

AGENDA ITEM NO: 8/2(d)

Parish:	Stoke Ferry	
Proposal:	Outline application for residential development of up to 32 houses	
Location:	Land South of Lark Road Stoke Ferry Norfolk	
Applicant:	Client of David Taylor Associates	
Case No:	15/01931/OM (Outline Application - Major Development)	
Case Officer:	Mr C Fry	Date for Determination: 2 March 2016 Extension of Time Expiry Date: 14 March 2015

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

Case Summary

The application site lies on the southern side of Lark Road, Stoke Ferry and is contained partly within Built Environment Type D and the majority in the countryside.

The land is accessed via Lark Road and slopes slightly away in a southerly direction. A concrete driveway dissects the site to provide access to an Anglia Water facility to the south.

The land was previous a transport yard but with the exception of 2 asbestos sheeted “barns” the land has been left to return to grassland.

Residential development is evident to the north of the site and there is a mixed form and character of the development in the locality.

A small part of the site is an allocated site for development under draft Policy G88.1 for 5 dwellings in the Site Allocations and Development Management Policies – Pre submission document.

This application seeks outline planning permission for a residential development of 32 houses and a recreation area. Only access is being determined at this stage.

Key Issues

The Principle of Development
Form and Character/impact upon the Countryside
Neighbour Amenity
Highways Impact
Flood Risk and Drainage
Ecology
Affordable Housing
Open Space provision
Infrastructure provision
Other Material Considerations

Recommendation

A) APPROVE subject to conditions and the completion of a Section 106 agreement within 3 months of the date of this decision

B) REFUSE In the event that the section 106 agreement is not completed within 3 months of the date of this Committee meeting, the application shall be **REFUSED** due to the failure to secure affordable housing, public open space, SUDS maintenance and County Contributions.

THE APPLICATION

The site lies mainly in an area designated as Countryside according to Local Plan Proposals Maps for Stoke Ferry. Lark Road entrance to the site is contained within Built Environment Type D. everything except the entrance falls outside of the Stoke Ferry Catchment Area.

The northern part of the site has been identified as a preferred site in the Site Allocations and Draft Development Management Plan Policy Document as Policy G88.1 – Land South of Lark Road/Wretton Road. The Policy relates to 0.4ha of the northern part of the site being suitable for 5 dwellings.

The site has a slight slope in a southerly direction and has a concrete road dissecting the site that serves access to Anglian Water's sewerage works. Two asbestos sheeted barns are in the northern corner site.

The form and character of the development in the locality is mixed. 4 modern detached 1 ½ storey dwellings are located on Lark Road. Wretton Road contains single, detached, semi-detached dwellings constructed from an earlier period.

The application seeks outline consent, with access only being determined at this stage, for 32 dwellings and recreation space at Land South of Lark Road, Stoke Ferry. The indicative layout promotes the upgrading of the concrete road that leads to the Anglia Water sewerage treatment plant and 4 spur roads, two either side of the service road. The indicative block plan identifies a mix of single, two storey, detached and semi-detached dwellings.

SUPPORTING CASE

The application has been supported with a Design and Access Statement; a Geotechnical Desk Study (contamination); a Flood Risk Assessment; a Phase 1 Protected Species Survey and Air Quality assessment.

Design and Access Statement:

- Stoke Ferry has a number of facilities to support growth. There is a reasonable bus service.
- the settlement has a good range of services and facilities including a surgery, school, bus route, Post Officer, take away, pub and other employment and retail use.
- Stoke Ferry is designated as a Key Rural Service Centre by the Core Strategy and is considered to have a range of services and facilities to serve the existing community.
- The site is flat open land recently used for grazing but was used as a transport service yard until recently. Part of the site was used as sewage works, now relocated further to the south.

- There is a concrete access road to the A/W plant outside the site to the south.
- The site is bounded by hedgerows that are to be retained. Power lines crossing the site are to be relocated.
- The older buildings in the village display traditional two and three storey pitched roofs and consist of flint and yellow brick with pantile roofs.
- The site has partially been supported for development in the Draft Site Allocation Submission version (proposal G88.1). It is also particularly accessible to local services
- The land is brownfield, about 3/5 of the site was previously a transport yard or in use as a sewage plant (now closed).
- 30% (10) of the units will be affordable homes or starter homes
- All houses will have a minimum of 2 off street parking spaces.
- The red-lined site is 1.3ha in size and proposes a density of residential development at 25 houses to the hectare.
- The illustrative scheme shows the houses arranged in regular form with frontages aligned.
- A formal landscape open space and play area inside the site is shown to the south, with houses facing onto the open area to create a secure and comfortable environment and takes advantage of the ecology area.
- In order to retain access granted to A/W the layout has been limited to regular form with frontages aligned.
- It is intended to provide a landscape area to the south of the application site.
- The present footpath in Lark Road will be extended northward to connect with Wretton Road.
- A substantial hedgerow on the western boundary is to be retained
- Power lines to the south are to be relocated.
- Two mature trees on the north-west boundary will feature in rear gardens
- A formal recreational open space of 0.2 ha.
- An Area outside the site, but owned by the applicant, will also be landscaped with passive recreation and biodiversity in mind the aim is to create a mixed mosaic of woodland and grassland with biodiversity advantages. This enhanced area is not a response to meet planning requirements.
- The proposal is considered that further economic benefits and their contribution to the local economy.
- By providing affordable houses and starter units, it would meet the social requirement of paragraph 14 of the NPPF.
- An open space larger than local plan standards is proposed.
- The open space requirement equates to 0.184ha – 32 houses x 2.4 pph = 77 persons.
- 2 storey development is right for the site given the scale of adjacent houses.
- Different materials that contrast in tone and colour to define important features such as entrance routes and seating will greatly enhance the access for everyone. Location and levels of lighting are important.
- At the closest point, this plant is some 122m from the southern boundary of the site.
- No odour assessment is considered to be necessary given the limited odour that is likely to arise.

Phase 1 – Geotechnical desk study by Harrison Group:

- Contaminated Past uses include a transport yard, previous infilled ponds, and a closed sewerage plant.
- Soil sampling and borehole assessment is recommended, as is ground gas monitoring. A site investigation strategy that may be secured by a pre-commencement planning condition will be needed.

Flood Risk Assessment:

- The site is within Flood Zone 1.
- The site is not at risk of fluvial flooding or surface water flooding
- Stoke Ferry Internal Drainage Board have been contacted and are prepared to accept surface water run-offs from the development, subject to their consent.
- Sustainable Urban Drainage Systems should be applied to the proposed development surface water discharges being directed to a soak-away system designed to BRE 365. Access drives being suitably addressed to cater for such rainfall events and water butts affixed to downpipes. Alternatively run-offs from the highway and or the dwellings can be directed to a swale system providing first stage treatment and then dis-charged into the Stoke Ferry IDB water course.
- It is recommended that the proposed dwellings finished floor levels are raised 300mm above adjacent land levels to provide mitigation from extreme rainfall events.

Protected Species Survey:

- The hedgerow on the western boundary of the site is unmanaged, poorly structured, with a limited number of native species. The hedgerow can provide a potential bat foraging/commuting route and nesting sites for birds
- The construction of houses could impact on the hedgerow through damage to roosts and also lights impacting on commuting bats. It is therefore proposed that the properties are a minimum of 5m from the hedgerow line and restrictions placed on proximity of windows and lights.
- Bat and bird boxes can be incorporated into the design of the properties.
- A management plan is also suggested for the rough grassland to the rear and the removal of ivy from the hedgerow undertaken between December and January months.

Air Quality Assessment:

- The area is not within one of the two Council air quality management areas.
- The development does not introduce new point sources of air pollution, nor does it seem to present a hazard related to cumulative impact
- The development will add 224 vehicles movement a day to the area this is an 8% increase for the town as a whole, adding 8% to household growth does not require traffic based air quality assessment

Supplementary Planning Statement:

- The development is at a higher density than adjacent houses at 25 dph but taking into account the adjacent land it would be 14 dph.
- The development will not be seen in passing from adjacent roads, so it can set its own character without any demonstrable harm.
- There is an urgent need for housing land and this development is trying to maximise a brownfield site
- The layout (indicative) shows 8 houses looking out onto a play area and is well located for both junior and toddler play and is actively overlooked.
- The land in red is in the applicant's ownership
- Access to the garage to no.33 Wretton Road has been granted by the site owner. That allowance does not extend to parking on the land in front of the garage. Accordingly there will be no obstruction to a new footpath being provided along Lark Road.

PLANNING HISTORY

10/01101/FM – 18 houses, 8 retirement cottages and care home – refused.

RESPONSE TO CONSULTATION

Parish Council: OBJECTION

- Dwellings are too close to the existing sewerage works
- Poor air quality due to proximity of the existing sewerage works.
- Local residents complain about smells in the area
- The current drains cannot cope with waste from existing dwellings
- There could be protected wildlife in the area
- Access road is not suitable for increased traffic
- The sewerage work traffic passes through the development
- There are major utility connects at the entrance to the site
- Undermines the conservation status of the village

NCC Highways Authority: NO OBJECTION subject to conditions. Part-time speed signage is designed to operate during school drop off and pick up times in an effort to encourage slower vehicle speeds. The Highway Authority is of the opinion the part time 20mph signs are required and a footpath that links the site to The James Bradfield Primary School:-

Comments in regards to the layout (not being determined):

- Lark Road needs to be a continuous width of 5.5m
- The footway needs to run directly into the existing footway in front of the school
- Bends in the carriageway would slow down speeds on the site
- Footways on both side of Lark Road
- Existing footway section will need to be reconstructed and adopted standard
- Shared rives serving plots 2-7 would need to be served from dropped kerbs and not bellmouth junctions. Visibility splays of 2.4m x 33m at both junctions
- Private drives with appropriate turning provision

Planning Policy: comments The proposal will be subject to compliance with emerging Policy G88.1 Stoke Ferry. The larger site area is similar to that of the application site, wasn't chosen for allocation, as detailed by the SADMP sustainability appraisal, and is therefore classed as a reasonable alternative. In the light of the lack of a 5 year supply of housing land the policy team must highlight paragraph 14 of the NPPF.

The site form 210, 656 and 742 – score fairly well overall in terms of sustainability, especially in relation to “access to services” as it is located next to the local school. The site is at low risk of flooding (flood zone 1). The impact on “heritage” and “landscape and amenity” depends on how the scheme is implemented as potentially negative impacts could be mitigated through good design. The site performs poorly in relation to the indicator “infrastructure, pollution and waste” as the site lies within a cordon sanitaire”

The site by virtue of being identified as SADMP allocation it has been identified as sustainable location. The site has come forward in advance of the adoption of the SADMP, for an increased area, and detailing higher number of dwellings and this is potentially appropriate.

Housing Enabling Officer: comments that 6 affordable dwellings would be required from the 32 dwellings. 4 rent 2 shared equity. Starter homes do not meet the current definition of intermediate housing, we could not agree to starter homes being provided.

Housing mix will need to be 2bed 4 person units and 3 bed 5 person units secured through a s106 agreement.

Historic England: comments that they do not consider that it is necessary for this application to be notified to Historic England

NCC Policy and Planning comments that although All Saints Academy (The James Bradfield Primary School) (5-11) is showing at full capacity, there is accommodation within their existing buildings that could be used as class rooms and a desktop exercise indicates that pupils generated from this proposed development could be accommodated at the All Saints Academy. There is sufficient capacity at High School level; therefore Norfolk County Council will not be seeking an education contribution

Norfolk fire service have indicated that the proposed development will require 1 hydrant at a cost of £812

Library provision will require £1920 (£60 per dwelling) which will be put towards the mobile library service DOW 441 which serves stoke ferry

Connection into the local green infrastructure including public rights of way and ecological features should be considered alongside potential impacts of the development. Mitigation should be included within the site proposal. Maintenance and mitigation for new and existing GI features may require a contribution or commuted sum payment.

Internal Drainage Board: NO OBJECTION

Anglia Water: comments that there are assets owned by A/W or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site.

The site layout should take into account assets close to or crossing the site or those assets within either prospectively adoptable highways or public open space.

Foul drainage from this development is in the catchment area of Stoke Ferry Water Recycling Centre which will have available capacity for these flows

Should the proposed method of surface water management change, Anglia Water Services would need to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Lead Local Flood Authority: comments that the proposal falls below our current threshold for providing detailed comment.

Environment Health and Housing – Community Safety Neighbourhood and Nuisance – NO OBJECTION subject to conditions in relation foul and surface water drainage details, lighting scheme, protection team from construction

Environmental Health & Housing – Environmental Quality: NO OBJECTION from the historical maps it would appear that the site of the proposed development is located directly on top of a backfilled pond. As such it is considered that there is potential risk to human health. This can be addressed by way of conditions.

Natural England: NO COMMENT to make in regards to this application

Conservation team: NO OBJECTION in principle. Only the site's access is within the conservation area so my only consideration is the impact of the development on the setting of the Conservation Area. It's difficult to make precise comments without details of the proposed structures but it seems to that the points to bear in mind when looking at design and particularly height/roofs of the new builds are;

- Some of what will be built will be seen when looking from Wretton Road directly into the access road and may also be seen to some extent when approaching the village from the west.
- It is unlikely to be seen from Wretton Road when leaving the village, or across the fields from Bridge Road

REPRESENTATIONS

8 letters objecting to the proposal:

- Stoke Ferry Doctors surgery would be swamped
- The school is at full capacity
- There is no footpath on the southern side of Wretton Road meaning children would have to cross the road twice
- Extra traffic pollution
- HGV tankers use the road on a daily basis to access the sewerage works
- Development would suffer from smells emanating from the sewerage works
- The size of development goes against the preferred plan
- The proposed recreational area is close to high voltage overhead lines and in competition with the playground near Buckenham Drive which villagers raised a considerable amount of money to save from closure
- Preferable sites
- The site has been used for wildlife.
- There is only one way into the development which could cause traffic conflict and congestion
- Density is too high
- The site is in a flood plain
- The land behind the barn is heavily contaminated
- The document only stated 5 houses on this site
- Who would be responsible for the upkeep of the play area?
- 2 storeys would be overbearing and cause a detrimental impact.
- Another application for 15 new dwellings combined with these 32 houses will certainly overstretch all amenities in the village
- Lark Road is quite narrow, if each property has 2 vehicles it would equate to 64 vehicles and tradesmen all day and night
- Noise from the residential development
- Doubt there would be any affordable houses
- Capacity in the A/W network
- Schools playing field overlooked
- Large number of trees on the site could be affected
- Fencing details along the borders of the site need to be agreed

4 letters received objecting to amended plans identifying a footpath either side of Lark Road.

- Density and general layout of the buildings
- Queuing of traffic back onto Wretton Road.
- History of flooding
- Existing sewerage system is already inadequate

MP Elizabeth Truss requesting a response to issues raised by a constituent

NATIONAL GUIDANCE

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

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

PLANNING POLICIES

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

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

8/1 - indicates that individual and small groups of dwellings will be permitted in settled or built-up areas of villages defined as Built Environment Types C and D.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS09 - Housing Distribution

CS11 - Transport

CS12 - Environmental Assets

CS14 - Infrastructure Provision

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT

DM1 – Presumption in Favour of Sustainable Development

DM15 – Environment, Design and Amenity

DM16 – Provision of Recreational Open Space for Residential Developments

DM17 - Parking Provision in New Development

DM19 - Green Infrastructure

PLANNING CONSIDERATIONS

The main planning considerations in regards to this application are:-

- The Principle of Development and planning history
- Form and Character/impact upon the Countryside
- Neighbour Amenity
- Highways Impact
- Flood Risk and Drainage
- Ecology
- Affordable Housing
- Open Space provision
- Infrastructure provision
- Other Material Considerations

Principle of Development and planning history

The application site lies within an area designated as Countryside as defined by the King's Lynn and West Norfolk Local Plan (1998) proposals maps but lies adjacent to the development boundary of Stoke Ferry. Stoke Ferry is classified as a Key Rural Service Centre in the settlement hierarchy as set out under Policy CS02 of the Borough Council of King's Lynn and West Norfolk Core Strategy (2011).

In 2010 an application (10/01101/FM) was submitted for a development of 18 dwellings, retirement complex comprising of 8 retirement cottages and residential care home and upgrade to Lark Road on the majority of the site. The layout involved curved terraces of apartment and houses and unbroken ridgelines which were not in harmony with the existing character of the village.

The application was refused on two particular grounds:-

- The development was outside the defined development boundary and is within countryside as defined by the King's Lynn and West Norfolk local plan 1998. The proposal development therefore represents an unjustified encroachment on the countryside as there are no exceptional circumstances to warrant the provision of new residential development and a care home in this location.
- The proposed development by virtue of its poor design and layout and failure to have regard to the building characteristics of its poor design and layout and failure to have regard to the building characteristics of the area, would be inappropriate for the site and its surroundings to the detriment of the character and appearance of the area.

Since the 2010 application the most northern part of the site is a preferred site in the Council's Site Allocations and Development Management Policies - Pre-submission Document (2015) which has been published and is the subject of minor modifications for the inspection of the independent inspector. The site has been "allocated" for 5 dwellings under

policy G88.1 -"Land South of Lark Road/Wretton Road". Development will be subject to the compliance with the following:-

1. Submission of details showing how the sewer crossing the site can be accommodated within the development (including any easements/diversions) to the satisfaction of Anglian Water
2. Submission of an odour assessment, to the satisfaction of Anglia Water, in relation to any impacts on residential occupation of the site from the nearby sewerage works;
3. Demonstration of safe highway access that meets the satisfaction of the Highway Authority.
4. Submission of details how sustainable drainage measures will integrate with the design of the development and how it will contribute to the amenity and bio-diversity of the development. A suitable plan for the future management and maintenance of the SUDS should be included with the submission;
5. Provision of affordable housing in line with current standards

In respect to these provisions Anglia Water confirm that the diversion of sewer crossings can be secured under S.185 of the Water Industry Act 1991. Additionally layout of the development is a matter secured by a reserved matters application. Anglia Water has responded to application not objecting to the proposal and do not no longer require an odour assessment.

Access is to be determined at this stage and the principles of SUDS mechanisms and affordable housing provision is discussed later in the report.

Third Party comments are concerned about the size of the development being against the preferred plan. It has recently determined that the Council does not currently have a 5 year supply of deliverable housing site as required by paragraph 49 of the NPPF. For residential development, this means that planning application for housing should be considered in the context of the National Planning Policy Framework presumption in favour of sustainable development (para 14). This is because local policies (including defined development boundaries) relating to the supply of housing is no longer considered up to date (para 49). Paragraph 14 of the NPPF states that where relevant local policies are out-of-date, planning permission should be granted unless; any adverse impacts of doing so would "significantly and demonstrably" outweigh the benefits, when assessed against the policies of the NPPF take as a whole; or specific policies in the NPPF indicate development should be restricted.

The Planning Policy team have commented that the site was previously submitted to the Council for consideration as a residential allocation, as three separate parcels of land. The site wasn't chosen for residential allocation as it performed poorly in respect to the category of "infrastructure, pollution and waste" category as the site lies within a cordon sanitaire (A cordon sanitaire being a 400m consultation zone of An Anglia water sewerage treatment plant). Comments made by Anglia Water during the application, categorises, taking into account the scale of the proposal, the indicative layout of the site and any complaints made by members of the public raised in regards to odour from the Anglia Water treatment plant to the south, considers that the risk of odour or other nuisance associated with the sewerage treatment would be of "low risk" and do not wish to object to the application or request that an odour assessment be carried out. An odour assessment would only be required; if following an assessment of a proposal concluded that there would be a medium risk of odour or other nuisance associated with the sewerage treatment plant.

In light of the above and with part of the site already being a preferred site, it is considered that the proposal would comply with the NPPF's presumption in favour of sustainable development.

Form and Character

Third party representations state that the density of the development is too high and the Parish Council are concerned about the impact upon the Conservation Area.

The application site has a slight fall in a southerly direction and is mainly scrub land. The site is dissected by a concrete road that leads to an Anglia Water sewerage treatment plant to the south of the site. Other features of note include two asbestos sheeted barns towards the north east boundary of the site. The western boundary and parts of the eastern boundary consists of hedging and trees, the northern boundary has 1.8m close boarded fencing and the site is open to the south. Overhead electricity lines cross the site from a south east to north-west direction.

The form and character of the locality is mixed. A modern development of 1 ½ storey detached houses lie immediately adjacent to the site (north). Wretton Road comprises single, two storey, semi-detached and detached dwellings.

The northern part of the site has already been considered to be suitable for development and even though layout, appearance, scale and landscaping are reserved for later consideration it is considered that the indicative layout shown, demonstrating 32 dwellings and an informal openspace, can be accommodated on the site without detrimentally affecting the form and character of the development in the locality.

Little of the development will be seen from Wretton Road and the character of the Conservation Area, which is on the northern side of Wretton Road, would not be detrimentally affected. It is noted that scale is not being determined at this stage. It would be unreasonable to impose a condition in relation to scale across the site given that little of the site will be seen.

The applicant needs to be aware that the layout as shown would appear rather formal and urbanised, however with the recreation space being in excess of the standard requirement according to draft management policy DM 16 modification there is opportunity to revise the layout.

Neighbour Amenity

Third Party representations are concerned about the properties being two storey in scale and the noise created by additional residential development.

Although the application seeks outline planning permission with all matters except access being reserved, the indicative site layout identifies that 32 dwellings can be satisfactorily accommodated on site without causing detrimental neighbour amenity issues. It is noted that the gardens of 23-29 Wretton Road; 43 Wretton Road and no.2 and no.3 Lark Road have shared boundaries with the site, however it is considered that the separation and sitings that are indicative would avoid principal overbearing and overshadowing issues. Internal layouts of the properties can address any detrimental overlooking issues.

Whilst there will be additional noise generated with a residential estate, it is considered that a residential use in this locality would not be detrimental to the enjoyment of the existing home owners in the locality.

In order to limit noise, dust and smoke from any construction work experienced by the adjacent neighbours and school, a condition in relation to a construction management plan detailing proposed timescale and hours of construction, sound power levels of equipment,

their location, and proposed mitigation methods has been recommended by the Environmental Health and Housing Community Safety Neighbourhood and Nuisance team.

The Parish Council and Third Party representations are concerned about smells from the Anglia water works and the affect upon the future occupiers of the development. Whilst the site lies within the cordon sanitaire, Anglia Water have assessed the proposal and considers that there is only a low risk of odour other nuisance associated with the sewerage treatment and accordingly do not require an odour assessment to be conducted. The Environmental Health CSNN team do not object to the proposal on this issue.

Highways Impact

The application seeks outline planning permission with all matters except access reserved for later consideration.

Third Party comments are concerned that no footpath is to be provided on the southern side of Wretton Road and the safety of children is being put at jeopardy from the additional traffic movements resulting from this development.

Norfolk County Council highways have made comments in relation to the latest revision 03B.

The highways officer requires part-time 20mph signs to operate during the school drop off and pick up times to encourage slower vehicle speeds in front of the school at peak times, in order to provide a safer environment for parents and guardians to walk children to school. The highways officer has commented that the proposed footpath (which is within the highway boundary) needs to link to the existing footway in front of the school. Both of these particular requirements, according to the highways officer can be secured under s.278 of the Highways Act 1980. Both of these requirements are secured by way of condition.

Other comments raised by the highways officer relate to layout issues that are matters reserved for consideration at a later stage; these issues relate to the following: - in respect to the width of Lark Road, bends in the carriageway in the estate, footways on both sides of Lark Road, the existing footway section being reconstructed on the submitted plan being reconstructed to an adoptable standard, issues with shared drive arrangements and turning provisions within the site. Principally, however, the highways officer has not objected to this application.

A list of conditions recommended by the Highways Officer will be reported in late correspondence.

Flood Risk and Drainage.

The site is located within Flood Zone 1 according to the Councils Strategic Flood Risk Maps. Being a development in excess of 1ha in size, a flood risk assessment was submitted with the application.

The Site Specific Flood Risk Assessment identifies that the site is at low risk of flooding. The report recommends that ground floor levels should be 300mm above adjacent ground level for the properties to avoid future surface water flooding.

Third party comments raise issues in regards to surface water flooding. In terms of drainage, draft Policy G88.1 of the site allocations document specifies that any proposed development must include details showing how sustainable drainage measures will be incorporated into the development to avoid discharge to the public surface water network. A suitable plan for the future management and maintenance of SUDS will be required.

In respect of SUDS - the proposal outlines that water butts should be installed on all down pipes, soakaways will be designed in compliance with BRE365 and SUDS principles. The FRA refers to the possibility of swales and then discharge to the Stoke Ferry Drainage Boards Main Drain at greenfield run off rate. Access drives and footpaths would be constructed to a permeable surface ensuring that run-offs are retained on site. Additionally should percolation tests identify that soakaways cannot be achieved then a crated system located within the recreation area can be employed with a run off rate agreed to then discharge into watercourses.

Stoke Ferry Internal Drainage Board have no objection to the proposal, if the development causes an increased run-off within the Board's drainage system, the board will require a contribution from the developer.

Policy G 88.1 of the Site Specific Allocations and Development Management Policies refers to the need to submit details in respect of how the sewer crossing the site can be accommodated within the development (including any easements/diversions) to the satisfaction of Anglian Water. Anglia Water have commented in respect to the application that they wish an informative which refers to this asset being taken into account in the site layout being within the adopted highway or public open space. Alternatively if it is not taken into account in the layout, then a diversion would need to be made to the developers cost under the Water Industry Act 1991.

Given that this application is outline only, it is considered that the detailed design of SUDS and the details of any sewer diversion could be secured by an appropriately worded foul and surface water drainage condition. The future management and maintenance of any SUDS features is secured in the S106 agreement.

The Parish Council and Third Party comments raise concerns in regards to the capacity of the Anglian Water network to take foul drainage. Anglia Water has confirmed that there is capacity within the existing network.

Ecology.

The Parish Council and Third Party representations raise issues about wildlife being affected by developing this site.

The existing corrugated barns are not buildings that would attract protected species according to guidance on Natural England's website. However the tree lined and hedged features on the western boundary has the potential as a bat foraging roost and could contain nesting birds.

From the Phase 1 Protected Species Survey, it has been identified that the houses as shown on the indicative plan could disrupt the roosts contained within the hedgerow. It has been recommended that the houses that flank the southern boundary of the site be pulled 5m away from the hedge (10m away from the centre of the hedgerow) and with no windows or lights directly facing the hedgerow including any street lights. Any removal of ivy from this hedgerow will need to take place during the winter months. It is also recommended that bird and bat boxes are incorporated into some of the new properties

A lot of the guidance provided by the ecology report can be designed into the layout of the estate and the design of the dwellings.

It is however appropriate to condition the works to the hedgerow to be restricted to the winter months at this juncture.

The Design and Access Statement refers to an ecology area being provided within the blue land area. However the merits of this application place no weight on the provision of an ecology area.

Affordable Housing

Third Party comments are concerned that no affordable housing would be secured.

The Design and Access statement refers to 30% affordable housing provision on the site, however the agent has stated that this is in error. In accordance with Policy CS09 of the adopted Core Strategy (2011), 20% provision of affordable housing is required on sites capable of accommodating 5 or more dwellings and/or 0.165ha in areas in the rural areas such as Stoke Ferry. In this instance based on a development of 32 dwellings, 6 houses and financial contribution for the remaining fraction, is due.

The S106 agreement provides flexibility on final affordable housing numbers in line with policy CS09, should the reserved matters application be submitted for fewer dwellings.

Open Space

Third party representations are concerned about who would maintain the open space.

In accordance with draft Policy DM16 of the Site Allocations and Development Management Policies – Pre-submission document modification requires 2.4ha per 1,000 population of open space which is subsequently divided into 70% for either amenity, outdoor sport, and allotments (if identified need) and 30% for suitably equipped children's play space. The modifications to this document requires that for development between 20-99 houses, they will only be expected to meet the requirements for suitably equipped children's play space only.

In this instance 0.05ha of "open space" is required. The agent has shown the open space to be 0.2ha on the submitted plan. Whilst no detail in regards to the children's play is identified on the indicative plan it is considered that this matter can be reserved for consideration at a later stage with the management and maintenance of the space secured in the S106 agreement.

Third Party comments are concerned about electricity lines being under the open space and the use of the space competing with recently improved facilities at Buckenham Drive. The layout of the space, accordingly the siting of the recreation play area is a matter reserved for consideration at a later stage, thus this particular issue can be addressed. In respect of the competition with existing open space, the development itself triggers the need for on-site provision in accordance with Policy DM16.

Infrastructure provision

Third party comments are concerned that the local primary school is at full capacity.

Norfolk County Council is not seeking an education contribution from this development. Whilst All saints Academy Primary School (5-11) (the same school as "The James Bradfield Church of England community Primary School – confirmed by Norfolk County Council) is at full capacity, there is accommodation within their existing buildings that could be used as class rooms. There is spare capacity at Iceni Academy for pupils aged 11-16.

A library contribution of £1,920 (based on £60 per dwelling - 32 houses) will be required which will be put towards the mobile library service DOW 441 which serves Stoke Ferry.

Commuted sum payments in respect to Green Infrastructure network, including Public Rights of Way and ecological features have been mentioned by Norfolk County Council Trails Team to the County's Green Infrastructure Officer. However Norfolk County Council's Green Infrastructure officer considers that the Trails team request for a commuted sum payment, by not being specific to a particular project, would be unjustifiable and the sum of £100 per dwelling being unreasonable. Accordingly the S106 does not include a commuted sum towards a Green Infrastructure project.

Norfolk Fire Services have requested that a fire hydrant be provided on site and this is secured by condition.

Third Party comments are concerned about the pressure on local services especially the capacity at the local doctor's surgery. There is no method to secure additional funding to GP surgeries under the current S106 mechanism.

Other Material considerations

Third Party comments have raised issues about the contaminated land behind the barns that will be demolished as part of the scheme. This has been accounted for in the contamination survey and further contamination survey work will be secured by way of planning conditions at the recommendation of the Environmental Health team.

Third party comments raise issues about the impact of the development upon trees on the site. The Arboricultural Officer has no objection to the proposal and a condition is imposed in relation to an Arboricultural impact assessment.

Third Party representations are concerned about air pollution from extra traffic. The Environmental Health and Housing – Environmental Quality team have analysed the air quality information survey and do not require any further information to be submitted.

Third Party comments state that there are other preferred sites in the vicinity that could be developed, however each application is taken on its own merits

CONCLUSION

Whilst the site lies within the countryside as identified by the Local Plan (1998) proposals maps and Core Strategy (2011), the northern part of the site has been allocated for development of 5 dwellings under draft management policy G88.1 of the Site Allocation document (2015). This proposal for an additional 30 dwellings on a larger site was only dismissed at the site specific stage on the site being within a "Cordon Sanitaire" location, identified by Anglia Water. With Anglian Water assessing this proposal as being of "low risk" of odour or other nuisance associated with the sewerage treatment works Anglian Water are not objecting to the proposal. Additionally, with the planning policy team having no principle objection to the additional dwellings, it is considered that the proposal be viewed in the context of the presumption in favour of sustainable development and the tests of paragraph 14 of the NPPF.

The proposal seeks outline permission with only access being determined at this stage. With off-site highways works being secured under a s.278 agreement and with other matters raised by highways being layout issues it is considered that the proposal is satisfactory in highway terms.

With a larger amenity space than required in accordance with Policy DM 16, revisions can be made to the layout that would take into account the highway officer's comments and provide a less urbanised formal character of development.

It is not considered that there are any principle detrimental issues in relation to form and character and neighbour amenity that cannot be addressed at reserved matters stage.

The S106 agreement will secure affordable housing, open space, SUDS (management and maintenance) and library provision.

In light of the above, it is considered that the proposal complies with the provisions of the NPPF and that planning permission maybe granted subject to the conditions below and the imposition of a S106 agreement.

RECOMMENDATION:

A) APPROVE subject to the imposition of the following conditions and the completion of a Section 106 agreement within 3 months of the date of this decision

- 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 No development shall commence on site until full details of the surface water disposal method(s) and drainage systems for the site (to include any details of SuDS elements and the adoption / future maintenance of these) 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.

- 5 Reason To ensure that there is a satisfactory means of drainage in accordance with the NPPF.
- 6 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.
- 6 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.

- 7 Condition Prior to commencement of development a detailed construction management plan must be submitted to and approved by the Local Planning Authority; this must include proposed timescales and hours of construction phase. The scheme shall also specify the sound power levels of the equipment, their location, and proposed mitigation methods to protect residents from noise and dust. The scheme shall be implemented as approved.
- 7 Reason To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.
- 8 Condition The development shall not be brought into use until a scheme for the provision of a fire hydrant has been implemented in accordance with a scheme that has previously been submitted to and approved in writing by the Local Planning Authority.
- 8 Reason In order to ensure that water supplies are available in the event of an emergency in accordance with the NPPF.
- 9 Condition The removal of ivy from the hedgerow that flanks the western boundary of the site will only take place between the months of December and January in any given year unless otherwise agreed in writing by the Local Planning Authority.
- 9 Reason In the interests of safeguarding protected species in accordance with the provisions of the Wildlife Countryside Act 1981.
- 10 Condition The development shall be carried out in accordance with the revised version of the Flood Risk Assessment and Surface Water Management Statement dated 18th February 2016 namely
 - finished floor levels shall be set no lower than 300mm above adjacent ground level.
- 10 Reason To reduce the risk of flooding to the proposed development and future occupants in extreme circumstances.
- 11 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'.

- 11 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.
- 12 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.
- 12 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.
- 13 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.

- 13 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.
- 14 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 12, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 13, 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 14.

- 14 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.
- 15 Condition Prior to the commencement of the development hereby approved, a survey specifying the location and nature of asbestos containing materials and an action plan detailing treatment or safe removal and disposal of asbestos containing materials shall be submitted to and approved by the local planning authority. The details in the approved action plan shall be fully implemented and evidence shall be kept and made available for inspection at the local planning authority's request.
- 15 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of land after remediation.

This also needs to be a pre-commencement condition given the fundamental details linked to asbestos containing materials which need to be planned for at the earliest stage in the development.

- 16 Condition Prior to first occupation of the development hereby approved evidence of the treatment or safe removal and disposal of the asbestos containing materials at a suitably licensed waste disposal site shall be submitted to and approved by the local planning authority.
- 16 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of land after remediation.

- 17 Condition No building or other operation shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, engineering work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles) until a tree survey showing the following has been submitted to and approved in writing by the Local Planning Authority:
- a) a plan indicating the location of and allocating a reference number to each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing clearly which trees are to be retained and which trees are to be removed, and the crown spread of each tree;
 - b) details of the species, diameter, approximate height and condition of each tree in accordance with the current version of BS:5837, and of each tree which is on land adjacent to the site where the crown spread of that tree falls over the application site and where any tree is located within 15m in distance from the application site.
- 17 Reason To ensure that the existing trees are properly surveyed and full consideration is made of the need to retain trees in the development of the site in accordance with the NPPF. This needs to be a pre-commencement condition given the potential for trees to be lost during development.
- 18 Condition The development hereby permitted shall be carried out in accordance with the following approved plans:-
- 1132-15-3C dated 18th February 2016 in regards to access only.
- 18 Reason For the avoidance of doubt and in the interests of proper planning.
- 19 Condition The development shall comprise of no more than 32 dwellings.
- 19 Reason For the avoidance of doubt.

B) REFUSE In the event that the section 106 agreement is not completed within 3 months of the date of this Committee meeting, the application shall be **REFUSED** due to the failure to secure affordable housing, public open space, SUDS maintenance and County Contributions.