

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

<b>Parish:</b>	<b>Watlington</b>	
<b>Proposal:</b>	<b>Residential development for up to 22 dwellings (Outline application including access only)</b>	
<b>Location:</b>	<b>Land Rear of 24 - 36 Downham Road Downham Road Watlington Norfolk</b>	
<b>Applicant:</b>	<b>-</b>	
<b>Case No:</b>	<b>20/01661/OM (Outline Application - Major Development)</b>	
<b>Case Officer:</b>	<b>Mrs C Dorgan</b>	<b>Date for Determination: 9 February 2021</b>

**Reason for Referral to Planning Committee** – Application called in by Councillor Bhondi

**Neighbourhood Plan:** No

### Case Summary

The application seeks outline planning consent with access only for up to 22 dwellings. The site is located centrally within the built extent of the village of Watlington with Downham Road to the east, and a footpath and Watlington Primary School to the west. The site is 0.92 ha in size and currently consists of garden land with some sheds/ barn, largely surrounded by existing dwellings. The proposed site access is via Downham Road, and would require the demolition of an existing dwelling no. 32 Downham Road.

Watlington is a Key Rural Service Centre within the adopted Core Strategy (2011), and the site is located within the development boundary for the village.

### Key Issues

- Principle of Development
- Form and Character
- Highways/ Access
- Ecology
- Flood Risk/ Drainage
- Neighbour Amenity
- Section 106 requirements
- Other material considerations

### Recommendation

**A) APPROVE** subject to the completion of a Section 106 agreement within four months of the date of the resolution to approve.

**B) REFUSE** if the Section 106 Agreement is not agreed within four months of the date of this resolution to approve.

## **THE APPLICATION**

The application seeks outline planning consent with access only for up to 22 dwellings. The site is located centrally within the built extent of the village of Watlington with Downham Road to the east, and a footpath and Watlington Primary School to the west. The site is 0.92 ha in size and currently consists of garden land with some sheds/ barn, largely surrounded by existing dwellings. The proposed site access is via Downham Road and would require the demolition of an existing dwelling no. 32 Downham Road.

Watlington is a Key Rural Service Centre within the adopted Core Strategy (2011), and the site is located within the development boundary for the village.

The application submitted includes an indicative layout to show that up to 22 dwellings could be accommodated on the site, alongside the highways and parking requirements and the open space provision. Originally the application sought consent for up to 25 dwellings, however following negotiations it was deemed appropriate to reduce this number to better reflect the locality and policy requirements.

## **SUPPORTING CASE**

The application is in outline with all matters except access reserved for future consideration. It proposes the demolition of one dwelling and the erection of up to 22 dwellings including policy compliant affordable housing. The indicative site layout plan shows one way that the site could be developed, however such considerations are for another day when a reserved matters application comes before you.

The application site falls within the settlement limits of Watlington. All four boundaries of the application site face other residential properties. It is not located in the countryside or even on the edge of the settlement, it is accessible to all the facilities in Watlington which is designated a key rural service centre.

The Core Strategy acknowledges that growth in Watlington will be supported, as it was at Willow Close and Old Chapel Close. There can be no objection to the principle of houses including affordable housing on a well located site in a settlement identified as a sustainable location for new housing.

The development of up to 22 dwellings will result in a density of development that is both compliant with the Government policy of making effective use of urban land as well as respecting and responding to the density of development on neighbouring sites.

The proposal would provide a comprehensive redevelopment of the site in contrast to the piecemeal in depth tandem development that has taken place on neighbouring plots. The illustrative proposals incorporate two and single storey development that responds to the local context and the character of Watlington. Whilst the site layout plan is indicative it illustrates how development can be comfortably accommodated on the application site.

Overall the proposal will deliver a significant net increase in trees and hedgerow that will contribute positively to the character and biodiversity of the area and are a substantial benefits of the proposed scheme. Issues of ecological importance have been addressed by the applicant's retained experts and Natural England and your own advisors have both confirmed the proposals are acceptable.

Drainage and flooding issues have been addressed in some detail despite the outline nature of the application. The LLFA and your drainage advisors have confirmed that the proposals are acceptable and conditions can control such matters once the details are submitted.

The access has been demonstrated to be safe and meet all requisite highway standards and the highway authority does not object to the proposal.

The provision of policy compliant affordable housing is a significant benefit of the proposed scheme that should carry substantial weight in any planning considerations as should the provision of housing on such a well located site within an established settlement.

Finally we would like to thank your Officers for working with us during the application process to resolve some minor technical issues and we can confirm that the applicant has no objection to any reasonable conditions that the Council consider necessary to control future development at the site.

## **PLANNING HISTORY**

2/93/1400/F: Application Permitted: Delegated Decision 16/03/94 - Retention and continued use of 4 sheds for storage of packing materials - Rear of 36 Downham Road

2/93/0239/F: Application Permitted: Delegated Decision 01/04/93 - Retention and continued use of 4 sheds and 4 containers for storage of packing materials - 36 Downham Road

05/01959/O: Application Permitted: Delegated Decision 28/10/05 - Outline Application: Construction of two bungalows - Land West Of 36 Downham Road

2/94/1869/F: Application Refused: Delegated Decision 23/01/95 - Retention and continued use of 3 sheds for storage of packing materials - Rear of 36 Downham Road

2/94/0423/O: Application Refused: Delegated Decision 20/04/94 - Site for construction of two dwellings after demolition of light industrial units - Land At 36 Downham Road. Appeal Allowed.

2/94/1442/F: Application Permitted: Committee decision 01/11/94 - Extension to dwelling - Harfayka House 26 Downham Road

2/03/0494/F: Application Permitted: Delegated Decision 23/04/03 - Extension to dwelling - 34 Downham Road

2/99/0783/O: Application Permitted: Committee decision 27/07/99 - Site for construction of 2 bungalows - Land to rear of 36 Downham Road

## **RESPONSE TO CONSULTATION**

### **Parish Council: OBJECTION**

1. The proposal, by reason of the number of units proposed, represents an over-intensive use of the site and would create a cramped form of development. In addition to this, there will be a significant reduction in the open space amenity experienced by the immediate surrounding environment, which is not in harmony with and does not enhance the form and character of the building characteristics of the locality or its setting. Advice contained within

the National Planning Policy Framework for Delivering Sustainable Development and Housing require new development to be of a high standard of design, which respects the characteristics of the locality. It is considered that a cramped form of development and the subsequent loss of amenity space would be unsympathetic to, and out of character in this area. The proposal is therefore contrary to advice contained within the National Planning Policy Framework for Delivering Sustainable Development and Housing.

2. The proposal, by virtue of its location, would provide a backland form of development which would not respect the form and character of the surrounding area and would set an undesirable precedent. This would be contrary to advice contained within the National Planning Policy Framework for Delivering Sustainable Development.

3. By virtue of its excessive scale, mass and height, coupled with its proximity to neighbouring properties, this will result in an oppressive form of development which would be detrimental to the outlook currently enjoyed by existing residential dwellings.

4. The proposed development by virtue of its confined layout, lack of on-site parking and inadequacy of the local infrastructure, is considered to be contrary to the advice contained within the National Planning Policy Framework for Delivering Sustainable Development.

5. The application has been made with a lack of car parking for residents. The limited parking in this area, coupled with an increase in residents potentially requiring parking provisions, would create offsite parking problems, and is contrary to the general principles of advice contained within the National Planning Policy Framework for Delivering Sustainable Development.

6. Inadequate visibility splays are provided at the junction of the access with the County highway, Downham Road, and this would cause danger and inconvenience to users of the adjoining public highway.

7. As a result of site clearance which has already taken place, the proposed development has resulted in the loss of important trees, habitat and protected species which have value in this area, and this is contrary to advice contained within the National Planning Policy Framework for Planning and the Historic Environment.

8. The important allocation of affordable housing has not been measured for this proposal; it is considered that a minimum of five affordable dwellings should be assigned to this development.

**Local Highway Authority: NO OBJECTION subject to conditions**

Since the original comments on the application (7 Dec 2020) discussions have been held with the applicant regarding site access arrangements. Plan (drawing 3559.SK02-P5) addresses our earlier comments.

Should your authority support the application we recommend conditions are appended to the consent notice to provide detailed plans of the roads, footways, street lighting, foul and surface water drainage and that works are carried out prior to occupation to the required standards. Also, the required visibility splays for the access and details of the on-site parking for construction workers, wheel washing and delivery arrangements for the duration of the construction period.

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

In response to previous LLFA comments the applicant has now submitted additional information and in light of this we have no objection subject to conditions being attached to any consent if this application is approved and the Applicant is in agreement with pre-commencement conditions.

**Environment Agency (EA): NO OBJECTION**

The application site is located in Flood Zone 1.

**ANGLIAN WATER: NO OBJECTION**

Foul Water - The foul drainage from this development is in the catchment of Watlington Water Recycling Centre that will have available capacity for these flows.

Surface Water disposal - From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board.

**IDB: NO OBJECTION**

The Board's Consultant Engineer has now had an opportunity to review the additional information. As long as there is no proposal to pipe a watercourse, then no Section 23 Consent is required and the restoration of the local ditch will be a positive step. The fact that flows will be balanced to pre-development rates does not mean that a discharge consent from the Board is not required. The Board therefore do not have any objection to the site, subject to consent for discharge being obtained.

**CSNN: NO OBJECTION subject to conditions**

Given the indicative layout, CSNN would suggest/ request that the final site layout (at RM stage) is revised to re-locate the POS/equipped area of play where plots 13 and 14 are currently proposed, to provide access to the watercourse beyond and keep the existing flow path clear.

The indicative site layout includes hedging to the rear (western) boundary of the site. In line with the Designing Out Crime Officer from Norfolk Constabulary comments, this boundary is fenced with close board fencing to aid noise attenuation and security of plots.

Additionally, the length of the site access road between numbers 30 and 34 should be bordered with acoustic fencing, to protect the residential amenity of these dwellings from the traffic noise associated with this large number of dwellings.

Any future site design should include the siting and locations of waste and recycling bins for each plot.

**Greenspace Officer: No OBJECTION**

Having discussed with my colleagues in Public Open Space, we would like to offer feedback as follows:

- site should accommodate a suitably equipped children's play space, or otherwise (following consultation with Watlington Parish Council) a commensurate off-site contribution be made towards play provision on the nearby playing field;
- robust arrangements need to be in place to secure the permanent maintenance of any on site landscaping – landscaping which is intended to be transferred to individual purchasers needs to be within natural property curtilage;
- needs to be careful consideration as to selection of boundary planting and trees, particularly against private residential property (i.e. to either side of main access road). Species should be chosen with respect to their final height and spread, so as to not to risk causing damage or excess shading to adjoining property;
- hedge planting alongside drainage ditch to west of site should be reconsidered – residents are unlikely to maintain this feature on the side facing towards the cycle path meaning that, over time, it may be left to overgrow and potentially obstruct the water course and/or cyclepath.

**Arboricultural Officer: No OBJECTION**

No objections at this stage. It will be necessary for future applicants to complete an arboricultural method statement and tree protection plan when a layout has been submitted.

**Housing Enabling Officer: NO OBJECTION**

I have looked at the above application and can confirm that the site area and number of dwellings proposed trigger the thresholds of the Council's affordable housing policy as per CS09 of the Council's adopted Core Strategy.

At present a 20% provision is required on sites capable of accommodating 5 or more dwellings and/or 0.165ha in Watlington. 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 4 units would be required.

It is important for the applicant to note that we operate a dynamic approach to viability whereby the affordable housing thresholds and percentages are reviewed on an annual basis and informed by the following factors;

- Market Land Values
- House Prices
- Level of contribution sought overall
- Index of Build Costs

However any S.106 agreement signed before the review will provide the prevailing affordable housing percentage at the time of determining the application.

The affordable housing mix i.e., unit types, layout etc. will need to be addressed in the reserved matters. Whilst at this stage I appreciate that it is difficult to agree the type of affordable housing unit, ie 2bed, 3 bed etc, I would recommend that, in order to best meet an identified housing need, mainly smaller units i.e. 2bed 4 person units are provided. Please note however that housing need is not static and therefore the affordable housing mix may change as time progresses particularly if there is a significant delay in submitting the reserved matters.

The affordable housing should be fully integrated with the general market housing in order to achieve mixed and sustainable communities in which the accommodation is tenure blind. On a site of 22 dwellings, the affordable dwellings should be located in clusters and an objection from us is likely if this is not met.

The attached document contains details of the space standards used by the Borough Council to promote deliverability and to meet need for affordable housing. All S106 Affordable Housing units should meet these standards, and any that do not are likely to result in an objection from us.

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.

### **Environmental Quality: NO OBJECTION**

Contaminated Land - Having reviewed the information provided in the application together with our files, we have no comments or objections regarding contaminated land.

The Contamination Screening Assessment provided by the applicant highlights potential ACMs in the building fabric of structures on site and therefore recommend an informative is attached related to the Control of Asbestos Regulations.

Air Quality - The outline application is for the construction of up to 25 dwellings and will include 53 vehicular parking spaces in line with Norfolk County Council standards. This is not deemed a significant impact in line with EPUK and IAQM Planning for Air Quality Guidance.

Therefore, we have no objection to the proposed application on the grounds of air quality. However, we would welcome the inclusion of EV charging infrastructure in line with NPPF para. 110 (e) and measure 19 of the Borough Council's Air Quality Action Plan.

### **Historic Environment Service: NO OBJECTION**

There are no known archaeological implications.

### **Norfolk Planning Obligations: NO OBJECTION**

Education - Based on current school capacity Norfolk County Council will not seek education contributions for this proposed development on this occasion.

Fire - This development will require 1 fire hydrant per 50 dwellings at a cost of £843 per hydrant on no less than a 90 mm main, which should be dealt with through condition.

Library - A development of 25 dwellings would place increased pressure on the library and mitigation is required to increase the capacity of the library. This will be sought through the CIL process.

### **Norfolk Fire and Rescue: NO OBJECTION**

No objections providing the proposal meets the necessary requirements of the current Building Regulations 2010 – Approved Document B (volume 1 – 2019 edition) in relation to B5 access and facilities, including arrangements for emergency service vehicles, as administered by the Building Control Authority.

### **Architectural Liaison Officer: NO OBJECTION**

Design and Layout - The application details a well laid out site, of a cul-de-sac design, which doesn't have any alleyways, is not permeable and has a primary vehicular access point. This layout is very encouraging as increased permeability is linked to increased crime. A no through route gives residents a feeling of ownership and encourages a feeling of community and discourages anyone intent on criminal behaviour as not only are they likely to be seen by residents and potentially challenged – but they have nowhere to go within the development.

My only real area of concern is ensuring that there are adequate boundary treatments for the vulnerable rear plots of dwellings 8-18 as they back on to public pathway. Robust 1.8m closed board fencing topped with 300mm trellis should be installed as a minimum.

### **Natural England: NO OBJECTION**

Natural England has no comments to make on this application.

### **NCC Ecology Officer: NO OBJECTION subject to conditions**

There are no outstanding ecological issues regarding protected species.

The applicant has been accepted into the District Level Licence Scheme and a countersigned Impact Assessment and Conservation Payment Certificate has been received by the LPA. The red line boundary has been checked against that submitted for 20/01661/OM and following confirmation that all ponds within 250m have been included (including that at 5 Old Chapel Close), the LPA can be satisfied that Natural England's accepts the development in question is suitable for DLL and that the Conservation Payment will suffice to compensate for its impacts on GCN. In accordance with Natural England recommendations a Construction Environment Management Plan (CEMP): Biodiversity should be conditioned to demonstrate the LPA is meeting its duty to prevent wildlife crime under s17 Crime & Disorder Act 1998 for any protected species.

A single soprano pipistrelle bat roosts within building 3. The site will be registered under the CL21 bat low impact class license.

The ecological report (Applied Ecology, 2020) and subsequent reports (Applied Ecology 01/12/20) make a number of recommendations for enhancement including provision of bird boxes, hedgehog gaps in fences (and beneath gates), and use of native species in the soft landscaping proposals, and sensitive design of lighting. These should be secured via condition.

Should you be minded to grant consent conditions are recommended to safeguard the ecological interests of the site in accordance with Policy CS12.

Pond Restoration: Watlington Primary School Pond: It is proposed (Applied Ecology, 01/12/20) to restore a pond on the adjacent school grounds. This could be secured via a S106 agreement which would need to incorporate means of securing funds (for restoration and ongoing management) and include a method statement or similar detailing how the pond will be restored/managed, and who will be responsible.

### **Norfolk Wildlife Trust: NO OBJECTION**

Support the recommendations made in the most recent response from the County Ecologist (dated 26th May).



**Representations: 37 OBJECTION** representations received (20 of which were from three neighbouring dwellings). The issues are summarised below-

- Site has been cleared prior to the application submission. Concerns raised that biodiversity destroyed, and queries legality of this. Destruction of trees, hedgerows and wildlife habitats is not acceptable.
- Presence of Great Crested Newts, owls, bats, deer, various species of birds - development will harm protected species. Why have not all species been surveyed?
- 25 dwellings and carpark will not achieve a net biodiversity gain.
- Concerns raised that site boundaries do not reflect ownership, particularly drainage ditch on western boundary. Works cannot go ahead on this ditch.
- Concerns raised re capacity of existing watercourses/ drainage provision to cope with additional dwellings. Historically has been an issue with surface water drainage during periods of heavy rain, and storm drains do not work adequately. Concern that development on the site will cause surface water drainage issues to neighbouring dwellings as some are lower lying.
- Water supply issues within village.
- Concerns raised about ecology reports and Natural England licence. Whether sufficient ponds/ watercourses have been included. Queries around assumptions of drainage ditches/ ponds, is ecology work based on evidence? Is there sufficient evidence which follows European/ British law.
- GCN DNA surveys should be required (at the appropriate times of the year). Preliminary appraisal work is not sufficient.
- GCN on site at school in 2017 and date back to 1995/6.
- Development will put strain on doctors surgery and school.
- Downham Rd cannot cope with the additional traffic.
- Insufficient parking provided on site.
- Poor access and visibility on a bend.
- Inadequate access and adequacy of parking, loading and turning vehicles.
- Is it accessible by emergency vehicles and where is the nearest fire hydrant?
- KLWNBUG The Norfolk and Fens Cycling Campaign – Transport Statement submitted contains errors including the ref to no dedicated cycle paths in the village' when there is one immediately west of the site. Bridging the ditch to join up links to the school and station is a missed opportunity.
- Cycle parking on site should be in accordance with NCC Parking Standards.
- Application should have been better publicised.
- Noise and disturbance of additional homes and vehicles and play area.
- Overlook existing dwellings and result in a loss of privacy
- Overshadow neighbouring dwellings
- Backland development – would set a precedent.
- Contrary to form and character and village/ rural setting.
- Visual amenity value of site, and acts as a barrier between existing houses. Valuable green space in village.
- No green spaces provided.
- Site layout and dwellings proposed are too large and dwarf neighbouring existing dwellings, would be excessive in form/ scale.
- Brownfield sites around the borough should be built on first.
- Overdevelopment of the site
- Village needs small 1-2 bed homes not large family homes.
- Affordable housing needed.
- Applicant has been burning waste on site – CSNN were contacted.

**3 NEUTRAL** representations received. These are summarised as below-

- Independent ecology survey carried out at 5 Kent Drive, pond at 5 Old Chapel Close and adjacent land visible from public footpath. Results show presences of GCN and potential for bats.
- Wish to retain existing trees on boundary with 4 Old Chapel Close.
- Watlington Primary School has confirmed that no agreement has yet been reached regarding a financial contribution to the pond, and this should therefore not be relied upon when determining the application.

**3** representations of **SUPPORT** received; summarised as-

- Land is land-locked and has been wasteland for many years. An obvious area for development for high quality housing.
- New development will improve village, and the quality of development could enhance area. Had to call police to intruders on the land.
- Enhance pedestrian access towards the station and medical centre.
- Open space should be included and no more than 25 houses in total.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS11** - Transport

**CS12** - Environmental Assets

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

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

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

**DM17** - Parking Provision in New Development

**DM19** - Green Infrastructure/Habitats Monitoring & Mitigation

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2019

## **PLANNING CONSIDERATIONS**

The key issues identified in the consideration of this application are as follows:

- Principle of Development
- Form and Character
- Highways/ Access
- Ecology
- Flood Risk/ Drainage
- Neighbour Amenity
- S.106 requirements
- Other material considerations

### **Principle of Development**

The application site is located in the village of Watlington which is categorised as a sustainable settlement, a Key Rural Service Centre in Policy CS02 of the Core Strategy (2011). Policy CS06 goes on to state-

'The strategy for rural areas is to:

- promote sustainable communities and sustainable patterns of development to ensure strong, diverse, economic activity;
- maintain local character and a high quality environment;
- focus most new development in key rural service centres selected from the Settlement Hierarchy Policy CS02;
- ensure employment, housing (including affordable housing), services and other facilities are provided in close proximity.'

The application site, located centrally within the village of Watlington, is close to services and sustainable transport links meets this strategy.

Furthermore, the central location of the site means that it is within the existing built extent of the village, and the development boundary as defined in the adopted Local Plan. Therefore in line with Policy DM2 of the Site Allocations and Development Management Policies Plan (SADMPP) (2016); 'Development will be permitted within the development boundaries of settlements shown on the Policies Map provided it is in accordance with other policies in the Local Plan'.

There is planning history on part of the site (to the rear of nos.34-36 Downham Road) with an appeal allowed in 1994(ref: 2/94/0423/O) for the demolition of existing industrial premises and the construction of two dwellings. The Inspector considered in this case that the site was within the development boundary (at that time Built Environment Type D of the 1998 Local Plan) and the impacts on neighbouring dwellings, and the local highway network were acceptable. It was also stated that the application would not set a precedent for future development in the locality.

In terms of the principle of development on this site, the application accords with the Core Strategy Policies CS02, CS06 and CS08, and SADMPP Policy DM2.

### **Form and Character**

The application site is situated between a low density form of development along Downham Road, with detached dwellings in larger plots with a mixture of single storey and two storey

dwellings. To the west is more recent development much higher in density at Jackson Close and Kent Drive which are two storey dwellings.

The Parish Council, and neighbours have raised objections, stating that the scale of development for the site is inappropriate for the location. That the scheme will represent backland development and the site will be over developed giving rise to a cramped form of development.

In terms of whether this constitutes backland development, the proposed development suggests an inclusive planned approach by creating a cul de sac rather than individual plots being sold off. Given the modern development immediately to the west of the site and beyond this development off St Peters Road, this form is not considered to be alien in the village and is not contrary to the form and character within this locality.

With regard to the scale of development, while the application is an outline consent only with the details yet to be agreed, an indicative layout was provided to illustrate the maximum number of dwellings (22) was possible on the site. Initially the proposal was for 25 units however following negotiation, this number was brought down to better reflect the site constraints and policy requirements. This particular layout should not be considered as part of this consent. Furthermore the description of the application is 'up to 22 dwellings' which means that the applicant will, during the reserved matters application, have to provide a satisfactory layout taking into account policy requirements, form and character and neighbour amenity to gain consent at this stage.

In terms of this outline application, it is considered that the scale of development proposed in this location is acceptable in terms of the form and character of the locality, in line with Policy CS08 of the Core Strategy (2011), and Policy DM15 (SADMPP 2016). The site layout, landscaping, and scale and appearance of the dwellings will be considered as part of the reserved matters application.

### **Highways/ Access**

Objections have been raised by the Parish Council and neighbouring residents about the suitability of the proposed access into the site; the additional traffic this would generate and the impact of this traffic on the surrounding highway network as well as the parking and turning provisions within the site.

The scheme has been revised during the application process, specifically the access road and visibility splays which are now in accordance with the Local Highway Authority (LHA) requirements. The applicant also submitted a Transport Statement alongside the revised plans. The LHA does not object to the scheme in its current form, subject to the inclusion of a number of conditions to provide detailed plans of the roads, footways, street lighting, foul and surface water drainage and that works are carried out prior to occupation to the required standards. Also, the required visibility splays for the access and details of the on-site parking for construction workers, wheel washing and delivery arrangements for the duration of the construction period.

Given this is an outline application only the detailed layout of the site including parking and turning provision will be determined as part of the reserved matters application, rather than at this stage. Similarly, a comment was made about potential linkages to existing cycle paths, and again this can be considered as part of the site layout at reserved matters.

Therefore, the application is compliant with Policy CS11 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).

## Ecology

Neighbours to the application site have drawn attention to the presence of protected species on the site including Great Crested Newts and bats, and the potential for water voles. These are both within the site and on neighbouring land to the east, south and west of the site. The site, while garden land, had until recently been overgrown and neighbours have expressed concerns and disappointment at the clearance of the site and thereby removal of existing wildlife habitats.

The NPPF states that 'decisions should contribute to and enhance the natural and local environment by:

(a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

(d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.'

And in paragraph 175 that 'when determining planning applications, local planning authorities should apply the following principles:

(a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'

Policy CS12 of the Core Strategy states-

'Development should seek to avoid, mitigate or compensate for any adverse impacts on biodiversity, geodiversity and heritage as well as seeking to enhance sites through the creation of features of new biodiversity, geodiversity and heritage interest. The design of new development should be sensitive to the surrounding area, and not detract from the inherent quality of the environment.

The Council will require development proposals to be accompanied by an ecological impact study and assessment proportionate to the degree of the impact and importance of the species affected.

It may be necessary to secure biodiversity, geodiversity and heritage needs through planning conditions and/or obligations. This can include timing of work, Section 106 Agreements, pre-application negotiations, conditions, mitigation and compensation measures.'

The applicant has appointed ecologists to carry out preliminary survey / investigation work alongside additional survey work being carried out by neighbouring residents to provide preliminary evidence of Great Crested Newts within the application site. Consideration has also been given to the likely presence of water voles within the site, of which it is considered that the habitat is not suitable and there is no evidence of such. In terms of the presence of bats, a bat roost survey has been provided which shows there is no evidence of roosting bats or potential roosting bat features likely on trees within the site. A single soprano pipistrelle bat roosts within existing building 3 on the site. The site will be registered under the CL21 bat low impact class license and a condition has been attached to ensure this.

The applicant has secured a Great Crested Newt District Level Licence from Natural England which permits the carrying out of activities that would otherwise breach regulations,

and a countersigned Impact Assessment and Conservation Payment Certificate has been received by the LPA. This license covers the application site and details neighbouring ponds within 250m. The applicant has also offered to make a financial contribution to reinstate the pond at Watlington Primary School (which neighbours the site) as a form of mitigation/enhancement. However, while this contribution is desirable it is not a requirement for the planning consent, this has been met by the Natural England licence, and therefore cannot be included in the Section 106 agreement.

Advice has been sought from the Norfolk County Council Ecologist and their view is that there are no outstanding ecological issues regarding protected species. That with the license in place, recommended conditions can be attached to the consent to ensure due consideration is given to protected species within the site as well as requirements for biodiversity enhancement on the site.

With these specified protection measures in place, and on the advice of the NCC Ecologist, the scheme is in accordance with the NPPF and Core Strategy Policy CS12.

### **Flood Risk/ Drainage**

The application site is located in Flood Zone 1 and so at low flood risk. In its current form as garden land largely drains into an existing drain running along the western boundary of the site.

The drains are unregistered and ownership of the drains is unknown; however the properties along Downham Road have had the benefit of surface water drainage into these drains since the 1940s and as such the properties may lay such additional drains and pipes to the existing drainage system as are necessary for the property drainage of any properties on the land. This drain then feeds into an IDB managed drain.

Objections were raised by local residents on the grounds that there were incidents of poor drainage within the locality and that the existing watercourses/ drainage provision were not adequate to cope with the additional dwellings.

The surface water drainage information /scheme proposed by the applicant has been carefully assessed by both the Lead Local Flood Authority (as statutory consultee for Major development) and the Internal Drainage Board. They are satisfied with the information submitted, and there is an adequate drainage solution available to enable development of this scale on the site. Appropriate conditions are recommended to ensure that as the detailed scheme comes forward the drainage measures remain satisfactory.

The proposal is therefore in accordance with the NPPF and Policy CS08 of the Core Strategy 2011.

### **Neighbour Amenity**

Given that this is an outline application it is difficult to assess the full impact on neighbour amenity as a result of development on the site. However, broadly speaking the loss of garden land to new residential development will have a visual impact on neighbouring dwellings but there is no right to a view. Objections to the application include the fact that the scheme is excessive in scale, mass and height; and that it is in too close proximity to existing dwellings resulting in overlooking/ a loss of privacy and overshadowing. As well as noise and disturbance, and parking issues caused by additional dwellings in this location. Finally, the green space acts as a barrier between dwellings currently. These concerns are noted and will be considered in detail as part of the reserved matters application.

The historic appeal on the application site, referred to above (ref: 2/94/0423/O), included a condition for single storey development only. However, it is considered that the site is of a sufficient size that the development could be designed to minimise any detrimental impacts on neighbouring dwellings, through the scale and type of dwellings, site layout and orientation of houses, landscaping measures etc. It is not considered such a condition is required at this stage. It is accepted that this area of garden land has provided a green area/break in built form for the residents. However, while the land has traditionally been an established green area, this is in private ownership and is not an area accessible to the public as open space. The landowner has the ability to clear the site at any time. In terms of parking / traffic issues the LHA is satisfied that there is sufficient space to provide adequate parking on site for the new dwellings proposed.

Full consideration of the scheme in terms of its potential impact on neighbour amenity, will be considered at the reserved matters stage.

The proposal therefore complies with Core Strategy Policy CS08 and SADMPP Policy DM15.

### **Section 106 requirements**

Affordable Housing requirements – Based on the current number of dwellings proposed; the affordable housing requirement would be for four units. It is proposed that these are secured through a Section 106 agreement in the usual manner.

Open Space provision – During the application process discussions were held re the appropriate open space provision required for a development of this size (17sq.m per dwelling). Given this is an outline application only the details of this open space are not agreed at this stage however a Section 106 agreement will secure this need for provision in line with Policy DM16 of SADMPP (2016).

Other contributions - Norfolk County Council has confirmed that based on existing school capacity there is not a requirement for a financial contribution towards school places. There is a requirement for a financial contribution towards library provision however this sum will be accessed through the Community Infrastructure Levy process. Norfolk County Council do require that a fire hydrant is provided on site and a condition has been attached to secure this.

### **Other material considerations**

The Norfolk Constabulary Architectural Liaison Officer, the Norfolk Fire Service as well as the Greenspace Officer, the Housing Enabling Officer and Community Safety and Neighbour Nuisance team have provided detailed advice to inform the reserved matters application.

The majority of third party issues raised are discussed in the main body of the report. Other representations made include –

Water supply – neighbours have queried local water supply/ pressure in the village. Anglian Water has been consulted on the application and we are awaiting their comments re water pressure.

Pressure of local services such as schools, doctors etc – Watlington is categorised as a Key Rural Service Centre, a sustainable rural settlement with the capacity for growth. Norfolk County Council has confirmed there is sufficient capacity within existing local schools for the level of growth proposed. The doctors surgery has the ability to adapt to reflect patient numbers and staffing, and is not a material reason for refusal.

Publicity of planning application – site notices were displayed along Downham Road and letters were sent to neighbouring residents in line with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

## CONCLUSIONS

The application site is located within the Key Rural Service Centre of Watlington and is within the development boundary for the village as defined by the adopted Local Plan. As a result, the principle of development on the site is acceptable. The Local Highway Authority is satisfied that the scheme proposed does not give rise to highway safety issues and is in accordance with planning policy subject to the conditions proposed. Drainage concerns were raised regarding the site and the applicant has provided a strategy to the LLFA, which has been agreed. Again, conditions are attached to secure the necessary arrangements, and also a condition is attached requiring full details of foul drainage to be submitted and agreed prior to commencement of development.

The applicant has provided survey work to ascertain the presence of protected species on site; namely bats and great crested newts. A Natural England Great Crested Newt District Level Licence has been obtained which allows development to proceed on site, and conditions are attached to ensure that the development is managed appropriately (both for bats and great crested newts).

The outline application is for access only with all other matters reserved and the applicant has provided an indicative layout to ensure that the site is capable of accommodating up to 22 dwellings, although the layout and details of the development is yet to be agreed. In terms of form and character, and neighbour amenity, the scheme is acceptable based on the information provided to date.

A Section 106 agreement is required to secure the Habitats Monitoring and Mitigation Fee, the affordable housing contribution of 4 units (based on 22 dwellings) and the open space contribution.

The development accords with the provisions of the NPPF, Core Strategy Policies CS01, CS02, CS06, CS08, CS11 and CS12 of the LDF (2011) and Policies DM2, DM15 and DM16 of the SADMPP (2016).

It is therefore recommended that the application be approved subject to the completion of a satisfactory S106 Agreement.

## RECOMMENDATION:

**A) APPROVE** subject to the completion of a Section 106 agreement within four months of the date of the resolution to approve 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 Nos EP3103PL01-04A and EP3103PL01-08A) insofar as access only.
- 5 Reason For the avoidance of doubt and in the interests of proper planning.
- 6 Condition The development shall comprise of no more than 22 residential units.
- 6 Reason In the interests of protecting the environment and the future occupants of the development in accordance with the NPPF.
- 7 Condition No works shall commence on the site until such time as detailed plans of the roads, footways, street lighting, 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.
- 7 Reason This needs to be a pre-commencement condition to ensure fundamental elements of the development that cannot be retrospectively designed and built are planned for at the earliest possible stage in the development and therefore will not lead to expensive remedial action and adversely impact on the viability of the development.
- 8 Condition Prior to the occupation of the final dwelling all works shall be carried out on roads/footways/street lighting/foul and surface water sewers in accordance with the approved specification to the satisfaction of the Local Planning Authority.
- 8 Reason To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway
- 9 Condition Before any dwelling is first occupied the road(s)/footway(s) shall be constructed to binder course surfacing level from the dwelling to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority.
- 9 Reason To ensure satisfactory development of the site.

- 10 Condition Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4 metres x 59 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 0.225metres above the level of the adjacent highway carriageway.
- 10 Reason In the interests of highway safety in accordance with the principles of the NPPF.
- 11 Condition Development shall not commence until a scheme detailing provision for on-site parking for construction workers, wheel washing and delivery arrangements for the duration of the construction period have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.
- 11 Reason To ensure adequate off-street parking during construction in the interests of highway safety. This needs to be a pre-commencement condition as it deals with the construction period of the development.
- 12 Condition Prior to commencement of development, in accordance with the submitted FRA and Drainage Strategy (Flood Risk Assessment and Drainage Strategy Report | Land west of Downham Road, Watlington, PE33 0HS | BHA Consulting | Project Ref: 3559 | Version 2 | Dated: 19 January 2021) and, where applicable, superseding supplementary information within:
- Supplementary statement to accompany the revised Drainage Strategy and address comments raised by the LLFA in response FW2021\_0086 with revised drawings and calculations (Statement to Accompany Revised Drainage Strategy and Address Comments Raised by the LLFA (Ref: FW2021\_0086) | Downham Road, Watlington | BHA Consulting | Dated: 03 March 2021),
  - Supplementary statement summarising details associated with the drainage strategy submitted in relation to the site and clarification regarding the ordinary watercourse (Statement summarising details associated with the drainage strategy submitted in relation to the site and clarification regarding the ordinary watercourse | Downham Road, Watlington | BHA Consulting | Dated: 15 April 2021),
  - The final submitted Drainage Strategy Drawing (Drainage Strategy | Downham Road, Watlington | Drawing No: 3559.SK04 | Rev: P3 | Dated: 23 February 2021),

detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

- I. Surface water runoff rates will be attenuated to 2.1l/s as stated and clarified within the supplementary statement dated 03 March 2021 (Statement to Accompany Revised Drainage Strategy and Address Comments Raised by the LLFA (Ref: FW2021\_0086) | Downham Road, Watlington | BHA Consulting | Dated: 03 March 2021) to the submitted FRA and Drainage Strategy. Submission of consent to discharge from the Internal Drainage Board is provided and that the proposed rates and volumes of surface water runoff from the development are acceptable.
- II. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1.0% annual probability rainfall event including allowances

for climate change. A minimum storage volume of 378m<sup>3</sup> will be provided as stated and clarified within the supplementary statement dated 03 March 2021 (Statement to Accompany Revised Drainage Strategy and Address Comments Raised by the LLFA (Ref: FW2021\_0086) | Downham Road, Watlington | BHA Consulting | Dated: 03 March 2021) to the submitted FRA and Drainage Strategy.

III. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:

- 3.33% annual probability critical rainfall event to show no above ground flooding on any part of the site.
  - 1.0% annual probability critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.
- IV. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% annual probability rainfall event.
- V. Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.
- VI. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.
- VII. A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development. This will also include the watercourse and any structures associated with its use.

- 12 Reason To prevent flooding in accordance with National Planning Policy Framework paragraph 163, 165 and 170 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.
- 13 Condition No development shall commence until full details of the foul water drainage arrangements for the site have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.
- 13 Reason To ensure that there is a satisfactory means of drainage in accordance with the NPPF.
- 14 Condition Prior to the installation of any external lighting for the access road or individual dwellings, a detailed outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the location and heights of the lighting, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site. The scheme shall be implemented in accordance with the approved scheme and thereafter maintained and retained as agreed.

- 14 Reason In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.
- 15 Condition Prior to commencement of demolition or development a detailed construction/demolition 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, the location of site waste and materials stores and all 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.
- 15 Reason To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.
- 16 Condition The development shall not be brought into use until a scheme for the provision of fire hydrants has been implemented in accordance with a scheme that has previously been submitted to and approved in writing by the Local Planning Authority.
- 16 Reason In order to ensure that water supplies are available in the event of an emergency in accordance with the NPPF.
- 17 Condition No development shall take place (including demolition ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:
- Risk assessment of potentially damaging construction activities;
  - Identification of 'biodiversity protection zones';
  - Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
  - The location and timing of sensitive works to avoid harm to biodiversity features;
  - The times during construction when specialist ecologists need to be present on site to oversee works;
  - Responsible persons and lines of communication;
  - The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
  - Use of protective fences, exclusion barriers and warning signs.

If several years have passed since surveys were undertaken then update surveys may be required at the reserved matters stage and any additional mitigation measures that need incorporating into the site's design agreed with the local planning authority. The validity of the ecological surveys will be informed by CIEEM guidelines (2019) see <https://cieem.net/resource/advice-note-on-the-lifespan-of-ecological-reports-and-surveys/>

The approved CEMP: Biodiversity shall be adhered to and implemented through the construction phases strictly in accordance with the approved details, unless agreed in writing by the local planning authority."

- 17 Reason In the interests of preserving and enhancing the natural environment and protected species in accordance with the NPPF and Policy CS12

- 18 Condition No development shall take place (including any demolition, ground works or site clearance) until an Ecological Design Strategy (EDS) addressing all of the ecological enhancements contained within the ecological supports submitted in support of the planning application has been submitted to and approved in writing by the local planning authority.

The EDS shall include the following:

- a. Purpose and conservation objectives for the proposed works
- b. Review of site potential and constraints
- c. Detailed design(s) and/or working method(s) to achieve stated objectives
- d. Extent and location/area of proposed works on appropriate scale maps and plans
- e. Type and source of materials to be used where appropriate (e.g. native species or local provenance)
- f. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development
- g. Persons responsible for implementing the works
- h. Details of initial aftercare and long-term maintenance
- i. Details of monitoring and remedial measures
- j. Details for disposal of any wastes arising from works

The EDS shall be implemented in accordance with the approved details and all features will be retained in that manner thereafter.

- 18 Reason In the interests of preserving and enhancing the natural environment and protected species in accordance with the NPPF and Policy CS12

- 19 Condition Works shall not commence unless the local planning authority has been provided with confirmation of site registration under the CL21/licence issued by Natural England pursuant to the Conservation of Species and Habitats Regulations 2017 (as amended) authorizing the specified activity/development to go ahead.

- 19 Reason In the interests of preserving and enhancing the natural environment and protected species in accordance with the NPPF and Policy CS12

- 20 Condition Details required in accordance with Condition 1 shall include-

- An Arboricultural Method Statement and Tree Protection Plan.
- Details (height and specification) of acoustic fencing as boundary treatments between the access road and nos. 30 and 34 Downham Road.

- 20 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.

**B) REFUSE** if the Section 106 Agreement is not agreed within four months of the date of this resolution to approve.