

AGENDA ITEM NO: 8/2(a)

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| Parish: | Terrington St Clement | |
| Proposal: | OUTLINE APPLICATION SOME MATTERS RESERVED: Demolition of existing structures and for the erection of up to 44 dwellings (Use Class C3) with means of site access from Benns Lane | |
| Location: | Land W of 23 To 37 And N And W of 52 Benns Lane Terrington St Clement Norfolk | |
| Applicant: | Heyford Developments Ltd And Sutton Partnerships | |
| Case No: | 16/02230/OM (Outline Application - Major Development) | |
| Case Officer: | Mrs N Osler | Date for Determination: 6 April 2017 Extension of Time Expiry Date: 8 December 2017 |

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

Neighbourhood Plan: No

Case Summary

The application is in outline for residential development on a site measuring approximately 2.37ha on the western side of Benns Lane, Terrington St Clement. The site represents one of three housing allocations identified in the Site Allocations and Development Management Policies DPD (2016), and Policy G93.3 relates specifically to development of this allocation.

All matters are reserved except access although the description of the development and indicative plans show 44 dwellings.

The site is a disused nursery although a Lawful Development Certificate in 2010 confirmed the use as B2 (industrial use).

The site lies within Flood Zones 2 and 3.

Terrington St Clement Conservation Area lies approximately 275m (as the crow flies) to the southwest of the site with the Grade 1 Listed Church approximately 322 in the same direction.

Key Issues

- Principle of Development
- Form and Character
- Residential Amenity
- Highway Safety
- Flood Risk and Drainage
- Affordable Housing and Other Contributions
- 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 Section 106 Agreement is not completed within 4 months of the resolution to approve.

THE APPLICATION

The site was previously used as a nursery and the majority of the site is covered by commercial greenhouses which are broken and disused. A Lawful Development Certificate in 2010 accepted that the site fell within Use Class B2 (general industrial). The site is therefore considered to be brownfield in planning terms.

The northern edge of the site adjoins the wider landholding which contains more derelict greenhouses and some small brick built buildings. The eastern boundary is edged by trees and a hedgerow. It has been indicated that these will be largely retained and / or replanted where necessary, but this issue would be fully covered at reserved matters stage. This boundary adjoins Bennis Lane from which the access will be taken. Part of the southern boundary adjoins the boundary of a bungalow. A small area of the allocation will be kept clear of development to allow access to this bungalow. The remainder of the southern boundary abuts open fields. It has been suggested that an existing hedgerow on this edge will be retained and supplemented with further planting (again this would be fully considered at reserved matters stage, although retention of the existing hedge can be conditioned at this outline stage). The western edge also adjoins open fields. This boundary is currently open but there is the opportunity to introduce planting on this boundary as part of the proposed development (again to be considered under reserved matters).

44 dwellings are proposed and are indicatively shown on the submitted plans. This is a reduction from the 47 dwellings on a larger site that was originally submitted. The reduction in numbers was necessary to bring the application site in line with the Local Plan allocation area.

A 30 metre buffer to the employment land to the north (the wider site) is shown in accordance with policy G93.3.

Access to the site is proposed from Bennis Lane which will require widening to 5.5m with a footpath on the western side.

Car parking is indicatively shown to be within the curtilages of the proposed dwellings, and parking provision is in line with current parking standards.

SUPPORTING CASE

The following supporting statement has been submitted:

- The application has been made for Outline Planning Permission for a residential development for 44 dwellings (Use Class C3) on land at Bennis Lane, Terrington St Clement, which is allocated for development under Policy G93.3 of the Site Allocations and Development Plan Document (SADMP, 2016).

- Having undertaken extensive stakeholder consultation for the scheme it was identified that the main concerns arising from the proposals include: density of the proposed development; increase of traffic at Bennis Lane; safety of children along Bennis lane; and environmental and ecological impacts.
- In relation to density, Policy G93.3 of the (SADMP, 2016) confirms that the site is allocated for the delivery of “at least 35 dwellings.” The scheme proposes 44 dwellings at a density of 22.8 dwellings per hectare.
- The scheme has responded to concerns relating to an increase in traffic through the access/egress design. Access to the site is proposed from Bennis Lane via a new priority junction, positioned to the north of the Alma Avenue/Bennis Lane priority junction. The access specification is a carriageway width of 5.5m with a 1.8m pedestrian footway on the northern side. The access junction achieves visibility splays of 2.4m x 43m in both directions. These specifications are both appropriate and safe.
- With regard to an increase in traffic along Bennis Lane, a number of highway improvement measures have been identified to ensure that both existing and development traffic use the section of Bennis Lane to the north of the site access, rather than to the south. A new pedestrian footpath has also been incorporated into the design to ensure pedestrian safety this section of highway. In addition to safety, a review of accident records indicates that there are no highway safety concerns on Bennis Lane and this position is supported by the highway authority.
- We are also aware of concerns relating to flood risk and drainage. As such, additional drainage investigations have been undertaken by the applicant and agreed with the IDB. This will involve a controlled New Cut Drain, which is to be diverted as part of the development proposals via an attenuation feature.
- Having regard to the above and the drawings, reports and additional information submitted it is considered that the proposed development is fully compliant with National and Local Planning policy whilst meeting the objectives of establishing a high quality residential environment with the creation of an appropriate scale that respects the landscape and local character.

PLANNING HISTORY

10/00727/LDE: Was Lawful: 24/06/10 - Certificate of lawfulness - Use of the land and buildings for B2 Industrial use

2/97/1174/F: Application Permitted: 29/09/97 - Siting of 10 blocks of polythene tunnels

2/97/1173/AG: 26/08/97 - Creation of reservoir and new roadways

2/97/0311/F: Application Permitted: 16/06/97 - Erection of 5 blocks of polythene tunnels

2/95/0951/F: Application Permitted: 03/10/95 - Retention of polythene multi-bay growing tunnels (revised proposal)

RESPONSE TO CONSULTATION

Parish Council: The Parish Council **OBJECTS** to this application for the following reasons:

- Highway not wide enough to take a further increase in traffic.
- The turn left at the site access is advisory only and most drivers would use the short cut by turning right to access the A17 from Station Road.
- The infrastructure needs substantial improvement to cope with any additional use.
- Sewerage backs up and then leaks to the surface in wet weather due to the pump and pipes not being big enough to cope with an influx of waste.
- The council support the IDB comments relating to the 9mtr maintenance strip required.
- The site is prime agricultural land and not brownfield site.
- Concerns with regard to exacerbating the current problems with speeding traffic in Marshland Street and Northgate Way.

Highways Authority: **NO OBJECTION** subject to condition

Housing Enabling: The application triggers the need for on-site affordable housing provision which should be secured via S106 Agreement

Historic Environment Service: **NO OBJECTION** subject to condition

Environment Agency: **NO OBJECTION**

Anglian Water: There is available capacity to deal with both wastewater and foul sewage. No objection subject to condition relating to surface water management

Lead Local Flood Authority: **NO OBJECTION** subject to condition

Open Space Officer:

- In line with DM16 / CS14, a development of this size will be expected to provide at least 17m² per dwelling suitably equipped children's play space. Ponds / SUDs will not be counted towards open space provision, or adopted by the Borough Council;
- As far as possible, open space needs to be well overlooked and centrally located, mitigating any potential for anti-social behaviour;
- Open space is to be provided for public use, not just for use by residents;
- Robust arrangements need to be in place to secure permanent maintenance of all on site landscaping, trees, hedging etc. Landscaping outside of private gardens but conveyed to individual householders tends not to be maintained; and
- An open space specification, including detailed information on landscaping, play equipment, landscaping, paths and access arrangements will need to be submitted and approved prior to commencement of development.

Internal Drainage Board: **NO OBJECTION** subject to compliance with the Board's Bylaws and payment of the required development contribution

Environmental Health & Housing – Environmental Quality: **NO OBJECTION** subject to condition

Environmental Health & Housing – CSNN: **NO OBJECTION** subject to condition

Natural England: **NO OBJECTION**

Planning Obligations: There is spare capacity at Terrington St Clement High School, and although TSC Primary is full, the school has accommodation within its existing buildings that could be used as classbases and so has the potential capacity to accommodate the children generated by this development should it be approved. NCC will not therefore be seeking education contributions from this development.

A fire hydrant will be required.

A library contribution of £75 / dwelling (£2925) is requested.

Emergency Planning Officer: NO OBJECTION subject to condition

Environment Agency: NO OBJECTION. Strongly recommend that FFL are raised to a minimum of 3.7m aOD

Norfolk Constabulary: Makes recommendation for final layout

Policy: In general the policy team supports the application for the development of residential dwellings within the boundaries of the allocation G93.3 in Terrington St Clement, and due to the permitted flexibility an increased number of dwellings could be general acceptable, if other relevant criteria, e.g. in regard to form and character of the development, etc. are met.

REPRESENTATIONS Approximately **340** people have **OBJECTED** to the proposed development. The issues raised are summarised below:

- Bennis lane is too narrow to cope with the additional traffic and there are no footpaths or streetlights. This all suggests the development will result in accidents and deaths especially near the existing children's play area,
- Neighbouring roads in the village are not much better,
- People park on Bennis lane in the summer when the tennis courts and bowling green are in use,
- Construction traffic using the field entrance next to Terrington School will be dangerous,
- Additional pressure would be placed at the junction of Station road and the A17 Trunk Road where several fatal accidents have recently occurred,
- The narrow country lanes are not gritted in the winter and this development will cause greater road safety risks during the winter months,
- The infrastructure can't cope (e.g. water pressure, sewerage, broadband and electricity),
- The doctors and schools are already over-subscribed,
- Hospital is overstretched,
- Negative impact on wildlife including protected species,
- The site is not brownfield,
- Bennis lane drains into a dyke that already floods during heavy or prolonged rain and this will only get worse,
- The structure of Bennis lane would not cope with the weight of construction traffic or the ongoing vehicular movements associated with the new development,
- The application suggests this is only phase 1 which suggests there will be more development,
- The proposed access is near the fire station and this could cause issues because the fire service needs good access,
- The development will be detrimental to the character of the village,

- The development is contrary to the Core Strategy,
- The scale of development is too great for the village and is better suited to a town or an urban expansion area,
- Whilst traffic will be 'encouraged' to use the northern end of Benns Lane, the most direct route out of the village is via the southern end. Notwithstanding this neither junction is safe,
- Building in an area at risk of flooding will put existing homes at greater risk,
- Noise and disturbance both during construction and when the development is occupied,
- The site could be brought back into use for employment,
- The affordable housing should only be offered to those currently living in the village that are in need of housing,
- The traffic and parking at the school is not great at the moment, the development will cause extra pressure,
- The local Co-op has limited car parking spaces; again the development would put added pressure on this,
- Access to the site should be from Northgate Way as was originally shown in the Sutton family consultation to the village some 2/3 years ago,
- Additional pollution and litter,
- The development would destroy the communal spirit Terrington has built and sustained over the years,
- There has already been significant development in Terrington; more is not required,
- Should not build on grade 1 agricultural land,
- There has been no public consultation,
- People do not abide by the speed limits,
- Impact on the setting of the church,
- Concerns relating to drainage,
- No more low cost starter homes are needed in the village,
- It appears the lack of consultation is an attempt by the applicant and all concerned to keep the general public in the dark. How many objections would there have been if the entire village had been consulted on the application. Additionally the timing of the application is open to scepticism,
- The development does not respect the traditional model in the village of larger gardens in keeping with rural traditions of having kitchen gardens and chickens,
- Dwellings will have blank and characterless facades,
- The proposal suggests a low level of environmental sustainability in relation to the dwellings themselves; only aiming to meet minimum environmental building standards,
- The allocation process was flawed,
- Affordable housing will bring in some people that could make the village unsafe,
- Safety of school children and the lack of a suitable crossing,
- A number of third parties are not happy that the Borough Council has not responded to their individual responses.

One letter of support was received. Support is given on the understanding that the road is widened to a minimum of 5.5m and a shared foot/cycle path is provided because the development will enhance the look of what is currently an over grown dumping ground that causes all the drainage channels to flood the road.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS08 - Sustainable Development

CS09 - Housing Distribution

CS11 - Transport

CS12 - Environmental Assets

CS14 - Infrastructure Provision

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM16 – Provision of Recreational Open Space for Residential Developments

DM17 - Parking Provision in New Development

DM19 - Green Infrastructure

DM21 - Sites in Areas of Flood Risk

NATIONAL GUIDANCE

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

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

PLANNING CONSIDERATIONS

The main issues for consideration in relation to this application are:

- Principle of Development
- Form and Character
- Highway Safety
- Flood Risk and Drainage
- Residential Amenity
- Open Space
- Affordable Housing and Other Contributions
- Ecology
- Landscaping
- Noise
- Other Material Considerations

Principle of Development

The site forms one of the three housing allocations for Terrington St Clement, and Policy G93.3 relates specifically to his site and states: *'Land amounting to 2.2 hectares west of Benn's Lane, as shown on the Policies Map is allocated for residential development of at least 35 dwellings. Development will be subject to compliance with all of the following:*

- 1. A significant buffer area (minimum width of 30m) as indicated on the Proposals Map, shall be incorporated and retained thereafter along the northern site boundary to mitigate any impacts from the adjacent employment use. Details of this shall be submitted to and agreed by the LPA prior to use of the land taking place;*
- 2. Submission of a Flood Risk Assessment (FRA) that should address all forms of flood risk (coastal inundation, fluvial, pluvial and groundwater). The FRA should explain how surface water drainage will be managed. The FRA must demonstrate how the development would provide wider sustainability benefits to the community that outweigh the risk associated with flooding and that the development would be safe for its lifetime without increasing flood risk elsewhere and, where possible, would reduce flood risk overall. The FRA should also suggest appropriate mitigation (flood resiliency measures);*
- 3. Submission of a detailed contamination assessment in accordance with the requirements of the National Planning Policy Framework (NPPF) and the Environment Agency's 'Guiding Principles for Land Contamination';*
- 4. Demonstration of safe access from Benn's Lane and the provision of adequate pedestrian / cyclist links;*
- 5. Provision of affordable housing in line with the current standards.*
- 6. Satisfactory accommodation of the Internal Drainage Board maintained drain crossing the site.*

The following report will show that: a buffer area has been incorporated into the indicative masterplan; there are no objections from statutory consultees in relation to flood risk; contamination can be suitably conditioned; the Local Highway Authority has no objection to the proposed development on the grounds of highway safety; affordable housing, in line with current standards, will be secured via a S106 Agreement and the IDB has no objection to the proposed development.

It is also important to note that, regardless of third party comments suggesting otherwise, the site was lawfully found to be a brownfield site by virtue of a lawful development certificate granted in June 2010 (10/00727/LDE). In this regard there is a presumption in favour of development on brownfield sites wherever possible.

The principle of development for residential use of this site is therefore in accordance with the NPPF and Development Plan and should be supported subject to compliance with other national and local planning policy and guidance.

Form and Character

Layout, scale and appearance are all reserved for future consideration. However, housing types in the vicinity of the site include simple rows of cottages to larger properties, farm houses and barns.

To the east (on the opposite side of Benns Lane), two-storey, c.1950s housing can be found. The dwellings facing the site are semi-detached and brick faced with a mix of gable and hip tiled roofs.

To the north, Benns Lane connects to Northgate Way where more c.1950s, two-storey housing lines the southern side of Northgate Way with development of 1-2 storey c.1960s housing lining the northern side of the road.

Apart from the church, the scale of development in the area is generally 1-2 storeys with occasional 2.5 storey examples. Building styles, age and form are varied.

It is therefore concluded, given the variety of dwellings in the locality, that there is no reason why a suitably designed scheme (that would be considered under reserved matters) could not be accommodated on the site without detriment to the form and character of the locality.

In relation to the impact on the Grade I listed Church of St Clement and its associated Grade I Listed Tower (which are located approximately 350m southwest of the site); the Heritage Statement that accompanied the application concludes that the proposal would not affect either.

Highway Safety

In relation to the current application, the LHA acknowledges the current use of the site as brownfield / B2, and that the site has been allocated for at least 35 dwellings subject to the provision of a safe access to / from Benns Lane and the provision of adequate pedestrian / cycle links.

As a consequence, with reference to highway matters only, the LHA does not recommend refusal subject to not only 'standard' conditions relating to estate development but also requiring off-site highway improvements works to include the widening of Benns Lane and the provision a 1.8m wide footpath between the site and the existing footway at Northgate Way.

In summary whilst most third party objections relate to highway safety, there is no technical reason to refuse the application on the grounds of highway safety.

Some third parties also suggest that the Local Highway Authority do not support this application. However this relates to comments that the LHA made to the proposal to include this land in the Local Plan as an allocation and not in relation to the application before committee today. In this regard, the LHA commented, in respect of the consultation on the Site Allocations and Development Management Policies Plan Consultation 2015, that: if this site was to remain in the Plan the Highway Authority would expect that Policy G93.3 would require appropriate mitigation measures, including a frontage footpath linking the site to schools and other facilities within the village, along with measures to protect Benn's Lane to the south of the site from additional traffic as a result of the development.

The fact that the LHA does not object to the current application suggests that the concerns the LHA expressed at the allocation stage have been suitably addressed.

Flood Risk and Drainage

Flood Risk:

The site lies in an area at potential risk of flooding. Both national (the NPPF and NPPG) and local (the Development Plan) policy seeks to steer new development away from areas at risk of flooding by virtue of applying the sequential test.

However it is not necessary to undertake the sequential test on allocated sites (as it is considered that this occurred during the allocation process). Further, and in line with

emerging Development Plan Policy DM21, only the second element of the exception test is required (as it is likewise considered that the first element (wider sustainability benefits) is deemed to be met by the allocation process).

The second part of the exception test requires that 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.

The topography of the site is relatively flat at around 3m aOD. However, the FRA suggests that some parts of the site are as low as 2.4m aOD and some as high as 3.6m aOD. The FRA has indicated that in a flood event flood levels could reach 3.4m aOD. The FRA suggests therefore that either finished floor levels (FFL) should be set a minimum of 300mm above flood level or at flood level with flood resilient measures incorporated 300mm above. The EA suggests that setting the FFL at 3.7m aOD is the preferred option and has no objection to the proposed development.

Drainage:

The Drainage Strategy (DS) that accompanied the application has concluded that due to relatively high groundwater and soil conditions (clay silt sand and gravel) that infiltration is not possible. It is therefore proposed to discharge surface water into an existing water course; the IDB controlled New Cut Drain (NCD). The NCD currently sits in a relatively central position within the site running north/south before exiting to the west. The NCD would be diverted around the north-western boundary of the site as part of the application and the IDB has confirmed that it will accept surface water flows of 5 litres / second (currently run off rates across the site vary between 1.4 l/s and 8.1 l/s).

In order to restrict the run off rate to 5 l/s approximately attenuation storage is required. This is to be provided in an attenuation pond that is indicatively shown in the northwest corner of the site. The pond would then discharge into the NCD.

Further source control SUDS could be provided in the form of greenroofs, water butts, permeable paving and rainwater recycling. SUDs provision, maintenance and management could all be suitably conditioned if permission is granted.

Foul sewers in the area drain to the Kings Lynn Water Recycling Centre, which Anglian Water has confirmed has capacity to treat flows from this development and that they will adopt the onsite surface water sewer network.

The report concludes that the development will remain safe in terms of flood risk and can be suitably drained for the lifetime of the development. None of the statutory consultees (the EA, LLFA or IDB) object to the proposed development in relation to drainage or the risks associated with flooding.

Residential Amenity

Overlooking, overbearing and overshadowing impacts cannot be fully considered at this time as the plans are indicative only due to the outline nature of the application. It is however considered that the indicative plan shows that issues of overlooking, overbearing or overshadowing impacts could be designed out. As such your officers conclude a suitable scheme could be achieved on site.

Open Space

Open Space provision is covered in Development Management Policy DM16 and requires (once calculated) 17m² per dwelling of equipped play space. As per the Open Space Officer's comments this area cannot include Ponds / SUDs.

The supporting information suggests the indicative layout provides the requisite 748m² required by this development (44 x 17).

Open Space provision and management and maintenance thereof will be covered by the S106 Agreement.

Affordable Housing and Other Contributions

The size and scale of the proposed development triggers the requirement for the provision of affordable housing. In this instance 8 units would be required (20%). Affordable housing will be secured via the S106 Agreement.

£50 per dwelling habitats mitigation fee was paid on submission of the application.

A fire hydrant is required on site. This can be suitably conditioned.

Monies for library provision can no longer be secured via S106 agreement as CIL now covers such things. However, it is pertinent to note that, notwithstanding numerous third party comments that suggest the schools are full to capacity, Norfolk County Council suggests that no educational contribution is required from this development as there is capacity at both the high school and the primary school.

Ecology

A Preliminary Ecological Appraisal was carried out followed by Phase 2 species surveys for bats, badgers, water voles and Great Crested Newts.

The conclusion of the surveys is that, with appropriate mitigation, the ecological receptors identified above would not be adversely affected by the development.

Whilst indicative only, ecological enhancements proposed within the current Illustrative Masterplan include the provision of improvements to existing ditch habitats, areas of additional planting, a great crested newt mitigation area and the creation of a pond which would benefit water voles. All the proposed mitigation measures, and further surveys that are suggested in the reports can be suitably conditioned if permission is granted.

Taking each species in turn:

Bats: Provision of attenuation pond shown on indicative plan, gapping up of hedgerows and provision of new areas of planting using native trees and shrubs, low level lighting only adjacent to retained hedgerows or green space (warm-white LEDs or low pressure sodium bulbs).

Water Voles: Whilst no water voles were recorded utilising the ditches within the site, they are using the drain to the immediate southwest of the site. The report concludes that the development is likely to impact on these water voles. Mitigation includes provision of the attenuation pond, protection of the ditch during construction works. Additionally a prior to development 'update survey' should be undertaken.

Great Crested Newts: A disturbance licence will be required from Natural England prior to the development taking place. The necessary mitigation relating to GCNs will therefore be covered in the licence and does not therefore require conditions to be appended to any permission that may be granted under this application.

Badgers: The proposed development will result in the loss of a single outlier sett (a sett in current use). Prior to development a further 'update survey' should be undertaken to inform the requirement for a NE licence. This survey must take place between July and November inclusive. As with GCNs, because a licence will be required, any mitigation will be covered by the licence and further conditions (other than the requirement for an 'update survey') will not be necessary.

In relation to bats and water voles, as there is a possibility of them being present on site, and in relation to badgers and GCN where it has been concluded that a licence will be required, the LPA is required to consider the tests of derogation, under the Habitats Directive.

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.

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), and this is an allocation in the Plan, and part of the planned provision.

2. No satisfactory alternatives – The site is one of the housing allocations for Terrington St Clement, and it has already been established that it will come forward for housing.

3. Population maintenance - it appears to be unlikely that development of this parcel of land, with appropriate mitigation, will detrimentally impact the conservation status of any of the aforementioned species.

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.

Landscaping and Trees

A tree survey by Wardell Armstrong has assessed the trees on and around the site in relation to the proposed development in order to determine their quality and value and to categorise them according to their contribution. It is proposed to retain the best groups of trees in the most ecologically and visually important areas, along with new planting within and around the developed areas. This will allow for new housing whilst still retaining and reinforcing the landscaping within the site. Principally the frontage to Benns Lane is lined with a hedgerow. This will be retained as far as possible with replanting as necessary where there is unavoidable loss to accommodate highway requirements for road widening and visibility splays. In relation to the trees and hedgerows that are to be protected, these can be protected by condition.

With regard to landscape design, the surrounding area displays a mix of hard and soft landscaping. Gardens are mainly soft landscaped but also include car parking. Hedges commonly define front boundaries. The applicant considers therefore that this treatment would also be appropriate for any new development.

Landscaping is however a reserved matter and will be fully considered at a later stage.

Noise

A Noise Assessment has been carried out the results of which indicate that the limits will not be exceeded in outdoor living areas across the development site. It is therefore not proposed to incorporate mitigation measures into the proposed site design.

A suggested 30 metre buffer between the employment site to the north and the nearest proposed dwelling is however suggested by the LPA. In addition to this, close boarded fencing of 2m in height could be installed along the boundary of the former commercial site. This can be landscaped to improve the visual impact.

Other Material Considerations

In relation to third party comments not covered above your officers respond as follows:

- The application suggests this is only phase 1 which suggests there will be more development – if further development is proposed it would require an application that would be considered on its own merits;
- The development would destroy the communal spirit Terrington has built and sustained over the years – this is an allocation to provide housing and it is not understood how this would destroy community spirit;
- It appears the lack of consultation is an attempt by the applicant and all concerned to keep the general public in the dark. How many objections would there have been if the entire village had been consulted on the application. Additionally the timing of the application is open to scepticism – the application has been fully consulted on, and there has been ample opportunity to comment;
- The proposal suggests a low level of environmental sustainability in relation to the dwellings themselves; only aiming to meet minimum environmental building standards – this is a building regulations issue, however only minimum standards are required to be met;
- The allocation process was flawed – at the time of writing this report the LPA has an adopted plan that has been through the appropriate stages of adoption;
- A number of third parties are not happy that the Borough Council has not responded to their individual responses – the LPA does not respond to individual comments made on planning applications, those comments are covered in either the officer or committee report.

Crime and Disorder

There are no specific crime and disorder issues arising from the proposed development and Designing out Crime will be fully considered at the reserved matters stage.

CONCLUSION

This application is for development of one of the three housing allocations in Terrington St Clement and would provide 44 dwellings.

The application is in outline form, however it has been demonstrated (through indicative layout plans) that 44 units could be suitably accommodated on site.

The development would result in on-site affordable housing, SuDS and open space and would contribute towards the protection of protected sites in the borough in accordance with the requirements of the Habitats Regulations.

The supporting technical reports demonstrate that impacts relating to noise, pollution, traffic, flood risk, drainage and ecology have been fully considered and can be satisfactorily mitigated where necessary.

The proposal fully accords with the NPPF, NPPG and Local Policies contained in the Core Strategy, 2011 and SADMP, 2016. It is therefore considered that this application should be approved subject to the following conditions.

RECOMMENDATION:

(A) APPROVE subject to conditions and completion of a suitable Section 106 Agreement within 4 months of the date of resolution to approve and subject to the imposition of the following condition(s):

- 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 works shall commence on the site until such time as detailed plans of the roads, footways, foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. All construction works shall be carried out in accordance with the approved plans. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

- 5 Reason To ensure satisfactory development of the site and a satisfactory standard of highway design and construction.

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

- 6 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.

- 6 Reason To ensure satisfactory development of the site.

- 7 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 of the site with Benns Lane where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.

- 7 Reason In the interests of highway safety.

- 8 Condition Prior to the commencement of any works a Construction Traffic Management Plan (CTMP) which shall include provision for on-site parking for construction workers and Construction Traffic Access Route (CTAR) which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway shall be submitted to and approved in writing with the Local Planning Authority (LPA) together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic. For the duration of the construction period all traffic associated with the construction of the development shall comply with the approved CTMP and CTAR unless otherwise agreed in writing by the LPA.

- 8 Reason In the interests of maintaining highway efficiency and safety.

- 9 Condition Notwithstanding the details indicated on the submitted drawings no works shall commence on site unless otherwise agreed in writing until off-site highway improvement works including a detailed scheme for the change of priority at the Alma Avenue / Benn's Lane junction and provision of a 5.5m carriageway and 1.8m footway between the site and Northgate Way as indicated on drawing(s) number(ed) 2062-01, 2062-02 and 2062-04, have been submitted to and approved in writing by the Local Planning Authority.

- 9 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.

This also needs to be pre-commencement conditions as these fundamental details need to be properly designed at the front end of the process.

- 10 Condition Prior to the first occupation of the development hereby permitted the off-site highway improvement works referred to in Condition 9 shall be completed to the written satisfaction of the Local Planning Authority.

- 10 Reason To ensure that the highway network is adequate to cater for the development proposed.
- 11 Condition No dwelling shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).
- 11 Reason To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard.
- 12 Condition Prior to the commencement of groundworks, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
- human health,
 - property (existing or proposed) including buildings, crops, livestock, pets,
 - woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
- 12 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 13 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.

- 13 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 14 Condition 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.

- 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 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 12, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 13, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 14.
- 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 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.
- 16 Reason In order to ensure that water supplies are available in the event of an emergency in accordance with the NPPF.
- 17 Condition The development hereby approved shall comprise of no more than 44 residential units.
- 17 Reason To define the terms of permission.

- 18 Condition Finished floor levels in the development hereby approved shall be set no lower than 3.7m aOD and flood resistance and resilience measures shall be incorporated in the development.
- 18 Reason To reduce the risks associated with flooding in accordance with the NPPF and Development Plan.
- 19 Condition 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
- I. The programme and methodology of site investigation and recording,
 - II. The programme for post investigation assessment,
 - III. Provision to be made for analysis of the site investigation and recording,
 - IV. Provision to be made for publication and dissemination of the analysis and records of the site investigation,
 - V. Provision to be made for archive deposition of the analysis and records of the site investigation and
 - VI. Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.

The development shall be carried out in accordance with the approved written scheme of investigation.

- 19 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.
- 20 Condition The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under Condition 19 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 20 Reason To safeguard archaeological interests in accordance with the principles of the NPPF.
- 21 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.
- 21 Reason To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.
- 22 Condition Prior to the commencement of the development hereby permitted a survey to identify the extent of the water vole population on or adjacent to the development site shall be undertaken.
- 22 Reason To further identify and update the extent of water voles populations in accordance with the NPPF and NPPG.

- 23 Condition The results of the survey required under Condition 22 above shall be submitted to the Local Planning Authority prior to the commencement of development, including site clearance works. The results shall also provide for any mitigation / enhancement measures appropriate to the extent of any water vole populations recorded in order to minimise the impact of the development upon the voles 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 water vole license that may be required by Natural England.
- 23 Reason To ensure that the impact of the development upon protected species is minimised in accordance with the NPPF and NPPG.
- 24 Condition The reserved matters application should include the provision of an attenuation pond, gapping up of hedgerows and the provision of native trees and shrubs.
- 24 Reason To ensure that the impact of the development upon protected species is minimised in accordance with the NPPF and NPPG.
- 25 Condition No site clearance works shall take place during the breeding season (March through August inclusive) unless otherwise agreed in writing by the Local Planning Authority.
- 25 Reason To ensure that the impact of the development upon protected species is minimised in accordance with the NPPF and NPPG.
- 26 Condition No development or other operations shall commence on site until the existing trees and hedgerows shown in the Arboricultural Impact Assessment (AIA) to be retained have been protected in accordance with the details contained in the AIA unless otherwise agreed in writing by the Local Planning Authority (LPA). If the protective fencing is damaged all operations shall cease until it is repaired in accordance with the approved in the AIA. Nothing shall be stored or placed in any fenced area and ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the LPA.
- 26 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.
- 27 Condition Prior to commencement of development, in accordance with the submitted Drainage Strategy approved as a part of the outline application, designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:
- I. Surface water runoff rates will be attenuated to 5 l/s as outlined in the letter of approval from the IDB. The applicant should demonstrate compliance with the Boards Byelaws.

- II. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1 in 100 year return period, including allowances for climate change, flood event. A minimum storage volume of 784.9 m³ will be provided in line with Appendix G of the submitted FRA.
 - III. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:
 - 1 in 30 year critical rainfall event to show no above ground flooding on any part of the site.
 - 1 in 100 year critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.
FEH rainfall data should be applied for all critical storm durations longer than 1 hour.
 - IV. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1 in 100 year return period.
 - V. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.
 - VI. A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development.
- 27 Reason To prevent flooding in accordance with National Planning Policy Framework paragraph 103 and 109 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the surface water drainage system operates as designed for the lifetime of the development.
- 28 Condition In relation to access only, the development hereby permitted shall be carried out in accordance with the following approved plans drawing no's: 2062-01 and IM-01 Rev.N.
- 28 Reason For the avoidance of doubt and in the interests of proper planning.
- (B) REFUSE** in the event that a suitable Section 106 Agreement is not completed within 4 months of the resolution to approve.