

<b>Parish:</b>	<b>Northwold</b>	
<b>Proposal:</b>	<b>Outline application: proposed residential development of former coal yard/natural stone business</b>	
<b>Location:</b>	<b>Former Coal Yard The Poplars Thetford Road Northwold</b>	
<b>Applicant:</b>	<b>Mr J Murphy</b>	
<b>Case No:</b>	<b>21/00203/OM (Outline Application - Major Development)</b>	
<b>Case Officer:</b>	<b>Lucy Smith</b>	<b>Date for Determination: 27 May 2021 Extension of Time Expiry Date: 25 June 2021</b>

**Reason for Referral to Planning Committee** – Called in by Cllr Ryves

**Neighbourhood Plan:** No

**Case Summary**

Outline planning permission with access is sought for the residential development of the Former Coal Yard, The Poplars, Thetford Road, Northwold (adjacent to the A134). The application site comprises approximately 0.95ha of previously developed land, previously utilised in connection with the coal yard however in more recent years diversifying to also include landscaping materials and natural stone.

Vehicular access is proposed to the A134 and a pedestrian footpath is proposed to link to Methwold Road to the east of the site.

**Key Issues**

- Principle of Development
- Previously Developed Land and Unneighbourly Use
- Density and Form and Character
- Access and Highway Safety
- Affordable Housing
- Ecology
- Other Material Considerations

**Recommendation**

**A. APPROVE** subject to conditions and the satisfactory completion of a S106 Agreement to secure affordable housing and habitats mitigation payment within 4 months of the date of this Committee meeting;

**B.** In the event that the S106 Agreement is not completed within 4 months of the date of this Committee meeting, the application shall be **REFUSED** due to the failure to secure affordable housing and Habitat Mitigation Fee.

## **THE APPLICATION**

Outline planning permission with access is sought for the residential development of the Former Coal Yard, The Poplars, Thetford Road, Northwold (adjacent to the A134). The application site comprises approximately 0.95ha of previously developed land, previously utilised in connection with the coal yard however in more recent years diversifying to also include landscaping materials and natural stone.

Vehicular access is proposed to the A134 and a pedestrian link is proposed via footpath to Methwold Road to the east of the site.

## **SUPPORTING CASE**

The site comprises a former coal storage and delivery yard, as well as natural stone merchants. The former coal yard has ceased trading from this site and the natural stone business has moved to Stoke Ferry Timber as a complementary associated business.

The site is now vacant and, given its previous use, is deemed to fall within the definition of previously developed land or a 'brownfield' site. The site is also affected by contaminants as a result of solid fuel storage and transport and will require significant remediation in order to be appropriate for any new development on the site.

The application is located adjacent to Northwold village and which, combined with Methwold, fall within the category of a Key Rural Service Centre, in which new residential will normally be permitted.

Under the previous local plan, all three housing allocations were identified in Methwold only, and all three have been, or are in the process of being, built-out indicating significant local demand for new housing provision.

No allocations were made in Northwold due to lack of identified sites. This site provides an opportunity for Northwold to provide modest additional housing to complement existing services and facilities. The site's contamination can be cleared and remediation measures put in place to create a 'clean' site, safe for future occupiers and adjoining residents.

The application site seeks outline permission for housing development, seeking only the principle and means of access to be established at this stage. Layout plans have been provided but these are for indicative purposes only and do not comprise part of the formal application.

The application has the support of the Parish Council and the majority of neighbouring residents (8). One neutral letter has been received and two letters expressing no objection to the principle but expressing concern regarding a new footpath to be provided from the site through to the Methwold Road and potential for overlooking.

All statutory consultees have no objection to the proposed development, instead requesting conditions sought to be imposed on any outline permission. Ongoing negotiations with the Highway Authority have resolved outstanding matters relating to vehicle access on to the A134 and the footpath/cycleway link into the village. Highways' holding objection to the scheme has now been lifted.

The site offers a significant opportunity for Northwold which has previously been omitted from any housing allocations. The letters of support welcome the provision of suitable new market and affordable housing provision, the remediation of a contaminated land use, removal of freight traffic to and from the site and the proposed developments' support for local services and facilities, helping to maintain and complement these.

All pedestrian and cycle movements can access local facilities and the primary school by the provision of a new footpath link between the site and Methwold Road in the village, thereby avoiding direct access onto the A134 which lacks footpath provision and street lighting.

The fact that the principle of residential development of a brownfield site is overwhelmingly supported by the Parish Council and local residents, as well as the consulted statutory consultees, indicates that there is an identified local need for new housing for the village.

The emerging Local Plan Review also reflects the advice contained in National policy with regard to directing growth to brownfield sites in sustainable locations. The site, located adjacent to the existing settlement, is ideally situated to provide the form of development that Northwold residents are seeking whilst removing significant commercial land use with its associated heavy vehicle usage and land contamination.

The Applicant is not a housebuilder, but a local businessman with a positive and vibrant vision for the site which will enhance and support the local environment for new and existing residents, provide safe vehicular access as well as new pedestrian and cycle link to the village and will enhance the character and appearance of the surrounding area whilst benefiting local businesses and services within the village itself.

It is respectfully requested that Members note the local support for new housing provision in this location for which outline permission is being requested.

## **PLANNING HISTORY**

21/00612/F: Application Refused: 30/07/21 - Positioning of portable building with patio as a village shop with refreshments - Land Rear of 40 Methwold Road – DELEGATED DECISION

20/00094/PREAPP: INFORMAL - Likely to refuse: 08/09/20 - PRE-APPLICATION ADVICE (OUTLINE WITHOUT CONSULTATIONS): Proposed residential development - Coal Merchants

06/01502/F: Application Refused: 25/08/06 - Siting of log cabin for residential use - Land North West of 46 Methwold Road – DELEGATED DECISION

2/02/2096/F: Application Permitted: 20/01/03 - Erection of telecommunications mast and ancillary equipment – Coalyard – DELEGATED DECISION

2/00/0421/F: Application Refused: 16/05/00 - Construction of bungalow - Land Rear of 40-48 Methwold Road – COMMITTEE DECISION

2/00/0289/PN: : 29/03/00 - Erection of telecommunications mast and equipment compound - Mast Telecom – DELEGATED DECISION

2/96/0898/F: Application Refused: 03/09/96 - Construction of bungalow - Land South-east of The Poplars – COMMITTEE DECISION

2/96/0406/F: Application Refused: 07/05/96 - Construction of bungalow - Land South-east of The Poplars – DELEGATED DECISION

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## **RESPONSE TO CONSULTATION**

**Parish Council: NO OBJECTION** to amended plans

**Highways Authority: NO OBJECTION** – recommended conditions relating to the laying out of proposed roads, footways, visibility splays and on-site parking for construction workers and delivery vehicles.

**Environmental Health & Housing - Environmental Quality: NO OBJECTION** - recommended conditions relating to contamination and remediation schemes as a result of potential sources of contamination on site which pose a risk to the proposed landuse.

**Historic Environment Service:** Recommended conditions relating to potential archaeological remains and a written scheme of investigation.

**Arboricultural Officer: NO OBJECTION** – Recommended conditions to ensure the development is completed in accordance with the arboricultural report and plans. An updated arboricultural report, accompanied by an arboricultural method statement, will be required at reserved matters stage. I also think that a landscaping scheme will be required and must show the tree replacements mentioned in the arboricultural report.

**Natural England: NO OBJECTION**

**LLFA: NO OBJECTION**

**Housing Enabling Officer:** No objection in principle – S106 agreement required, stating the following comments:

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 Northwold. 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 2 units would be required, 12 for rent and 1 for shared ownership.

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

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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 be integrated with the general market housing in order to achieve mixed and sustainable communities in which the accommodation is tenure blind. An objection from us is likely if this is not met.

All S106 Affordable Housing units should meet the Council's space 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.

**Norfolk Fire and Rescue: NO OBJECTION** in principle – recommended planning condition relating to installation of fire hydrant

## **REPRESENTATIONS**

**TWO** letters of **OBJECTION**, stating comments summarised as follows:

- Loss of privacy from plots 7 & 8
- Footpath position and potential for anti-social behaviour and crime
- Crossing required for footpath on Methwold Road to allow safe access

**FIVE** letters raising **NO OBJECTION**, stating comments summarised as follows:

- Civil matter regarding existing right of way over existing access being used for footpath - please note: this letter has been withdrawn through further representations since submission
- Safety of pedestrians using footpath
- Impact on amenity/privacy of footpath users/residential dwellings adjacent to footpath
- Future maintenance and lighting of footpath
- Re-use of Brownfield/Previously Developed Land
- Affordable Housing
- Safety of access to A134
- Note status of emerging local plan
- Note regarding speed limit of A134 and potential need for additional speed restrictions

**EIGHT** letters of **SUPPORT** stating comments summarised as follows:

Benefit to local economy and services  
Use of brownfield site  
Compliments surrounding area  
Mix of properties in keeping with rural character  
Well located to existing village

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

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**CS02** - The Settlement Hierarchy

**CS08** - Sustainable Development

**CS09** - Housing Distribution

**CS10** - The Economy

**CS11** – Transport

**CS12** - Environmental Assets

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

**DM9** - Community Facilities

**DM15** – Environment, Design and Amenity

**DM1** – Presumption in Favour of Sustainable Development

**DM2** – Development Boundaries

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2019

## **PLANNING CONSIDERATIONS**

The key issues are:

Principle of Development

Previously Developed Land and Unneighbourly Use

Density and Form and Character

Access and Highway Safety

Affordable Housing

Ecology

Other Material Considerations

### **Principle of Development:**

Outline planning permission with access is sought for residential development on land on the outskirts of Northwold. The application site comprises approximately 0.95ha of previously developed land, previously utilised in connection with a Coal Yard however in more recent years, diversifying into landscaping materials and natural stone.

Northwold, along with Methwold is categorised as a Joint Key Rural Service Centre in Policy CS02 of the Core Strategy (2011) and therefore benefits from a settlement boundary to guide development to the most sustainable positions. This application is outside the development boundary for Northwold and therefore considered to be within the wider countryside for the purposes of Policy DM2 of the Site Allocations and Development Management Policies Plan (2016). However the site is previously developed land as defined by Annex 2 of the NPPF which will be considered below.

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## Previously Developed Land and Unneighbourly Use

Whilst outside the Development Boundary for Northwold, the National Planning Policy Framework requires local planning authorities to give weight to the redevelopment of previously developed land.

Previously developed land is defined within the NPPF (2021) as:

'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.'

Para. 85 of the NPPF (2021) states that the use of previously developed land and sites that are physically well-related to existing settlements should be encouraged where suitable opportunities exist and Para 120 goes on to state that planning decisions should: give weight to the value of using brownfield land, support appropriate opportunities to remediate degraded or contaminated land, and promote the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing.

Policy CS10 of the Core Strategy states:

'Retention of Employment Land The Council will seek to retain land or premises currently or last used for employment purposes (including agricultural uses) unless it can be demonstrated that:

*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.*

With a lawful use as a coal yard/distribution use, the potential for adverse impacts on surrounding dwellings is considered high and therefore. Weight should also be given to the loss of an unneighbourly/nuisance use along with the potential benefits of providing up to 12 houses towards the Borough Council's housing supply target in an edge of settlement, brownfield location.

In applying CS10, any intensification of use of the site for employment purposes (in order to ensure its continued commercial viability) would have significant ramifications for surrounding residents, in particular the existing dwellings located either side of the existing access. The residential use of the site would allow for fewer vehicle movements (in particular slow moving HGVs accessing/turning onto the A134), remediation of a contaminated site and overall lesser adverse impacts on residential amenity.

DM9 relates to this proposal to the extent that the Coal Yard is a 'community facility', however considering the highway safety concerns relating to the site's location and the diminishing viability of the business noted within the agent's Planning Statement, the community is considered to be sufficiently provided for through the relocation of the business to Stoke Ferry Timber, which is approximately 2 miles north of the site.

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Whilst the loss of an employment use is noted, on balance considering the amenity impacts and potential highway safety benefit (discussed in more detail below), the principle of residential development on site is considered acceptable in accordance with Paragraph 120 of the NPPF (2021) and Policies CS08 and CS10 of the Core Strategy 2011.

### **Density and Form and Character**

The application site has existing vehicular access to Thetford Road/A134, approximately 150m from the junction of the A134 and Methwold Road. Whilst vehicular access will be remaining in largely the same position, a footpath link is proposed to be formalised to run from the site to between nos. 38 and 40 Methwold Road, via a site currently utilised for private storage purposes only. This footpath provides a safe pedestrian link between the site and the services available in the centre of the village without conflict with the crossroad junction to the south east of the site.

Whilst only access is to be assessed at this stage, the proposed number of houses must be assessed in order to ensure that there is a reasonable prospect of a suitable design coming forward at Reserved Matters stage and to prevent overdevelopment of the site

The number of dwellings has been reduced during the course of this application, from 15 to 'up to' 12 due to concerns raised over the potential for a cramped and uncharacteristic layout for this edge of settlement location.

By reason of the site's position, long views will be available on approach from the west and partial views will be available across fields to the north. Whilst some built form could be screened through appropriate design and landscaping, the density of development must reflect the site's surroundings which is low and rural in character.

The proposal for up to 12 dwellings would result in a density of approximately 12 dwellings per hectare. When considering the constraints of the site, primarily its edge of settlement rural character, location and the density of existing development in the immediate vicinity, to achieve a suitable scheme for 12 dwellings the scale of houses would need to be substantially decreased from that shown on indicative plans. As no quantity is noted within the amended description, a condition is recommended to control the number of units to up to 12 to allow full consideration of the number of dwellings and layout proposed at reserved matters stage. This gives officer's sufficient control to secure a scheme that reflects the form and character of the locality and it is considered likely that a design and layout could come forward at reserved matters stage which complies with policies CS08 and DM15 of the Local Plan.

### **Access and Highway Safety**

Vehicular access is proposed following alterations to the existing access to the A134, however a pedestrian footpath link is proposed to be provided running towards the east of the site to Methwold Road. This footpath runs along the south boundary of a wider track between No. 38 and 40 Methwold Road and will allow a safe route for pedestrians towards the centre of Northwold. Conditions are recommended to ensure full details of the proposed footpath are provided, included a future maintenance scheme, prior to the first occupation of any dwelling.

The application site seeks the reuse of the existing access track directly to the A134 which is identified as a Principal Road in Norfolk's Route Hierarchy and as a strategic route in CS11 of the Core Strategy (2011).



The existing traffic numbers to/from site total between 30-60 customers visiting the site by car or by van each week day and up to 50 when the business is open until 12pm on Saturdays. Around 20 slow moving HGV movements to and from the site were noted on an average day – carrying out collections and deliveries.

Estimated figures (calculated on the basis of the original scheme for up to 15 dwellings) equate to an expected maximum of 6 departures and 3 arrivals in the peak AM hour, reversed in the peak PM hour – this quantum of development trips, a maximum of 1 trip every 6 minutes is not considered likely to cause any capacity issues and will be even less with the lower quantum of a max of 12 dwellings.

The above traffic information has been provided during the course of this application which demonstrates that the traffic associated with the change to residential use will be negligible when compared to the existing levels of traffic generated from the lawful use.

It is therefore considered that the use of the access for residential purposes for up to 12 dwellings is unlikely to lead to adverse impacts on highway safety. The footpath link provides a fundamental safe pedestrian link to the services available in the village and must therefore be retained to allow safe access for all modes as per Policy CS11 and Paragraph 112 of the NPPF (2021).

The LHA recommended conditions relating to the laying out of proposed roads, footways, visibility splays and on-site parking for construction workers and delivery vehicles.

Proposed off-site highway improvement works, including the provision of a drop kerb at Methwold Road are also controlled via condition.

The proposal therefore complies with policies CS08, CS11 and DM15 in regard to Highway Safety and the provision of safe access for all modes.

### **Affordable Housing**

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. A S.106 Agreement will be required to secure the affordable housing contribution.

At present a 20% provision is required on sites capable of accommodating 5 or more dwellings and/or 0.165ha in Northwold. 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.

For a development of 12 units, the affordable housing contribution sought would be 2 units, 1 for rent and 1 for shared ownership.

Heads of terms was submitted clarifying the applicant is willing to enter into a S106 for Affordable Housing contribution. The proposal therefore complies with policy CS09 in regard to the provision of affordable housing.

### **Ecology**

The ecology survey provided with this application demonstrates limited potential for protected species on site – mostly relating to bats within the buildings and nests available within the trees along site boundaries. Conditions are recommended to ensure that the development takes place in accordance with the measures proposed within the ecological

report – these measures also recommend further surveys take place for the warehouse and an ancillary building noted as having low roosting potential to confirm absence prior to the commencement of any demolition.

Changes have been made to the Conservation of Habitats and Species Regulations 2017 (as amended). The changes are made by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The 2017 Regulations are one of the pieces of domestic law that transposed the land and marine aspects of the Habitats Directive (Council Directive 92/43/EEC) and certain elements of the Wild Birds Directive (Directive 2009/147/EC) (known as the Nature Directives). Protected Species (PS) have full protection under the 2017 Regulations. It's an offence to deliberately capture, injure or kill, or deliberately disturb PS. These requirements are enforced in the 2017 Regulations and any derogation is regulated and overseen by a system of licensing administered by Natural England (NE).

In exercising its functions, including determining planning applications, a Local Planning Authority is required to have regard to the requirements of the Habitats Directive in so far as they may be affected by the exercise of those functions. It is not the role or responsibility of the LPA to monitor or enforce NE's obligations under the regulations. However, if a development proposal could potentially result in a breach of the Directive, the LPA is required to form a view on the likelihood of a licence being granted under the Regulations by NE in order to fulfil its own obligation to have regard to the Directive requirements.

NE will only grant a licence if satisfied that the three statutory tests prescribed under the directive and regulations have all been met. The tests are:

1. There are imperative reasons of overriding public interest (IROPI);
2. There are no satisfactory alternatives; and
3. It would not be detrimental to the maintenance of the population of the species at favourable conservation status

The obligation on the LPA is to consider the likelihood of a licence being granted by NE, not to determine definitively whether or not the licence will, in fact, be granted. It therefore has to review the three tests, in the context of a planning application, to then form a view on the likelihood of NE granting a derogation licence under the Regulations.

In this case, the survey work submitted concluded that there is potential for the development to result in the loss of a bat roost area with additional bat roost potential within the buildings on site, and that if the development were to proceed there is the possibility of a breach of the Directive. Additional survey work is required prior to the commencement of development, and it is likely that an EPS license from Natural England will be required prior to commencing works on site.

LPA's consideration of the tests:

1. IROPI – NE's guidance advises that IROPI can potentially include developments that are required to meet or provide a contribution to meeting a specific need such as complying with planning policies and guidance at a national, regional and local level. In this case, the principle of development is considered to accord with the NPPF (2021) and the proposed dwellings will contribute towards the housing supply.
2. No satisfactory alternatives – The demolition of the buildings would be required as part of the residential redevelopment of the site and the retention of the buildings alongside surrounding dwellings would lead to adverse impacts contrary to the Local Plan and it is

therefore considered to be reasonable to conclude that there are no satisfactory alternatives.

3. Population maintenance – it appears unlikely that the demolition of the buildings, subject to the appropriate mitigation measures, will affect the conservation status of the protected species.

The LPA can therefore reasonably form the view, from the information submitted to it for this planning application, that NE would be likely to grant a derogation license under the Regulations in relation to this development.

As a result, the additional survey work which will inform the appropriate mitigation measures and the EPS licence, in addition to the mitigation measures outlined in the Ecology Assessment can be conditioned accordingly.

Habitat Mitigation Fee is required and will be controlled through inclusion in the S106 agreement.

The application therefore complies with the NPPF (2021) and Policies CS08 and CS12 of the Core Strategy in regard to ecology, biodiversity and protected species or habitats.

## **Other Material Considerations**

### **Trees**

An arboricultural survey has been provided which indicates the retention of mature trees (a mix of Cherry, Silver Birch, Cypress and Walnut trees) towards the front of the site and adjacent to the footpath link. Whilst in outline form only, the layout could change with associated impacts on trees but it is considered that a suitable scheme could come forward at reserved matters stage to limit any adverse impacts. As a result, the Arboricultural Officer has recommended that an updated arboricultural report be submitted at reserved matters stage.

The proposal complies with para 131 of the NPPF and Policy CS12 of the Core Strategy (2011).

### **Setting of Conservation Area**

The boundary line to the Northwold Conservation Area cuts along the rear of houses to the north of the site. Given the separation provided by the existing fields and vegetation along the north boundary of the site, it is considered that a suitable layout and detailed design could come forward at reserved matters stage to have limited impact on the designated heritage asset. The proposal would therefore comply with the NPPF and Policy C12 of the Core Strategy 2011.

### **Contamination**

The Preliminary Contamination Assessment identified several potential sources of contamination on site. Conditions are recommended to ensure full details of contamination and remediation schemes are provided.

## **Archaeology**

The proposed development site lies adjacent to the cropmarks of a large, probably Bronze Age ring-ditch, perhaps a ploughed-out burial mound or hengiform structure. In addition, Iron Age, Roman and medieval coins have been found in the field to the northwest. Consequently, there is potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance will be adversely affected by the proposed development. Conditions are therefore recommended to ensure an archaeological scheme of investigation is submitted and that post-investigation takes place – subject to the approval of the LPA. The proposal therefore complies with the NPPF and Policy CS12 of the Core Strategy 2011.

## **Norfolk Fire Service**

The Norfolk Fire Service recommended conditions relating to the requirement for an additional hydrant on site. Conditions are recommended to ensure this detail is provided and the hydrant installed prior to the occupation of the dwellings.

## **Drainage**

The LLFA raise no objection to the proposal in principle. A Flood Risk Assessment and Surface Water Drainage Strategy was provided as part of this application and outlines the flood mitigation measures required (drainage system designed to 100 year event) and outlines that there is an estimated 5% reduction in impermeable surfacing associated with the proposed development. A condition is recommended to ensure that full details of proposed drainage are provided prior to the commencement of development.

## **Crime and Disorder**

Neighbour objections noted a potential safety issue regarding the footpath link. Whilst these comments are noted, the footpath link is open to one side as a result of the existing vehicular access point which runs alongside it which allows a clear view throughout the length of the path from Methwold Road. It is considered that a suitable layout can come forward at reserved matters stage which would allow passive surveillance of the footpath from proposed dwellings on site and would further limit the potential for adverse crime and disorder impacts. Conditions are recommended in relation to street lighting and footpath management detail which will allow further control over this proposed footpath link in perpetuity.

Remaining neighbour representations have been addressed throughout the body of this report.

## **CONCLUSION**

The application site is located outside of the development boundary for Northwold and therefore within the wider countryside for the purposes of Policy DM2, however the NPPF (2021) gives weight to the reuse and redevelopment of brownfield land in suitable locations and the application would result in the loss of an unneighbourly use, a highway safety benefit and the remediation of contaminated land. The residential development of the site is therefore considered acceptable in principle.

Up to 12 dwellings are proposed under this application (following revisions to the scheme during the course of this submission) and this is considered likely to be acceptable subject to a suitable design being submitted at reserved matters stage.

The application is therefore considered to comply with the NPPF (2021), Policies CS02, CS08, CS09, CS10, CS11 and CS12 of the Core Strategy and Policies DM9, DM12 and DM15 of the Site Allocations and Development Management Policies Plan (2016).

## **RECOMMENDATION:**

**(A) APPROVE** subject to the following conditions and satisfactory completion of S106 Agreement to secure affordable housing and habitats mitigation payment within 4 months of the date of this Committee Meeting.

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, in relation to access only:

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

6 Condition: The development hereby approved shall consist of no more than 12 dwellings.

6 Reason: For the avoidance of doubt and to define the terms of this consent where additional dwellings may lead to adverse impact on the countryside, contrary to Policies CS06, CS08 and DM15 of the Local Plan.

7 Condition: No works shall commence on the site until such time as detailed plans of the roads, footways including the footpath link to Methwold Road, street lighting, foul

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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/use of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan. 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.
- 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, access arrangements for delivery vehicles and wheel washing for the duration of the construction period has 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: Notwithstanding the details indicated on the submitted drawings no works above slab level shall commence on site unless otherwise agreed in writing until detailed drawings for the off-site highway improvement works as indicated on Drawing No SE-1419-PP1001-Rev1 has/have been submitted to and approved in writing by the Local Planning Authority.
- 12 Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor.

- 13 Condition: Prior to the first occupation of the development hereby permitted the off-site highway improvement works referred to in Condition 12 shall be completed to the written satisfaction of the Local Planning Authority.
- 13 Reason: To ensure that the highway network is adequate to cater for the development proposed.
- 14 Condition: No development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation, 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation and 7) any further project designs as addenda to the approved WSI covering subsequent phases of mitigation as required.
- 14 Reason: To protect against harm to any archaeological assets in accordance with para 199 of the NPPF (2021).
- 15 Condition: No development shall take place other than in accordance with the written scheme of investigation approved under condition (13) and any addenda to that WSI covering subsequent phases of mitigation.
- 15 Reason: To protect against harm to any archaeological assets in accordance with para 199 of the NPPF (2021).
- 16 Condition: The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition (13) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 16 Reason: To protect against harm to any archaeological assets in accordance with para 199 of the NPPF (2021).
- 17 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.
- 17 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.
- 18 Condition: The development hereby permitted shall be constructed strictly in accordance with the Preliminary Ecological Appraisal produced by Phillip Parker Associates Ltd and dated 5th February 2021 and submitted as part of this application.
- 18 Reason: In the interests of protecting the environment and protected species in accordance with the NPPF and Core Strategy Policy CS12 of the LDF.

- 19 Condition: Notwithstanding Condition 17, prior to the commencement of the development hereby permitted, including any site clearance works, further surveys to identify the extent of bat populations on or adjacent to the development site shall be undertaken in accordance with a written survey proposal, which shall have been submitted to, and approved in writing by, the Local Planning Authority prior to the survey taking place.
- 19 Reason: In the interests of protecting the environment and protected species in accordance with the NPPF and Core Strategy Policy CS12 of the LDF.
- 20 Condition: The results of the survey required under Condition 18 above shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development hereby permitted, including site clearance works. The results shall also provide for any mitigation/enhancement measures appropriate for any bat populations recorded in order to minimise the impact of the development upon the bats both during construction and upon completion. A timetable for the implementation/completion/maintenance of the mitigation/enhancement works shall also be submitted with the results. The mitigation/enhancement works shall be completed and maintained in accordance with the agreed details and timetable, other than with the prior written approval of the Local Planning Authority.
- 20 Reason: In the interests of protecting the environment and protected species in accordance with the NPPF and Core Strategy Policy CS12 of the LDF.
- 21 Condition: Prior to the first occupation of any buildings a scheme outlining the provision of Fire Hydrants on site shall be submitted to and agreed in writing by the Local Planning Authority. No dwelling shall be occupied until the hydrant serving the group of properties has been provided to the satisfaction of the Council in consultation with Norfolk Fire and Rescue Service. The fire hydrant(s) shall conform to BS750 and should provide a minimum sustained outlet discharge in line with the National guidance document on the provision of water.
- 21 Reason: Condition is needed to ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire in accordance with the provisions of the NPPF (2021).
- 22 Condition: Prior to the first occupation of the dwellings hereby approved, a scheme for the future maintenance of the footpath to Methwold Road shown outlined in red on dwg No. SE-1419-PP1001 Revision I shall be submitted to and agreed in writing by the Local Planning Authority. The public footpath shall be made available prior to the first occupation of any dwelling on site, or in accordance with a programme agreed in writing with the Local Planning Authority and shall be retained and maintained as available for this specific purpose in accordance with the approved details thereafter.
- 22 Reason: In the interests of highway safety to ensure safe access for all users in perpetuity in accordance with the NPPF (2021) and Policy DM15 of the SADMPP (2016).
- 23 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 the Environment Agency's Land Contamination Risk Management (LCRM).

- 23 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.
- 24 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.
- 24 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.
- 25 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.

25 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.

26 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 23, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 24, 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 25.

26 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.

27 Condition: The reserved matters application shall include an updated Arboricultural Impact Assessment, Method Statement, Tree Protection Plan and a Landscaping Plan.

27 Reason: For the avoidance of doubt and to allow full consideration of impact on existing trees in accordance with the NPPF (2021) and Policy CS12 of the Core Strategy (2011).

**(B)** In the event that the S106 Agreement is not completed within 4 months of the date of this Committee Meeting, the application shall be **REFUSED** due to the failure to secure affordable housing and Habitat Mitigation Fee