

Parish:	Welney	
Proposal:	Proposed development of 17 residential dwellings (including 3 affordable units) and improved vehicular access to Main Road	
Location:	Land North of Grange Farm Main Street Welney Wisbech	
Applicant:	Mr R Boyd	
Case No:	18/00195/FM (Full Application - Major Development)	
Case Officer:	Mr K Wilkinson	Date for Determination: 10 May 2018 Extension of Time Expiry Date: 31 July 2018

Reason for Referral to Planning Committee – This application was deferred for one cycle at the 30 July 2018 meeting.

Neighbourhood Plan: No

Case Summary

This application seeks full permission for the construction of 17 dwellings (including 3 affordable units) with associated garages/parking and access road off Main Street, Welney, which is classed as a 'rural village' in the settlement hierarchy. The application covers approx. 0.9Ha of the overall allocated site of 1.25Ha under Policy G113.2 of the adopted Site Allocations & Development Management Policies Plan (SADMPP).

The site lies on the western side of Main Street, which adjoins the Old Croft River. Residential properties lie on the opposite side of Main Road and along New Road to the north. The Grange (farmhouse) lies to the south, with Church Cottages and Grade 11* listed St Mary's Church beyond, so the application site is effectively bounded on three sides by residential development. There are agricultural fields to the rear/west and south behind The Grange.

Key Issues

Principle of development
 Impact of layout on locality
 Highway issues
 Affordable housing provision
 Flood risk & drainage
 Impact on setting of listed church
 Impact upon ecology
 Other material planning considerations

Members Update

This application was referred to the Planning Committee on 30 July 2018, when Members decided to defer decision for one cycle to address the concerns raised regarding the following issues:

- Pepper-potting of affordable units.
- Affordable units to be provided with garages (for storage purpose – cars, bicycles, etc.) so they could not be identified as affordable housing.
- Maintenance of roads, drains, etc.

In response to these concerns, the agent has submitted amended plans to illustrate garages to serve all 3 affordable dwellings on the site. A pair of 2 bed semi-detached affordable houses remain on Plots 6 & 7, but the detached 3 bed house has been relocated to Plot 3 in order to provide better separation of the units within the context of the overall estate. The agent recognises that in discussion at the meeting, a request was made to reposition the shared ownership dwelling onto the opposite side of the estate road. This is however something that they do not agree with. The design strategy has always been to ensure that the scale of development reduces from Main Street in an attempt to reduce any impact upon the properties along New Road. Replacement of a chalet with a two storey building would create a more overbearing relationship. Full two storey development can be more readily accommodated on the southern side of the estate road because the development integrates into the adjacent more substantial development (Water Tower and The Grange).

The added separation between the affordable housing units and garage provision is considered to be acceptable, as confirmed by our Strategic Housing Officer, and the dwellings have been fully integrated with open market units in compliance with the Affordable Housing Policy (April 2011). It must also be recognised that the estate is likely to be built out from the front to rear and the affordable units would be delivered early on in the timeframe for the overall development of this housing allocation.

With regards to the maintenance of the estate road, the agent has submitted an outline of the management arrangements to be applied and draft articles and memorandum of association for the Estate Management Company (available to view fully online). Each plot owner, and subsequent ones, will be a shareholder and member of the management company (with the potential to be a director), and will pay an annual charge. The company cannot therefore cease to exist as long as the estate is owned and occupied. The Management Company would be a not for profit organisation and would initially be administered by the developers on behalf of the residents, with the potential to transfer to a specialist company on completion of the estate.

The agent confirms that the standard of construction of the roads and footpaths serving the estate will be to an adoptable standard; the on-going maintenance and repair should not be excessive and readily covered by annual contributions. The obligations to maintain and repair cannot fall on the public purse. With the increased use of SUDS and permeable surfacing, plus underground storage crates, this will become a more common occurrence given the Local Highway Authority's stance on non-adoption. Your officers remain content that this matter may be covered in the Section 106 agreement.

Concerns were raised regarding safety and maintenance of the Old Croft River. Initial plans of the bridging point and pedestrian crossing have been submitted, which have been formally sent to the Middle Level Commissioners (MLC) for byelaw consent. These show guardrails to both sides of the bridge and along the section of footpath south of the access point. MLC have confirmed that the board has resolved, amongst other matters, that "no

building/structures be allowed within the 9.0m byelaw distance apart from part of the roadway and the two private drives.” They would not allow enclosure alongside the western side of the channel in front of Plots 1 & 2, as this would encroach on the byelaw strip and interfere with future maintenance.

The contents of this committee report remain pertinent but changes are highlighted in emboldened text for ease of reference; any additional comments will be reported as late correspondence.

Recommendation

A) **APPROVE** subject to completion of a Section 106 agreement covering affordable housing provision, SUDs management and road maintenance, plus Habitat Mitigation Fees.

B) In the absence of a completed Section 106 agreement within 4 months of the date of this resolution, the application shall be **REFUSED** on the grounds of lack of a mechanism to secure the provisions of affordable housing, SUDs management and road maintenance, plus Habitat Mitigation Fees.

THE APPLICATION

This application seeks full permission for the construction of 17 dwellings (including 3 affordable units) with associated garages/parking and access road off Main Street, Welney, which is classed as a ‘rural village’ in the settlement hierarchy. The application covers approx. 0.9Ha of the overall allocated site of 1.25Ha under Policy G113.2 of the adopted Site Allocations & Development Management Policies Plan (SADMPP).

The site lies on the western side of Main Street/A1101, which adjoins the Old Croft River. Residential properties lie on the opposite side of Main Road and along New Road to the north. The Grange (farmhouse) lies to the south, with Church Cottages and Grade 11* listed St Mary’s Church beyond, so the application site is effectively bounded on three sides by residential development. There are agricultural fields to the rear/west and south behind The Grange.

The mix of dwellings is as follows: 2 x 5 bedroomed detached houses, 3 x 4 bedroomed detached houses, 10 x 3 bedroomed detached houses/chalets and a pair of semi-detached 2 bedroomed houses. Each unit has associated parking and garages (with the exception of the affordable housing units which just have parking spaces).

SUPPORTING CASE

The agent has submitted the following statement in support of the application:

“As members will appreciate the application site was allocated for residential development under policy G113.2 of the September 2016 adopted Site Allocations and Development Management Policies Plan. The allocation therefore establishes the need for additional residential development in Welney but of equal importance the allocation demonstrates to members that officers have been satisfied that residential development of the site would not have a detrimental impact on grounds such as landscape impact, highway safety or ecology. The obligations required to bring the site forward for development are clearly set out within Policy G113.2 and these requirements are addressed in detail within the submitted planning application. The following points are of note:-

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Site Density – Policy G113.2 allocates the site for the residential development of “at least 13 dwellings” The development provides an overall density of 18 dwellings per hectare. Policy CS08 of the Core Strategy clearly indicates that “In seeking to make the most efficient use of land, the Council will scrutinise Design and Access Statements to confirm that the proposal optimises the density of development.” The proposed development makes best use of the land available to the applicant, and provides a development form and pattern in keeping with the village.

Flood Risk Assessment – A flood risk assessment which includes detailed percolation tests on site and a detailed storm water drainage strategy has been submitted as part of the planning application. The Environment Agency has confirmed acceptance of the drainage strategy.

Improvements to the Footway Network – For the most part public opinion has suggested that a new footpath taken from Main Street to New Road would provide the most suitable form of footway network improvement. The feasibility of providing such an improvement has been investigated but it is not considered deliverable. A comparison of the Norfolk County Council highway’s asset record plan, IDB guidance on land falling within their control associated with Old Croft River, and a visual assessment on site leads to the conclusion that the Highways asset plan is inaccurate. Insufficient width exists to form a footpath of sufficient width. The delivery of such a footpath would require extensive ground works including steel sheet piling of the existing river bank, and discussions with Middle Level Commissioners would suggest that approval for these works would be difficult to obtain. As a result of discussions with the case officer and Norfolk County Council Highways Department the following improvements to the footway network have been agreed to:-

- 2 No pedestrian crossing points on Main Street.
- A 2m wide footway linking the proposed development to Back Drove

Affordable Housing – The development will deliver 3 affordable dwellings for Welney in line with policy requirements. The mix and layout accords with the requirements of the affordable housing team.

Drainage Arrangements – A full drainage strategy is provided as part of the application. This involves the use of Sustainable Urban Drainage (SUDs) techniques to achieve an effective drainage strategy. The SUDs techniques also provide the necessary storm water filtration which provides the desired protection to the Ouse Washes. It should be noted that the permeable block paving provided to the estate roads to enable the required filtration results in the construction form being something that Norfolk County Council Highways department would be unwilling to adopt. The applicant has agreed with the Council to enter into the appropriate form of s106 Agreement as necessary which will establish the principles of an Estate Management Company (EMC) that will be responsible for the maintenance and upkeep of all of the public areas of the development estate in perpetuity. The maintenance and upkeep of the estate roads, footpaths etc. will therefore be guaranteed and not involve public expense.

Overall the applicant has strived to work alongside the Planning Authority to achieve a successful form of development. It is believed that the submitted artist impressions for the development demonstrate that this has been achieved. The Parish Council’s objection is noted but it is felt that the grounds for objection are unfounded. The application will go some distance towards achieving the identified housing requirement in Welney. It will provide a range of well-designed and varied residential accommodation with a focus on achieving quality throughout. The applicant hopes that members will agree with the officer recommendation before you.”

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PLANNING HISTORY

None recent

RESPONSE TO CONSULTATION

Welney Parish Council: OBJECT - Welney Parish Council objects to this application on the grounds that:

1. the density is too high
2. there appears to be an inadequate footpath provision and this is already a problem in the village
3. there is no assurance concerning adoption [of estate road] on completion and this is a cause for concern for the parish council based on other problems in the settlement - meaning there is no appetite for more problems of a similar type.

Amended scheme:

- Concerned that officials at BCKL&WN have refused to allow the developer to provide a footpath along the frontage of the site to New Road as part of the construction works and appear to have declined to accept the advice from NCC Highways to provide safe pedestrian access to the site;
- There has been a long history of failures to provide adequate walkways within and between communities and this causes real problems for residents in settlements as well as posing an obvious safety risk. It is not safe to walk in the roads and certainly not when they are unlit or only partially illuminated, as is the case in many rural and semirural areas. We do not want more deaths or injuries on our roads as the direct result of poor planning decisions. Similarly, we do not want pockets of settlements to become isolated and imprisoned in little enclaves, as good planning is about integration unless the intention is to create modern ghettos all over West Norfolk.
- At the moment it is not possible to envisage a logical reason for failing to provide the footpath if one excludes the cost to the developer. The cost to the developer is not a planning consideration and is certainly of no interest to the community.
- The planning notice that has been posted within the proximity of the development site with regards to this development is not in fact the current version of the planning application, meaning that it is doubtful the planning notice is compliant with regulations and that the review of this application must be withdrawn from the scheduled hearing. and
- Therefore the planning application notice that has been posted is in fact out of date and no longer relevant.

Assistant Director's comments: This issue is dealt with in the main report (pages 16 and within the applicants supporting case on page 11). Whilst the Parish Council's concerns regarding the provision of a footpath along the Main Street frontage are noted and indeed understandable, the IDB for the area have raised maintenance issues and major practical difficulties in securing sufficient highway verge to accommodate a 2m wide footpath. The Local Highway Authority raises no objection on the basis that the alternative pedestrian route has been advanced and would be provided to Back Drove through blue land. Further, the footpath leading to Back Drove (part of an existing network of footpaths) is required to mitigate against any potential impact from recreational/dog walking on protected sites within the vicinity of the development. There is evidence of an existing informal trodden path within the site that has been used for this purpose. Whilst the site layout has been amended during

the application, the red line (application site area) has remained the same. Statutory consultees including the Parish Council and neighbours have been consulted via e-consultation and letter on amended plans received (the most recent consultation being on 21st June 2018). There is no legal requirement to display a further site notice, and I am satisfied that the application and subsequent amendments have been publicised fully and correctly.

Highways Authority: NO OBJECTION subject to conditions relating to construction traffic management plan and off-site works

Middle Level Commissioners Internal Drainage Board: NO OBJECTION - It is confirmed that at its last meeting Manea and Welney D.D.C, resolved amongst other matters, "That no buildings/structure be allowed within the 9.0m byelaw distance apart from part of the roadway and the two private drives".

As an update please be advised that three Byelaw applications have been received from the applicant for the encroachment within the maintenance access strip, the outfall structure and the access culvert.

The drawing of the culvert shows a proposed pedestrian guard rail on the culvert and beside a short section of footpath on the Main Street side of the Old Croft River.

The applications are currently the subject of an internal consultation with the Chairmen of the Boards concerned.

Upon the receipt of their comments and completion of the validation process the application will be considered further.

Environment Agency: NO OBJECTION subject to condition implementing mitigation measures identified in FRA. **No further comments to amended plans.**

Emergency Planning Officer: NO OBJECTION recommends conditions relating to signing up to EA's flood warning system and flood evacuation plan.

Anglian Water: NO OBJECTION – adequate capacity for foul water disposal.

Environmental Health & Housing – Community Safety & Neighbourhood Nuisance: NO OBJECTION subject to conditions relating to Construction Management Plan and surface water disposal.

Environmental Health & Housing – Environmental Quality: NO COMMENTS **No further comments to amended plans.**

Arboricultural Officer: NO OBJECTION (verbally)

Housing Enabling Officer: NO OBJECTION - At present a 20% provision is required on sites capable of accommodating 5 or more dwellings and/or 0.165ha in Welney. The affordable housing provision is then further split into 70% of the affordable homes being made available for rent and the other 30% for shared ownership or any other intermediate product that meets the intermediate definition within NPPF, meets an identified need in the Borough and is agreed by the Council. In this instance 3 units would be required, 2 for rent and 1 for shared ownership. The scheme shows 2 x 2 bedroomed units and 1 x 3 bedroomed unit.

The affordable units must be transferred to a Registered Provider of Affordable Housing agreed by the Council at a price that requires no form of public subsidy. A S.106 Agreement will be required to secure the affordable housing contribution.

The layout changes are acceptable. No further comments.

Historic Environment Service: NO OBJECTION subject to conditions - The development proposal affects lies within an area of archaeological potential close to the historic core of Welney, approximately 100m north and northwest of the church. Further north and east along the Welney roddon/course of the old Croft River considerable evidence relating to settlement and other activity of Roman date has been found.

Consequently there is potential that heritage assets with archaeological interest (buried archaeological remains of Roman, Late Anglo-Saxon and medieval date) may be present at the site and that their significance will be affected by the proposed development.

If planning permission is granted, we therefore ask that this be subject to a programme of archaeological work in accordance with National Planning Policy Framework paragraph 141.

In this case the programme of archaeological mitigatory work will commence with informative trial trenching to determine the scope and extent of any further mitigatory work that may be required (e.g. an archaeological excavation or monitoring of groundworks during construction). A brief for the archaeological work can be obtained from Norfolk County Council Environment Service historic environment strategy and advice team.

Historic England: NO COMMENTS - On the basis of this information, Historic England do not wish to offer any comments. We would therefore suggest that you seek the views of your specialist conservation and archaeological advisers, and other consultees, as relevant.

No further comments earlier recommendation stands.

Conservation Officer: NO OBJECTION - St Mary's Church is listed grade II* but it is quite a modest building in terms of scale and in long views it is completely overshadowed by the existing water tower. Moving closer the small row of single storey dwellings, a wall, a variety of vegetation and the field beyond will form a buffer between the site and the church/church yard so the development of single/two storey dwellings will not cause harm to its setting, particularly as it's a middle of the village location.

Norfolk Constabulary: NO OBJECTION – comments made on pursuit of Secure by Design accreditation

Norfolk Fire & Rescue Service: NO OBJECTION – provision of a fire hydrant to be secured via condition.

Natural England: NO OBJECTION subject to the following mitigation:

- **Installation of sustainable drainage systems;**
- **Financial contribution of £50 per dwelling to the Borough Council of King's Lynn and 2 West Norfolk Natura 2000 Sites Monitoring and Mitigation Strategy as in line with Policy DM19;**
- **Connection to the existing network of public footpaths south west of the development to redirect recreational activities, specifically dog walking, away from closely located sensitive sites; and**
- **Signposting encouraging the use of footpaths south west of the development.**

REPRESENTATIONS

Original submission/scheme: A total of **18 OBJECTIONS** raising the following grounds:

- Increased traffic on busy A1101
- Noise and disturbance during construction
- Overshadowing
- Overlooking
- Loss of agricultural land
- Lack of infrastructure & facilities (bus service, school, shop etc.)
- Cut off when Washes flood
- Appropriate mix of dwellings?
- No footpath link along Main Road
- Loss of views
- Chalets proposed not bungalows
- Traffic calming measures should be included
- Why is access road not adopted?
- Turning space substandard
- Street lighting to be LED units and maintained by management company?
- Ditch rear of New Road properties to be maintained?
- Density too high only 13 dwellings expected on whole allocated site
- Not enough affordable units
- Impact on trees

Amended scheme: A total of **11** further **objections** received re-iterating earlier concerns stated above, plus:

- the concern that the proposed two pedestrian crossing points on A1101 are inadequate;
- **Queries why the public footpath leads to Back Drove when it is understood that the land can't be built on for 25 years which surely includes amenity land as well;**
- **The public footpath proposed runs along a field behind the houses of the people in New Road, several of whom are elderly and will lose security (which is high on the list of concerns of people);**
- **The footpath was not welcomed by the builder's agent earlier and seems to have come about by planning intervention so hopes that the planners and the builders will have a rethink; and**
- **No objection to the development other than the footpath.**

ONE item of **support** – amended plans have negated earlier concerns in relation to impact on adjoining dwelling.

Further amended scheme/layout: One further objection re-iterating earlier concerns regarding footpath links and impact upon New Road residents plus it is understood that the land can't be built on for 25 years.

One item of SUPPORT – no problem and see it only as a good thing.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS09 - Housing Distribution

CS11 - Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM16 – Provision of Recreational Open Space for Residential Developments

DM17 - Parking Provision in New Development

DM19 - Green Infrastructure/Habitats Monitoring & Mitigation

DM21 - Sites in Areas of Flood Risk

NATIONAL GUIDANCE

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

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 key issues in assessing this application are as follows:

Principle of development
Impact of layout on locality
Highway issues
Affordable housing provision
Flood risk & drainage
Impact on setting of listed church
Impact upon ecology
Other material planning considerations

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Principle of development

As stated above, the site is part of that allocated for residential development under Policy G113.2 in the Site Allocations & Development Management Policies Plan (SADMPP). This states as follows:

Policy G113.2 - Welney land off Main Street

Land amounting to 1.25 hectares off Main Street, as identified on the Policies Map, is allocated for residential development of at least 13 dwellings. Development will be subject to compliance with the following: 1. 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 suggest appropriate mitigation (flood resiliency measures)

2. Improvements to the footway network and safe access to the site Main Street to the satisfaction of the highway authority.

3. Provision of affordable housing in line with the current standards.

4. Any proposal should be accompanied by sufficient information, including drainage arrangements, to demonstrate that there will be no adverse effect on the Ouse Washes Special Area of Conservation, Special Protection Area, and Ramsar.

5. The design and layout of the development shall conserve the significance of the Grade II* listed Church of St Mary the Virgin.

The principle of developing the site is therefore acceptable in planning policy terms subject to meeting the above provisions of Policy G113.2 – these will be examined later in this report.

Impact of layout on locality

The proposal presents a simple inward looking cul-de-sac with a central spine road and turning facility towards the end, mainly serving dwellings to the north and south, but with two detached larger houses fronting Main Street. The village already has two similar cul-de-sac developments (at Taymor Place and Chestnut Avenue) and given the proportions of the site this configuration/layout was always anticipated.

Objections have been forthcoming in terms of the density of the development proposed. Policy G113.2 indicates at least 13 dwellings for the overall site allocated (i.e. 1.25Ha) however the site has been reduced to 0.91Ha omitting the parcel to the rear/west of The Grange. This has been precluded on the basis that the present owners wish to protect the amenities of their house (The Grange) and retain physical linkage to land to the west of the allocation. It has been confirmed that this additional parcel of land will not come forward for development now or in the future. The current layout of the estate precludes access to the remainder of the overall allocated site. The scheme equates to 18 dwellings per Hectare with plot depths of some 26m and a range of widths presenting ample garden-to-dwelling ratios. The inter-relationships with existing dwellings on New Road are considered to be acceptable, as there is no significant overlooking or overshadowing implications.

In terms of form and character, the detached houses fronting Main Street maintain the streetscene and relate sympathetically to adjoining dwellings both to the north and opposite.

The house types proposed (mixture of houses and chalets) have been the subject of amendment during the processing of this application, and are now considered to be acceptable in this locality – likewise the palette of facing materials.

Therefore the proposal is considered to be acceptable given the style of dwellings and configuration on the site.

Highway issues

The site is currently accessed by a culverted agricultural crossing of the Old Croft River. It is proposed to create a new improved access point midway along that road frontage.

The drainage requirements (see below) result in the access road comprising permeable materials and the Local Highway Authority will not adopt such surfacing/roads. It is the developer's intention to maintain the road as private and maintained by a management company. This arrangement may be secured via Section 106 agreement.

The specification of the bridging point has not been finalised, but the layout indicates that an appropriate specification of access can be provided. Visibility splays of 2.4m x 90m may be secured via condition.

Footway linkages connecting the site to New Road and the heart of the village were referred to in Policy G113.2 (when the village school was open) and are sought by the Parish Council and local objectors. However upon close inspection there is not adequate highway verge on the Main Street to allow a cost-effective connection. Alternative measures have been produced in the form of two pedestrian crossing points – immediately south of the new access and north of the bus stop (approx. 140m to the north); plus a footpath link from the rear of the site to Back Drove to the west which connects to New Road/B1100.

Obviously there would be some disturbance during the construction phase with construction and contractor vehicles attending the site. However disruption and amenity issues could be minimised by the adoption of a construction management plan including on-site parking details and delivery/working times as recommended by both the Local Highway Authority and our CSNN officer. Once again this could be secured via conditions.

Affordable housing provision

In accordance with the provisions of Core Strategy Policy CS09 of the LDF, three affordable dwellings are proposed as part of this application – 2 x 2 bedroom semi-detached houses and 1 x 3 bedroomed detached house. **The layout has been amended following Members' concerns at the previous meeting and units are now located on Plots 3, 6 & 7. As stated earlier in this report, they are therefore considered to be suitably positioned within the site layout.**

Our Housing Enabling Officer is content with this provision and it may be secured via a Section 106 agreement. Criterion 3 of Policy G113.2 is therefore met.

Flood risk & drainage

The application is accompanied by both a site specific Flood Risk Assessment and a surface water drainage strategy adopting a Sustainable Urban Drainage System (SUDS) approach due to soakaways not being practical. The latter requires permeable materials to be used in the construction of the access road and turning area plus the private drives. A pumped system with subterranean geocellular crates is proposed with outfall into the Old Croft River and the run-off rate for surface water for the whole site would potentially be equivalent to the

current greenfield rate. The surface water system would also have the benefit of filtration properties to negate concerns regarding effect on designated sites of conservation (Ouse Washes).

The discharge of surface water into the Old Croft River will require the consent of the Middle Level Commissioners IDB as it forms part of their adopted network. The amount of discharged water would be monitored and controlled by that body. They have confirmed verbally that the principle of this method of surface water disposal is acceptable. A detailed scheme will be produced to satisfy the IDB and this may be controlled via condition.

The Environment Agency raises no objection to this application. They regulate the quality of water and, given that the Old Croft River flows northwards away from the Ouse Washes, this is not likely to be an issue with regards to criterion 4 of Policy G113.2.

The FRA acknowledges that the site lies within both Flood Zone 2 and the rear half within Flood Zone 3 (defended) of the Environment Agency's flood mapping. Mitigation measures proposed include raising finished floor levels by 300mm above existing ground level and this may be controlled via condition as suggested by the Environment Agency. The development would provide wider sustainability benefits to the community that outweigh the risk associated with flooding and the development would be safe for its lifetime without increasing flood risk elsewhere. Criterion 1 of Policy G113.2 is therefore met.

Foul water is to be disposed of via the existing mains sewer system which Anglian Water has confirmed has adequate capacity to serve this number of dwellings.

Impact on setting of listed church

Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The application is accompanied by a Heritage Statement. This concludes that the removal of the southern parcel of the overall site allocation has contained the physical development to the current site, and public views of the church are not significantly affected.

Our Conservation Officer opines that St Mary's Church is listed grade II* but it is quite a modest building in terms of scale, and in long views it is completely overshadowed by the existing water tower. Moving closer the small row of single storey dwellings, a wall, a variety of vegetation and the field beyond, will form a buffer between the site and the Church/church yard. So the development of single/two storey dwellings will not cause harm to its setting, particularly as it's a middle of the village location.

There is no objection from Heritage England or Historic Environment Services in this regard.

Criterion 5 of Policy G113.2 has therefore been met.

Impact upon ecology

The Preliminary Ecological Appraisal submitted with the application concludes that the loss of mostly improved grassland habitat as a result of the development is not considered to be significant; however certain mitigation measures are suggested. These measures may be secured via condition.

As response to initial consultation, Natural England issued a holding objection on the basis of need for additional information to ascertain potential impacts upon the Ouse Washes approx. 300m away to the south. These concerns were regarding: increased recreational disturbance specifically from dog walkers, and impacts upon the water quality from surface water drainage. The latter point has been addressed earlier in this report. The additional footpath link to Back Drove and the existing footpath network, with appropriate signage would promote residents to keep dogs on leads and use footpaths away from the reserve. The Habitat Mitigation Fees attracted by this development (£50 per dwelling) and indeed other development across the borough could be used by the appropriate bodies to promote this arrangement. **Natural England have now withdrawn their earlier holding objection subject to certain mitigation measures being secured – as identified in the Consultations section of this report.**

An Appropriate Assessment has been undertaken in accordance with the provisions of Article 6(3) and (4) of the Habitats Directive. It is concluded that the proposed development would not adversely affect the Ouse Washes Special Area of Conservation, Special Protection Area and Ramsar site.

Other material planning considerations

Archaeology – the site may contain archaeological remains and therefore in accordance with the requirements of the Historic Environment Service, a programme of archaeological work (in accordance with National Planning Policy Framework paragraph 141) may be secured via conditions.

Trees – the Tree Survey Report accompanying the application identifies three trees to be removed (an ash and two willows) whilst mature trees these are heavily ivy clad with signs of decay and their loss would not be resisted. The layout ensures that peripheral trees and hedges are not adversely affected by the proposed development. This may be secured via condition.

Fire hydrant – the provision of a fire hydrant as requested by Norfolk Fire & Rescue Service may be secured via condition.

Street lighting – this is a matter for the developer as it may not be insisted upon given the size of the estate. However should street lighting be pursued details of the type, positioning, extent of illumination and maintenance may be secured via condition.

Crime and disorder – the introduction of the footpath link to the rear of the site is not ideal with regards to Secure by Design advice, however it is a requirement of both the Local Highway Authority and a mitigation measure with regards to Natural England's concerns regarding dog walking implications and disturbance impacts upon the Ouse Washes. There are windows to habitable rooms facing the footway and, if adequately lit, this is considered to be an acceptable arrangement.

Grounds of objection – the loss of a private view is not a material planning consideration; the loss of agricultural land has already been accepted in allocating the site for residential development; and the drainage strategy indicates no intention to alter or interfere with the existing drain/ditch to the rear of New Road properties.

CONCLUSION

Whilst the concerns of the Parish Council and local residents are noted, this site lies within the allocated site for residential development. The form and character of the proposal is

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considered to be compatible to this locality, and there are no objections raised by technical consultees.

The proposal is considered to be in compliance with the provisions of the development plan and is duly recommended for approval as set out in the recommendation.

RECOMMENDATION:

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

1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans:

B/MW/17/006 Rev G
B/MW/17/007 Rev B
B/MW/17/008 Rev D
B/MW/17/009 Rev C
B/MW/17/010 Rev A
B/MW/17/011 Rev C
B/MW/17/012 Rev C
B/MW/17/013 Rev B
B/MW/17/014 Rev C
B/MW/17/015 Rev C
B/MW/17/016
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B/MW/17/019 Rev C
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B/MW/17/021
9300-SK02 Revision A.

2 Reason: For the avoidance of doubt and in the interests of proper planning.

3 Condition: Notwithstanding the details submitted, no development shall commence on site until full details of the surface water drainage arrangements 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.

3 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.

4 Condition: No development shall take place until a Written Scheme of Investigation for a programme of archaeological works has been submitted to and approved by the local planning authority in writing. The scheme shall include:

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1. An assessment of the significance of heritage assets present 2. The programme and methodology of site investigation and recording 3. The programme for post investigation assessment of recovered material 4. Provision to be made for analysis of the site investigation and recording 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation 6. Provision to be made for archive deposition of the analysis and records of the site investigation 7. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- 4 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.
- 5 Condition: No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 4.
- 5 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 6 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 4 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured
- 6 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 7 Condition: The development shall not be brought into use until a scheme for the provision of a fire hydrant has been implemented in accordance with a scheme that has previously been submitted to, and approved in writing by, the Local Planning Authority.
- 7 Reason: In order to ensure that water supplies are available in the event of an emergency in accordance with the NPPF.
- 8 Condition: The development shall be undertaken in accordance with the measures identified in the Preliminary Ecological Appraisal dated November 2017, produced by Turnstone Ecology, and submitted as part of this application.
- 8 Reason: In the interests of ecology, and to accord with the provisions of the NPPF & Core Strategy Policy CS12 of the LDF.
- 9 Condition: The development shall be undertaken in accordance with the mitigation measures identified in the Flood Risk Assessment dated June 2018, produced by JPP Consulting Ltd, and submitted as part of this application. This shall include finished floor levels set at least 300mm above existing ground level.
- 9 Reason: To protect future residents at times of high risk of flooding, and to accord with the provisions of the NPPF, NPPG & Core Strategy Policy CS08 of the LDF.
- 10 Condition: The development shall be undertaken in accordance with the protection measures identified in the Tree Survey Report dated November 2017, produced by RGS Arboricultural Consultants, and submitted as part of this application.

- 10 To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF.
- 11 Condition: Notwithstanding the submitted plans, full details of the footpath link to Back Drove including alignment/route, method of construction, surfacing and any lighting, shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented prior to occupation of any dwelling or other such time as may be agreed with the Local Planning Authority.
- 11 Reason: To ensure that the footpath connection is designed and implemented to serve the locality in accordance with the provisions of the NPPF, Core Strategy Policy CS11 of the LDF and Policy DM15 of the SADMPP.
- 12 Condition: All hard and soft landscape works shall be carried out in accordance with the approved details (Drawing No. B/MW/17/019 Revision C). The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 12 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 13 Condition: Prior to the first occupation of the development hereby approved, should street lighting be pursued details of the method of lighting and extent of illumination to the access roads, footpaths, parking, and circulation areas plus maintenance arrangements, 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.
- 13 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.
- 14 Condition: Prior to the first occupation of the development hereby permitted, a vehicular and pedestrian crossing over the Old Croft River watercourse shall be constructed in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority.
- 14 Reason: To ensure construction of a satisfactory access and in the interests of highway safety.
- 15 Condition: Prior to the first occupation of the development hereby permitted, a visibility splay measuring 2.4 X 90 metres shall be provided to each side of the access 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.
- 15 Reason: In the interests of highway safety.
- 16 Condition: Prior to the first occupation of the development hereby permitted, the proposed access, footpath link to Back Drove, associated on-site car parking and turning areas shall be laid out, demarcated, levelled, surfaced and drained in

accordance with the approved plans and retained thereafter available for that specific use, unless otherwise agreed in writing with the Local Planning Authority.

- 16 Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.
- 17 Condition: Notwithstanding the details indicated on the submitted drawings, no works shall commence on site until a detailed scheme for the off-site highway improvement works, as indicated on Drawing number 9300-SK02 Revision A, have been submitted to and approved in writing by the Local Planning Authority.
- 17 Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor.

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

- 18 Condition: Prior to the first occupation of the development hereby permitted, the off-site highway improvement works referred to in condition 17 shall be completed to the written satisfaction of the Local Planning Authority.
- 18 Reason: To ensure that the highway network is adequate to cater for the development proposed.
- 19 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 the proposed timescales and the hours of the construction phase and any piling. The scheme shall also provide the location of any fixed machinery, the location and layout of the contractor compound, the location of contractor parking and proposed mitigation methods to protect residents from piling vibrations, noise, dust and litter. The scheme shall be implemented as approved.
- 19 Reason: To ensure that the amenities of neighbouring residents are safeguarded and highway safety; in accordance with the NPPF, Core Strategy Policy CS11 of the LDF and Policy DM15 of the SADMPP.

- B) In the absence of a completed Section 106 agreement within 4 months of the date of this resolution, the application shall be **REFUSED** on the grounds of lack of a mechanism to secure the provisions of affordable housing, SUDs management and road maintenance, plus Habitat Mitigation Fees.