planning permission was granted on 29th January 2013.

RESPONSE TO CONSULTATION

Town / Parish Council: OBJECT for the following reasons:

- The proposed application would be detrimental to the viability of the pub.
- The SUDs proposals are inadequate.
- The proposal is contrary to the aims of the NPPF and Core Strategy CS08 and CS01 as there is nearby land in the area less likely to flood (Zone 1).
- The development is contrary to para 55 of the NPPF and CS1, 2, 6 and 9.
- The proposal would lead to intensification in the use of an access onto the A10, which is a busy principle route and would cause undue interference with the safe and free flow of traffic on this important route. The proposal would therefore be contrary to the NPPF in general (and specifically to para 32), Policy CS11 and saved policy 9/11 of the adopted local plan (1998).
- The proposal fails to provide on-site affordable housing and is therefore contrary to CS09, 14 and the NPPF.
- The site is Greenfield land, not Brownfield.
- The proposed plans fail to show an adequate level of protection from noise from the adjoining public house.
- The proposed plan fails to show adequate provision either for resident's cars or delivery vehicles and visitors.
- Where storage for cycles is mentioned it is insufficient.
- We are concerned that the 3-bedroom houses do not comply with minimum garden space requirements within the Neighbourhood Plan.
- The applicants have failed to provide a designated LAP (local area of play) as required by the neighbourhood plan.
- The neighbourhood plan requires an application to be accompanied by a fully funded 25 year management plan for all new green infrastructure - there does not appear to be an accompanying plan for future management.

Norfolk County Highways: NO OBJECTION subject to imposition of recommended highway conditions including

Norfolk Historic Environment Service: NO OBJECTION We have received and approved the report on the archaeological evaluation at this site. The trial trenching did not identify any heritage assets of significance and no further archaeological work will be required at the site. Consequently we do not wish to make any recommendations for any conditions to be applied if planning permission is granted.

Natural England: NO OBJECTION

Anglian Water: NO OBJECTION

Environmental Health & Housing - Environmental Quality: NO OBJECTION subject to imposition of contaminated land conditions and specific conditions relating to Japanese Knotweed which has been identified on site.

Environmental Health & Housing - Community Safety & Neighbourhood Nuisance (CSNN): OBJECT on the grounds that no specific scheme or plans have been produced to evidence how adequate site drainage will be achieved.

BCKLWN Tree Officer: NO OBJECTION subject to the imposition of tree and landscaping conditions.

Norfolk Constabulary: NO OBJECTION

East of the Ouse, Polver & Nar Internal Drainage Board: OBJECT for the following reasons:

- The proposals are not sufficiently developed to allow proper assessment.
- It is suggested that the site might need to be raised to allow the drainage to work by gravity, but the amount of raising is not defined and the effects on adjacent sites do not appear to have been considered.
- The discharge rates are overly high and hence will lead to an underestimate of the amount of storage required. For Greenfield developments, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event must not exceed the peak Greenfield runoff rate for the same event. The Board's engineer would expect to see the peak 1 in 1 year flow used as the control to ensure that neither return period event is exceeded.
- The discharge is proposed to be the western ditch but no assessment has been made in terms of this ditch, its ownership and ability to convey flows for the duration of the development (estimated at 100 years).
- It is proposed to store flood water for events over 30 years above ground. Where this water will be stored should be defined now, together with how this above ground storage area can be protected over the life of the development.
- The conclusion states that the arrangements require EA and NCC approval but the Board's engineer would consider that this list should be expanded to include the IDB as well because the discharge will be into the IDB District.

National Grid: NO OBJECTION Due to the presence of National Grid apparatus in proximity to the specified area, the contractor should contact National Grid before any works are carried out to ensure our apparatus is not affected by any of the proposed works.

BCKLWN Housing Strategy: NO OBJECTION subject to provision of affordable housing secured by S106 agreement.

I have looked at the above application and can confirm that the site area and number of dwellings proposed trigger the thresholds of Councils affordable housing policy as per CS09 of the Councils adopted Core Strategy.

At present a 20% provision is required on sites capable of accommodating 5 or more dwellings and/or 0.165ha in West Winch. This is then further split into 70% being made available for rent and 30% for shared ownership or any other intermediate product that meets the intermediate definition within NPPF, meets an identified need in the Borough and is agreed by the Council. In this instance 3 affordable dwellings would be required, 2 for rent and 1 for shared ownership.

Based on the proposed plans, in order to meet an identified need, I would recommend that plots 12, 13 and 14 are provided as affordable housing.

It is important for the applicant to note that we operate a dynamic approach to viability whereby the affordable housing thresholds and percentages are reviewed on an annual basis and informed by the following factors;

Market Land Values
House Prices
Level of contribution sought overall
Index of Build Costs

However any S.106 agreement signed before the review will provide the prevailing affordable housing percentage at the time of determining the application.

The affordable units must be transferred to a Registered Provider of Affordable Housing agreed by the Council at a price that requires no form of public subsidy.

A S.106 Agreement will be required to secure the affordable housing contribution.

REPRESENTATIONS

3 letters of objection have been received from 2 local residents. Their expressed concerns can be summarised as follows:

- There are enough hold ups on the A10 as traffic tries to turn off to the nearby garage. The thought of even more houses nearby will only cause more problems.
- A10 has enough traffic as it is.
- This application does not comply with Borough Core Strategy Policy CS11 Transport and the related County Local Transport Plan Policies 9 Travel Choice, 11 Reducing Casualties and 13 Access to Towns, Public Health Policy PH8 Activity and the Environment and National Planning Policy Framework paragraph 35 on Rural Housing.
- In particular, the "King" Local Cycle Route runs along the eastern side of the A10, but this application makes no contribution towards enabling access from the development to/from it, so presumably people are expected to cycle along the very busy A10 to the nearest dropped kerbs, which surveys say few are willing to do. Also, the cycle route around the Hardwick Interchange at 1m with zero-radius corners is already inadequate for planned developments in this area without extra developments like this and the section from the Hardwick to Rectory Lane is uneven and needs resurfacing in the opinion of KLWNBUG.
- Within the development, no priority is given to walking and cycling, contrary to all the above policies from NPPF downwards - for example, there are no cycle bypasses to the rumble strips and no journeys would be shorter by walking or cycling than by motoring despite an obvious opportunity to provide a unmotorised connection from the shared drive through the reconfigured PH car park.

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

PLANNING POLICIES

The King’s Lynn and West Norfolk Local Plan (1998) contains the following saved policies that are relevant to the proposal:

4/21 - indicates that in built-up areas of towns or villages identified on the Proposals Map as Built Environment Type C or D development will be permitted where it is in character with the locality.

9/11 - states that direct access to Primary Corridors of Traffic Movement will not be permitted.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS03 - King's Lynn Area

CS08 - Sustainable Development

CS09 - Housing Distribution

CS10 - The Economy

CS11 - Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM12 - Strategic Road Network

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

PLANNING CONSIDERATIONS

The key issues identified in the consideration of this application are as follows:

- The principle of development;
- Form and character / impact on the countryside;
- Neighbour amenity;
- Highways Impact;
- Flood risk and drainage;
- Ecology;
- Affordable Housing; and
- Other considerations.

Principle of Development

Given that this Council does not currently have a 5 year supply of deliverable housing sites as required by paragraph 49 of the NPPF, planning applications for housing should be considered in the context of the National Planning Policy Framework's presumption in favour of sustainable development (para 14). This is because local policies (including defined development boundaries) relating to the supply of housing are no longer considered up-to-date (para 49). Paragraph 14 of the NPPF states that where relevant local policies are out-of-date, planning permission should be granted unless: any adverse impacts of doing so would "significantly and demonstrably" outweigh the benefits, when assessed against the policies of the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.

In this case, whilst the proposed residential development lies within the proposed West Winch Countryside Buffer as identified by Inset E2 West Winch of the draft Site Allocations and Development Management Policies document (2015), the whole of the application site currently falls within Built Environment Type 'D' as defined by the King's Lynn and West Norfolk Local Plan (1998) Inset Map for King's Lynn. Within this defined area the principle of new residential development would normally be considered acceptable under saved policy 4/21 of the Local Plan (1998) provided that it complies with all other relevant planning policies at the local and national level.

Furthermore, whilst the proposal would involve utilising part of the existing public house car park to gain access to the new development, the public house grounds and car parking area would be reconfigured and extended on the northern side. The public house itself is also proposed to be retained and would not be affected by the proposals.

In light of the above and the current policy position, it is therefore considered that the principle of development is acceptable.

Form and Character / Impact on the Countryside

The application seeks approval for a total of 17 no. dwellings (15 no. detached and 2 no. semi-detached units) on land to the rear of The Winch public house and car park. The proposals also include creation of a new access and adopted road as well as reconfiguration of the public house grounds and car park so that it extends slightly further back into the site than it does currently.

The NPPF states that good design is indivisible from good planning and should contribute positively to making places better for people. It goes on to say at paragraph 58, that 'decisions should aim to ensure that developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesions; and
- Are visually attractive as a result of good architecture and appropriate landscaping'.

The proposed development comprises 10 no. 3-bed detached dwellings, 2 no. 4-bed detached dwellings, 3 no. 5-bed detached dwellings and 2 no. 2-bed semi-detached dwellings situated in a cul-de-sac layout. All proposed units are two storeys in height but would have varying ridge heights.

Given that the proposed residential development would be set back from Main Road to the rear of the existing public house car park it would not appear overly dominant in the streetscene. By retaining the mature trees and other vegetation along the boundaries of the site, the proposed development allows the soft edge of West Winch in this location to be maintained. Generous garden areas are proposed for a number of the larger units and sufficient space has been provided to allow for additional planting, including a 5 metre planting buffer at the rear of the site.

It is therefore considered overall that the design and layout of the proposed development is appropriate for the site and its surroundings. It would maintain a soft edge to the countryside beyond and would therefore respect the proposed West Winch Countryside Buffer whilst being in keeping with the established form and character of the area.

Neighbour Amenity

The nearest neighbouring residential properties are Swiss Cottage (No.68 Main Road) and Coldstream Lodge (No.68A Main Road) immediately to the north and Zen Villa (No.78 Main Road) to the south.

On the northern side Plots 11, 12, 13 and 14 would be inset approximately 10-11 metres from the shared boundary and would be separated from this by the proposed 4.5m wide shared private drive as well as a planting buffer. There would be a minimum separation distance of approximately 22 metres between the front elevation of the nearest proposed unit on Plot 14 and the rear elevation of No.68A Main Road. As a result it is not considered that there would be any significant overbearing impact, loss of light or loss of privacy to this neighbouring property. Swiss Cottage (No.68 Main Road) is situated much further forward in the streetscene therefore the proposed residential units would have minimal impact on the amenities of this property.

This is also the case in relation to No.78 Main Road which lies to the south. There would be a separation distance of approximately 39 metres between the flank elevation of Plot 1 and the rear elevation of No.78 ensuring there would be no significant loss of amenity for its occupiers. Whilst the proposed new access and road would be sited closer towards the shared boundary on the southern side, there would still be a separation distance of approximately 22 metres reinforced by trees and vegetation. Furthermore, the area up to the shared boundary is currently public house car park which is to be relocated to the other side of the site. It is therefore considered that there would be minimal impact on the neighbouring dwelling to the south in terms of increased noise and disturbance.

Highway Impact

The A10 (Main Road) is defined as a Primary Corridor of Movement on the King's Lynn and West Norfolk Local Plan (1998) Inset Map for King's Lynn. Saved Policy 9/11 of the Local Plan (1998) states that outside defined urban areas direct access to these roads will not be permitted and that development served by side roads connecting to the Corridors of Movement will be resisted where the traffic carrying function and capacity of the Corridor would be adversely affected.

Draft Policy DM12 of the Site Allocations and Development Management Policies document (2015) also relates to the Strategic Road Network which includes the A10. This sets out a

general presumption against new development which would include the provision of vehicle access leading directly onto a road forming part of the Strategic Road Network, but this only applies outside of the settlements specified within Core Strategy Policy CS02. Given that the application site is part of King's Lynn and its surrounding area, the provisions of this Policy are not considered relevant in this case.

Furthermore, whilst draft Policy E2.2 (Development within existing built-up areas of West Winch) states that along the existing A10 no significant development (individually or cumulatively) will be permitted to obtain access to the A10 in advance of the new West Winch link road opening, it is not considered that this proposal for 17 no. units constitutes 'significant development'.

Initially Norfolk County Highways expressed concerns regarding the proposed development as they considered a development of 17 no. additional dwellings would result in an increase in slowing, stopping and turning movements to the detriment of highway safety. They advised the A10 through West Winch is a busy traffic route / principle route forming an important element of the County Council's strategic network. Therefore any development that would result in an increase in slowing, stopping and turning movements at an existing or new priority junction would be resisted, in advance of the implementation of the development to the east and the construction of the proposed roundabout.

However, following further consideration of the transport evidence submitted in support of the application, Norfolk County Highways considers that the number of dwellings proposed from an improved / existing access would not result in demonstrable harm to highway safety as required by NPPF. As a result they have raised no objection to the proposal subject to the imposition of highway related conditions.

Flood Risk and Drainage

The application site lies within Flood Zone 1 as defined by the Council's Strategic Flood Risk Assessment (SFRA) maps. However, given that the site exceeds 1 hectare a site specific Flood Risk Assessment (FRA) has been submitted in support of the application which demonstrates that the site is at low risk from flooding.

In terms of drainage, both national and local policy encourages the use of SuDS in line with the hierarchy of drainage as shown in the NPPG:

- into the ground (infiltration);
- to a surface water body;
- to a surface water sewer, highway drain, or another drainage system;
- to a combined sewer.

At a national level policy support for SuDS is clear, with paragraph 79 of the online NPPG stating that, when considering major development, 'sustainable drainage solutions should be provided unless demonstrated to be inappropriate'.

A surface water drainage strategy has been provided within the FRA. This advises that the use of infiltration techniques in the on-site drainage design is not viable as a principal form of drainage, due to the underlying geology being Kimmeridge Clay Formation which is considered to be impermeable. This means that the use of conventional soakaways as part of the redevelopment drainage system is not viable. As such, this option has been ruled out and infiltration techniques have therefore not been considered in detail as part of the surface water drainage strategy. However, a range of other SuDS features have been considered, some of which may include elements of infiltration.

The NPPF states that “The surface water drainage arrangements for any development site should be such that the volumes and peak flow rates of surface water leaving a developed site are no greater than rates prior to the proposed development, unless specific off-site arrangements are made and result in the same net effect.”

The surface water drainage strategy advises that a conventional below ground drainage system on the site would be designed to accommodate rainfall events up to and including a 1 in 30 year storm. Any greater storm event would result in above ground flooding. In this case, the difference between the 1 in 30 year and the 1 in 100 year plus 30% climate change allowance for any additional paved areas will be stored above ground within the site, either in an attenuation feature or in secondary use areas such as car parking or landscaped areas. The same would be true in the use of SuDS features, with the runoff up to a 1 in 100 year storm plus 30% climate change being contained within the site so as not to increase flood risk elsewhere.

It is proposed that the following SuDS features should be considered as part of the surface water drainage strategy for the developed site. These features, when used in combination, will form a “SuDS Management Train” which is intended to remove and isolate contamination at source prior to conveyance from the site or infiltration.

Source Control:

- the use of permeable paving to private driveways; and,
- the inclusion of trapped gullies in the highway drainage system.

Site Control:

- small areas of above ground detention within public open space; and,
- additional storage volume provided below ground in oversized pipework and/or geocellular storage units, with a controlled outfall to the drain on the site’s western boundary limiting the discharge rate limited to the equivalent greenfield rate of runoff.

Discharge from the overall site should be limited to the equivalent greenfield runoff for all storm events up to and including a 1 in 100 storm + 30% climate change allowance. While any below ground storage should be designed to accommodate at least a 1 in 30 year design storm, totalling 175m³, storage above this level may be accommodated above ground in secondary use areas, such as parking areas or open space.

The preferred surface water outfall is to the drainage ditch on the site’s western boundary which the agent has confirmed they have had resurveyed and the applicant owns up to the middle of the ditch. However, the submitted surface water drainage strategy further advises that an alternative to this would be discharge direct to the Puny Drain, as previously suggested by the IDB.

The IDB has however raised an objection to the application as they do not consider the proposals are sufficiently developed to allow proper assessment and this view is supported by the Council’s CSNN team. However, the agent has requested that should planning permission be granted a suitable surface water drainage / SuDs condition is imposed which will require submission and approval of a detailed scheme prior to the commencement of development. Additional information has also been submitted to the IDB for their further comment which will be reported via late correspondence.

Appropriateness is a matter of judgement for the LPA taking into account all the information available to it including what is reasonably practicable. Furthermore, the NPPG states that ‘information sought by the local planning authority should be no more than necessary,

having regard to the nature and scale of the development concerned'. A surface water drainage strategy has been submitted which satisfactorily considers suitable options for the site which could be incorporated into the proposed development. It is therefore considered reasonable in this case for a suitable pre-commencement condition to be imposed for the submission and approval of a detailed surface water drainage scheme (to include SuDS), should planning permission be granted.

It would also be appropriate for the management and maintenance of any SuDS features to be secured via the S106 Agreement in the form of a SuDS Management Plan.

It is therefore considered overall that the development accords with overarching national and local policy and guidance in relation to the risks associated with flooding, drainage and the provision of SuDS.

Ecology

An Ecological Appraisal carried out by Denny Ecology (dated June 2015) was submitted in support of the application. This concluded that the majority of the site is generally of low ecological value, including the area of open grassland in the western section and the hardstanding and amenity grassland areas of the eastern section. However, it recognised that the northern and western hedgerows, the southern mature tree line and the pollarded poplars adjacent to the public house car park are more important habitats which have potential for nesting birds and roosting and/or foraging and commuting bats. As a result, further survey work was recommended in order to determine whether bats use the pollarded poplars for roosting and whether the northern hedgerow/scrub is used by commuting or foraging bats.

A further survey has since been carried out by Cotswold Wildlife Surveys of the group of five Poplars and the hedgerow along the northern boundary in order to assess the potential of the hedgerow to act as a bat foraging / commuting corridor and to examine the potential bat roost features in the trees, to determine if they had or were being used by bats as roosting and / or hibernation places.

This latest survey advises that the hedgerow is unlikely to be used as a bat foraging and/or commuting route, as the eastern end connects to the public house car park with the pub and the main road beyond. There is thus nowhere for bats to commute to, especially as the car park is illuminated at night. As a result the report concludes that the hedgerow can be removed and replaced without causing any detrimental impact on bat populations in the area, and no further surveys are required.

In terms of the pollarded poplars no evidence of bat activity was discovered, and excluding one large cavity which a bird had nested in several years ago, there were no signs of nesting birds.

As such the report concludes that the poplars can be felled at any time without impacting on birds or bats, and no further surveys are considered necessary.

It is therefore considered overall that the proposal accords with national and local policy and guidance relating to ecology and protected species.

Affordable Housing

In accordance with Policy CS09 of the adopted Core Strategy (2011), 20% provision of affordable housing is required on sites capable of accommodating 5 or more dwellings and/or 0.165ha in areas in the West Winch area. This is then further split into 70% being made available for rent and 30% for shared ownership or any other intermediate product that meets the intermediate definition within the NPPF, meets an identified need in the Borough

and is agreed by the Council. In this instance, based on a development of 17 no. dwellings, 3 no. affordable dwellings are required, 2 no. dwellings for rent and 1 no. dwelling for shared ownership.

A S.106 Agreement is in the process of being prepared in order to secure the affordable housing provision and it is proposed that Plots 12, 13 and 14 are provided as affordable units.

Other Considerations

The Parish Council have raised concerns in relation to a number of conflicts with the North Runcton and West Winch Neighbourhood Plan – Pre-submission document (2015). However, given that this has yet to be independently inspected or adopted it currently holds little weight.

The Phase I Environmental Report submitted with the application indicates that additional works should be carried out to fully characterise the site and that Japanese Knotweed was identified. As a result the Council's Environmental Quality team have recommended that contaminated land conditions are imposed along with additional conditions relating specifically to the eradication of the Japanese Knotweed.

Norfolk Fire Services have also indicated that the proposed development will require provision of 1 no. fire hydrant therefore it is recommended that should planning permission be granted this is secured by way of condition.

There are no other material considerations relevant to this application.

CONCLUSION

Given that this Council does not currently have a five year land supply, the proposal has to be viewed in the context of the presumption in favour of sustainable development and the tests of paragraph 14 of the NPPF.

The site is situated in a sustainable location and Norfolk County Highways have confirmed they have no objection to the proposed development on highway safety grounds. The design and layout of the scheme is also considered appropriate for the site and its surroundings and would integrate well with the existing built environment and countryside beyond without causing any significant harm to protected species.

Furthermore, whilst concerns have been raised by the IDB in relation to drainage proposals for the site, it is considered that these can satisfactorily be overcome by the imposition of a suitable condition requiring submission and approval of a detailed surface water drainage scheme (to include SuDs) prior to the commencement of development.

In light of the above, it is considered that the proposal complies with the provisions of the NPPF (2012) therefore it is recommended that planning permission be approved subject to conditions set out below and the imposition of a Section 106 legal agreement relating to affordable housing provision and SuDS management / maintenance.

RECOMMENDATION:

A) APPROVE subject to conditions and the completion of a Section 106 Agreement within 4 months of the date of this decision:

- 1 Condition The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition The development hereby permitted shall be carried out in accordance with the following approved plans: drawing nos. 32 rev B, 08 rev F and 09 rev F received on 29th January 2016; 00 rev A and 31 rev A received on 13th July 2015; and 10, 11, 12 rev A, 13, 14, 15, 16 rev A, 17, 18 rev A, 19, 20 rev A, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30 received on 6th July 2015.
- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 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'.
- 3 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. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 4 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.

- 4 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. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 5 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.

- 5 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. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 6 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 3, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 4, 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 5.

- 6 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.
- 7 Condition Prior to commencement of development a detailed Method Statement for the eradication of the Japanese Knotweed present on site must be submitted to and approved in writing by the local planning authority.
- 7 Reason To ensure that risks from Japanese Knotweed to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that the Japanese Knotweed is fully dealt with at the outset of development.

- 8 Condition The Method Statement approved under condition 7 must be carried out in accordance with its terms prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of the commencement of the eradication works.

Following the completion of measures identified in the approved Method Statement, a Verification Report that demonstrates the effectiveness of the works carried out under the Method Statement must be produced. The Verification Report must be accompanied by a guarantee, and shall be submitted to and approved in writing by the local planning authority.

- 8 Reason To ensure that risks from Japanese Knotweed to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that the Japanese Knotweed is fully dealt with at the outset of development.
- 9 Condition No development above foundation level shall take place on site until a scheme to protect the 17 approved dwellings from noise and odour from the use of the adjacent Public House as well as road traffic noise, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved before the development is brought into use.
- 9 Reason To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.
- 10 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.
- 10 Reason In the interests of protecting the amenities of existing residential properties in accordance with the NPPF. This needs to be a pre-commencement condition given the need to ensure that suitable mitigation measures are put in place at the outset of development.
- 11 Condition No works shall commence on the site until such time as detailed plans of the roads, footways, cycleways, 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.
- 11 Reason To ensure satisfactory development of the site and a satisfactory standard of highway design and construction.

This also needs to be a pre-commencement condition given the fundamental details linked to drainage and other infrastructure which needs to be planned for at the earliest stage in the development.

- 12 Condition No works shall be carried out on roads, footways, cycleways, foul and surface water sewers otherwise than in accordance with the specifications of the Local Planning Authority in consultation with the Highway Authority.
- 12 Reason To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway.
- 13 Condition Before any dwelling / industrial unit is first occupied the road(s), footway(s) and cycleway(s) shall be constructed to binder course surfacing level from the dwelling / industrial unit 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.
- 13 Reason To ensure satisfactory development of the site.
- 14 Condition Prior to the first occupation of the development hereby permitted a visibility splay measuring 4.5 x 108m (south) and 120m (north) 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.
- 14 Reason In the interests of highway safety.
- 15 Condition Prior to the commencement of works on site the proposed access and replacement pub car park shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 15 Reason To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.
- 16 Condition Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.
- 16 Reason To ensure adequate off street parking during construction in the interests of highway safety.
- This also needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.
- 17 Condition No works shall commence on site until the details of Wheel Cleaning facilities for construction vehicles have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- 17 Reason To prevent extraneous material being deposited on the highway.
- This needs to be a pre-commencement condition given the facilities are associated with the construction process.
- 18 Condition For the duration of the construction period all traffic associated with the construction of the development permitted will use the approved wheel cleaning facilities provided referred to in Condition 18.

- 18 Reason To prevent extraneous material being deposited on the highway.
- 19 Condition No dwelling shall be occupied 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).
- 19 Reason To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard.
- 20 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.
- 20 Reason In order to ensure that water supplies are available in the event of an emergency in accordance with the NPPF.
- 21 Condition No building or other operation shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, engineering work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles) until an arboricultural impact assessment and method statement to BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority.
- 21 Reason To ensure that the existing trees are properly surveyed and full consideration is made of the need to retain trees in the development of the site in accordance with the NPPF. This needs to be a pre-commencement condition given the potential for trees to be lost during development.
- 22 Condition No development or other operations shall commence on site until the existing trees and/or hedgerows to be retained have been protected in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the erection of fencing for the protection of any retained tree or hedge before any equipment, machinery, or materials are brought on to the site for the purposes of development or other operations. The fencing shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.
- 22 Reason To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF. This needs to be a pre-commencement condition given the potential for damage to protected trees during the construction phase.
- 23 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.

- 23 Reason To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 24 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.
- 24 Reason To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 25 Condition A landscape management plan including long-term design objectives, management responsibilities, management and maintenance schedules for all landscape areas, 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.
- 25 Reason To ensure that the landscaping is properly maintained in accordance with the NPPF.
- 26 Condition No development shall take place on any external surface of the development hereby permitted until samples of the materials to be used in the construction of the external surfaces of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 26 Reason To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 27 Condition No development shall commence until full details of the land 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.
- 27 Reason To ensure that there is a satisfactory means of drainage in accordance with the NPPF.

This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.

- 28 Condition Notwithstanding the information that accompanied the application, no development shall commence until surface water drainage (to include SuDS) details have been submitted to and approved in writing by the local planning authority. The submitted details shall:

- I. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- II. include a timetable for its implementation; and
- III. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The surface water drainage scheme shall be implemented as agreed unless otherwise agreed in writing.

- 28 Reason To ensure that there is a satisfactory means of drainage in accordance with the NPPF.

This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.

- 29 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.

- 29 Reason In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.

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 and SUDs maintenance.