

**AGENDA ITEM NO: 8/1(c)**

<b>Parish:</b>	<b>Stoke Ferry</b>	
<b>Proposal:</b>	<b>OUTLINE APPLICATION: Construction of up to 30 residential dwellings</b>	
<b>Location:</b>	<b>Furlong Store Furlong Drove Stoke Ferry King's Lynn</b>	
<b>Applicant:</b>	<b>Amber REI Limited</b>	
<b>Case No:</b>	<b>19/00272/OM (Outline Application - Major Development)</b>	
<b>Case Officer:</b>	<b>Mrs C Dorgan</b>	<b>Date for Determination:</b> <b>15 May 2019</b> <b>Extension of Time Expiry Date:</b> <b>11 October 2019</b>

**Reason for Referral to Planning Committee** – The views of the Parish Council are contrary to the Officer recommendation and Councillor Sampson has called the application in.

**Neighbourhood Plan:** No

#### **Member Update**

Members will recall that this application was referred to the previous Planning Committee meeting on 29 July 2019, alongside application 19/00274/OM - Erection of up to 70 dwellings and access at Land on the south west side of Lynn Road, Stoke Ferry.

The Principal Planner clarified that these two applications were stand-alone and not required to be linked together.

Members were concerned that the Furlong Drove site could be developed first leaving the Mill site and that the applications should be deferred to allow the applicant to address the concerns raised by the Parish Council.

The case officer has liaised with the agent to discuss the prospect of linking the sites as per the Committee instruction. The agent has confirmed that in the interests of expediency their client is prepared to accept a covenant in their Section 106 agreement which would link the development of the storage site to a commitment to redevelop the Mill. The agent suggests an obligation which states there will be no commencement of development associated with planning application 19/00272/OM at the storage site until the Mill buildings have been demolished (and include a plan which shows the buildings to be demolished). This would restrict the development of the storage site until there is a clear commitment to remove the Mill and associated operations as evidenced by action on the ground in the form of demolition.

For ease, all changes to the report are made in bold.

## Case Summary

The application site measures approximately 1ha in area, and is located within the village of Stoke Ferry, a Key Rural Service Centre (KRSC). The site is accessed via Furlong Drove. The site is rectangular in shape and has residential development to the south and agricultural land to the north east and south east. The site is adjacent to, but not within, Stoke Ferry Conservation Area. The current use of the site is a storage facility associated with Stoke Ferry Mill, and consists of a large storage building and associated hardstanding.

The application seeks outline consent with all matters reserved, bar access, for the construction of up to 30 residential dwellings, incorporating affordable housing and open space contributions in line with the adopted Local Plan policy requirements, and associated development to include drainage features, roads, pedestrian paths and other works. An illustrative masterplan has been submitted to demonstrate how such development may fit onto the site.

The applicant has submitted a further application for the redevelopment of the Stoke Ferry Mill (19/00274/OM).

## Key Issues

- Principle of Development
- Loss of employment land
- Highways/ Access
- Form and Character and Impact on Stoke Ferry Conservation Area
- Neighbour Amenity
- Drainage/ Flood Risk
- Environmental Quality
- Affordable Housing
- Open Space Provision
- Other material considerations

## Recommendation

**A) APPROVE** subject to the completion of a S106 agreement within 4 months of the date of this resolution.

**B) REFUSE** if a S106 agreement is not completed within 4 months of the date of this resolution to approve, on the grounds of failure to secure a mechanism to provide affordable housing, open space contributions habitats mitigation payment and no development shall commence on 19/00272/OM until the mill buildings on 19/00274/OM have been demolished and cleared.

## THE APPLICATION

The application site measures approximately 1ha in area, and is located within the village of Stoke Ferry, a Key Rural Service Centre (KRSC). The site is accessed via Furlong Drove. The site is rectangular in shape and has residential development to the south and agricultural land to the north east and south east. The site is adjacent to, but not within, Stoke Ferry Conservation Area. The current use of the site is a storage and distribution facility (use class B8) for poultry feed and is associated with Stoke Ferry Mill, and consists of a large storage building and associated hardstanding.

The application seeks outline consent with all matters reserved, bar access, for the construction of up to 30 residential dwellings, incorporating affordable housing and open space contributions in line with the adopted Local Plan policy requirements, and associated development to include drainage features, roads, pedestrian paths and other works. An illustrative masterplan has been submitted to demonstrate how such development may fit onto the site.

The applicant has submitted a further application for the redevelopment of the Stoke Ferry Mill (19/00274/OM).

## **SUPPORTING CASE**

1. This application proposes the erection of up to 30 residential dwellings with all matters reserved except access.
2. In line with the request from Members at the previous Committee, a S106 obligation to link the mill and storage site applications together has been accepted on a without prejudice basis.
3. The majority of this site is wholly brownfield and is currently occupied by a storage facility associated with the operation of the Mill. It is acknowledged that the site is outside of, albeit immediately adjacent to, the development boundary however both local and national planning policy clearly encourage the re-use of brownfield land for residential development. The proposed relocation of the Mill will mean that the storage facility becomes obsolete.
4. The Conservation Area Character Appraisal identifies the HGV movements associated with this site and the Mill as negative influences on the Conservation Area. The removal of the storage use and the redevelopment of the site will remove any harm caused by the existing commercial use being immediately adjacent to areas of housing. The removal of HGVs will also have a benefit in highways terms as the volume of HGV traffic in Stoke Ferry would reduce significantly.
5. The proposal utilises the existing site access which has been confirmed as acceptable by the Highways Officer. The proposal also maintains the row of poplar trees along the sites northern boundary which provide a strong screen to the adjacent field. The site boundaries are proposed to be reinforced with additional landscaping to soften the overall appearance of the development.
6. The outline proposal includes policy-compliant, 20% affordable housing provision which will be secured through a Section 106 Agreement. This will also address open space and the habitat mitigation fee. In addition, the proposed development will be subject to the Community Infrastructure Levy (CIL).
7. An Indicative Masterplan has been provided to demonstrate how the site could be developed to accommodate 30 dwellings in a way which reflects the character and scale of the surrounding development. The Masterplan also includes a Central Green which could accommodate play equipment for young children. It should be noted that this Masterplan is not fixed and there will be a further opportunity to influence detailed design through future Reserved Matters applications.
8. The proposed development has been assessed in detail by Council Officers who have confirmed it is acceptable in principle. The proposed development will provide residential development on a brownfield site, immediately adjacent to the village. It will remove a non-conforming commercial use and provide a more appropriate residential development on a gateway site.

## **PLANNING HISTORY**

None recent.

**Parish Council: OBJECTION** on the following grounds:

- The site is given as being on Furlong Road. This is incorrect; the Furlong Store is on Furlong Drove.
  - The site is not a designated housing area.
  - The existing development plan for Stoke Ferry meets the housebuilding requirements of the Local Plan for the village
  - Any housing on this site would encroach towards the by-pass and encourage housing development applications from owners of adjacent countryside fields.
  - It was agreed to include in the response to say that within their application it says that 'affordable housing will be provided especially on the storage site', which means they are conflicting between the two applications.
  - The Parish Council has concerns that the 'Residential Street', as indicated on the Masterplan below, may be used as a reason for future expansion of housing development to the southern part of the Furlong Drove site which would then increase the application's quantity of homes in the village and may avoid future CIL payments.
- - The pre-application planning procedure of public consultation carried out by the applicant was flawed at each of its two public stages.
    - Concerned that the development on the Conservation Area of Stoke Ferry and its setting (which the Furlong Drove Site abuts to the South-West).
    - The loss of the village Post Office along with the closure of the village's last public house diminishes Stoke Ferry's role as a designated Key Rural Service Area.
    - Seeking confirmation that the Community Infrastructure Levy (CIL) will be applied.

**Highways Authority: NO OBJECTION** subject to conditions relating to the visibility splay of the access, the submission of detailed plans of the roads, footways, foul and surface water drainage and the construction of these to the approved specification prior to occupation of the first unit.

**Environmental Health & Housing – Environmental Quality: NO OBJECTION** subject to conditions relating to contaminated land and the Travel Plan submitted. Also an informative is recommended relating to air quality management.

**Historic England: NO COMMENTS.**

**Conservation Officer: NO OBJECTION.**

This site is outside the conservation area but at top of a rise and on one of the main roads into the village. There is a row of trees and a hedge on the northeast/southeast boundaries but none the less it is quite prominent and clearly seen from the Stoke Ferry bypass.

The existing building is of no consequence and the redevelopment of the site for housing is welcome as it will undoubtedly improve the approach to conservation area and its setting. However, because of the rise any new development will also be prominent and care should be taken to ensure that the green boundary is retained to soften the boundary and shield the back gardens with their inevitable paraphernalia.

**Community Safety and Neighbourhood Nuisance: NO OBJECTION** subject to conditions relating to foul and surface water drainage, and a detailed demolition and construction management plan.

**Anglian Water: NO OBJECTION** subject to the provision of a drainage strategy.

**Stoke Ferry IDB: NO OBJECTION** subject to a condition that a full drainage scheme is submitted and approved before development commences, and that the discharge rate from the development is submitted to, and agreed, with the IDB before doing so. The FRA also makes reference to discharge consent for the surface water outfall. It is suggested that discharge consent should be applied for as part of the approval process from the IDB.

**Environment Agency: NO COMMENTS.**

**Lead Local Flood Authority: NO COMMENTS.**

**Open Space Officer: NO OBJECTION.** The provisional layout plan illustrates a Local Area of Play, central to the development, as would be expected.

**Norfolk County Council: NO OBJECTION** subject to the provision of 1 fire hydrant, a financial contribution to increase the capacity of the library service, and an education contribution is required because there is insufficient capacity at early education and primary sectors.

**Housing Enabling Officer: NO OBJECTION**

The site area and number of dwellings proposed trigger the thresholds of the Council's affordable housing policy as per Policy CS09 of the Council's adopted Core Strategy. Whilst the applicants originally submitted a viability appraisal to support no affordable housing being provided, following further discussion, the applicants have now agreed to provide affordable housing in line with Policy CS09. On this basis, 6 units would be required 4 for rent and 2 for shared ownership and secured via S106 agreement.

**Historic Environment Services: NO COMMENTS.**

**Natural England: NO COMMENTS.**

**Norfolk Constabulary Architectural Liaison Officer: NO OBJECTION.**

Recommends Secure by Design (SBD New Homes 2019) standards are adopted for this development.

**Arboricultural Officer: NO OBJECTION** subject to a condition requiring an updated arboricultural method statement and tree protection plan to reflect any proposed layout should this application progress.

## **REPRESENTATIONS**

**25 OBJECTION** letters have been received raising the following issues-

- Plan for residential development outside the designated zone should not be approved (1)
- Loss of work and livelihood (3)
- Concerns about traffic and safety around traffic (9)
- Concern about the access point (6)

- Lack of commitment to carbon neutrality signposted in Pegasus's consultation report (5)
- Pre-application process was not inclusive of the wider neighbourhood/ village (2)
- Not made aware of consultations or public meeting (3)
- Pre-application consultation was no such thing, 'box ticking' exercise (10)
- Proposed quantity of the number of houses in village centre (4)
- Strain on village and its current services (8)
- Lack of consideration for amenities which the village will need for the proposed growing population (9)
- Loss of Footpath 17/ 'Sand path' (8)
- Concern of the hazards surrounding knocking the mill down e.g dust explosions, asbestos (4)
- Applications should be withdrawn and resubmitted as one (13)
- Stoke Ferry Playing Field Trust has not been formally approached by Amber REI regarding its plans to develop a playing field in the West (5)
- Preserve greenfield site – build on brownfield site (11)
- Concern that the brownfield/Mill site will be left untouched, leaving it at an eyesore (12)
- Concern the Borough will see sites as 'windfall housing sites' rather than opportunity to build a sustainable community which enhances and adds to the character of the village (7)
- Concern that 'Residential Street' to SE on the Masterplan will be used for future expansion which ultimately may avoid future Community Infrastructure Levy (CIL) payment (8)
- Protect remaining green space and wildlife (4)
- Concern over infrastructure e.g sewerage (7)
- Concern that the plan promotes social segregation whilst claiming to 'promote healthy lifestyle and sustainable, vibrant communities' (8)
- Concerned the development should be in sympathy to the conservation area (8)

Some representations received are better related to application 19/00274/OM, the Stoke Ferry Mill site.

## **LDF CORE STRATEGY POLICIES**

**CS10** - The Economy

**CS14** - Infrastructure Provision

**CS11** - Transport

**CS01** - Spatial Strategy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS09** - Housing Distribution

**CS12** - Environmental Assets

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM2** – Development Boundaries

**DM8** – Delivering Affordable Housing on Phased Development

**DM17** - Parking Provision in New Development

**DM15** – Environment, Design and Amenity

**DM16** – Provision of Recreational Open Space for Residential Developments

### **NATIONAL GUIDANCE**

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

### **OTHER GUIDANCE**

Conservation Area Character Statement.

### **PLANNING CONSIDERATIONS**

The main issues are:

- Principle of Development
- Loss of employment land
- Highways/ Access
- Form and Character and Impact on the Stoke Ferry Conservation Area
- Neighbour Amenity
- Drainage/ Flood Risk
- Environmental Quality
- Affordable Housing
- Open Space Provision
- Other material considerations

#### **Principle of Development**

Paragraph 78 of the NPPF requires that to promote development in rural areas, housing should be located where it will enhance or maintain the viability of rural communities.

Stoke Ferry is designated as a Key Rural Service Centre (KRSC) in the adopted Local Plan. Policies CS01 (Spatial Strategy) and CS02 (Settlement Hierarchy) of the Core Strategy 2011 outline the Council's strategy for growth in the Borough, and identify that in rural areas development will be focussed in the most sustainable locations, the Key Rural Service Centres.

The Parish Council queries the status of the village as a KRSC due to the loss of particular services since the adoption of the Plan. The status of the village is being revised as part of the review of the Local Plan, and at this time it is proposed that Stoke Ferry retains its KRSC status. However, for the purposes of this application it is a KRSC in the current development plan.

The site is currently in use as a storage facility to serve Stoke Ferry Mill, and as such is a brownfield site. The site is located outside of the development boundary for the village. Policy DM2 of the Site Allocations and Development Management Policies Plan (SADMP) 2016 does restrict new development outside of development boundaries. However this is an existing established use and a brownfield site and substantial weight should be given to the value of reusing brownfield land within settlements for homes in accordance with the NPPF. It does not need to be allocated for development to be considered, as any 'windfall' development will be assessed against national and local policy and a balanced decision made. Further paragraph 68 of the NPPF requires that LPAs support the development of windfall sites through their policies and decisions giving great weight to the benefits of using suitable sites within existing settlements for homes.

### **Loss of employment land**

Given the existing use of the site for employment which is used in connection with the Mill site on Lynn Road, the proposed development should be considered against Policy CS10 (The Economy) of the Core Strategy 2011. Policy CS10 seeks to retain land or premises currently or last used for employment purposes unless it can be demonstrated that the scheme meets specified criteria, as follows:

- continued use of the site for employment purposes is no longer viable , taking into account the site's characteristics, quality of buildings, and existing or potential market demand; or
- use of the site for employment purposes gives rise to unacceptable environmental or accessibility problems particularly for sustainable modes of transport; or
- an alternative use or mix of uses offers greater potential benefits to the community in meeting local business and employment needs or in delivering the Council's regeneration agenda.

The proposed redevelopment of the storage facility site for residential purposes would result in the loss of an employment use. However, it should be noted that this employment facility is used in connection with the main Stoke Ferry Mill and the intention of the operators of the Mill is to relocate and transfer the jobs to a new site(hence application 19/00274/OM), leaving the existing mill site for redevelopment. In this regard, the applicant has made the case that the continued use of the site for employment purposes is no longer viable taking into account the sites characteristics, quality of buildings and existing or potential market demand.

Whilst there have been no complaints relating to this site, the unrestricted nature of the storage building (any operator could use the site for B8 storage purposes) means that the intensity of HGV movements could increase if the site were to be sold to an alternative employment provider. Given its location, adjacent to existing residential properties, there is potential for increased noise and disturbance and this could give rise to unacceptable environmental concerns. Further, an alternative use could require expansion and given its prominent location, adjacent to a conservation area, any expansion has the potential to have a negative impact on the setting of the heritage asset.

In terms of the relocation of the business and potential job losses in the KRSC, it has been confirmed that only approximately 8 out of the 107 employees (associated with the Mill site and Furlong Drove site) live in the village. Therefore the loss of the employment site would have some impact on local employment.

The site has not been marketed for other businesses but the applicant is not required to investigate alternative employment uses nor does the policy require the applicant to demonstrate that all the various criteria apply.



Given the surrounding residential uses, the prominent location of the buildings adjacent to a heritage asset and the HGV traffic generated by the existing use of the site, it is considered that the benefits of redeveloping this site would outweigh the loss of this site as an employment use. The proposal therefore complies with Policy CS10 of the Core Strategy 2011.

### **Highways/ Access**

This is an outline application with access only to be considered. The application will be accessed from a single point, off Furlong Drove. There is existing footpath provision from the A134 across the site frontage and into the centre of the village. There are also existing public transport links within the village via local bus services serving Brandon, Thetford, Foulton and King's Lynn.

The applicant has submitted a Transport Assessment and Travel Plan for the site in line with current planning policy and assists in minimising the number of vehicle trips generated by the site.

Current HGV vehicle movements along Furlong Drove indicate a 5 day average of 74 HGVs northbound and 82 HGVs southbound. As an unrestricted B8 use, the intensity of these movements could increase if a different operator were to operate from the site. The loss of this number of HGV's travelling throughout the village would benefit the locality.

Proposed residential movements for 30 dwellings would amount to 13 two way trips in the morning peak and 16 trips in the afternoon peak. The applicant has demonstrated that the development can be accommodated in the locality today as future growth without adversely affecting the highway network.

The Local Highways Authority does not object to the scheme and requests conditions are attached to the planning consent to secure an appropriate visibility splay and footpath provision, as well as full details to be approved at reserved matters stage. The proposal therefore complies with Policy CS11 of the Core Strategy 2011 and Policy DM15 of the SADMP 2016.

### **Form and Character and Impact on the Stoke Ferry Conservation Area**

The site amounts to approx. 1ha and is located on the south east side of Furlong Drove. The land around the site rises up from the A134 to the site and then drops away to the centre of the village. The Stoke Ferry Conservation Area boundary runs along part of the front of the site and extends west along Furlong Road and south along Furlong Drove into the centre of the village. The site along with agricultural land to the north and east up to the A134 forms the setting to the Conservation Area. There is no doubt that the site is in a prominent location.

The application is in outline form only bar access. The detailed design and layout of the site will come forward as part of the reserved matters application. In general terms however while the site is on the fringe of the settlement, the use of the site for residential development does correspond with the residential use to the south, west and east. An indicative layout has been provided by the applicant to illustrate that the 30 units could be accommodated on site. The Design and Access Statement states that there will be a mix of housing types provided on site which will primarily be two-storey. It also refers to the importance of using landscaping to assimilate the site into the locality. By retaining the Poplar trees and enhancing planting on the northern boundary of the site, as well as planting on the south eastern boundary, the edge of the built settlement will be softened to views across the

countryside from the north and east. An improved boundary treatment on the frontage of Furlong Drove would also make a positive contribution to the Conservation Area.

It is considered that the storage buildings, compared to the settled residential setting of most of the Conservation Area, is a detractor (as recognised in the Conservation Area Character Statement), especially when viewed from the A134, an exposed view across farmland. The indicative master plan indicates a development of a density of 30 dwellings per hectare (dph) with a mix of detached and semi-detached/terrace properties which reflects a range of housing within the affordability spectrum. Clearly, this would include affordable housing at 20% which equates to 4 units for rent and 2 units for shared ownership. The density of the development is consistent with the Indigo Road development located to the south of the site and other residential developments within Stoke Ferry.

While there are no historic assets within the site, the site frontage on Furlong Drove is adjacent to Stoke Ferry Conservation Area. The redevelopment of the site, subject to the suitable design and appearance of the units and enhanced landscaping will provide the opportunity to enhance the setting of the heritage asset. There have been no comments made by Historic England, and the Conservation Officer has no objections to the redevelopment of the site to residential. This should be a major benefit given the existing large scale utilitarian buildings on the site.

Overall, the proposal complies with Policies CS06, CS08 and CS12 of the Core Strategy 2011 and Policy DM15 of the SADMP 2016.

### **Neighbour Amenity**

Based on the information submitted as part of the application, the site layout and detail of the application, and impact on neighbouring dwellings cannot be fully considered until the reserved matters stage. Whilst there have been no complaints about noise and disturbance emanating from the site, the use of the site for residential purposes, as opposed to a B8 use for storage and distribution, can only be considered to have a positive impact on neighbour amenity for the existing residents in terms of a reduction in noise and disturbance associated with the HGV movements.

Objections have been raised regarding the impact of the redevelopment of the site on existing residents. The Community Safety and Neighbourhood Nuisance Officer has requested a detailed demolition and construction management plan is submitted to and approved by the Local Planning Authority prior to commencement. The plan will seek to protect residents from noise, dust and litter the demolition and construction phases and any associated disruptions.

### **Environmental Quality**

There will be an increase in vehicular movement however this will be due to the use of the private car, rather than HGVs as is currently the case. With regard to traffic emissions the Environmental Quality officer is satisfied, based on the air quality screening report, a full air quality assessment is not required and even cumulatively with the Mill site this would not represent a significant change in an area where background pollution is low.

Residents of Stoke Ferry, historically, have raised concerns about the levels of dust / particulate in the village. The Council has been monitoring particulate matter to investigate this further. A potential source of dust emissions is from the Mill, however if these sites are redeveloped then this source will be removed which will only benefit neighbour amenity.

The representations received raise concerns about the demolition of the existing buildings on site and the Environmental Quality officer refers to mitigation measures in the air quality assessment which should reduce the short-term impact of dust. As previously stated, a construction environmental management plan secured by condition will see to mitigate against dust emissions during demolition and construction.

### **Drainage/ Flood Risk**

The application site is in Flood Zone 1 in the adopted SFRA (2018), and therefore not at risk of flooding.

The site is fairly level, although the land slopes away falling in gradient from Furlong Drove towards the south east and therefore there is a steep drop in ground levels at the eastern boundary of the site to the agricultural land beyond.

An outline drainage strategy for surface water and foul water has been submitted and responses from stakeholders outlined above indicate there are no objections raised, subject to the imposition of appropriate conditions.

### **Affordable Housing**

Policy CS09 of the Core Strategy requires that 20% affordable housing is required on the site. Initially the applicant questioned the viability of the scheme and the amount of affordable housing to be provided. However, the applicant has now agreed that the scheme can provide the full 20% affordable housing on site and therefore the application is policy compliant. The contribution will be secured through a Section 106 agreement in accordance with Policy CS14 of the Core Strategy 2011. The type, size and siting of affordable housing units will come forward at the reserved matters stage. If the applicant later submits evidence that the scheme is unviable, a further planning application would be required.

### **Open Space Provision**

The applicant is proposing a Local Area of Play (LAP) and adjoining public open space within the application site. This provision is in accordance with the requirements (17sqm per dwelling) of Policy DM16 of the SADMPP 2016 - Provision of recreational open space for residential developments. The Public Open Spaces officer has no objection and has provided information as to the design and requirements of the POS/ LAP. The details of this are to be agreed but the open space will be secured through a Section 106 agreement in accordance with Policy CS14 of the Core Strategy 2011 and Policy DM16 of the SADMPP 2016.

### **Other material considerations**

Public consultation (prior to the submission of the application) - There have been a number of objections received to the public consultations carried out by the applicant, prior to the submission of the applications. The comments made have been considered and are noted. The Statement of Community Involvement (adopted June 2017) sets out the Borough Council's approach to community involvement in the planning system. The document sets out the benefits to community consultation and involvement prior to the submission of the planning application. In this case the applicant has liaised with the Parish Council and held an exhibition to provide information, and enable discussions and issues to be raised. The objections received, in particular from the Parish Council, question the validity of the consultation and whether the comments raised have been taken on board by the applicant.

Third Party comments – Third party comments have been considered and many of the issues are addressed within this report. However there are some outstanding issues identified and responded to below:

- Lack of local services/ infrastructure and an increased pressure on those existing – the new development would be subject to CIL payments.
- Carbon neutrality of scheme – There is no policy requirements for the development to be carbon neutral.
- Pressure for additional housing adjacent to the application site – Each planning application is considered its own merits.
- Pressure for housing in Stoke Ferry – Stoke Ferry is a KRSC, a sustainable location for growth. Housing allocations are continuously being reviewed as part of the Local Plan; however there is pressure for additional residential development in locations such as this across the borough.

Trees/ Landscaping – There are no trees within the application site, however there are a number on the perimeter of the site, particularly along the northern boundary of the site which should be retained as part of any development. An initial Arboricultural Assessment was submitted with the application which identifies which trees are to be retained and how the trees will be protected. The Arboricultural Officer has no objections to the scheme on the basis that additional information is submitted as the reserved matters stage.

Ecology – An ecological appraisal has been submitted as part of the planning application which concludes that there are no statutorily protected nature conservation interests within the proposed development site and none nearby that would be affected by the proposals. Furthermore, a small number of habitat features that should be given due regard in relation to nesting birds and foraging/ commuting bats. The avoidance, mitigation and compensation measures of any impacts are already embedded in the scheme and should be incorporated at the construction stage.

Section 106 and CIL contributions - The application site will be CIL liable at a rate of £44.82 per sq.m. and 15% of the CIL receipts generated from the site will be passed to the Parish Council. The Parish Council must spend the income on physical, social or green infrastructure or anything else that is concerned with addressing the demands that development places on an area. A Habitats Mitigation Strategy fee at £50 per dwelling will also be applied. In addition to this the Section 106 will secure the affordable housing contributions and the open space provision.

Norfolk County Council has stated that a fire hydrant is required on site, given its location and the scale of development proposed, and a condition has been attached accordingly. Education and library contributions should be claimed through CIL.

**The Section 106 agreement will also include a clause stating that there will be no commencement of development associated with planning application 19/00272/OM at the Furlong Drove site until the Mill buildings on site 19/00274/OM have been demolished. A plan will be included to indicate the specific buildings to be demolished.**

#### **Crime and Disorder**

Norfolk Constabulary Architectural Liaison Officer raises no objection to the scheme and recommends Secure by Design principles.

## CONCLUSIONS

In assessing the principle of development of this scheme consideration has been given to a number of Local Plan policies. While the site lies just outside of the development boundary for Stoke Ferry, it is an existing brownfield site with an area of hardstanding and a large storage building. The redevelopment of this site would not encroach into the open countryside beyond the site. Stoke Ferry is a Key Rural Service Centre and therefore in terms of the spatial strategy of the adopted Local Plan, is a sustainable location for growth. However the site is currently in use as an employment site and as such criteria set out in Policy CS10 should be applied. The applicant makes the case that the site is no longer viable for employment uses and there are particular environmental concerns. It is clear though that in considering the redevelopment of this site in conjunction with the main Mill site (19/00274/OM), that there would be environmental benefits to the loss of this particular employment use in the village. The redevelopment of the site would enable a reduction in HGV movements through the settlement along with the associated noise and disturbance and create an opportunity to enhance the adjacent conservation area.

**It is proposed that this application is linked to application 19/00274/OM for the construction of up to 70 dwellings at Land on the South West side of Lynn Road, through the Section 106 agreement attached to this planning consent. By restricting development on this site until the associated mill buildings on the main site have been demolished and cleared shows clear commitment to removing this nuisance use.**

The benefits of the scheme are considered to outweigh any negative impacts, and on the basis of the above, it is recommended that the scheme is approved subject to conditions and the associated S106 agreement.

## RECOMMENDATION:

**A) APPROVE** subject to the completion of a S106 agreement within 4 months of the date of this resolution and subject to the imposition of the following condition(s):

- 1 Condition Approval of the details of the means of layout, scale, appearance and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority before any development is commenced.
- 1 Reason To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted to the Local Planning Authority in writing and shall be carried out as approved.
- 2 Reason To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 Condition Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 Reason To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

- 4 Condition The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the latest such matter to be approved.
- 4 Reason To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 5 Condition The development hereby permitted shall be carried out in accordance with the following approved plans (Drawing No 1446-12) in so far as access only.
- 5 Reason For the avoidance of doubt and in the interests of proper planning.
- 6 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'.
- 6 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 7 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.

- 7 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 8 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.

- 8 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 9 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 (Condition 6), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition (Condition 7), 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 (Condition 8).

- 9 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.
- 10 Condition No development shall commence until full details of the foul and surface water drainage arrangements for the site have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.
- 10 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.

- 11 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.
- 11 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.
- 12 Condition Prior to the construction of the final dwelling all works shall be carried out on roads, footways, foul and surface water sewers in accordance with the approved specification to the satisfaction of the Local Planning Authority.
- 12 Reason To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway.
- 13 Condition Before any dwelling unit is first occupied the road(s), and footway(s) shall be constructed to binder course surfacing level from the dwelling/industrial unit to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority.
- 13 Reason To ensure satisfactory development of the site.
- 14 Condition Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4 metres x 56 metres shall be provided to each side of the access where it meets the highway. The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.
- 14 Reason In the interests of highway safety and traffic movement.
- 15 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.
- 15 Reason To ensure safe, suitable and satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable standard.
- 16 Condition Prior to commencement of development a detailed demolition and construction management plan must be submitted to and approved by the Local Planning Authority; this must include proposed timescales and hours of demolition and construction phases, deliveries/collections and any piling. The scheme shall also provide the location of any fixed machinery, their sound power levels, the location and layout of the contractor compound, the location of contractor parking, proposed attenuation and mitigation methods to protect residents from noise, dust and litter, and communication methods to the wider community regarding the construction phases and likely disruptions. The scheme shall be implemented as approved.



- 16 Reason To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.
- 17 Condition The development shall not be brought into use until a scheme for 1 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.
- 17 Reason In order to ensure that water supplies are available in the event of an emergency in accordance with the NPPF.
- 18 Condition The development shall be carried out in accordance with the recommendations for Mitigation as set out in Chapter 4 of Ecological Appraisal carried out by The Environmental Dimension Partnership Ltd Jan 2019 (Ref: edp4165\_r002a).
- 18 Reason In the interests of biodiversity in accordance with CS12 of the Core Strategy 2011.
- 19 Condition The row of Poplar trees on the north east boundary shall be retained unless otherwise agreed in writing by the Local Planning Authority.
- 19 Reason To ensure that existing trees 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.
- 20 Condition The details submitted in accordance with Condition 1 should include:
- a) an updated arboricultural method statement and tree protection plan
  - b) supplementary native species planting to the north east and south east boundaries of the site.
- 20 Reason To ensure protection of existing trees and that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF given its location adjacent to Stoke Ferry Conservation Area.
- 21 Condition The development hereby approved shall comprise of no more than 30 residential units.
- 21 Reason To define the terms of the consent.
- B) REFUSE** if a S106 agreement is not completed within 4 months of the date of this resolution to approve, on the grounds of failure to secure a mechanism to provide affordable housing, open space contributions habitats mitigation payment and no development shall commence on 19/00272/OM until the mill buildings on 19/00274/OM have been demolished and cleared.