

AGENDA ITEM NO: 8/2(e)

Parish:	West Walton	
Proposal:	OUTLINE APPLICATION: Residential development including construction of village store and post office	
Location:	Tamar Nurseries School Road West Walton Wisbech	
Applicant:	C/o Agent	
Case No:	16/00813/OM (Outline Application - Major Development)	
Case Officer:	Mrs N Osler	Date for Determination: 2 September 2016 Extension of Time Expiry Date: 10 February 2017

Reason for Referral to Planning Committee – Referred by the Executive Director and raises issues of wider concern.

Case Summary

Outline consent with all matters reserved except access is sought for residential development of the site and provision of a village shop and Post Office. The indicative plan shows 49 dwellings around a central area of open space. The development is required to facilitate the relocation, expansion and modernisation of the existing wholesale and retail nursery that currently occupies the site (Tamar Nurseries). The relocation application is also before Committee today.

The site lies outside of the development boundary for West Walton, a Joint Key Rural Service Centre (with West Walton Highway) and therefore in land designated as countryside. However, in this case specific material considerations are considered to outweigh the general policy objection to housing on this site. In addition a recommendation of approval is reliant on approval of application 16/00812/FM to be considered earlier on this agenda.

The site lies within flood zones 2 and 3.

Key Issues

Principle of Development
Form and Character
Residential Amenity
Highway Safety
Flood Risk
Affordable Housing, Other Contributions and CIL
Other Material Considerations

Recommendation

A) APPROVE – subject to:

the approval of application 16/00812/FM (relocation of existing nursery),
the conditions listed at the end of this report, and

the completion of a suitable Section 106 Agreement (for the provision of on-site affordable housing, on-site open space, provision of a retail unit, SUDS maintenance and to tie this application with application 16/00812/F) within 4 months of the date of the resolution to approve

B) REFUSE In the event that application 16/00812/FM (relocation of existing nursery) is refused, then on the basis that the application is contrary to established policy seeking to protect the countryside.

THE APPLICATION

The site, that is shown to measure approximately 5.18ha, forms the majority of the Tamar Nurseries site that lies to the north of School Road, West Walton. The site accommodates a number of buildings, glass houses, growing beds, areas of hardstanding, internal access roads (hard) and reservoir. There is also a substantial network of irrigation pipework across the site.

The application seeks outline consent with all matters except access reserved for future consideration for residential development of the site including the construction of a village shop and post office. Indicative plans show 49 dwellings positioned around a central area of open space.

The application states that residential development of the site is required to finance the relocation and expansion of the existing nursery business (refer to application 16/00812/FM).

Part of the wider nursery site (to the west of the development site and shown as blue land on the location plan) will remain in its current use to provide transitional arrangements.

The site lies within flood zones 2 and 3 and outside the development boundary for West Walton and is therefore designated as countryside in the development plan.

The applicant asserts the site is 'brownfield' or 'previously developed land'. However, horticulture, the science and art of growing fruits, vegetables, flowers, or ornamental plants, falls within the definition of agriculture given in Section 336 of the Town and Country Planning Act 1990. Agriculture is excluded from the definition of previously developed land given in the NPPF. One could argue that the retail element does not fall within this definition; although it could also be argued that this element is ancillary to the main horticultural element. The latter is the position your officers have taken. It is therefore concluded that the site is not brownfield / previously developed land but falls within the definition of agriculture.

SUPPORTING CASE

The Planning Statement that accompanied the application states: The material submitted with this application demonstrates the site's suitability and achievability for residential development, and these reports should be referred to in this respect. More specifically consideration should be given to the following:

- Economic Case for the Relocation of Tamar Nurseries
- Flood Risk Assessment

- Transport and Access Assessment
- Environmental Impact Statement
- Design and Access Statement

Site Achievability:

Supporting material has demonstrated that the development of the application site is deliverable within the forthcoming 5 year period.

Delivering Sustainable Development:

The overarching objective of the Framework [the NPPF] is to deliver sustainable development; including, a presumption in favour of sustainable development, requiring local authorities to approve such proposals 'without delay'. There being little question of the need for the proposed development, it is appropriate to consider the specifics of the proposed development and its relative suitability. This is addressed against the 'three dimension' set out below, the saved policies of the Local Plan and the NPPF.

Economically Sustainable:

An important aspect of the economic consideration of the proposed development is the delivery of new homes, which in turn will result in inward investment and job creation in a deprived rural area. In the short-term the development will result in additional construction jobs, which are created across the supply chain, directly and indirectly. The proposal also has the additional benefit of a new village store and Post Office resulting in new, long-term employment, with the prospect of an additional retail unit/area.

The Localism Act of 2011 addresses local finance considerations which are a material consideration in the determination of planning applications. The key local finance consideration arising from the proposal is that arising from the increase in Council Tax receipts, including any uplift derived from the New Homes Bonus.

Whilst the proposed development is at the Outline stage and individual house types will not be determined until a Reserved Matters application is made, it is possible for the Local Authority to make an assumption of the likely receipts achievable over the following 6 years from the information provided.

The result is significant finance consideration in support of the proposed development and demonstrates further significant economic benefits deriving from this approving application.

The design aspects of the proposal will not be confirmed until such time as a Reserved Matters application is submitted. However the Outline Application does seek to provide a strong indication of the ethos and intent of any final design in order to allow the Council to consider the proposal's suitability – this is particularly relevant in terms of dwelling and public amenity space. This illustrative 'master plan' has regard to crime prevention, child safety, and public health.

Social Sustainability:

In addition to the overall supply of housing the proposal facilitates the delivery of affordable housing.

As the business has grown organically its success has brought with it problems associated with running a commercial enterprise in a predominantly residential location. The operation of a '2 shift system' necessary in a competitive market and due to site constraints, has

understandably meant an increase in noise and vehicle movements at less social hours – the result being an increase in inconvenience and upset amongst immediate neighbours. Wedded to this has been the increase in HGVs using the access and encountering issues with residents and their visitors parking in School Rd.

Environmental Sustainability:

The application site is situated in a highly sustainable location with West Walton and Walton Highway forming a Joint Key Rural Service Centre. There is a bus stop a short walk from the access to the proposal site which gives immediate access to both Wisbech and King's Lynn at all times of the day/evening for employment, shopping and entertainment purposes. The village contains both primary and secondary schools. Due to the existing intensive commercial activity on site it is considered to be of very low ecological value. As such the proposed development, incorporating as it does significant areas for additional planting and garden development, new amenity areas, removal of mechanical and commercial plant and operations, provides for the ecological improvement and enhancement of the site.

Economic Sustainability:

The site is used in its entirety for the operation of Tamar Nurseries; it can therefore be argued that the site is brownfield – particularly given the potential for the change of use of the warehousing. Currently the business has the projected prospect to decline unless there is major inward investment. This investment would need to be significantly greater in terms of the re-design of the current site than that which would be required under re-location, as proposed. In any event it is considered that the disruption necessary to achieve the required working layout and facilities would prove too costly to the day to day running and productivity of the business, in turn risking damaging the supply and service chains. In addition the business has now outgrown the current site, requiring not only a larger, purpose built enterprise, but the prospect of additional land for future expansion, which is not available at the current location.

Notwithstanding the creation of jobs referred to via construction of the residential development, and those subsequent to the establishment of the retail outlet and Post Office, it is the current staff of Tamar Nurseries which the applicant wishes to not only safeguard but add to in the coming years.

SUMMARY AND CONCLUSIONS

The proposal serves not only the economic viability of an existing rural employer but also represents a suitable development location for housing.

With reference to the accompanying Financial Statement there is an overwhelming statement of case in support of the redevelopment of this site for housing to support the growth and development of an ambitious and successful employer within an area of economic deprivation.

With reference to the Client Statement and Tamar Business Model it is evident that this business needs to move forwards simply to consolidate its recent expansion and to survive 5 years hence.

The proposal accords with the 4 strategic objectives of The West Norfolk Economic Strategy, Shaping Norfolk's Future The Vision for 2015, East of England Regional Economic Strategy, and the Borough Council of King's Lynn & West Norfolk Corporate Business Plan 2015/16-2019/20. By facilitating the relocation, expansion and diversification of the business the

success of the proposal will lead to wider support of the aims and principals of the West Norfolk Tourism Strategy.

The proposal brings with it considerable community gain, principally in the form of:

- Safe, attractive environment for new homes – many of them ‘affordable’
- Secure & accessible children’s play area where none currently exists in the village
- The introduction of a village shop
- The introduction of a Post Office
- Removal of significant numbers of HGVs from School Road
- Removal of a commercial enterprise from within a predominantly residential location

PLANNING HISTORY

2/96/0606/F: Application Permitted: 01/07/96 - Construction of offices for existing nursery business

2/97/0376/CU: Application Permitted: 13/06/97 - Change of use of part of barn to retail

RESPONSE TO CONSULTATION

Parish Council: West Walton Parish Council **SUPPORT** the application for the following reasons:

- (1) The proposed development will provide housing for local families;
- (2) The proposed village store and Post Office will be a welcome amenity for the village;
- (3) the additional play space will supplement that already located on the Village playing field and will again be a welcome amenity for the village;
- (4) the number of units proposed (circa 50) is a comfortable number of units for the land area proposed for development. However, if more than 50 units are built, this would be a concern.

West Walton Parish Council states that they will not assume responsibility for the additional street lighting and green spaces which would be installed in the development. This additional lighting and green spaces must be adopted and maintained by the Borough Council.

Highways Authority: I have now been provided with sufficient detail to show adequate visibility can be provided. In the circumstance I have **NO OBJECTION** subject to conditions

Internal Drainage Board: **NO OBJECTION.** However, given the lack of information relating to drainage (due to the outline nature of the application) further information is requested by pre-commencement condition

Environmental Health & Housing – Environmental Quality: **NO OBJECTION** subject to conditions relating to contamination and the submission of a construction management plan

Environmental Health & Housing – CSNN: **NO OBJECTION** subject to conditions relating to drainage, the submission of a construction management plan and lighting

Environment Agency: **NO OBJECTION** subject to condition

Natural England: No comments to make

Housing Enabling Officer: The site area and no of dwellings trigger the threshold for affordable housing which in this instance would require 10 on site units to be secured by S106 Agreement

Anglian Water: NO OBJECTION – the sewerage system has available capacity for the flows.

District Emergency Planning Officer: NO OBJECTION – recommends conditions

Historic Environment Service: NO OBJECTION subject to conditions

District Emergency Planning Officer: NO OBJECTION – recommends conditions

Lead Local Flood Authority: No comments to make

Arboricultural Officer: NO OBJECTION, but a detailed tree protection plan will be required in relation to the tree belt on the northeast boundary of the site and a detailed landscaping plan will be required

Infrastructure and Growth Team (NCC): Contributions will be required in relation to extending the primary school and to library stock and equipment

Norfolk Constabulary: NO OBJECTION – comments made to applicant

REPRESENTATIONS Two letters of support have been received, one from a neighbour who:

- Welcomes the provision of a shop and post office,
- The play area would make a great contribution,
- Would like to see the retention of some of the boundary trees,
- and one from the Ward Councillor (Cllr Roy Groom) who states: “As Ward Councillor I wish to record my support for the application, principally to assist in the further progress and expansion of the company as a local employer, in the provision of homes within a high quality environment, the return of a village store and the removal of an intensely operated commercial unit from a well-developed residential area. In pursuit of the last point I also would like to record my support for application 16/00812/FM for the relocation of the business”.

Three letters neither objecting nor supporting have been received:

- Wonders whether local school and nursery provision could be extended,
- Would like the applicant to sign over the watercourse to neighbouring properties
- Expressed some concern relating to the loss / reduction in height of border trees

Nine letters of objection have been received:

- Object to the pathway linking the new site to Salts Road,
- Overlooking / loss of privacy,
- Increase in traffic and impact on highway safety,
- Decrease in property values,
- The existing tree line and dyke / watercourse should be gifted to neighbours properties,
- Security (would be more vulnerable to burglars),

- What will happen to the area of land the applicant is seeking to retain for transitional arrangements – would not be surprised to see a further application for residential development of this land,
- The decision should be put on hold until detailed plans are submitted,
- Scale of development too great for the village,
- This is agricultural land and should not be built on,
- There may be a covenant on the land preventing development,
- Impact on bungalow opposite the site's entrance from the increase in vehicular activity.

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

CS10 - The Economy

CS11 - Transport

CS12 - Environmental Assets

CS13 - Community and Culture

CS14 - Infrastructure Provision

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM9 - Community Facilities

DM15 – Environment, Design and Amenity

DM16 – Provision of Recreational Open Space for Residential Developments

DM17 - Parking Provision in New Development

PLANNING CONSIDERATIONS

The main considerations in the determination of this application are:

- Principle of Development
- Form and Character
- Residential Amenity
- Highway Safety
- Flood Risk
- Affordable Housing, Other Contributions and CIL
- Other Material Considerations

Principle of Development

The NPPF draws attention to the requirements of planning law that states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The Borough Council of King's Lynn & West Norfolk has an up-to-date Development Plan namely the Core Strategy (CS), 2011 and Site Allocations and Development Management Policies Plan (SADMP), 2016.

The site lies outside of the development boundary for West Walton and currently accommodates Tamar Nurseries, a successful rural enterprise. Application 16/00812/FM (also before Committee today) seeks approval to relocate the business to allow for its further expansion.

If the current application was before Committee as a standalone application for housing the officer recommendation would be to refuse it. This is because the site lies outside of the development boundary and the proposal would result in the loss of an existing employment use. The proposal would therefore be contrary to the NPPF, Core Strategy Policies CS06 and CS10 and SADMP Policies DM1 and DM2.

However in this case there are important material considerations to consider in that a successful expanding business wants to relocate to another site within the borough, using the money received from this application to finance the move. In addition, the current site is in a residential area and the operation of the site, primarily in terms of vehicular activity / access, is far from ideal.

It is clear that Tamar Nurseries is a successful rural enterprise. Both national and local policies seek to support a prosperous rural economy and therefore the planning system has an economic role in supporting this business (as far as it accords with other planning policy and guidance). The business has outgrown the current site and therefore to continue to prosper it needs to relocate to a larger site. To be able to finance this relocation the applicant needs to sell the current site and the most viable use for the site is residential.

Local policies CS06 and CS10 seek to retain existing rural employment uses unless it can be clearly demonstrated that continued use for employment (including tourism or leisure) of the site is economically unviable, or cannot overcome an overriding environmental objection, or a mixed use could not continue to provide local employment opportunities and also meet other local needs.

In this instance one could argue that the proposed development would not result in the loss of an employment use because the business is being relocated. However, on the other hand, the use of the site itself as a business use would be lost. Perhaps a smaller nursery

or an alternative business could be found to take over the site. Whilst one cannot totally rule such scenarios out, any business use would have to be compatible with the adjacent residential uses. This significantly reduces the types of businesses that would be acceptable. Furthermore the proceeds would not finance the relocation of the existing use, which is a particular factor to be taken into account with this application.

A balanced decision therefore needs to be taken as to whether the specific material considerations suggest that the development plan policies can be set aside.

In relation to the proposed development, which the applicant suggests is the only use that would generate the funds for the relocation; the site is physically well located to existing residential development and to services and the facilities in the locality. Additionally the proposal includes the provision of a new village shop and post office, and the applicant has confirmation from the post office that it is interested in the scheme.

SADMP Policy DM9 (Community Facilities) relates to this aspect and states The Council will encourage the retention of existing community facilities and the provision of new facilities, particularly in areas with poor levels of provision and in areas of major growth.... Clearly such facilities would benefit not only the proposed development but the wider community. However, it is important to note that the LPA cannot make the developers of the site supply a shop or post office. What the LPA can do though is include a clause in the S106 Agreement preventing any development of a specific part/size of the site, for any use other than for retail, for a set period of time (for example 5 years). This would give developer's time to market that part of the site for retail use.

It is also pertinent to note that the site was put forward as part of the allocation process and scored very highly. Indeed it would appear that the main downfall of allocating the site would have been the loss of the existing employment use; a scenario that is potentially no longer the case. Furthermore the applicant suggests that if the existing business cannot continue to be competitive then its future is questionable.

Another 'in principle' consideration relates to the scale of the proposed development and whether it is appropriate in a Key Rural Service Centre (KRSC). The scale of development in the 21 KRSCs ranges from 10 dwellings (East Rudham) up to 105 dwellings (Feltwell). West Walton with Walton Highway was allocated 20 dwellings in the SADMP. The guideline figure based on its population size was higher (23 dwellings), but the 2 sites were not considered capable of accommodating more than 20. All figures in the plan were changed to 'at least' in line with the Core Strategy approach and to provide for flexibility in meeting our housing requirements. It is therefore reasonable to conclude that the scale of development is not disproportionate when compared to the scale of development in other KRSCs.

This application would not be acceptable if it were not necessary to enable the relocation of an existing business and if the site were not so well located within an existing settlement. With this in mind, this application cannot be justified if the preceding application for the relocation has been refused. On a practical note, if permission were granted for both, they would need to be suitably 'tied' by Legal Agreement to prevent residential development of this site without development of the new nursery.

Taking the above issues into account it is considered that there are specific and extraordinary material considerations that indicate that this application could be determined contrary to the development plan.

Form and Character

Whilst the predominant form of residential development in the locality is linear development fronting the road there are examples of cul-de-sac and estate type development in the locality. An example of which is the development to the immediate east of the site (Orchard Drive).

Dwellings on the site would have to be at least 1.5 storeys in height to address the risks associated with flooding. Given the form and character of development in the locality (a mix of single and two-storey dwellings) this would be acceptable. However it is considered that dwellings of greater than two-storeys in height would be inappropriate in this semi-rural setting. Whilst appearance is a reserved matter, it would be appropriate to condition the height of the proposed dwellings at this outline stage and your officers suggests that the dwellings should be no lower than 1.5-storeys in height and no higher than two-storeys in height.

The indicative plans show a proposed development of very low density (10dph). Given the semi-rural location of the site this is considered appropriate, and any permission could restrict the number of dwellings to the 49 indicated on the plan.

It is therefore considered that residential development of the site (with the restrictions outlined above) would be acceptable in this location in terms of impact on the character of the locality.

Residential Amenity

Whilst indicative only, the submitted plans show that considerable distances could be achieved between proposed and existing dwellings. This suggests that, contrary to some third party views, there would be no material overlooking / loss of privacy.

It is true to say that there would be intensification in vehicular activity associated with the site. However, the vehicular activity would be largely domestic not HGV movements as is the case currently. Furthermore, and of particular note, is that the existing use does not have restrictive conditions relating to hours of operation. This could result in the operation of vehicles throughout the night both to and within the site. Members will need to consider whether there is the potential for the current use of the site to have a greater negative impact on neighbouring amenity than the proposed residential development. With this in mind it should be noted that no complaints have been received by the Community Safety and Neighbourhood Nuisance Team in relation to the current operation of the site by nearby residents in the past 19 years.

Highway Safety

The Transport Statement that accompanied the application suggests that the existing site generates up to 150 daily vehicle movements at peak times and that the proposed development (residential and retail combined) would generate 443 vehicle movements per day.

The LHA does not believe this intensification would lead to highway safety issues and the applicant has worked closely with the Local Highway Authority (LHA) to address the LHA's initial concerns with visibility. The LHA has no objection to the proposed development, and your officers have no reason to question this assessment.

Flood Risk

The site lies with flood zones 2 and 3.

Both national (the NPPF and NPPG) and local (the Development Plan Policies) seek to steer new development away from areas at risk of flooding by virtue of applying the sequential test.

However, the application relates to the relocation of an existing use on an existing site. This proposal can therefore only take place on this site. Furthermore there are no sites at a lower risk of flooding of a size that could accommodate the proposed development.

The exception test must also be passed. For the exception test to be passed:

1. It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
2. A site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where, possible, will reduce flood risk overall.

In relation to the first element, for the reasons raised previously (Principle of Development) it is considered that there are wider sustainability benefits that outweigh the risks associated with flooding.

In relation to the second element, the Environment Agency has no objection to the proposed development believing that it could be made safe and would not increase flood risk elsewhere.

In relation to making the development safe, the Flood Risk Assessment (FRA) that accompanied the application suggests that:

- finished floor levels should be set 500mm above existing ground levels (at 1.70m aOD),
- flood resilient measures should be incorporated into the buildings up to 300mm above finished floor level, and
- there should be no ground floor sleeping accommodation (i.e. all dwellings must be at least 1.5 storeys in height).

It is therefore concluded that the exception test is passed and that the proposed development accords with the overarching aims of planning policy and guidance in relation to development in areas at risk of flooding.

Affordable Housing, Other Contributions and CIL

Affordable housing in line with current standards (10 on-site units) will be secured via S106 Agreement as will: open space provision, the provision of a retail unit and SUDS management and maintenance. In the event of approval of both applications, the S106 Agreement will also be used to tie them together to prevent residential development of the existing site without implementing the relocation.

Whilst the proposal is CIL liable (as the S106 will not be finalised until well after the 15 February implementation date for CIL), due to the outline nature of the application, CIL is not triggered until the Reserved Matters stage.

Other Material Considerations

In relation to Crime and Disorder the applicant has indicated willingness to work with Norfolk Constabulary to 'design out crime'.

In relation to points raised by third parties that have not already been covered the LPA responds as follows:

- local school and nursery provision– Norfolk County Council has indicated that a financial contribution would be required to go towards expanding the primary school. This would be captured by CIL at reserved matters stage,
- Object to the pathway linking the new site to Salts Road - this has been removed from the scheme,
- Decrease in property values – this is not a material planning consideration,
- The existing tree line and dyke / watercourse should be gifted to neighbours – the trees are not considered necessary in relation to prevent overlooking (given the indicative distances shown). As such there would be no planning requirement to retain the conifer trees. If the applicant wishes to pass ownership of the trees and the watercourse to existing neighbours it is not a material consideration in the determination of this application and should be pursued outside of the planning process.
- Would not be surprised to see a further application for residential development of the land to the west of the site – any proposal for residential development of this land would need to be considered on its merits.
- The decision should be put on hold until detailed plans are submitted – this is an outline application,
- There may be a covenant on the land preventing development – this is a civil matter.

CONCLUSION

The proposed development for housing in this location outside the settlement boundary is in principle contrary to the Development Plan. However, there are important material considerations to consider and take into account when determining this application.

Firstly Tamar Nurseries is an expanding business which has outgrown its site. It wishes to relocate to a new site which will allow the business to expand, and is closer to the A47 for transporting goods. This application for housing on the current site would allow that move to be financed. This application for housing is of course reliant on the application for the relocation being approved, and this is considered separately on the agenda.

It is of note that the current nursery site has grown within a predominately residential area; and given the number of HGV and other vehicle movements associated with this expanded business in this residential area, and the fact there are no restrictions on the operation of the business, it could be argued that this is also a material consideration to be given weight in the determination of this application.

These could be argued to be the unacceptable environmental or accessibility problems identified as allowing the loss of employment uses in Policy CS10 of the Core Strategy. Should another business use come forward, these problems will also likely arise, and it is clear that residential will provide more value in seeking to finance the move to a new site.

Indicative plans have shown that the site could be developed in a manner that would not give rise to material neighbour amenity or highway safety issues, and the applicants have

also offered to provide site for a village shop as part of the overall scheme. This can be secured as part of the S106 agreement

It is therefore concluded, on balance, that there are significant material considerations that suggest the benefits of approving this application (in combination with application 16/00812/FM) outweigh the departure from the development plan.

In the event that application 16/00812/FM for the relocated nursery business is approved, it is therefore recommended that this application be approved subject to a S106 which must secure amongst other things the development of the relocated business ahead of the housing coming forward, and subject to the following conditions.

RECOMMENDATION:

A) APPROVE – subject to:

- the approval of application 16/00812/FM (relocation of existing nursery),
 - the conditions listed at the end of this report, and
 - the completion of a suitable Section 106 Agreement (for the provision of on-site affordable housing, on-site open space, provision of a retail unit, SUDS maintenance and to tie this application with application 16/00812/F) within 4 months of the date of the resolution to approve
- 1 Condition Approval of the 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 until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved

management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.

- 5 Reason To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard.
- 6 Condition No works shall commence on the site until such time as detailed plans of the roads, footways, cycleways, and the foul and surface water drainage of these specific areas have been submitted to and approved in writing by the Local Planning Authority. All construction works shall be carried out in accordance with the approved plans.
- 6 Reason To ensure satisfactory development of the site and a satisfactory standard of highway design and construction.
- 7 Condition Prior to the first occupation of the development hereby permitted the vehicular crossing over the ditch (shown on drawing 0933 003 C) shall be constructed in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority.
- 7 Reason To ensure construction of a satisfactory access and in the interests of highway safety.
- 8 Condition Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4 x 43 metres shall be provided to each side of the access where it meets the highway (as shown on drawing no 0933 003 C) and such splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.
- 8 Reason In the interests of highway safety.
- 9 Condition Prior to the commencement of any works a Construction Traffic Management Plan incorporating wheel washing facilities and parking provision for construction works shall be submitted to and approved in writing by the Local Planning Authority together with proposals to control and manage construction traffic using a "Construction Traffic Access Route". For the duration of the construction period all traffic associated with the construction of the development will comply with the Construction Traffic Management Plan.
- 9 Reason In the interests of maintaining highway efficiency and safety.
- 10 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 comprising footway provision; dropped kerbs and tactile paving have been submitted to and approved in writing by the Local Planning Authority.
- 10 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.
- 11 Condition Prior to the first occupation of the development hereby permitted the off-site highway improvement works referred to in Condition 10 of this permission shall be completed to the written satisfaction of the Local Planning Authority.

- 11 Reason To ensure that the highway network is adequate to cater for the development proposed.
- 12 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.
- 12 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.

- 13 Condition The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA), February 2016, GCB/Hereward, Geoff Beel Consultancy, and the following mitigation measures specifically detailed within the FRA:
1. Finished floor levels are to be set no lower than 1.70 m above Ordnance Datum (AOD).
 2. Flood resilient measures are to be incorporated into the buildings up to 300mm above finished floor level wherever practicable.
 3. No sleeping accommodation at ground floor level.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

- 13 Reason To reduce the risks associated with flooding in accordance with the NPPF and Development Plan.
- 14 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:
 1. human health,
 2. property (existing or proposed) including buildings, crops, livestock, pets,
 3. woodland and service lines and pipes,
 4. adjoining land,
 5. groundwaters and surface waters,
 6. ecological systems,
 7. 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'.

- 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 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.
- 15 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.
- 16 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.

- 16 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.
- 17 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 14, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 15, 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 16.

- 17 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.
- 18 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.
- 18 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.

- 19 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.
- 19 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.
- 20 Condition No demolition / development shall take place / commence within each phase of development until a 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
 6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- 20 Reason To safeguard archaeological interests in accordance with the principles of the NPPF. This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.
- 21 Condition No demolition / development shall take place other than in accordance with the Written Scheme of Investigation approved under Condition 20.

- 21 Reason To safeguard archaeological interests in accordance with the principles of the NPPF.
- 22 Condition The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 20 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 22 Reason To safeguard archaeological interests in accordance with the principles of the NPPF.
- 23 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 provide the location of any fixed machinery, and proposed mitigation methods to protect residents from noise and dust. The scheme shall be implemented as approved.
- 23 Reason To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.
- 24 Condition Prior to the first occupation of the development hereby approved, a detailed outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lighting columns, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site. The scheme shall be implemented in accordance with approved scheme and thereafter maintained and retained as agreed.
- 24 Reason In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.
- 25 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.
- 25 Reason In order to ensure that water supplies are available in the event of an emergency in accordance with the NPPF.
- 26 Condition The development hereby permitted shall comprise of no more than 49 dwellings.
- 26 Reason To define the terms of the permission.
- 27 Condition The dwellings hereby permitted shall be at least 1.5 storeys in height and no higher than 2 storeys in height.
- 27 Reason To reduce the risks associated with flooding and in the interests of the amenities of the locality in accordance with the NPPF and Development Plan.
- 28 Condition In relation to access only the development hereby permitted shall be carried out in accordance with approved plan drawing no: 0933 003 C.
- 28 Reason For the avoidance of doubt and in the interests of proper planning.

- 29 Condition Prior to the first occupation of the development hereby approved, details of the method of lighting, the management and maintenance of the proposed lighting and extent of illumination to the access roads, footpaths, parking, and circulation areas shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be implemented as approved prior to the occupation of the development or any phase of the development to which it relates and thereafter maintained and retained as agreed.
- 29 Reason In the interests of proper planning and the future occupiers of the dwellings in accordance with the NPPF and Development Plan.
- 30 Condition No development or other operations shall commence on site until the tree belt on the northeast boundary of the site has been protected in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the erection of fencing for the protection of the trees before any equipment, machinery, or materials are brought on to the site for the purposes of development or other operations. The fencing shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.
- 30 Reason To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF. This needs to be a pre-commencement condition given the potential for damage to protected trees during the construction phase.

B) REFUSE In the event that application 16/00812/FM (relocation of existing nursery) is refused, then on the basis that the application is contrary to established policy seeking to protect the countryside.