

## AGENDA ITEM NO: 8/1(h)

<b>Parish:</b>	<b>Watlington</b>	
<b>Proposal:</b>	<b>Outline Application: construction of 40 dwellings</b>	
<b>Location:</b>	<b>Land Off Mill Road Watlington Norfolk</b>	
<b>Applicant:</b>	<b>Bennett Homes</b>	
<b>Case No:</b>	<b>15/01575/OM (Outline Application - Major Development)</b>	
<b>Case Officer:</b>	<b>Mrs K Lawty</b>	<b>Date for Determination: 26 January 2016</b>

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

### **Case Summary**

The site lies within an area designated as Countryside according to Local Plan Proposals Maps for Watlington.

Watlington is classified as a Key Rural Service Centre according to Policy CS02 of the Local Development Framework Core Strategy.

The application site lies on the western side of Mill Road, Watlington and is grade 2/3 agricultural land. It is approximately 1.9 hectares in area and is generally flat with slight fall to the west and south.

The application seeks consent for outline planning permission with only access being determined at this stage. The indicative site layout provides for 40 dwellings. This would result in a density of 21 dwellings per hectare and would provide 8 affordable housing units.

Access is proposed via a single access point onto Mill Road at the south eastern corner of the site.

### **Key Issues**

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

## **Recommendation**

**A) APPROVE** subject to conditions and completion of a suitable Section 106 Agreement within 4 months of the date of resolution to approve.

**B) REFUSE** in the event that a suitable Legal Agreement to secure an affordable housing contribution, Open Space, Library Provision, Green Infrastructure and SUDS management and maintenance within 4 months of the date of resolution to approve.

## **THE APPLICATION**

The site lies within an area designated as Countryside according to Local Plan Proposals Maps for Watlington.

Watlington is classified as a Key Rural Service Centre according to Policy CS02 of the Local Development Framework Core Strategy.

The application site lies on the western side of Mill Road, Watlington and is grade 2/3 agricultural land. It is approximately 1.9 hectares in area and is generally flat with slight fall to the west and south.

The site is surrounded by existing development on two sides; dwellings along Mill Road to the east and dwellings to the south on Orchard Close, Glebe Avenue and Nolan Court. To the north and west are open fields/paddocks.

The site is currently used to graze horses and to the boundary of the site are established hedgerows and tree planting.

The application seeks consent for outline planning permission with only access being determined at this stage. The indicative site layout provides for 40 dwellings. This would result in a density of 21 dwellings per hectare and would provide 8 affordable housing units.

Vehicular access is proposed via a single access point onto Mill Road at the south eastern corner of the site. A pedestrian/emergency access is shown to the south west corner linking through to Nolan Court.

## **SUPPORTING CASE**

The application has been supported with a Design and Access Statement; Planning Statement; Transport Statement; Tree Survey; Habitat Survey; Heads of Terms; and Flood Risk Assessment that relates to the following:-

The Planning Statement concludes:

'The proposed scheme evidences economic, social and environmental benefits as per the National Planning Policy Framework and as such the development should be approved. These benefits are as follows;

- Economic - the development will ensure the long term viability of Watlington's key services, supports the sustainable growth of the town; will be accessible to many

through the provision of a variety of tenures and will create new jobs in the construction industry;

- Social - the development will provide community infrastructure, enhance the area's recreational facilities, help to foster a sense of community, be developed to a high quality and will provide housing essential to meeting the borough's 5 year target;
- Environmental - The provision of green space on the site offers opportunities to enhance the development's arboriculture and ecological biodiversity as well as providing opportunities for natural drainage. The boundaries of the site will echo the area's pastoral character and the location of development will prevent the perception of sprawl in the town.

It is considered that the scheme represents an opportunity to develop well-designed homes that complement the surroundings in a sustainable location in Watlington.

The site is within the built up area of Watlington and as such does not appear to extend the extent of the town. The development is fully compliant with both national and local policies.'

The Transport Assessment concludes:

'The proposed site access strategy has been considered in detail and involves access being provided from Mill Road, via a priority access arrangement constructed to Norfolk County Council Type 3 standards in line with adjacent infrastructure. Pedestrian and cycle links will also be created between the site and neighbouring areas.

The anticipated traffic impact of the proposed development based on robust vehicle trip rates has been undertaken. The development is anticipated to result in a minor and negligible impact on the local road network with a very modest volume of additional traffic being assigned to the local road network, which predominantly consists of local lightly trafficked routes with good access to strategic routes, such as the A10, to larger conurbations in the area. Additionally, the proposed site access arrangement is considered to sufficiently cater for anticipated traffic generated by the development.

It is concluded that the report has addressed all the transport impacts and issues associated with the development and there are no reasonable grounds why this site could not be developed for residential purposes on traffic and transportation grounds.'

The Flood Risk Assessment concludes:-

'The site is within Flood Zone 1 and there is currently no significant flood risk at the development site.

A system for surface water drainage will be implemented which complies with NPPF. The following will be achieved:

- Replication of, or indeed a reduction of, pre-development runoff rates.
- Less than 2 l/s/ha discharges for the increased volume created by the development, based on the 100 yr 6hr event.
- Minimal discharge for rainfall events up to 5mm.
- Safe routing of flows unable to enter the adoptable system, such as those generated by rainfall greater than 50mm/hr.

There will therefore be no significant increase in flood risk due to the construction of the proposed development.

The findings, analysis and conclusions of this Flood Risk Assessment Report prove that it is possible to provide a foul and surface water drainage scheme that is fit for purpose in terms of use, and fully in accordance with the latest policies on Sustainable Drainage. A detailed design will undoubtedly be required to satisfy the Conditions of any planning consent granted.'

The Phase 1 Habitat Survey concludes:

'The site was a grazed semi-improved grassland field with outgrown hedgerows at the northern and southern boundaries and a treeline along the western boundary. Scrub and garden fences formed the other boundaries.

Further survey is recommended to determine if reptiles are using the site.

If any mitigation or compensation recommended following these further surveys is carried out, and if the precautionary measures for birds detailed in this report are followed, it was considered that the development could proceed with minimal impact on the local conservation status of any protected, principally important or rare species within the area.

It is also considered that with a sensitive landscape scheme, and by including some, or all, of the additional recommendations, the site could be enhanced for local wildlife post development.'

## **PLANNING HISTORY**

No history

## **RESPONSE TO CONSULTATION**

### **Parish Council: OBJECT –**

1. The proposed development if permitted would create an undesirable precedent for similar proposals.
2. It is considered that due to its location, development would lead to an over-intensive use of the site which would undermine and fail to enhance the visual amenity of the area and therefore be detrimental to the form and character of the locality and its built surroundings.
3. The proposal is detrimental to the existing street scene and the amenity of the area.
4. It is considered that there will be a significant reduction in the open space amenity of the site and immediately surrounding environment. Advice contained within the National Planning Policy Framework for Delivering Sustainable Development and Housing require new development to respect the characteristics of the locality. It is considered that the proposal would be unsympathetic to, and out of character with, the adjacent neighbouring properties.
5. The proposal by virtue of the form of development would create an overbearing impact on neighbouring properties and have an adverse impact upon the street scene. The proposal therefore fails to accord with advice contained within the National Planning Policy Framework for Delivering Sustainable Development.
6. The proposed development is premature until such time as adequate access can be provided to the site.
7. The road serving the site is considered to be inadequate to serve the development proposed, by reason of its poor alignment, restricted width and lack of passing provision. The development would be detrimental to highway safety and the vehicular

movements associated with the use of the access would lead to conflict and interference with the passage of through vehicles on Mill Road.

8. The proposal does not provide vehicular access to or from the surrounding public highway network. The proposal, if permitted, would be likely to give rise to conditions detrimental to safe sustainable development in transport terms. The scheme is therefore contrary to advice contained within the National Planning Policy Framework for Delivering Sustainable Development and Transport.
9. The development would result in the loss of a mature oak tree which has a value in terms of visual amenity within the area and would be contrary to advice contained within the National Planning Policy Framework for Planning and the Historic Environment.
10. The applicant has not taken steps to avoid affecting protected species; the timing of the survey has been deliberately carried out to avoid the siting of protected species or habitat. Paragraph 98 of the ODPM Circular 06/2005, Biodiversity and Geological Conservation, states that local planning authorities must have regard for protected species that are likely to be harmed by demolition or construction at the site of proposed development. The ecological functionality of the site's habitat for protected species of all kinds, including roosts in trees for bats, breeding birds and woodland habitat for badgers has not been assessed satisfactorily and is therefore contrary to the guidance contained within the National Planning Policy Framework for Planning and the Historic Environment and the ODPM Circular 06/2005.

If permitted, however, the Parish Council states that consideration should be given to the village in the form of a Section 106 Agreement or even possibly a Unilateral Undertaking.

There is a large Recreation Ground near to the development site that requires a new Multi Use Games Area (MUGA) and which residents of the development will use. The Council is currently fundraising for a MUGA but feels that a commuted sum of £40,000 (£1,000 per dwelling) towards this must be considered as part of the planning obligations relating to the development.

**Highways Authority: NO OBJECTION** - conditionally

**NCC County Contributions: NO OBJECTION** - subject to contributions towards: fire hydrants, library provision. No contribution is being sought towards education.

**NCC Green Infrastructure Officer: NO OBJECTION** - subject to contributions towards connections and improvements to local PRow.

**NCC Minerals and Waste: OBJECT** - to the planning application (15/01575/OM) on this site unless:

1. the applicant carries out investigations/assessment including particle size distribution testing to confirm the viability of the resource for mineral extraction, and
2. if the mineral resource is proved to be viable, the applicant considers whether it could be extracted economically prior to development taking place.

**Internal Drainage Board: No comment** - not within area

**Environmental Health & Housing - Environmental Quality: NO OBJECTION** - consideration should be given to making the development 'electric vehicle ready'.

**Environmental Health & Housing CSNN: NO OBJECTION** - conditionally

**Housing Development Officer: NO OBJECTION** - subject to appropriate provision for affordable housing secured through a Section 106 agreement

**Natural England: No comments**

**Arboricultural Officer: NO OBJECTION** - in principle but I will need to see an updated method statement and tree protection plan, as stated in the accompanying report at; 7 in the Summary & 6.2 in Recommendations. Please condition in strict accordance with the arb report and plan, numbered 4855-D, authored by Haydens Arboricultural Consultants.

**Historic Environment Service: OBJECT** - no information about the impact of this development on the historic environment

**KLWNBC Greenspace Officer: NO OBJECTION** - the open space seems nicely situated (central), although we would like a decent fence to be installed next to the private driveway. Would appreciate clarification on where it is proposed to transfer other areas of soft landscaping.

## REPRESENTATIONS

50 comments to the application referring to the following:-

- Character & Context - will undermine the rural character and fabric of the village
- Traffic and Highways:
  - Mill Road is narrow and already congested by parked cars;
  - access at pinch point; proposed additional trips seems too low;
  - safety hazard for pedestrians and other road users;
  - no pavements;
  - road dangerous in adverse weather conditions;
  - inadequate road layout for HGV construction traffic;
  - rat run;
  - Transport Statement does not fully appreciate the current usage of Mill Rd;
  - Transport Statement contains inaccuracies relating to bus services and distances;
  - foundations of Thieves Bridge Road won't cope with additional traffic;
  - increased congestion;
  - The proposed cycle/footway through the private road at Nolan Close Barleyfields will require 2 parking places to be re sited and the removal of further trees and hedgerows to be used by emergency vehicles. It is likely that it will also be used by contractor's vehicles, thus damaging it further;
- Should not build on green belt land
- Green Space and Infrastructure - green spaces being infilled; loss of play space
- Residential Amenity
- Infrastructure and amenities - no room at doctors surgery or schools; problems with electricity supply in area
- Lack of public transport provision
- Not been notified of application
- False advertising of our property on Nolan Court; no indication of more development when bought
- Impact on wildlife and protected species; importance of ecological corridors
- Land is outside settlement boundary
- Emotional impact on local population through loss of open space

- Village cannot cope with more development
- Sewage system cannot cope
- Impact on house prices
- Overlooking of neighbouring properties
- Impact on trees
- Noise implications during construction
- Set a precedent for other fields to be built on
- In 2007 Bennett Homes stated they did not own any adjoining land (lpa re: 07/01416/RMM)
- Would have no objection if the building quota for Watlington of 32 dwellings had not been exceeded
- Not sustainable
- Proposal is urban not rural

## **NATIONAL GUIDANCE**

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

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

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS09** - Housing Distribution

**CS11** - Transport

**CS12** - Environmental Assets

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT**

**DM1** – Presumption in Favour of Sustainable Development

**DM15** – Environment, Design and Amenity

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

- The Principle of Development
- Form and Character
- Neighbour Amenity
- Highways Impact

- Flood Risk and Drainage
- Ecology
- Affordable Housing
- Open Space provision
- Infrastructure provision
- Archaeology
- Other Material Considerations

## **Principle of Development**

Third party objectors are concerned that the services in Watlington cannot accommodate additional residential development.

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 Watlington. Watlington 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). Being a Key Rural Service Centre, it is considered that there are services in the locality that can satisfy additional residential development. The housing allocation numbers outlined in policy CS09 refers to settlements having to provide a minimum number of houses and does not detail any maximum housing allocation figures.

Third Party correspondence claims that the Borough Council has a 5 year land supply and in allowing a site that has not been through the site specific allocation process undermines the consultation period of the process.

However, last year it was determined that the Council did 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 applications 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 are no longer considered up to date (para 49).

Paragraph 14 of the NPPF states that where relevant local policies are out-of-date, planning permission should be granted unless; any adverse impacts of doing so would "significantly and demonstrably" outweigh the benefits, when assessed against the policies of the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.

In light of the above it is considered that the proposal would comply with the NPPF's presumption in favour of sustainable development.

## **Form and Character**

The application site lies on the western side of Mill Road, Watlington and is grade 2/3 agricultural land. It is approximately 1.9 hectares in area and is generally flat with slight fall to the west and south. There are existing hedgerows to the boundaries of the site.

Access to the field is proposed to the eastern part of the site onto Mill Road. The Indicative layout shows a footpath link through to the recently constructed development on Nolan Court to the south of the site.

The site is bounded on two sides by existing residential development; Mill Road to the east and Glebe Avenue, Orchard Close and Nolan Court to the south. The form and character of



the locality is characterised by a mixture of detached, semi-detached and terraced two storey dwellings of various ages and designs.

The scale of the development is a matter reserved for later consideration. The application seeks consent for access only, with layout, appearance, scale and landscaping being reserved for later consideration. It is considered that the indicative layout, would not detrimentally affect the form and character of development in the locality. The indicative siting and layout of the site is similar to the density and layout of the recent development on Glebe Avenue and would be in keeping.

An area of open space is shown to the northern part of the site, which would be overlooked by the proposed development. This demonstrates that open space can feature as part of the layout, however, this is an indicative layout only and not for consideration as part of this application.

Third party concerns have been raised regarding the layout and how it relates to the existing development. However, the layout is a matter reserved for future consideration and the details will be considered more fully at the next stage, should planning permission be forthcoming.

Third party concern has been raised to the loss of trees on the site. However, trees and hedgerows are to the boundary of the site. Although the layout is indicative only, the proposal as shown would result only in the removal of some short sections of hedgerow and some minor works to one tree. One low quality tree would need to be removed, as a result of this proposed development, to provide a footpath at the front of the site.

The arboricultural officer has no objection to the proposal in principle, but will require an updated method statement and tree protection plan at reserved matters stage. Planning conditions are recommended to ensure the works are conducted in accordance with the arboricultural report and plan.

### **Neighbour Amenity**

Third Party Representations are concerned about being overlooked.

Although the application seeks outline planning permission with all matters except access being reserved, the indicative site layout identifies that 40 dwellings can be satisfactorily accommodated on site without causing detrimental neighbour amenity issues. Properties along a short section of Mill Road and Glebe Avenue 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 will be conditioned.

## Highways Impact

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

With regard to highways impact, third party comments are concerned about the village coping with additional traffic movement and increased congestion. Whilst there will be additional traffic on the existing road network the highways officer raises no specific comments in relation to this issue.

Third Party concerns refer that Mill Road is narrow and already congested by parked cars and that the access is shown to be located at a pinch point. Third party comments say there are no pavements along parts of Mill Road and this pose a safety hazard for pedestrians and other road users. They state that the road is used as a rat run, is inadequate for HGV construction traffic and is dangerous in adverse weather conditions.

Concerns have been raised regarding the content of the Transport Statement, stating that the current usage of Mill Road is not fully appreciated, that it contains inaccuracies relating to bus services and distances to main roads and that the proposed additional trips seems too low.

Highways concerns have also been received referring to the inadequacies of foundations of Thieves Bridge Road which won't cope with additional traffic and the need for displaced parking spaces and removal of further trees and hedgerows if the proposed cycle/footway through the private road at Nolan Close, Barleyfields is constructed. Concern is also raised regarding the use of this link by contractor's vehicles, and potential damage to this private road.

The Transport Statement confirms that the development is anticipated to result in a minor and negligible impact on the local road network with a very modest volume of additional traffic being assigned to the local road network, which predominantly consists of local lightly trafficked routes with good access to strategic routes, such as the A10, to larger conurbations in the area. Additionally, the proposed site access arrangement is considered to sufficiently cater for anticipated traffic generated by the development.

The highways officer has no objection to the proposal in principle and subject to detailed design and safety audit, the junction improvements shown on drawing 1151/HWY/042 are acceptable. The junction layout shown on drawing 1151/HWY/41 is also included in the transport statement and considered to be acceptable subject to detailed design. These provisions can be secured by way of conditions.

No objection has been raised to the impact upon Mill Road or the local road network.

The highways officer has requested that the applicant provides a direct link to the public footpath to the north and offers improvements to the surface of it. However, the applicant does not own the land to the north of the site between the application site and the public footpath. Therefore they have no control over it and cannot form a link over third party land. Contributions towards connections into the local Green Infrastructure, however, can be secured within the S106 Agreement.

Third party concern regarding the lack of public transport is noted. However, this application would not be expected to resolve public transport issues and is not a reason for refusal.

Third party comments regarding the impact of the development on private roads would be a civil matter between land owners.

## **Flood Risk and Drainage**

Third party representations are concerned about flooding issues.

Whilst the site is located within Flood Zone 1 according to the Councils Strategic Flood Risk Maps, a flood risk assessment was submitted with the application because the site is over 1ha in size.

The flood risk assessment provides information in regards to both surface and foul water drainage. Foul drainage will discharge into existing adopted infrastructure in Mill Road via new sewers. Highway surface water will discharge into soakaways. Rainwater from dwelling roofs will discharge into new rainwater soakaways situated in their individual rear gardens a minimum of 5 metres from each dwelling.

The Flood Risk Assessment Report proves that it is possible to provide a foul and surface water drainage scheme that is fit for purpose in terms of use, and fully in accordance with the latest policies on Sustainable Drainage.

Anglian Water confirms there is adequate provision for foul drainage and foul sewerage. The proposed method of surface water management does not relate to Anglian Water operated assets. The IDB makes no comment as it is not within their area.

As this application seeks determination of access only, it is considered that details of surface and foul water can be secured by way of condition. The future management and maintenance of any Suds features can be secured in the S106 agreement.

## **Ecology**

The Parish Council and Third Party representations raise issues about wildlife being affected by developing this site. Comments received have referred to the presence of protected species on site and the loss of habitat.

The application has been supported by a Phase 1 Habitat Survey.

No reptiles were found on site but the survey concluded that further survey work is recommended to determine if reptiles are using the site.

The European Habitats Directive (the Directive) prohibits activities such as the deliberate capturing, killing or disturbance of protected species, subject to derogation in specific and limited circumstances. These requirements are enforced in England and Wales by the Conservation of Habitats and Species Regulations 2010 (the Regulations) and any derogation is regulated and overseen by a system of licensing administered by Natural England (NE).

In exercising its functions, including determining planning applications, a Local Planning Authority (LPA) is required to have regard to the requirements of the Habitats Directive in so far as they may be affected by the exercise of those functions. It is not the role or responsibility of the LPA to monitor or enforce NE's obligations under the Regulations. However, if a development proposal could potentially result in a breach of the Directive, the LPA is required to form a view on the likelihood of a licence being granted under the Regulations by NE in order to fulfil its own obligation to have regard to the Directive requirements.

NE will only grant a licence if satisfied that the three statutory tests prescribed under the Directive and the Regulations have all been met.

The tests are:

1. There are imperative reasons of overriding public interest (IROPI);
2. There are no satisfactory alternatives; and
3. It would not be detrimental to the maintenance of the population of the species at favourable conservation status.

It is understood that the level of detail required for a licence application to NE under the Regulations may not yet be available at the planning application stage. Also, the level of detail required for NE to satisfy the tests of derogation will usually be higher than that required in the planning consent process. However, the obligation on the LPA is to consider the likelihood of a licence being granted by NE, not to determine definitively whether or not the licence will, in fact, be granted. It therefore has to review the three tests, in the context of a planning application, to then form a view on the likelihood of NE granting a derogation licence under the Regulations.

In this case, a Phase 1 habitat survey concluded that the potential for impacts to local wildlife is almost negligible, with the possible exception being reptiles, whose absence cannot be confirmed without further surveys given the conditions of the site.

The LPA can therefore conclude that there is the possibility that reptiles are present and that if development were to proceed there is the possibility of a breach of the Directive. Therefore the LPA is required to consider the tests:

1. IROPI - NE's guidance advises that IROPI can potentially include developments that are required to meet or provide a contribution to meeting a specific need such as complying with planning policies and guidance at a national, regional and local level. The Local Plan shows a need for additional housing in the Borough over its fifteen year life (2011 – 2026). Additionally, the current lack of a 5-year supply of housing sites adds to the indication that there is an IROPI.
2. No satisfactory alternatives – no other sites have come forward that singularly or cumulatively address the shortfall outlined above. It is therefore considered to be reasonable to conclude that there are no satisfactory alternatives.
3. Population maintenance - it appears to be unlikely that development of such a small parcel of land, with appropriate mitigation, will detrimentally impact the conservation status of reptiles.

The LPA can therefore reasonably form the view, from the information submitted to it for this planning application that NE would not be unlikely to grant a derogation licence under the Regulations in relation to this development and that planning permission should not be refused for this reason.

If any mitigation or compensation recommended following these further surveys is carried out, and if the precautionary measures for birds detailed in this report are followed, it was considered that the development could proceed with minimal impact on the local conservation status of any protected, principally important or rare species within the area.

It is also considered that with a sensitive landscape scheme, and by including some, or all, of the additional recommendations, the site could be enhanced for local wildlife post development.

Third Party representations raise issues about wildlife being affected by developing this site. However, the Phase I survey indicates that with appropriate mitigation measures and an additional survey re: reptiles, the proposed development posed low risk to protected species.

Natural England makes no comments on the proposal.

Having had regard to the findings of the habitat survey it is recommended that a planning condition be imposed seeking further survey work and appropriate mitigation measures with regard to reptiles. Also that the recommendations relating to other protected species in the habitat survey are adhered to during construction stage.

### **Affordable Housing**

In accordance with Policy CS09 of the adopted Core Strategy (2011), 20% provision of affordable housing is required on sites capable of accommodating 5 or more dwellings and/or 0.165ha in areas in the rural areas such as Watlington. In this instance based on a development of 40 dwellings, 8 affordable homes will be required – 6 for rent and 2 for shared ownership would be required. The affordable need, at present, in Watlington is for 2 bed 4 person and 3 bed 5 person dwellings.

The S106 agreement will take this into account and provides flexibility on final affordable housing numbers in line policy CS09, should the reserved matters application be submitted for fewer dwellings.

### **Open Space**

In accordance with draft Policy DM16 of the Site Allocations and Development Management Polices – 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 for development between 20-99 houses to will be expected to meet the requirements for suitably equipped children's play space only.

The indicative layout shows open/play space to be provided but will be considered in more detail at reserved matters stage. The provision of play equipment, management and maintenance of the children's play space will be secured in the S106 agreement.

The Parish Council has requested financial contributions towards a new Multi Use Games Area (MUGA) on a large Recreation Ground near to the development site which residents of the development could use. They are currently fundraising and have requested a commuted sum of £40,000 (£1,000 per dwelling) towards this games area as part of the planning obligations relating to the development.

The applicant is happy to provide policy compliant levels of open space provision for the site along with any policy compliant associated contribution. They would also be happy for this to go towards the MUGA scheme. However, they see no justification to provide any additional contributions over and above policy requirements.

Contributions towards Green Infrastructure play equipment and maintenance of open space can be covered within the S106 agreement.

Third party comment has been made regarding the emotional impact and effect on wellbeing of the local population through the loss of this open space. The proposal would result in the loss of most of the field, although an area of open space will be retained for amenity purposes. The field is not currently used for formal recreation purposes. The loss of the

visual amenity and wildlife habitat provided by this open space has to be balanced against the five year housing shortage and the borough-wide need for additional housing.

### **Infrastructure provision**

Norfolk County Council is not seeking an education contribution from this development. There is sufficient capacity at Watlington Primary School and Downham Market Academy.

A condition is imposed in relation to Fire Hydrants.

A library contribution of £2,400 (based on £60 per dwelling - 40 houses) will be required which will be put towards the mobile library service which serves Watlington.

A financial contribution towards green infrastructure obligation is sought from this development, although this has not been calculated at this stage.

Third party concern has been raised regarding impact on existing services in the village, including nursery places and doctors surgeries. There is no method to secure additional funding to nurseries or GP surgeries under the current S106 mechanism.

### **Archaeology**

The Historic Environment Service has objected to the proposal as no information has been submitted about the impact of this development on the historic environment. They state that the proposed development sits in an area of high archaeological potential – works to the east have uncovered significant Romano-British activity, including industrial working and a burial ground, while to the west lies a medieval moated site (now partially infilled and occupied by a Georgian rectory). Crop mark evidence to the north and south shows Roman and prehistoric activity right up to the Fen edge, just to the west of Downham Road. Such activity is likely to carry on through the village of Watlington, but the current ground use is not conducive to crop mark formation, and so it has not been recorded. In addition, the excavations to the east show a significant trackway running east-west through the site, which is likely to continue right down to the fen (and hence through the site).

The Historic Environment Service states that the application as it stands contains no information about the impact of this development on the historic environment. Due to the lack of study in the past (and resulting lack of evidence on the Historic Environment Record), they do not believe that an archaeological desk-based assessment will add to the available knowledge of the historic environment. They therefore recommend that there is insufficient evidence on the impact of this development on the historic environment, and recommend that the applicants withdraw this application, and resubmit it with the results of an archaeological field evaluation.

Following the initial objection the application undertook a geophysical survey of the site. This survey did not identify any features of archaeological origin, despite the potential for Romano-British remains to be detected. Evidence of ridge and furrow cultivation across the west of the site indicates that the site has largely been used for agricultural purposes from the medieval period. The remaining features include areas of amorphous magnetic variation which are likely to be of natural origin and magnetic disturbance from nearby ferrous metal objects, such as fencing.

The key issue is whether or not the proposal is in accordance with paragraph 128 of the NPPF, or whether the application should be refused for lack of information on the impact of development on the historic environment, again in accordance with paragraph 128 of the NPPF.

National Planning Practice Guidance regarding decision taking for sites with an archaeological interest states that a proportionate response is required by local planning authorities. Only a very small minority of all planning applications (around 3%) justify a requirement for detailed assessment.

It is your officer's opinion that the initial findings of the geophysical survey show no significant structures on the site. Given that the layout is a matter reserved for future consideration it is considered that planning condition could be imposed to ensure that the archaeological interests of the site are safeguarded.

### **Other Material considerations**

Norfolk County Council Minerals and Waste Policy Team has raised an objection to the proposal as the site could potentially contain sand and gravel. They require more information to assess whether a Materials Management Plan would be necessary to ascertain the quantities of aggregate which could be obtained from groundworks and reused in the construction phase of the scheme if economically viable.

In response to this the applicant has provided additional information and has conducted a 'Particle Size Distribution' test and a mineral resource assessment. At the time of writing the Minerals and Waste Policy Team has not had opportunity to assess the findings of these assessments. That said, the presence of aggregate on site would not prevent the development from occurring, and there is also an argument that this small site, adjacent to residential development is not considered appropriate for quarrying activities.

The Environmental Health team – Environmental Quality has requested that consideration is given making the development 'electric vehicle ready'.

Third Party comments have referred to the noise implications for neighbours during construction. This would be a temporary situation but it is recommended that a planning condition be imposed requiring a Construction Management Plan, which should include noise implications such as hours of working and details, if equipment etc... This should be submitted prior to any development commencing on site.

Third Party comments state that there are other sites that would be better suited to being developed, however each site and application is taken on its own merits.

A right to a view raised by a third party objector is not a material planning consideration.

Issues in regards to electricity supply and water pressure issues raised by third party objectors are not material planning considerations, and no reason to refuse permission.

Comments that 'green belt land' should not be built on are noted. However, this Borough contains no formally designated 'green belt' land. It is open space and countryside which under normal circumstances has restricted development potential. In this case the five year housing land supply shortage and the need for housing within the borough is a material planning consideration and the tests of paragraph 14 of the NPPF apply.

Third party comment has been made that neighbours have not been consulted. However, as per the standard procedure for this local planning authority, letters were sent out to neighbours who share a common boundary with the site and also site notices were displayed at the front of the site. The statutory regulations have been complied with.

Third Party comments state concern regarding the impact on local house prices. However, this is not a material planning consideration.

Third Party comment has been made that no indication was given of plans for additional development to the north when the recently constructed properties on Nolan Court were purchased. This, however, is a matter between private parties and not a material planning consideration.

Third Party comment has been made that approval of this application will set a precedent for other fields to be built on around the village. However, each case is considered on its individual merits, against the policies in place at that time.

Third Party comment has been made that there would be no objection to the proposal if the building quota for Watlington of 32 dwellings had not been exceeded. However, for the reasons given above, the relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and this figure of 32 dwellings is currently out dated. Planning applications for housing should therefore be considered in the context of the National Planning Policy Framework presumption in favour of sustainable development (para 14), unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole, or specific policies in the NPPF indicate development should be restricted.

## **CONCLUSION**

Whilst the site lies within the countryside as identified by the Local Plan (1998) proposals maps and Core Strategy (2011), the authority does not have a 5 year supply of deliverable housing sites. Accordingly the proposal must 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. The highways officer has no objection to the proposal with all off-site highways works being conditioned.

The indicative layout demonstrates that this number of dwellings could likely fit within the site without having a detrimental impact in respect of form and character or neighbour amenity. The details of scale and appearance are matters reserved for future consideration. Neighbour amenity issues will be addressed more fully at reserved matters stage.

Although there is an objection from the County Council with regards safeguarding potential sand and gravel deposits, officers consider that given the size and position of the site, extraction would be unlikely to be granted, especially due to impact on residential properties. Members will need to consider whether they agree with this, or feel that a suitably worded condition can be imposed, so that this is investigated further.

The S106 agreement will secure affordable housing, open space, green infrastructure, 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 may be granted subject to the conditions below and the imposition of a S106 agreement.

## **RECOMMENDATION:**

**A) APPROVE** subject to conditions and completion of a suitable Section 106 Agreement within 4 months of the date of resolution to approve:



- 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: MLW40/02A Indicative Layout Plan
  - Drawing No: Land between Mill Road and Downham Road, Watlington Site Plan
  - Drawing No: 1151/HWY/041 Proposed Site Access
  - Drawing No: 1151/HWY/042 Mill Road/Lynn Road Junction
- 5 Reason For the avoidance of doubt and in the interests of proper planning.
- 6 Condition No building shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted, an assessment shall be carried out of the site potential for disposing of surface water by means of a sustainable drainage system, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
  - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - ii) include a period for its implementation;
- 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 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.

7 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.

8 Condition Prior to the first use or occupation of the development hereby approved, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include finished levels or contours, hard surface materials, refuse or other storage units, street furniture, structures and other minor artefacts. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate.

8 Reason To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.

9 Condition All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.

9 Reason To ensure that the work is carried out within a reasonable period in accordance with the NPPF.

10 Condition No development shall commence on site until a scheme has been submitted to and approved in writing by the Local Planning Authority that provides for the suppression of dust during the period of construction. The scheme shall be implemented as approved during the period of construction unless otherwise agreed in writing by the Local Planning Authority.

10 Reason In the interests of the amenities of the locality in accordance with the NPPF. This needs to be a pre-commencement condition given the dust emissions that could arise during the construction phase.

11 Condition The development hereby approved shall comprise no more than 40 residential units.

11 Reason To define the terms of permission

12 Condition The development shall not be brought into use until a scheme for the provision of 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.

- 12 Reason In order to ensure that water supplies are available in the event of an emergency in accordance with the NPPF.
- 13 Condition No works shall commence on the site until such time as detailed plans of the roads, footways, foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. All construction works shall be carried out in accordance with the approved plans.
- 13 Reason To ensure satisfactory development of the site and a satisfactory standard of highway design and construction.
- 14 Condition No works shall be carried out on roads, footways, foul and surface water sewers otherwise than in accordance with the specifications of the Local Planning Authority in consultation with the Highway Authority.
- 14 Reason To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway.
- 15 Condition Before any dwelling is first occupied the road(s) and footway(s) shall be constructed to binder course surfacing level from the dwelling to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- 15 Reason To ensure satisfactory development of the site.
- 16 Condition Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4m x 43m shall be provided to each side of the access where it meets the highway respectively and such splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.
- 16 Reason In the interests of highway safety.
- 17 Condition Prior to the commencement of any works on site a Construction Management Plan shall be submitted to and approved in writing with the Local Planning Authority in consultation with the Environmental Quality Team and Norfolk County Council Highway Authority. This plan should incorporate details of on-site parking for construction workers, access arrangements for delivery vehicles and temporary wheel washing facilities for the duration of the construction period, proposed timescales and hours of construction phase, details of sound power levels of equipment, their location and proposed mitigation methods to protect residents from noise and dust.
- 17 Reason In the interests of the amenities of the locality and maintaining highway efficiency and safety in accordance with the provisions of the NPPF.
- 18 Condition For the duration of the construction period all traffic associated with the construction of the development and construction work will comply with the Construction Management Plan and unless otherwise approved in writing with the Local Planning Authority in consultation with the Highway Authority.
- 18 Reason In the interests of the amenities of the locality and maintaining highway efficiency and safety in accordance with the provisions of the NPPF.

- 19 Condition Notwithstanding the details indicated on the submitted drawings no works shall commence on site unless otherwise agreed in writing until a detailed scheme for the off-site highway improvement works, as indicated on drawing Nos: 1151/HWY/041 and 1151/HWY/042 have been submitted to, and approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- 19 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.
- 20 Condition Prior to the first occupation of the development hereby permitted the off-site highway improvement works referred to in condition 19 shall be completed to the written satisfaction of the Local Planning Authority in consultation with the Highway Authority.
- 20 Reason To ensure that the highway network is adequate to cater for the development proposed.
- 21 Condition A) No 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. and,
- B) No development shall take place other than in accordance with the written scheme of investigation approved under condition (A). and,
- C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition (A) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 21 Reason To safeguard archaeological interests in accordance with the principles of the NPPF.
- 22 Condition As part of the Reserved Matters application covered in Condition 1, an updated method statement and tree protection plan shall be submitted to and be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and plan.
- 22 Reason To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF.
- 23 Condition The development hereby permitted shall be carried out in strict accordance with the accompanying arboricultural report and plans that accompanied the

application (drawing no: 4855-D; report authored by Haydens Arboricultural Consultant).

- 23 Reason To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF.
- 24 Condition Prior to the commencement of the development hereby permitted a survey to identify the extent of reptile populations on or adjacent to the development site shall be undertaken in accordance with a written survey proposal which shall have been submitted to and approved in writing by the Local Planning Authority prior to the survey taking place.
- 24 Reason To identify the extent of any reptile populations in accordance with the NPPF and NPPG.
- 25 Condition The results of the survey required under Condition 25 above shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development hereby permitted, including site clearance works. The results shall also provide for any mitigation / enhancement measures appropriate to the extent of any reptile populations recorded in order to minimise the impact of the development upon the reptiles both during construction and upon completion. A timetable for the implementation/completion/maintenance of the mitigation / enhancement works shall also be submitted with the results. The mitigation/enhancement works shall be completed and maintained in accordance with the agreed details and timetable other than with the prior written approval of the Local Planning Authority or where a different mitigation scheme or timetable scheme is required under any license issued by Natural England.
- 25 Reason To ensure that the impact of the development upon protected species is minimised in accordance with the NPPF and NPPG.
- 26 Condition Other than in relation to reptiles that are covered under separate conditions, the development hereby permitted shall be carried out in accordance with the recommendations contained in the Phase 1 Habitat Survey dated August 2015 and undertaken by James Blake Associates.
- 26 Reason To ensure that the impact of the development upon protected species is minimised in accordance with the NPPF and NPPG.
- 27 Condition No dwelling shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).
- 27 Reason To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard.
- 28 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.

28 Reason To ensure adequate off street parking during construction in the interests of highway safety.

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

**B) REFUSE** in the event that a suitable Legal Agreement to secure an affordable housing contribution, Open Space, Library Provision, Green Infrastructure and SUDS management and maintenance within 4 months of the date of resolution to approve.