



**Planning Committee**  
**Monday, 29th July, 2019 at 11.15 am**  
**in the Assembly Room - Town Hall, Saturday Market**  
**Place, King's Lynn PE30 5DQ**

**Reports marked to follow on the Agenda and/or Supplementary Documents**

- a) Decisions on Applications (Pages 2 - 44)

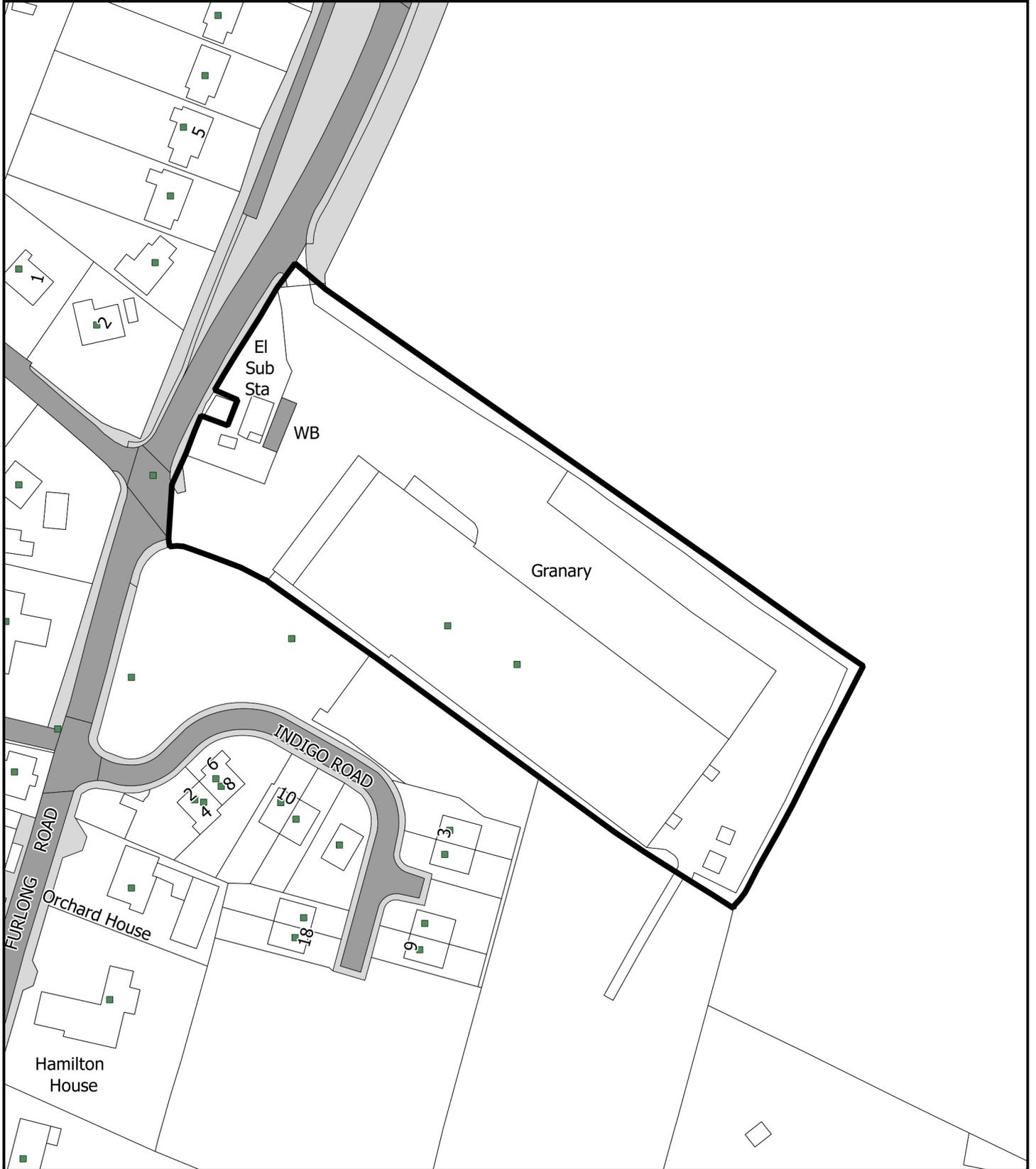
To consider and determine the attached Schedule of Planning Applications submitted by the Executive Director.

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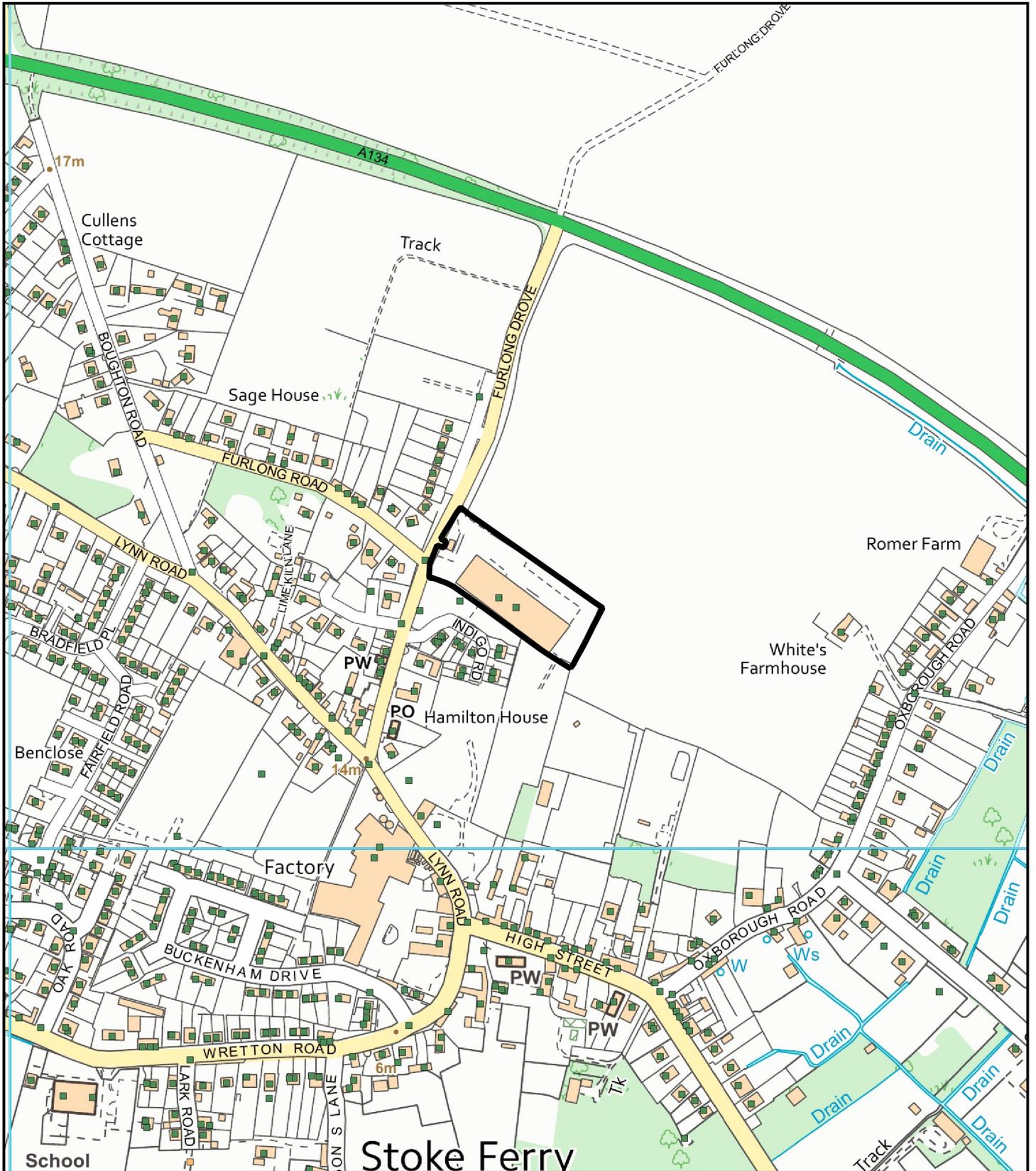
# 19/00272/OM

## Furlong Store Furlong Drive Stoke Ferry



# 19/00272/OM

## Furlong Store Furlong Drove Stoke Ferry



<b>Parish:</b>	<b>Stoke Ferry</b>	
<b>Proposal:</b>	<b>OUTLINE APPLICATION: Construction of up to 30 residential dwellings</b>	
<b>Location:</b>	<b>Furlong Store Furlong Drove Stoke Ferry King's Lynn</b>	
<b>Applicant:</b>	<b>Amber REI Limited</b>	
<b>Case No:</b>	<b>19/00272/OM (Outline Application - Major Development)</b>	
<b>Case Officer:</b>	<b>Mrs C Dorgan</b>	<b>Date for Determination: 15 May 2019 Extension of Time Expiry Date: 2 August 2019</b>

**Reason for Referral to Planning Committee** – Stoke Ferry Parish Council objects to the application and Cllr Sampson has called the application in.

**Neighbourhood Plan:** No

**Case Summary**

The application site measures approximately 1ha in area, and is located within the village of Stoke Ferry, a Key Rural Service Centre (KRSC). The site is accessed via Furlong Drove. The site is rectangular in shape and has residential development to the south and agricultural land to the north east and south east. The site is adjacent to, but not within, Stoke Ferry Conservation Area. The current use of the site is a storage facility associated with Stoke Ferry Mill, and consists of a large storage building and associated hardstanding.

The application seeks outline consent with all matters reserved, bar access, for the construction of up to 30 residential dwellings, incorporating affordable housing and open space contributions in line with the adopted Local Plan policy requirements, and associated development to include drainage features, roads, pedestrian paths and other works. An illustrative masterplan has been submitted to demonstrate how such development may fit onto the site.

The applicant has submitted a further application for the redevelopment of the Stoke Ferry Mill (19/00274/OM).

**Key Issues**

- Principle of Development
- Loss of employment land
- Highways/ Access
- Form and Character and Impact on Stoke Ferry Conservation Area
- Neighbour Amenity
- Drainage/ Flood Risk
- Environmental Quality
- Affordable Housing

- Open Space Provision
- Other material considerations

### **Recommendation**

A) **APPROVE** subject to the completion of a S106 agreement within 4 months of the date of this resolution.

B) **REFUSE** if a S106 agreement is not completed within 4 months of the date of this resolution to approve, on the grounds of failure to secure a mechanism to provide affordable housing, open space contributions and habitats mitigation payment.

### **THE APPLICATION**

The application site measures approximately 1ha in area, and is located within the village of Stoke Ferry, a Key Rural Service Centre (KRSC). The site is accessed via Furlong Drove. The site is rectangular in shape and has residential development to the south and agricultural land to the north east and south east. The site is adjacent to, but not within, Stoke Ferry Conservation Area. The current use of the site is a storage and distribution facility (use class B8) for poultry feed and is associated with Stoke Ferry Mill, and consists of a large storage building and associated hardstanding.

The application seeks outline consent with all matters reserved, bar access, for the construction of up to 30 residential dwellings, incorporating affordable housing and open space contributions in line with the adopted Local Plan policy requirements, and associated development to include drainage features, roads, pedestrian paths and other works. An illustrative masterplan has been submitted to demonstrate how such development may fit onto the site.

The applicant has submitted a further application for the redevelopment of the Stoke Ferry Mill (19/00274/OM).

### **SUPPORTING CASE**

1. This application proposes the erection of up to 30 residential dwellings with all matters reserved except access.
2. The majority of this site is wholly brownfield and is currently occupied by a storage facility associated with the operation of the Mill. It is acknowledged that the site is outside of, albeit immediately adjacent to, the development boundary however both local and national planning policy clearly encourage the re-use of brownfield land for residential development. The proposed relocation of the Mill will mean that the storage facility becomes obsolete.
3. The Conservation Area Character Appraisal identifies the HGV movements associated with this site and the Mill as negative influences on the Conservation Area. The removal of the storage use and the redevelopment of the site will remove any harm caused by the existing commercial use being immediately adjacent to areas of housing. The removal of HGVs will also have a benefit in highways terms as the volume of HGV traffic in Stoke Ferry would reduce significantly.

4. The proposal utilises the existing site access which has been confirmed as acceptable by the Highways Officer. The proposal also maintains the row of poplar trees along the sites northern boundary which provide a strong screen to the adjacent field. The site boundaries are proposed to be reinforced with additional landscaping to soften the overall appearance of the development.
5. The outline proposal includes policy-compliant, 20% affordable housing provision which will be secured through a Section 106 Agreement. This will also address open space and the habitat mitigation fee. In addition, the proposed development will be subject to the Community Infrastructure Levy (CIL).
6. An Indicative Masterplan has been provided to demonstrate how the site could be developed to accommodate 30 dwellings in a way which reflects the character and scale of the surrounding development. The Masterplan also includes a Central Green which could accommodate play equipment for young children. It should be noted that this Masterplan is not fixed and there will be a further opportunity to influence detailed design through future Reserved Matters applications.
7. The proposed development has been assessed in detail by Council Officers who have confirmed it is acceptable in principle. The proposed development will provide residential development on a brownfield site, immediately adjacent to the village. It will remove a non-conforming commercial use and provide a more appropriate residential development on a gateway site.

## **PLANNING HISTORY**

None recent.

**Parish Council: OBJECTION** on the following grounds:

- The site is given as being on Furlong Road. This is incorrect; the Furlong Store is on Furlong Drove.
- The site is not a designated housing area.
- The existing development plan for Stoke Ferry meets the housebuilding requirements of the Local Plan for the village
- Any housing on this site would encroach towards the by-pass and encourage housing development applications from owners of adjacent countryside fields.
- It was agreed to include in the response to say that within their application it says that 'affordable housing will be provided especially on the storage site', which means they are conflicting between the two applications.
- The Parish Council has concerns that the 'Residential Street', as indicated on the Masterplan below, may be used as a reason for future expansion of housing development to the southern part of the Furlong Drove site which would then increase the application's quantity of homes in the village and may avoid future CIL payments.
- The pre-application planning procedure of public consultation carried out by the applicant was flawed at each of its two public stages.

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- Concerned that the development on the Conservation Area of Stoke Ferry and its setting (which the Furlong Drove Site abuts to the South-West).
- The loss of the village Post Office along with the closure of the village's last public house diminishes Stoke Ferry's role as a designated Key Rural Service Area.
- Seeking confirmation that the Community Infrastructure Levy (CIL) will be applied.

**Highways Authority: NO OBJECTION** subject to conditions relating to the visibility splay of the access, the submission of detailed plans of the roads, footways, foul and surface water drainage and the construction of these to the approved specification prior to occupation of the first unit.

**Environmental Health & Housing – Environmental Quality: NO OBJECTION** subject to conditions relating to contaminated land and the Travel Plan submitted. Also an informative is recommended relating to air quality management.

**Historic England: NO COMMENTS.**

**Conservation Officer: NO OBJECTION.**

This site is outside the conservation area but at top of a rise and on one of the main roads into the village. There is a row of trees and a hedge on the northeast/southeast boundaries but none the less it is quite prominent and clearly seen from the Stoke Ferry bypass.

The existing building is of no consequence and the redevelopment of the site for housing is welcome as it will undoubtedly improve the approach to conservation area and its setting. However, because of the rise any new development will also be prominent and care should be taken to ensure that the green boundary is retained to soften the boundary and shield the back gardens with their inevitable paraphernalia.

**Community Safety and Neighbourhood Nuisance: NO OBJECTION** subject to conditions relating to foul and surface water drainage, and a detailed demolition and construction management plan.

**Anglian Water: NO OBJECTION** subject to the provision of a drainage strategy.

**Stoke Ferry IDB: NO OBJECTION** subject to a condition that a full drainage scheme is submitted and approved before development commences, and that the discharge rate from the development is submitted to, and agreed, with the IDB before doing so. The FRA also makes reference to discharge consent for the surface water outfall. It is suggested that discharge consent should be applied for as part of the approval process from the IDB.

**Environment Agency: NO COMMENTS.**

**Lead Local Flood Authority: NO COMMENTS.**

**Open Space Officer: NO OBJECTIONS.** The provisional layout plan illustrates a Local Area of Play, central to the development, as would be expected.

**Norfolk County Council: NO OBJECTION** subject to the provision of 1 fire hydrant, a financial contribution to increase the capacity of the library service, and an education contribution is required because there is insufficient capacity at early education and primary sectors.

## **Housing Enabling Officer: NO OBJECTION**

The site area and number of dwellings proposed trigger the thresholds of the Council's affordable housing policy as per Policy CS09 of the Council's adopted Core Strategy. Whilst the applicants originally submitted a viability appraisal to support no affordable housing being provided, following further discussion, the applicants have now agreed to provide affordable housing in line with Policy CS09. On this basis, 6 units would be required 4 for rent and 2 for shared ownership and secured via S106 agreement.

## **Historic Environment Services: NO COMMENTS.**

## **Natural England: NO COMMENTS.**

## **Norfolk Constabulary Architectural Liaison Officer: NO OBJECTIONS.**

Recommends Secure by Design (SBD New Homes 2019) standards are adopted for this development.

**Arboricultural Officer: NO OBJECTIONS** subject to a condition requiring an updated arboricultural method statement and tree protection plan to reflect any proposed layout should this application progress.

## **REPRESENTATIONS**

**25 objection** letters have been received raising the following issues-

- Plan for residential development outside the designated zone should not be approved (1)
- Loss of work and livelihood (3)
- Concerns about traffic and safety around traffic (9)
- Concern about the access point (6)
- Lack of commitment to carbon neutrality signposted in Pegasus's consultation report (5)
- Pre-application process was not inclusive of the wider neighbourhood/ village (2)
- Not made aware of consultations or public meeting (3)
- Pre-application consultation was no such thing, 'box ticking' exercise (10)
- Proposed quantity of the number of houses in village centre (4)
- Strain on village and its current services (8)
- Lack of consideration for amenities which the village will need for the proposed growing population (9)
- Loss of Footpath 17/ 'Sand path' (8)
- Concern of the hazards surrounding knocking the mill down eg dust explosions, asbestos (4)
- Applications should be withdrawn and resubmitted as one (13)
- Stoke Ferry Playing Field Trust has not been formally approached by Amber REI regarding its plans to develop a playing field in the West (5)
- Preserve greenfield site – build on brownfield site (11)
- Concern that the brownfield/Mill site will be left untouched, leaving it at an eyesore (12)
- Concern the Borough will see sites as 'windfall housing sites' rather than opportunity to build a sustainable community which enhances and adds to the character of the village (7)
- Concern that 'Residential Street' to SE on the Masterplan will be used for future expansion which ultimately may avoid future Community Infrastructure Levy (CIL) payment (8)

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- Protect remaining green space and wildlife (4)
- Concern over infrastructure eg sewerage (7)
- Concern that the plan promotes social segregation whilst claiming to 'promote healthy lifestyle and sustainable, vibrant communities' (8)
- Concerned the development should be in sympathy to the conservation area (8)

Some representations received are better related to application 19/00274/OM, the Stoke Ferry Mill site.

## **LDF CORE STRATEGY POLICIES**

**CS10** - The Economy

**CS14** - Infrastructure Provision

**CS11** - Transport

**CS01** - Spatial Strategy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS09** - Housing Distribution

**CS12** - Environmental Assets

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM2** – Development Boundaries

**DM8** – Delivering Affordable Housing on Phased Development

**DM15** – Environment, Design and Amenity

**DM16** – Provision of Recreational Open Space for Residential Developments

**DM17** - Parking Provision in New Development

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
 Planning Practice Guidance (PPG)

## **OTHER GUIDANCE**

Conservation Area Character Statement.

## **PLANNING CONSIDERATIONS**

The main issues are:

- Principle of Development
- Loss of employment land
- Highways/ Access
- Form and Character and Impact on the Stoke Ferry Conservation Area
- Neighbour Amenity
- Drainage/ Flood Risk
- Environmental Quality
- Affordable Housing
- Open Space Provision
- Other material considerations

### **Principle of Development**

Paragraph 78 of the NPPF requires that to promote development in rural areas, housing should be located where it will enhance or maintain the viability of rural communities.

Stoke Ferry is designated as a Key Rural Service Centre (KRSC) in the adopted Local Plan. Policies CS01 (Spatial Strategy) and CS02 (Settlement Hierarchy) of the Core Strategy 2011 outline the Council's strategy for growth in the Borough, and identify that in rural areas development will be focussed in the most sustainable locations, the Key Rural Service Centres.

The Parish Council queries the status of the village as a KRSC due to the loss of particular services since the adoption of the Plan. The status of the village is being revised as part of the review of the Local Plan, and at this time it is proposed that Stoke Ferry retains its KRSC status. However, for the purposes of this application it is a KRSC in the current development plan.

The site is currently in use as a storage facility to serve Stoke Ferry Mill, and as such is a brownfield site. The site is located outside of the development boundary for the village. Policy DM2 of the Site Allocations and Development Management Policies Plan (SADMP) 2016 does restrict new development outside of development boundaries. However this is an existing established use and a brownfield site and substantial weight should be given to the value of reusing brownfield land within settlements for homes in accordance with the NPPF. It does not need to be allocated for development to be considered, as any 'windfall' development will be assessed against national and local policy and a balanced decision made. Further paragraph 68 of the NPPF requires that LPAs support the development of windfall sites through their policies and decisions giving great weight to the benefits of using suitable sites within existing settlements for homes.

### **Loss of employment land**

Given the existing use of the site for employment which is used in connection with the Mill site on Lynn Road, the proposed development should be considered against Policy CS10 (The Economy) of the Core Strategy 2011. Policy CS10 seeks to retain land or premises currently or last used for employment purposes unless it can be demonstrated that the scheme meets specified criteria, as follows:

- continued use of the site for employment purposes is no longer viable , taking into account the site's characteristics, quality of buildings, and existing or potential market demand; or
- use of the site for employment purposes gives rise to unacceptable environmental or accessibility problems particularly for sustainable modes of transport; or
- an alternative use or mix of uses offers greater potential benefits to the community in meeting local business and employment needs or in delivering the Council's regeneration agenda.

The proposed redevelopment of the storage facility site for residential purposes would result in the loss of an employment use. However, it should be noted that this employment facility is used in connection with the main Stoke Ferry Mill and the intention of the operators of the Mill is to relocate and transfer the jobs to a new site(hence application 19/00274/OM), leaving the existing mill site for redevelopment. In this regard, the applicant has made the case that the continued use of the site for employment purposes is no longer viable taking into account the sites characteristics, quality of buildings and existing or potential market demand.

Whilst there have been no complaints relating to this site, the unrestricted nature of the storage building (any operator could use the site for B8 storage purposes) means that the intensity of HGV movements could increase if the site were to be sold to an alternative employment provider. Given its location, adjacent to existing residential properties, there is potential for increased noise and disturbance and this could give rise to unacceptable environmental concerns. Further, an alternative use could require expansion and given its prominent location, adjacent to a conversation area, any expansion has the potential to have a negative impact on the setting of the heritage asset.

In terms of the relocation of the business and potential job losses in the KRSC, it has been confirmed that only approximately 8 out of the 107 employees (associated with the Mill site and Furlong Drove site) live in the village. Therefore the loss of the employment site would have some impact on local employment.

The site has not been marketed for other businesses but the applicant is not required to investigate alternative employment uses nor does the policy require the applicant to demonstrate that all the various criteria apply.

Given the surrounding residential uses, the prominent location of the buildings adjacent to a heritage asset and the HGV traffic generated by the existing use of the site, it is considered that the benefits of redeveloping this site would outweigh the loss of this site as an employment use. The proposal therefore complies with Policy CS10 of the Core Strategy 2011.

### **Highways/ Access**

This is an outline application with access only to be considered. The application will be accessed from a single point, off Furlong Drove. There is existing footpath provision from the A134 across the site frontage and into the centre of the village. There are also existing public transport links within the village via local bus services serving Brandon, Thetford, Foulden and King's Lynn.

The applicant has submitted a Transport Assessment and Travel Plan for the site in line with current planning policy and assists in minimising the number of vehicle trips generated by the site.

Current HGV vehicle movements along Furlong Drove indicate a 5 day average of 74 HGVs northbound and 82 HGVs southbound. As an unrestricted B8 use, the intensity of these movements could increase if a different operator were to operate from the site. The loss of this number of HGV's travelling throughout the village would benefit the locality.

Proposed residential movements for 30 dwellings would amount to 13 two way trips in the morning peak and 16 trips in the afternoon peak. The applicant has demonstrated that the development can be accommodated in the locality today as future growth without adversely affecting the highway network.

The Local Highways Authority does not object to the scheme and requests conditions are attached to the planning consent to secure an appropriate visibility splay and footpath provision, as well as full details to be approved at reserved matters stage. The proposal therefore complies with Policy CS11 of the Core Strategy 2011 and Policy DM15 of the SADMP 2016.

### **Form and Character and Impact on the Stoke Ferry Conservation Area**

The site amounts to approx. 1ha and is located on the south east side of Furlong Drove. The land around the site rises up from the A134 to the site and then drops away to the centre of the village. The Stoke Ferry Conservation Area boundary runs along part of the front of the site and extends west along Furlong Road and south along Furlong Drove into the centre of the village. The site along with agricultural land to the north and east up to the A134 forms the setting to the Conservation Area. There is no doubt that the site is in a prominent location.

The application is in outline form only bar access. The detailed design and layout of the site will come forward as part of the reserved matters application. In general terms however while the site is on the fringe of the settlement, the use of the site for residential development does correspond with the residential use to the south, west and east. An indicative layout has been provided by the applicant to illustrate that the 30 units could be accommodated on site. The Design and Access Statement states that there will be a mix of housing types provided on site which will primarily be two-storey. It also refers to the importance of using landscaping to assimilate the site into the locality. By retaining the Poplar trees and enhancing planting on the northern boundary of the site, as well as planting on the south eastern boundary, the edge of the built settlement will be softened to views across the countryside from the north and east. An improved boundary treatment on the frontage of Furlong Drove would also make a positive contribution to the Conservation Area.

It is considered that the storage buildings, compared to the settled residential setting of most of the Conservation Area, is a detractor (as recognised in the Conservation Area Character Statement), especially when viewed from the A134, an exposed view across farmland. The indicative master plan indicates a development of a density of 30 dwellings per hectare (dph) with a mix of detached and semi-detached/terrace properties which reflects a range of housing within the affordability spectrum. Clearly, this would include affordable housing at 20% which equates to 4 units for rent and 2 units for shared ownership. The density of the development is consistent with the Indigo Road development located to the south of the site and other residential developments within Stoke Ferry.

While there are no historic assets within the site, the site frontage on Furlong Drove is adjacent to Stoke Ferry Conservation Area. The redevelopment of the site, subject to the suitable design and appearance of the units and enhanced landscaping will provide the opportunity to enhance the setting of the heritage asset. There have been no comments made by Historic England, and the Conservation Officer has no objections to the

redevelopment of the site to residential. This should be a major benefit given the existing large scale utilitarian buildings on the site.

Overall, the proposal complies with Policies CS06, CS08 and CS12 of the Core Strategy 2011 and Policy DM15 of the SADMP 2016.

### **Neighbour Amenity**

Based on the information submitted as part of the application, the site layout and detail of the application, and impact on neighbouring dwellings cannot be fully considered until the reserved matters stage. Whilst there have been no complaints about noise and disturbance emanating from the site, the use of the site for residential purposes, as opposed to a B8 use for storage and distribution, can only be considered to have a positive impact on neighbour amenity for the existing residents in terms of a reduction in noise and disturbance associated with the HGV movements.

Objections have been raised regarding the impact of the redevelopment of the site on existing residents. The Community Safety and Neighbourhood Nuisance Officer has requested a detailed demolition and construction management plan is submitted to and approved by the Local Planning Authority prior to commencement. The plan will seek to protect residents from noise, dust and litter the demolition and construction phases and any associated disruptions.

### **Environmental Quality**

There will be an increase in vehicular movement however this will be due to the use of the private car, rather than HGVs as is currently the case. With regard to traffic emissions the Environmental Quality officer is satisfied, based on the air quality screening report, a full air quality assessment is not required and even cumulatively with the Mill site this would not represent a significant change in an area where background pollution is low.

Residents of Stoke Ferry, historically, have raised concerns about the levels of dust / particulate in the village. The Council has been monitoring particulate matter to investigate this further. A potential source of dust emissions is from the Mill, however if these sites are redeveloped then this source will be removed which will only benefit neighbour amenity.

The representations received raise concerns about the demolition of the existing buildings on site and the Environmental Quality officer refers to mitigation measures in the air quality assessment which should reduce the short-term impact of dust. As previously stated, a construction environmental management plan secured by condition will see to mitigate against dust emissions during demolition and construction.

### **Drainage/ Flood Risk**

The application site is in Flood Zone 1 in the adopted SFRA (2018), and therefore not at risk of flooding.

The site is fairly level, although the land slopes away falling in gradient from Furlong Drove towards the south east and therefore there is a steep drop in ground levels at the eastern boundary of the site to the agricultural land beyond.

An outline drainage strategy for surface water and foul water has been submitted and responses from stakeholders outlined above indicate there are no objections raised, subject to the imposition of appropriate conditions.

## **Affordable Housing**

Policy CS09 of the Core Strategy requires that 20% affordable housing is required on the site. Initially the applicant questioned the viability of the scheme and the amount of affordable housing to be provided. However, the applicant has now agreed that the scheme can provide the full 20% affordable housing on site and therefore the application is policy compliant. The contribution will be secured through a Section 106 agreement in accordance with Policy CS14 of the Core Strategy 2011. The type, size and siting of affordable housing units will come forward at the reserved matters stage. If the applicant later submits evidence that the scheme is unviable, a further planning application would be required.

## **Open Space Provision**

The applicant is proposing a Local Area of Play (LAP) and adjoining public open space within the application site. This provision is in accordance with the requirements (17sqm per dwelling) of Policy DM16 of the SADMPP 2016 - Provision of recreational open space for residential developments. The Public Open Spaces officer has no objection and has provided information as to the design and requirements of the POS/ LAP. The details of this are to be agreed but the open space will be secured through a Section 106 agreement in accordance with Policy CS14 of the Core Strategy 2011 and Policy DM16 of the SADMPP 2016.

## **Other material considerations**

Public consultation (prior to the submission of the application) - There have been a number of objections received to the public consultations carried out by the applicant, prior to the submission of the applications. The comments made have been considered and are noted. The Statement of Community Involvement (adopted June 2017) sets out the Borough Council's approach to community involvement in the planning system. The document sets out the benefits to community consultation and involvement prior to the submission of the planning application. In this case the applicant has liaised with the Parish Council and held an exhibition to provide information, and enable discussions and issues to be raised. The objections received, in particular from the Parish Council, question the validity of the consultation and whether the comments raised have been taken on board by the applicant.

Third Party comments – Third party comments have been considered and many of the issues are addressed within this report. However there are some outstanding issues identified and responded to below:

- Lack of local services/ infrastructure and an increased pressure on those existing – the new development would be subject to CIL payments.
- Carbon neutrality of scheme – There is no policy requirements for the development to be carbon neutral.
- Pressure for additional housing adjacent to the application site – Each planning application is considered its own merits.
- Pressure for housing in Stoke Ferry – Stoke Ferry is a KRSC, a sustainable location for growth. Housing allocations are continuously being reviewed as part of the Local Plan, however there is pressure for additional residential development in locations such as this across the borough.

Trees/ Landscaping – There are no trees within the application site, however there are a number on the perimeter of the site, particularly along the northern boundary of the site which should be retained as part of any development. An initial Arboricultural Assessment was submitted with the application which identifies which trees are to be retained and how

the trees will be protected. The Arboricultural Officer has no objections to the scheme on the basis that additional information is submitted as the reserved matters stage.

Ecology – An ecological appraisal has been submitted as part of the planning application which concludes that there are no statutorily protected nature conservation interests within the proposed development site and none nearby that would be affected by the proposals. Furthermore, a small number of habitat features that should be given due regard in relation to nesting birds and foraging/ commuting bats. The avoidance, mitigation and compensation measures of any impacts are already embedded in the scheme and should be incorporated at the construction stage.

Section 106 and CIL contributions - The application site will be CIL liable at a rate of £44.82 per sq.m. and 15% of the CIL receipts generated from the site will be passed to the Parish Council. The Parish Council must spend the income on physical, social or green infrastructure or anything else that is concerned with addressing the demands that development places on an area. A Habitats Mitigation Strategy fee at £50 per dwelling will also be applied. In addition to this the Section 106 will secure the affordable housing contributions and the open space provision.

Norfolk County Council has stated that a fire hydrant is required on site, given its location and the scale of development proposed, and a condition has been attached accordingly. Education and library contributions should be claimed through CIL.

### **Crime and Disorder**

Norfolk Constabulary Architectural Liaison Officer raises no objection to the scheme and recommends Secure by Design principles.

### **Conclusions**

In assessing the principle of development of this scheme consideration has been given to a number of Local Plan policies. While the site lies just outside of the development boundary for Stoke Ferry, it is an existing brownfield site with an area of hardstanding and a large storage building. The redevelopment of this site would not encroach into the open countryside beyond the site. Stoke Ferry is a Key Rural Service Centre and therefore in terms of the spatial strategy of the adopted Local Plan, is a sustainable location for growth. However the site is currently in use as an employment site and as such criteria set out in Policy CS10 should be applied. The applicant makes the case that the site is no longer viable for employment uses and there are particular environmental concerns. It is clear though that in considering the redevelopment of this site in conjunction with the main Mill site (19/00274/OM), that there would be environmental benefits to the loss of this particular employment use in the village. The redevelopment of the site would enable a reduction in HGV movements through the settlement along with the associated noise and disturbance and create an opportunity to enhance the adjacent conservation area. The benefits of the scheme are considered to outweigh any negative impacts, and on the basis of the above, it is recommended that the scheme is approved subject to conditions and the associated S106 agreement.

## RECOMMENDATION:

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

- 1 Condition: Approval of the details of the means of layout, scale, appearance and landscaping of the site (hereinafter called 'the reserved matters') 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 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 three 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 two years 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: The development hereby permitted shall be carried out in accordance with the following approved plans (Drawing No 1446-12) in so far as access only.
- 5 Reason: For the avoidance of doubt and in the interests of proper planning.
- 6 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'.

- 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. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 7 **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.
- 7 **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.
- 8 **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.

- 8 **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.
- 9 **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 (Condition 6), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition (Condition 7), 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 (Condition 8).

- 9 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.
- 10 Condition: No development shall commence until full details of the foul and surface 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.
- 10 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.

- 11 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. 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: Prior to the construction of the final dwelling all works shall be carried out on roads, footways, foul and surface water sewers in accordance with the approved specification to the satisfaction of the Local Planning 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 unit is first occupied the road(s), and footway(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.
- 13 Reason: To ensure satisfactory development of the site.
- 14 Condition: Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4 metres x 56 metres shall be provided to each side of the access where it meets the highway. The splay(s) shall thereafter be maintained at all times free

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from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.

- 14 Reason: In the interests of highway safety and traffic movement.
- 15 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. 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.
- 15 Reason: To ensure safe, suitable and satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable standard.
- 16 Condition: Prior to commencement of development a detailed demolition and construction management plan must be submitted to and approved by the Local Planning Authority; this must include proposed timescales and hours of demolition and construction phases, deliveries/collections and any piling. The scheme shall also provide the location of any fixed machinery, their sound power levels, the location and layout of the contractor compound, the location of contractor parking, proposed attenuation and mitigation methods to protect residents from noise, dust and litter, and communication methods to the wider community regarding the construction phases and likely disruptions. The scheme shall be implemented as approved.
- 16 Reason: To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.
- 17 Condition: The development shall not be brought into use until a scheme for 1 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.
- 17 Reason: In order to ensure that water supplies are available in the event of an emergency in accordance with the NPPF.
- 18 Condition: The development shall be carried out in accordance with the recommendations for Mitigation as set out in Chapter 4 of Ecological Appraisal carried out by The Environmental Dimension Partnership Ltd Jan 2019 (Ref: edp4165\_r002a).
- 18 Reason: In the interests of biodiversity in accordance with CS12 of the Core Strategy 2011.
- 19 Condition: The row of Poplar trees on the north east boundary shall be retained unless otherwise agreed in writing by the Local Planning Authority.
- 19 Reason: To ensure that existing trees 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.
- 20 Condition: The details submitted in accordance with Condition 1 should include-
  - a) an updated arboricultural method statement and tree protection plan

- b) supplementary native species planting to the north east and south east boundaries of the site.
- 20 Reason: To ensure protection of existing trees and that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF given its location adjacent to Stoke Ferry Conservation Area.
- 21 Condition: The development hereby approved shall comprise of no more than 30 residential units.
- 21 Reason: To define the terms of the consent.

B) **REFUSE** if a S106 agreement is not completed within 4 months of the date of this resolution to approve, on the grounds of failure to secure a mechanism to provide affordable housing, open space contributions and habitats mitigation payment.

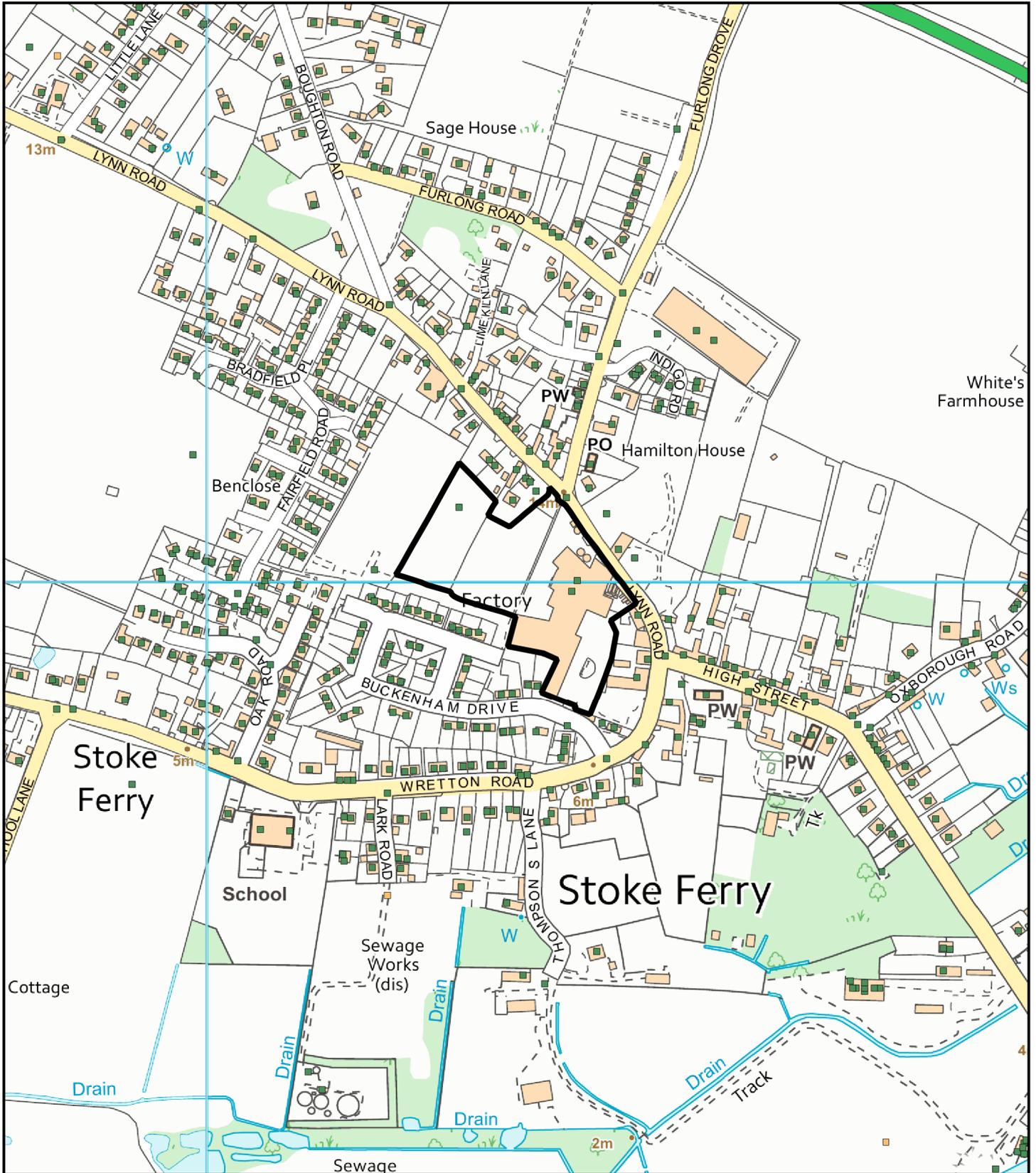
**19/00274/OM**

**Land on the South West Side of Lynn Road Stoke Ferry**



19/00274/OM

# Land on the South West Side of Lynn Road Stoke Ferry



<b>Parish:</b>	<b>Stoke Ferry</b>	
<b>Proposal:</b>	<b>Outline application with some matters reserved for the erection of up to 70 residential dwellings and access</b>	
<b>Location:</b>	<b>Land On The South West Side of Lynn Road Stoke Ferry Norfolk</b>	
<b>Applicant:</b>	<b>Amber REI Limited</b>	
<b>Case No:</b>	<b>19/00274/OM (Outline Application - Major Development)</b>	
<b>Case Officer:</b>	<b>Mrs C Dorgan</b>	<b>Date for Determination: 15 May 2019 Extension of Time Expiry Date: 2 August 2019</b>

**Reason for Referral to Planning Committee** – The recommendation is contrary to the views of the Parish Council and Councillor Sampson has called the application in.

**Neighbourhood Plan:** No

### Case Summary

The application site measures approximately 2.3ha in area, and is located in the centre of the village of Stoke Ferry, a Key Rural Service Centre (KRSC). The site is accessed via Buckenham Drive. The site has residential development to the south, a playing field to the west, and Lynn Road forms the northern and eastern boundaries. The site is partially within and adjacent to Stoke Ferry Conservation Area and is directly adjacent to four Listed Buildings (one of which is Grade II\*). The current use of the site is in two parts. To the west is an area of privately owned greenfield land, and to the east is the site of the Stoke Ferry Mill consisting of a number of large scale buildings and an area of hard standing.

This application seeks outline consent with all matters reserved bar access for the construction of up to 70 residential dwellings, incorporating affordable housing and open space contributions in line with the adopted Local Plan policy requirements, and associated development to include drainage features, roads, pedestrian paths and other works. An illustrative masterplan has been submitted to demonstrate how such development may fit onto the site.

The applicant has submitted a further application for the redevelopment of the Furlong Drove storage and distribution site (19/00272/OM).

### Key Issues

- \* Principle of Development
- \* Loss of employment land
- \* Highways/ Access
- \* Footpaths / Pedestrian Access
- \* Form and Character
- \* Impact on Stoke Ferry Conservation Area and Listed Buildings
- \* Neighbour Amenity

- \* Drainage/ Flood Risk
- \* Environmental Quality
- \* Affordable Housing
- \* Open Space Provision
- \* Other material considerations

## **RECOMMENDATION**

A) APPROVE subject to the completion of a S106 agreement within 4 months of the date of this resolution.

B) REFUSE if a S106 agreement is not completed within 4 months of the date of this resolution to approve, on the grounds of failure to secure a mechanism to provide affordable housing, open space contributions and habitats mitigation payment.

## **THE APPLICATION**

The application site measures approximately 2.3ha in area, and is located in the centre of the village of Stoke Ferry, a Key Rural Service Centre (KRSC). The site is accessed via Buckenham Drive. The site has residential development to the south, a playing field to the west, and Lynn Road forms the northern and eastern boundaries. The site is partially within and adjacent to Stoke Ferry Conservation Area and is directly adjacent to four Listed Buildings (one of which is Grade II\*). The current use of the site is in two parts. To the west is an area of privately owned greenfield land, and to the east is the site of the Stoke Ferry Mill consisting of a number of large scale buildings and an area of hard standing.

This application seeks outline consent with all matters reserved bar access for the construction of up to 70 residential dwellings, incorporating affordable housing and open space contributions in line with the adopted Local Plan policy requirements, and associated development to include drainage features, roads, pedestrian paths and other works. An illustrative masterplan has been submitted to demonstrate how such development may fit onto the site.

The applicant has submitted a further application for the redevelopment of the Furlong Drove storage and distribution site (19/00272/OM).

## **SUPPORTING CASE**

1. This application proposes the erection of up to 70 residential dwellings with all matters reserved except access.
2. The majority of this site is currently occupied by the mill and is therefore brownfield land. The adjacent field is also included within the red line boundary however this is a vacant landlocked site, with no public access which does not contribute to the amenity of the area and Officers have agreed the principle of development is acceptable.
3. The site is located adjacent to four listed buildings; Stoke Ferry Hall (Grade II\*), Crown House, Bayfields and The Cobbles (all Grade II). The existing mill dominates the

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setting of these listed buildings and the village generally dominating the approach to the village. The application has been subject to considerable discussion with Conservation Officers and an Indicative Masterplan has been provided to demonstrate how the site could be developed in a sensitive manner appropriate to its setting. Conservation Officers and Historic England have both confirmed that proposed development has the potential to result in enhancements to the Conservation Area and setting of the listed buildings. The application has clear heritage benefits.

4. The redevelopment of the mill will also remove the noise, odour and associated HGV traffic from Stoke Ferry. This will also result in significant amenity and highways benefits as the village roads were not designed to serve HGV traffic.
5. The proposed development utilises the existing site access via Buckenham Drive. The access arrangements have been confirmed as acceptable by the Highways Authority. The public footway which bisects the site will be retained and enhanced with additional landscaping as part of this proposal. The Public Rights of Way Officer has confirmed this is a suitable approach.
6. The outline proposal includes policy-compliant, 20% affordable housing provision along with contributions towards open space improvements and the habitat mitigation fee. In addition, the proposed development will be subject to the Community Infrastructure Levy (CIL).
7. As the application is in outline form, the details of what the development will look like are not yet available however an Indicative Masterplan has been provided to demonstrate how the site could be developed to accommodate 70 dwellings in a way which reflects the character of Stoke Ferry and relates well to the adjacent listed buildings. In addition, street scenes have been developed to show how the development could add to the character of the village. The Masterplan also includes areas of on-site open space with seating areas in addition to off-site contributions.
8. The proposed development has been assessed in detail by Council Officers who have confirmed it is acceptable in principle. The proposed development will remove a 'bad neighbour' use and provide an attractive residential development in the centre of the village.

## **PLANNING HISTORY**

No recent planning history.

## **RESPONSE TO CONSULTATION**

**Parish Council:** OBJECTS on the following grounds:

- Concerned that the greenfield site off Lynn Road and the more easily cleared Furlong Store brownfield site would be developed first and the Main Mill buildings on Lynn Road/Buckenham Drive would remain and be left as a derelict eye-sore in the heart of our village. The Parish Council are seeking reassurance in the form of a monetary bond from Amber REI or a 106 agreement.

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- The development should be seen as an opportunity to build a sustainable community housing development which not only enhances what currently exists but adds to the character of our village.
- The pre-application planning procedure of public consultation, carried out by the applicant, was flawed at each of its two public stages.
- The proposed scheme indicates there is to be one entrance to this development. Some of this traffic could be dissipated by a second access into the Mill Site off Lynn Road.
- The public footpath across the site, Footpath 17/‘Sand Path’ is not owned by the applicant but was gifted to the village, adopted by Norfolk County Council and has been maintained and resurfaced by the Parish Council. Query raised as to whether the correct certificate was served for this footpath.
- The outline plans show the existing footpath, will be crossed twice by ‘residential streets’ and no permission has been sought to do so.
- The lack of pedestrian access from the proposed housing estate development to village facilities is of concern. The submitted plan shows only one exit route from the proposed development; i.e. via the road access onto Buckenham Drive.
- Request that speed limits for Buckenham Drive and Lynn Road would need to be reduced to 20mph to cope with greater traffic flows and to reduce road accident risk.
- The loss of the Post Office and public house diminishes Stoke Ferry’s role as a designated Key Rural Service Centre.
- A lower density development of more historically and locally respectful and sought-after housing arranged and grouped in spacious, green, mini-neighbourhoods would be preferable.
- Amber REI provide assurances that runoff of rainwater can be adequately dealt with by existing Anglian Water facilities. More suitable solution would be Sustainable Drainage Systems (SuDS).
- Concerned about the harmful impact of the development on the Conservation Area of Stoke Ferry and its setting.
- Seeking confirmation that the Community Infrastructure Levy (CIL) will be applied.
- Two green spaces should be incorporated into the scheme at either end of the site. These should be usable space but not include play equipment.
- Adequate garden space should be included for the Listed Buildings.
- Green space should be retained in the village.
- A mix of housing sizes and types should be provided within the development to meet the needs of the local community.
- The design of the dwellings should respond to the local vernacular, using design and materials to retain the local identity.

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**Highways Authority: NO OBJECTION** subject to conditions relating to the visibility splay of the access and the highway dimensions, the off-site footpath and crossing point on Lynn Road, and the submission of detailed plans of the roads, footways, foul and surface water drainage and the construction of these to the approved specification prior to occupation of the first unit.

**Public Rights of Way: NO OBJECTION** on the following grounds:

- Pleased to see that the revised plans show that the public right of way, Stoke Ferry Public Footpath 17, has been retained on its definitive alignment and incorporated into the development as a main pedestrian route.
- At the detailed design stage would expect to see safety features at crossing points, surfacing details, and landscaping details and the management of this.
- Would like to see the footpath adopted by the Highway Authority as either footpath or a combined use foot/cycle path.
- Any future drawings must show the Public Footpath on its definitive alignment and be clearly labelled as such.

**Community Safety and Neighbour Nuisance: NO OBJECTION** subject to the inclusion of a condition stating prior to commencement of development a detailed demolition and construction management plan will be submitted and approved.

**Historic Environment Service: NO OBJECTION** subject to conditions regarding:

- Pre-application archaeological work (trial trenching) has taken place in the open (western) part of the Lynn Road application area. No further archaeological work will be required in the open part of the application area west of the main mill site.
- There is potential for previously unidentified heritage assets with archaeological interest to be present within the eastern part of the Lynn Road application area (the existing mill site) and that their significance would be affected by the proposed development.
- If planning permission is granted, this should be subject to a programme of archaeological work in accordance with National Planning Policy Framework 2019 paragraphs 199 and 189.

**Environment Agency: NO OBJECTION.**

**Stoke Ferry IDB: NO OBJECTION.**

- The development will be beneficial to the IDB, in terms of reducing the "load" on Redgates Drain, and will decrease the potential for future pollution incidents.

**Lead Local Flood Authority: NO OBJECTION.**

We have no objection subject to drainage conditions being attached to any consent if this application is approved and the Applicant is in agreement with pre-commencement conditions.

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**Anglian Water: NO OBJECTION.**

- The foul drainage from this development is in the catchment of Stoke Ferry Water Recycling Centre that will have available capacity for these flows.
- The sewerage system at present has available capacity for these flows.
- The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. The surface water strategy/flood risk assessment submitted is unacceptable as no evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H. Recommend that the applicant needs to consult with Anglian Water and the Environment Agency.

**Conservation Officer: SUPPORT** on the following grounds:

The indicative layout at this stage addresses our concerns from a conservation perspective and we support this as an outline application. Further details can be dealt with in due course as part of a reserved matters application.

**Historic England: NO OBJECTION.**

- Considers the application has the potential to result in enhancements to the conservation area and setting of the listed buildings.
- Would welcome the opportunity to provide comments on the reserved matters that would deal with the design and details of the development, and also any listed building consent for the four listed buildings also in the applicants ownership. We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 184, 192, 193, 194 and 196.

**Housing Enabling Officer: NO OBJECTION.**

The site area and the number of dwellings proposed triggers the thresholds of the Council's affordable housing policy as per Policy CS09 of the Councils adopted Core Strategy. Originally the applicants submitted a viability appraisal to support the need to develop the greenfield site alongside the Mill site, and with a reduced proportion of affordable housing. Following further discussion the applicants have now agreed to provide 20% affordable housing on site, in line with the policy requirements of Policy CS09. In this instance, based on 70 dwellings, 14 units would be required, 10 for rent and 4 for shared ownership.

**Environmental Quality: NO OBJECTION** subject to conditions relating to contaminated land. Also informatives are recommended relating to air quality management, asbestos and the Travel Plan.

**Strategic Health Authority: NO OBJECTION.**

There is 1 GP practice, Boughton, within a 2km radius of the proposed development. This practice does not have sufficient capacity for the additional growth, therefore a developer contribution, via CIL processes, would be sought to mitigate the impact.

**Public Open Space officer: NO OBJECTION.**

- In line with Council Policies DM16 and CS14, the site attracts a requirement for 17m2 per dwelling of suitably equipped children's play space.
- It may be appropriate for some of this requirement to be satisfied by an off-site contribution on the adjacent playing fields.

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**Natural England: NO COMMENTS.**

**Norfolk Constabulary: NO OBJECTION.**

Recommends Secure by Design (SBD New Homes 2019) standards are adopted for this development.

**Norfolk Fire and Rescue: NO OBJECTION** subject to a condition requiring the provision of 2 fire hydrants to be installed on the site.

**CPRE: OBJECTS** on the following grounds:

- The application site is not an allocated site in the Local Plan.
- The majority of the site lies outside the development boundary of Stoke Ferry and is therefore classified as 'countryside', and is subject to Core Strategy Policy CS06.
- Concerned about the harmful impact of the development on the Conservation Area
- The Council has a five year supply of land for housing and sufficient sites have been allocated without the need for additional unallocated sites such as the proposed application site being developed.

## **REPRESENTATIONS**

- No proposal to introduce services for the locals eg health care, bus service, doctors (8)
- No proposal for new business to replace existing employment. Loss of livelihood opportunity (8)
- Strain on current infrastructure, facilities and local amenities (18)
- Increase in traffic or highway (19)
- Concern for access road to the developed site (only one entrance/exit) (13)
- Concern over proposed changes to Footpath 17 (15)
- Noise of having a larger village population (3)
- Concern for wild life (7)
- Concern for children (1)
- Takes away from sense of community with large village population (5)
- Concern the Borough will see sites as 'windfall housing sites' rather than opportunity to build a sustainable community which enhances and adds to the character of the village (12)
- Harmful impact on the conservation area of Stoke Ferry (8)
- Preserve greenfield site – build on brownfield site (19)
- No mention of health and wellbeing needs of present and future families (3)
- Concern that the brownfield/Mill site will be left untouched, leaving it at an eyesore (17)
- Should commit to care for the listed buildings on site (5)
- Pre-application consultation was no such thing. 'Box-ticking' exercise (14)
- Applications for both site should be withdrawn and resubmitted as one (15)
- Carbon neutrality should be committed by the owners (Amber REI/Pegasus) (12)
- Proposed quantity of number of houses(6)
- Density of the houses proposed in the plan (3)
- Stoke Ferry Playing Field Trust has not been formally approached by Amber REI regarding its plans to develop a playing field in the West (10)
- Concern 'Residential Street' to the SE of the masterplan will be used as a reason for future expansion of housing development (6)
- The site is contaminated – all contaminated materials and asbestos should be taken down and removed from site (3)

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## **LDF CORE STRATEGY POLICIES**

**CS14** - Infrastructure Provision

**CS01** - Spatial Strategy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS09** - Housing Distribution

**CS10** - The Economy

**CS11** – Transport

**CS12** - Environmental Assets

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM2** – Development Boundaries

**DM8** – Delivering Affordable Housing on Phased Development

**DM15** – Environment, Design and Amenity

**DM16** – Provision of Recreational Open Space for Residential Developments

**DM17** - Parking Provision in New Development

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)

## **OTHER GUIDANCE**

Conservation Area Character Statement

## **PLANNING CONSIDERATIONS**

The main issues are:

- Principle of Development
- Loss of employment land
- Highways/ Access
- Footpaths / Pedestrian access
- Form and Character
- Impact on the Stoke Ferry Conservation Area and Listed Buildings
- Neighbour Amenity

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- Drainage/ Flood Risk
- Environmental Quality
- Affordable Housing
- Open Space Provision
- Other material considerations

### **Principle of Development**

Paragraph 78 of the NPPF requires that to promote development in rural areas, housing should be located where it will enhance or maintain the viability of rural communities.

Stoke Ferry is designated as a Key Rural Service Centre (KRSC) in the adopted Local Plan. Policies CS01 (Spatial Strategy) and CS02 (Settlement Hierarchy) of the Core Strategy 2011 outline the Council's strategy for growth in the Borough, and identify that in rural areas development will be focussed in the most sustainable locations, the Key Rural Service Centres.

The Parish Council queries the status of the village as a KRSC due to the loss of particular services since the adoption of the Plan. The status of the village is being revised as part of the review of the Local Plan, and at this time it is proposed that Stoke Ferry retains its KRSC status. However, for the purposes of this application it is a KRSC in the current development plan.

The site does not need to be allocated for development to be considered, as any 'windfall' development will be assessed against national and local policy and a balanced decision made. Further paragraph 68 of the NPPF requires that LPAs support the development of windfall sites through their policies and decisions giving great weight to the benefits of using suitable sites within existing settlements for homes.

The Stoke Ferry Mill site is within the development boundary for the village and as such can come forward for redevelopment in accordance with Policy DM2 (Development Boundaries) of the Site Allocations and Development Management Policies Plan 2016, as long as the scheme is in accordance with the other Local Plan policies. The greenfield part of the site is located outside of the development boundary for Stoke Ferry, and Policy DM2 seeks to protect land outside as countryside where new development will be restricted and limited to that identified as suitable in other local plan policies. In this case, this site falls outside any of those other policies, although given its central location within the built extent of the village it is not typically countryside in nature and is considered a sustainable location in accordance with Paragraph 78 of the NPPF.

While the development of the greenfield part of the site does not specifically meet Policy DM2, the sustainable location of the site, the fact that the land is not publicly available, and has little value to the conservation area (discussed in detail later in the report), and the fact the inclusion of this land, from a viability perspective, allows for policy compliant affordable housing provision means that the wider benefits to the community of the redevelopment of this wider site would outweigh the loss of open space. The proposed scheme gives the opportunity to take a comprehensive approach to development within the centre of the village.

### **Loss of employment land**

Given the existing use of the Mill site for employment, the proposed development should be considered against Policy CS10 (The Economy) of the Core Strategy 2011. Policy CS10

seeks to retain land or premises currently or last used for employment purposes unless it can be demonstrated that the scheme meets specified criteria, as follows:

- continued use of the site for employment purposes is no longer viable , taking into account the site's characteristics, quality of buildings, and existing or potential market demand; or
- use of the site for employment purposes gives rise to unacceptable e
- environmental or accessibility problems particularly for sustainable modes of transport; or
- an alternative use or mix of uses offers greater potential benefits to the community in meeting local business and employment needs or in delivering the Council's regeneration agenda.

The proposed redevelopment of the Mill site for residential purposes would result in the loss of an employment use, and it is the intention of the operators of the Mill to relocate and transfer the jobs to a new site. In terms of the relocation of the business and potential job losses with the KRSC, it has been confirmed that only approximately 8 out of the 107 employees (associated with the Mill site and the Furlong Drove site) live in the village. Therefore the loss of the employment site would have limited impact on local employment.

In this regard, the applicant has made the case that the continued use of the site for employment purposes is no longer viable taking into account the sites characteristics, quality of buildings and existing or potential market demand. Given its location, adjacent to existing residential properties, this limits potential increases in operation and expansion for the alternative sources of employment. The existing operation is also controlled by Environment Agency (EA) Permit and historically there have been complaints to the EA as dust arising from the operations at the site has exceeded the authorised dust particulate limits. An alternative use could create potential for increased noise and disturbance and thus give rise to other unacceptable environmental concerns. Further, an alternative use could require expansion and given its prominent location, adjacent to Listed Buildings and a conversation area, any expansion has the potential to have a negative impact on the setting of the heritage assets.

The site has not been marketed to other businesses but the applicant is not required to investigate alternative employment uses nor does the policy require the applicant to demonstrate that all the various criteria apply.

Given the benefits of removing a large scale detractor from the setting of the Listed Buildings and the conservation area, a reduction in HGV traffic through the village and associated noise and disturbance, and the reduction in dust emissions, the loss of employment land in this case is acceptable and complies with Policy CS10.

### **Highways/ Access**

This is an outline application with access only to be considered. The site will have vehicular access from a single point, off Buckenham Drive.

The applicant has submitted a Transport Assessment and Travel Plan for the site in line with current planning policy. The Assessment does not include the existing HGV trips associated with the employment use but clearly, the loss of the employment generator will mean a reduction in the number of HGVs travelling throughout the village. The study considers the impact of the increased traffic on the junctions surrounding the site, and specifically upon the access junction. These can satisfactorily accommodate the increased traffic growth. The appraisal seeks to demonstrate that the traffic flows generated by the proposed development

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would dissipate onto the various road corridors. They state that the resultant increases in traffic along road corridors beyond the proposed development lie well within the day-to-day variations of traffic flows and therefore would not trigger any material impacts.

The Local Highways Authority does not object to the scheme and requests conditions are attached to the planning consent to secure an appropriate visibility splay and road dimensions for the access road, off site provision of a footpath and crossing point on Lynn Road, as well as full details to be approved at reserved matters stage.

The Parish Council suggest in their representation that a second access could be created into the site from Lynn Road to alleviate traffic concerns, and this option was originally put forward by the applicant and also by the Local Highways Authority. However, in discussion with the Conservation Officer it was considered that the land adjacent to Lynn Road should be developed in a continuous pattern across the frontage facing onto Lynn Road to respect the existing built form and character, and the setting of the Listed Buildings. The Parish Council also request that the speed limit is reduced to 20mph on Buckenham Drive and Lynn Road, but this is not something considered to be necessary by the Local Highways Authority at this time.

### **Footpaths / Pedestrian Access**

The public right of way (PROW), Footpath 17 (also known as the Sand Path) runs across the site from north to south and provides a distinction between the Mill site and the greenfield land and has been identified on the submitted plans. The PROW officer has no objections to the proposed scheme, and welcomed the fact that the definitive alignment of the path has been retained and built into the scheme. They do request that at reserved matter stages additional information is provided regarding safety features at any crossing points, surfacing and landscaping.

The Parish Council raises a number of concerns relating to footpaths and pedestrian access points in the scheme. Firstly that the PROW footpath should be safeguarded and that development should not impact upon its route. However, the indicative scheme suggests it will be crossed by residential streets. This matter is for consideration at the reserved matters stage.

Secondly the Parish Council request that additional pedestrian access points are accommodated into the scheme rather than just access alongside the access road. Footpath 17 will be an alternative route across the site and this development has the opportunity to create additional routes at the detailed design stage for reserved matters. The applicant did propose a pedestrian access from the application site into the existing playing field to the west of the site. However the Parish Council has made it clear that this would not be supported.

Finally the Parish Council has suggested that an informal pedestrian route along the rear of the bungalows on Buckenham Drive to the playing field, becomes a formalised footpath and would form the link between the application site and the adjacent playing field. Currently this area of land is within the ownership of the Borough Council and initial discussions are underway with the Parish Council about the potential transfer of this land to the applicant. However at this current time this area of land is outside of the red line of the application site and therefore does not form part of the proposal. The Parish Council specify that this should not be taken into account within the open space provision.

## **Form and Character**

As the application is in outline form only, in terms of form and character, there is little information available for consideration. In general terms however given the central location of the site, the redevelopment for residential development does correspond to the existing locality. An indicative layout has been provided by the applicant and this has been submitted as a tool to enable the applicant to demonstrate that the 70 units could be comfortably accommodated on the site, taking into account the site constraints.

The Design and Access Statement states that there will be a mix of housing types provided on site which will be primarily two-storey. Also, it clarifies the intention to enhance landscaping along the PROW footpath and retain the existing trees within the site to enable the creation of green corridors.

The Parish Council suggest that by lowering the density of the proposal, this will enable the development to be 'historically and locally respectful' and create sought after homes. The site amounts to 2.34ha and overall density of the site is 29 dwellings per hectare but the proposed densities vary within it. For instance, there would be a lower density proposed closer to the Listed Buildings to allocate them sufficient curtilage and mitigate the impact upon them. There would also be areas of the site at a higher density to provide for the smaller housing units at low cost sale as requested by the local community, and thereby creating the mix of housing types. Frontage development is proposed adjacent to Lynn Road to continue the established street scene and the form and character of the conservation area. There may also be some scope to increase the height of buildings well related to the Listed Buildings, to respond to their scale. This approach is supported by the conservation officer.

The detailed design and layout of the site will come forward as part of the reserved matters application and will be assessed at this stage. However in general terms, based on the indicative scheme submitted, 70 dwellings is considered to be appropriate in this location considering the characteristics of the locality both to the north and south of the site.

## **Impact on Stoke Ferry Conservation Area and Listed Buildings**

The Council has a legal duty to pay special attention to the preservation of Listed Buildings and their settings, and to the preservation and enhancement of the character and appearance of a Conservation Area in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990. The NPPF, in Chapter 16 'Conserving and enhancing the historic environment', reinforces this need to protect and enhance the historic environment and provides a policy framework against which to assess proposals affecting heritage assets.

The application site lies partly within and mainly adjacent to Stoke Ferry conservation area. It also borders four Listed Buildings (one of which is Grade II\*). The Listed Buildings, while currently forming part of the Mill site, will be the subject of separate planning and listed building applications, to enable the specific issues with each of these to be considered in detail. The Stoke Ferry Hall (Grade II\*) would be continued to be occupied as offices by the operator of the Mill in the short term and when the operator vacates the units, the four listed buildings would potentially be converted to residential use.

The redevelopment of the site will provide a significant opportunity to enhance the setting of the Listed Buildings and the character of the heritage assets. Representations received from the conservation officer and Historic England support this view. The Conservation Area Advisory Panel agreed that the loss of the factory and mill would benefit the setting of the

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Listed Buildings provided they were maintained and sufficient land allocated for them. This point will be taken forward into the detailed design stage. Broadly speaking the development would be a positive move and the indicative plans illustrate as such.

The loss of the area of open space has also been considered in terms of the impact on the conservation area. The greenfield site is not located within the conservation area and is not mentioned within the Conservation Area Character Statement. This area of land does little to enhance the locality given that it is land locked on three sides by 20th century development and has no physical or visual link to the wider countryside setting. Therefore the redevelopment of the greenfield site would not be considered to be detrimental to the conservation area, given its existing backdrop.

Views within and outside the conservation area have also been considered, including the wider views of the countryside beyond the built settlement, and appropriate design solutions at the detailed reserved matters stage will enable linkages and views through the application site. The proposal complies with the NPPF and Policy CS12 of the Core Strategy.

### **Neighbour Amenity**

Based on the information submitted as part of the application, the site layout and detail of the application, impact on neighbouring dwellings can be dealt with. However, this cannot be fully considered until the reserved matters stage. Broadly the use of the site for residential purposes, as opposed to a working mill and factory, can only be considered to have a positive impact on neighbour amenity for the existing residents in terms of a reduction in noise and disturbance, as well as odour and air quality. As stated earlier, there have been historical complaints regarding dust particles emanating from the site to the detriment of neighbour amenity. The indicative layout illustrates sufficient separation between the application site and neighbouring dwellings, and this will be subject to consideration as part of the reserved matters application.

Objections have been raised regarding the impact of the redevelopment of the site on existing residents. To address this the Community Safety and Neighbourhood Nuisance officer has requested a detailed demolition and construction management plan is submitted to and approved by the Local Planning Authority prior to commencement. The plan will seek to protect residents from noise, dust and litter, and likely disruption during the demolition and construction phases.

### **Environmental Quality**

There will be an increase in vehicular movement however this will be due to the use of the private car, rather than HGV movements as is currently the case. With regard to traffic emissions the Environmental Quality officer is satisfied that based on the air quality screening report, a full air quality assessment is not required and even cumulatively with the Mill site this would not represent a significant change in an area where background pollution is low.

Residents of Stoke Ferry, historically, have raised concerns about the levels of dust / particulate in the village. The Council has been monitoring particulate matter to investigate this further. A potential source of dust emissions is from the mill, however if these sites are redeveloped then this source will be removed which will only benefit neighbour amenity.

The representations received raise concerns about the demolition of the existing buildings on site and the Environmental Quality officer refers to mitigation measures in the air quality assessment which should reduce the short-term impact of dust. They also refer to good

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practice measures to be included in the subsequent applications. As referred to above it is recommended a condition is attached to ensure a detailed demolition and construction management plan is provided.

### **Drainage/ Flood Risk**

The application site is in Flood Zone 1 in the adopted SFRA (2018), and therefore not at risk of flooding. The Environment Agency raises no objections to the scheme.

An outline drainage strategy for surface water and foul water has been submitted and responses from stakeholders outlined above indicate there are no objections raised, subject to the imposition of appropriate conditions.

Anglian Water has confirmed that there will be available capacity for the foul water drainage flows and sewerage. The preferred method for surface water drainage would be through SUDs. However Anglian Water do suggest that with regard to the outline drainage strategy provided, further consideration should be given to following the surface water hierarchy. This could come forward as part of a detailed drainage strategy, subject to condition.

Stoke Ferry IDB representation concludes that the proposal will be potentially beneficial to the IDB in terms of reducing the load on Redgates Drain, and also the reduced risk for any future pollution incidents. A condition requiring foul and surface water drainage will therefore be imposed.

### **Affordable Housing**

Detailed discussions have been held between the applicant and the Housing Enabling Officer regarding the viability of the scheme and the amount of affordable housing to be provided. Policy CS09 of the Core Strategy requires that 20% of affordable housing is required on this type of site. The applicant has agreed, at this stage, that the scheme can provide the full 20% affordable housing requirement on site and therefore the application is policy compliant. The contribution will be secured through a Section 106 agreement. The type and siting of affordable housing units will come forward at the reserved matters stage. If the applicant later submits evidence that the scheme is unviable, a further planning application would be required.

### **Open Space Provision**

The applicant is proposing some informal open space within the application site, and a financial contribution to provide a contribution to open space off site (on the adjacent existing playing field). This provision is in accordance with the requirements of Policy DM16 (Provision of recreational open space for residential developments) of 17sqm per dwelling. The Public Open Spaces officer has no objection. The details of this are to be agreed but the open space will be secured through a Section 106 agreement.

### **Other material considerations**

Public consultation (prior to the submission of the application) - There have been a number of objections received to the public consultations carried out by the applicant, prior to the submission of the applications. The comments made have been considered and are noted. The Statement of Community Involvement (adopted June 2017) sets out the Borough Council's approach to community involvement in the planning system. The document sets out the benefits to community consultation and involvement prior to the submission of the planning application. In this case the applicant has liaised with the Parish Council and held

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an exhibition to provide information, and enable discussions and issues to be raised. The objections received, in particular from the Parish Council, question the validity of the consultation and whether the comments raised have been taken on board by the applicant.

Third Party comments – Third party comments have been considered and many of the issues are addressed within this report. However there are some outstanding issues identified and responded to below-

- The Parish Council and representations raise concerns at the phasing of the development and are seeking assurances the greenfield site will not be developed first, at the expense of the Mill site - The access road for the application site is through the existing Mill site and so development will be underway on the brownfield element of the site. Phasing of the development will be addressed at the reserved matters stage and will required by condition.
- The relevant ownership certificates were served for both the footpath and access road.
- Lack of local services/ infrastructure and an increased pressure on those existing – the new development would be subject to CIL payments of which 15% of the overall receipt would be transferred to the Parish Council to provide necessary infrastructure.
- No new employment proposed – Policy CS10 of the adopted Core Strategy takes a flexible approach to the provision of employment related development, enabling rural employment exception sites to come forward in suitable locations to meet local business need. No such employment uses are proposed and there is no requirement to do so.
- Carbon neutrality of scheme – There is no policy requirement for the development to be carbon neutral.

Trees/ Landscaping – There are a number of trees identified within the application site which the applicant has indicated will be retained and the area around these enhanced to contribute to informal open space provision, and provide landscaping benefit to the proposed development.

An initial Arboricultural Assessment was submitted with the application which identifies which trees are to be retained and how the trees will be protected. The trees located within the greenfield area of the site positively contribute to the locality and therefore are proposed to be retained by condition.

Ecology – An ecological appraisal has been submitted as part of the planning application which concludes that there are no statutorily protected nature conservation interests within the proposed development site and none nearby that would be affected by the proposals. It recommends that identified design principles are translated into the detailed layout of the scheme and that a condition should be attached to the planning consent to secure the identified measures in the Appraisal.

Section 106 contributions - The application site will be CIL liable and a Habitats Mitigation Strategy fee will be applied for each dwelling. In addition to this a Section 106 will secure the affordable housing contributions and the open space provision.

Crime and Disorder – Norfolk Constabulary Architectural Liaison Officer raises no objection to the scheme and recommends Secure by Design principles.

Norfolk Fire and Rescue - Norfolk Fire and Rescue has stated that the two fire hydrants are required on site, given its location and the scale of development proposed, and a condition has been recommended accordingly.

## CONCLUSION

In assessing the principle of development of this scheme consideration has been given to a number of Local Plan policies. While a large proportion of the site lies within the development boundary for the village, the greenfield part of the site lies just outside of the development boundary for Stoke Ferry. The redevelopment of this site would not encroach into the open countryside beyond the site as it is essentially surrounded by built form (apart from the recreation ground). Stoke Ferry is a Key Rural Service Centre and therefore in terms of the spatial strategy of the adopted Local Plan, is a sustainable location for growth. Part of the site is currently in use as an employment site and as such criteria set out in Policy CS10 should be applied. The applicant makes the case that the site is no longer viable for employment uses and there are particular environmental concerns with the location of this site. It is clear though that in considering the redevelopment of this site in conjunction with the storage and distribution site on Furlong Drove(19/00272/OM), that there would be benefit to the loss of this particular employment use in the village. The redevelopment of the site would enable a reduction in HGV movements through the settlement along with the associated noise and disturbance. It would also create an opportunity to enhance the adjacent conservation area and refurbish the adjacent Listed Buildings.

Overall the benefits of the scheme outweigh any policy conflict or negative impacts and on the basis of the above, it is recommended that the scheme is approved subject to conditions and the associated S106 agreement.

## RECOMMENDATION:

- A) APPROVE** subject to the completion of a S106 agreement within 4 months of the date of this resolution and the following conditions;
- 1 Condition: Approval of the details of the means of layout, scale, appearance and landscaping of the site (hereinafter called 'the reserved matters') 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 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 three 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 two years 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.

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- 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: The development hereby permitted shall be carried out in accordance with the following approved plans (Drawing No 1446-13 and 106560-100 rev G) in so far as access only.
- 5 Reason: For the avoidance of doubt and in the interests of proper planning.
- 6 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'.
- 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. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 7 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.
- 7 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.

- 8 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.

- 8 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.
- 9 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 (Condition 6), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition (Condition 7), 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 (Condition 8).

- 9 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.
- 10 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.
- 10 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.

- 11 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. 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: Prior to the construction of the final dwelling all works shall be carried out on roads, footways, foul and surface water sewers in accordance with the approved specification to the satisfaction of the Local Planning 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 unit is first occupied the road(s), and footway(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.

- 13 Reason: To ensure satisfactory development of the site.

- 14 Condition: Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4 metres x 33 metres shall be provided to each side of the access where it meets the Buckenham Road. The splay(s) 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 and traffic movement.

- 15 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. 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.

- 15 Reason: To ensure safe, suitable and satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable standard.

- 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 in accordance with the NPPF.

This needs to be a pre-commencement condition as it deals with the construction period of the development.

- 17 Condition: Notwithstanding the details indicated on the submitted drawings no works above slab level shall commence on site unless otherwise agreed in writing until detailed drawings for the off-site highway improvement works to provide a 2.0m wide footway across the Lynn Road site frontage and the site access as indicated on Drawing No. 106560-100 rev G have been submitted to and approved in writing by the Local Planning Authority.
- 17 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, in accordance with the NPPF.
- 18 Condition: Prior to the first occupation of the development hereby permitted (or other such timescale as may be agreed in writing by the Local Planning Authority), the off-site highway improvement works (including Public Rights of Way works) referred to in Condition 17 shall be completed to the written satisfaction of the Local Planning Authority.
- 18 Reason: To ensure that the highway network is adequate to cater for the development proposed, in accordance with the NPPF.
- 19 Condition: Prior to commencement of development a detailed demolition and construction management plan must be submitted to and approved by the Local Planning Authority; this must include proposed timescales and hours of demolition and construction phases, deliveries/collections and any piling. The scheme shall also provide the location of any fixed machinery, their sound power levels, the location and layout of the contractor compound, the location of contractor parking, proposed attenuation and mitigation methods to protect residents from noise, dust and litter, and communication methods to the wider community regarding the construction phases and likely disruptions. The scheme shall be implemented as approved.
- 19 Reason: To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.
- 20 Condition: The development shall not be brought into use until a scheme for 2 fire hydrants 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: The development shall be carried out in accordance with the recommendations for Mitigation as set out in Chapter 4 of Ecological Appraisal carried out by The Environmental Dimension Partnership Ltd Jan 2019 (Ref: edp4165\_r001a).
- 21 Reason: In the interests of biodiversity in accordance with CS12 of the Core Strategy 2011.
- 22 Condition: The details submitted in accordance with Condition 1 should include-
- a) an updated arboricultural method statement and tree protection plan which includes the retention of existing trees located on the greenfield part of the site.
  - b) a phasing plan for the proposed development.

22 Reason: To ensure protection of existing trees and that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF given its location adjacent to Stoke Ferry Conservation Area.

23 Condition: Prior to commencement of development, in accordance with the submitted The Flood Risk Assessment / Drainage Strategy titled Flood Risk Assessment & Outline Drainage Strategy (GVA, Stoke Ferry Mill, Lynn Road, Stoke Ferry PE33 9SE and February 2019) and drawing number Outline Drainage Strategy Layout DWG No. 01, detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning 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 (or equivalent) along the length and proposed depth of the proposed attenuation basin/s.

And

Surface water runoff rates will be attenuated to 38l/s as stated within section 7.25 of the FRA / Drainage Strategy.

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% annual probability rainfall event including allowances for climate change. A minimum storage volume of 310m<sup>3</sup> will be provided in line with section 7.36 of the submitted FRA.

III. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:

- 3.33% annual probability critical rainfall event to show no above ground flooding on any part of the site.
- 1% annual probability 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 crate attenuation will incorporate 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% annual probability rainfall event.

V. Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.

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.
- 23 Reason: To prevent flooding in accordance with National Planning Policy Framework paragraph 163,165 and 170 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 SuDS proposed operates as designed for the lifetime of the development.
- 24 Condition: No demolition/development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation and 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.
- 24 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF. This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.
- 25 Condition: No development shall take place other than in accordance with the written scheme of investigation approved under condition 23.
- 25 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 26 Condition: 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 23 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 26 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 27 Condition: The development hereby approved shall comprise of no more than 70 residential units.
- 27 Reason: To define the terms of the consent.
- B) REFUSE** if a S106 agreement is not completed within 4 months of the date of this resolution to approve, on the grounds of failure to secure a mechanism to provide affordable housing, open space contributions and habitats mitigation payment