

**AGENDA ITEM NO.8/2(a)**

<b>Parish:</b>	<b>Terrington St Clement</b>	
<b>Proposal:</b>	<b>Outline Application: Erection of 76 dwellings with means of site access following demolition of existing structures</b>	
<b>Location:</b>	<b>Church Farm Distribution Depot Northgate Way Terrington St Clement Norfolk</b>	
<b>Applicant:</b>	<b>Heyford Development Ltd And The Landowners</b>	
<b>Case No:</b>	<b>18/00940/OM (Outline Application - Major Development)</b>	
<b>Case Officer:</b>	<b>Mrs N Osler</b>	<b>Date for Determination: 5 September 2018 Extension of Time Expiry Date: 22 June 2022</b>

**Reason for Referral to Planning Committee** – Officer recommendation is contrary to Parish Council recommendation and referred by Assistant Director

**Neighbourhood Plan:** No

**Case Summary**

The application is in outline for residential development on a site measuring approximately 4.87ha south of Northgate Way and west of Benn's Lane, Terrington St Clement.

The site lies outside the development boundary for Terrington St Clement. The vast majority of the site was previously used as a nursery (c. 90%) with about 60% of that area falling within Use Class B2 as granted by a Certificate of Lawful Use in 2010. The remainder (10%) is classified as countryside. The vast majority of the site is therefore classed as previously developed land (brownfield.)

However, the site represents the Local Authority's Preferred Option for housing in the emerging Local Plan (as shown on Terrington St Clement Inset Map in the Local Plan Review Pre-Submission Stage, 2021 document (LPRPSS)) and adjoins current allocation G93.3. Policy TSC1 – Terrington St Clement Land south of Northgate Way and west of Benn's Lane of the LPRPSS specifically relates to development of this site.

The Draft Plan was submitted to the Secretary of State for Levelling Up, Housing and Communities (SoS) on 29th March 2022, who will appoint a Planning Inspector to undertake an independent examination of the Plan, supporting documentation and Regulation 19 consultation feedback.

All matters are reserved except access, although the description of the development and indicative plans show a quantum of 76 dwellings.

The site lies within Flood Zones 2 and 3 on the Local Authority's Strategic Flood Risk Assessment, and the Environment Agency's Tidal River Hazard Map where the site is shown to potentially flood between 0.5 and 1m in the event of a breach event.

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Terrington St Clement Conservation Area lies approximately 165m (as the crow flies) to the southwest of the site with the Grade 1 Listed Church approximately 234m in the same direction.

### **Key Issues**

Principle of Development  
Form and Character and Impact on Heritage Assets  
Highway Safety  
Flood Risk and Drainage  
Residential Amenity  
Open Space  
Affordable Housing and Other Contributions  
Other Material Considerations

### **Recommendation**

**(A) APPROVE** subject to conditions and completion of a suitable Section 106 Agreement to secure affordable housing and open space provision within 4 months of the date of the resolution to approve.

**(B) REFUSE** in the event that a suitable Section 106 Agreement to secure affordable housing and open space provision is not completed within 4 months of the resolution to approve.

## **THE APPLICATION**

The vast majority of the site was previously used as a nursery (c. 90%) with about 60% of that area falling within Use Class B2 as granted by a Certificate of Lawful Use in 2010. The remainder (10%) is classified as countryside. The vast majority of the site is therefore classed as previously developed land (brownfield.)

The north and northwest part of the site abuts Church Farm, the southwest countryside, the southeast the existing allocation that benefits from planning permission granted under application 16/02230/OM and the east Benn's Lane.

A buffer area with planting is indicatively proposed between the site and Church Farm.

Parts of the western and southern edges adjoin open fields. This boundary is currently open.

The parameter and indicative plans show 76 dwellings, areas of open space including a children's play area and an attenuation pond.

The principal access to the site is proposed from Northgate Way with a secondary link to the allocation to the south inductively shown. A cycle and pedestrian route to Churchgate Way to the west is also indicatively shown.

## **SUPPORTING CASE**

None supplied at time of writing report.

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## PLANNING HISTORY

### *This site:*

08/00289/OM: Application Refused: 17/06/08 - Extension of house and construction of 24 additional dwellings for residents who form an assisted living community

### *Adjacent allocation:*

21/00589/RMM: Application Refused: 20/01/22 - Reserved Matters Application for 43 dwellings - Appeal Valid

16/02230/OM: Application Permitted: 04/04/18 - OUTLINE APPLICATION SOME MATTERS RESERVED: Demolition of existing structures and for the erection of up to 44 dwellings (Use Class C3) with means of site access from Benns Lane

### *Crossing both sites:*

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

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

2/97/1173/AG: Application Not Required: 26/08/97 - Creation of reservoir and new roadways

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

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

## RESPONSE TO CONSULTATION

**Parish Council:** **OBJECT** The Parish Council fully support the Highways objections to the proposal.

The Applicant does not address the impact of the vehicular movements from the development after the construction phase which will have an impact on the village as a whole in particular Benn's Lane.

The problems with a high volume of traffic using Benn's Lane, including HGV's has recently been proven during the recent works to a school crossing. Despite signage and advice, drivers used Benn's Lane as a short cut and this resulted in HGVs having to back up the narrow lanes and many accidents were narrowly avoided.

NCC erected "No HGV" signs at either end of Benn's Lane during the works and such signs should be displayed permanently.

The infrastructure of the village cannot cope with the continual influx of additional vehicular movements and demands on services.

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The sale of existing new homes in the village is stalling and additional dwellings should not be built if existing new dwellings are not being bought.

There is a specialist water system within the drainage installed by a neighbouring property which has not been highlighted.

There are serious concerns with regard to the water courses.

There are concerns that a "rat run " will be constructed within the site.

The change of access will not address the problems of vehicles taking Benn's Lane as a short cut.

The Council also re-iterate their previous objections to any development of this site and support their parishioners with their objections to the application.

**Highways Authority: NO OBJECTION** As you will be aware the County Council have consistently stated that we do not support further development at this location, largely due to the sub-standard nature of the southern end of Benn's Lane.

However, the amended proposal provides an acceptable access direct to Northgate Way, not Benns Lane. Whilst, this would not prevent vehicular traffic from using Benns Lane, Northgate Way is constructed to an acceptable width for this scale of development. Therefore, access to the wider highway network is clearly possible without the need to use Benns Lane and any impact on it is likely to be minimal.

As a consequence, despite our longstanding view of development in this location, the County Council no longer considers we could substantiate a recommendation of refusal.

Therefore, should the Borough Council deem this application to be acceptable, in relation to highway matters, the County Council would not wish to raise an objection to the granting of planning permission subject to imposing appropriate conditions.

**Environmental Quality: NO OBJECTION** The NPPF stated that the planning system should prevent both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of land or air pollution.

*Contaminated Land:* The applicant has provided a report Phase 2, Benns Lane, Phase II Geo-Environmental Investigation, June 2019 by BSH Remediation Limited, prepared to reduce the need for pre-commencement conditions

The report refers to earlier reports by others for the site for 'Phase 1'. The Phase II Investigation focuses only on the Phase 2 area of the site, which is reported to comprise disused polytunnels, greenhouses and arable farmland. The results of a walkover survey, soil sampling and ground gas monitoring are reported.

Laboratory analysis of selected samples is reported to show concentrations of contaminants below relevant assessment criteria. The gas monitoring is reported to show that no protection measures are necessary.

The report concludes that the Phase II Conceptual Model and the Qualitative Risk Assessment indicate that 'soils across the site should be treated as uncontaminated in the context of the proposed re-development of the site for a residential land-use with private

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gardens, subject to regulatory approval'. Some recommendations are made in the report regarding demolition materials and areas not investigated.

Sufficient information has been provided to show that the site can be made suitable for the proposed use. As some areas were inaccessible for investigation I recommend that a condition pertaining to unexpected contamination be appended to any permission granted.

*Air Quality:* We have assessed the application with regard to the EPUK/IAQM Planning for Air Quality Guidance. We are concerned to ensure that the development does not have an unacceptable impact on local air quality due to transport emissions. Current background annual mean nitrogen dioxide levels in this area are predicted to be 11ug/m<sup>3</sup>, well below the national air quality standard of 40ug/m<sup>3</sup>.

The applicant has included a transport statement which states that expected daily am and pm peak traffic from this proposal would be 34 and 40 vehicle trips. It can be assumed that the proposed 76 dwellings plus the adjacent 'phase 1' dwellings would generate less than 500 additional vehicle movements per day. This is not a significant change in an area where background pollution is low, based on criteria in the EPUK/IAQM guidance. It appears unlikely that this development would cause an unacceptable impact on local air quality due to traffic emissions. Therefore, we have no objection in principle regarding the impact on air quality in the operational phase.

However, in accordance with the adopted air quality action plan and to contribute to better air quality management, we recommend that good practice measures set out under 'Operational Phase' in chapter 5 of the EPUK/IAQM Guidance be included in design.

**CSNN:** In relation to surface water drainage, the lead consultee is the LLFA.

Anglian Water would need to confirm they have the capacity to accept 76 dwellings and where connection can be made to the foul sewer network in the village.

Further information and assessment will be required as per the Planning Statement (section 5.1.03) and the Noise Report (sections 3.3.2 to 3.3.8) in relation to noise mitigation measures for the dwellings, in order to protect future occupiers from road noise and noise from the industrial site to the northwest [Chapel Farm.] These issues can be suitably conditioned. We would also request conditions relating to construction and external lighting.

**Lead Local Flood Authority: NO OBJECTION** The applicant has updated the Flood Risk Assessment (FRA) and Drainage Strategy since the previous response due to it being three years since the previous Flood Risk Assessment was undertaken. This is to ensure compliance with the latest NPPF, the updated SFRA, the SuDS Manual and NCC guidance document. We maintain our no objection subject to conditions being attached to any consent as set out in our response dated 25 October 2019 (our ref FWP/18/2/7222) amended to reflect the updated FRA and Drainage Strategy.

We maintain our recommendation that the applicant discuss and act on the above comments/concerns raised by the Terrington St Clement Parish Council in their email on the 15 November 2018 (full email available in the Annex of this letter) prior to submitting the Reserved Matters application. We still maintain our recommendation that the King's Lynn IDB (Water Management Alliance) is included in these discussions. Other non-flooding related comments/concerns that were also submitted in that email still merit consultation and further discussion with the relevant parties.

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**Internal Drainage Board: NO OBJECTION** The site is within the Internal Drainage District (IDD) of the King's Lynn Internal Drainage Board (IDB) and therefore the Board's Byelaws apply. A copy of the Board's Byelaws can be accessed on our website ([https://www.wlma.org.uk/uploads/KLIDB\\_Byelaws.pdf](https://www.wlma.org.uk/uploads/KLIDB_Byelaws.pdf)), along with maps of the IDD ([https://www.wlma.org.uk/uploads/128-KLIDB\\_index.pdf](https://www.wlma.org.uk/uploads/128-KLIDB_index.pdf)). These maps also show which watercourses have been designated as 'Maintained Watercourses' by the Board. The adoption of a watercourse is an acknowledgement by the Board that the watercourse is of arterial importance to the IDD and as such will normally receive maintenance from the IDB.

In order to avoid conflict between the planning process and the Board's regulatory regime and consenting process please be aware of the following:

- I note that the applicant intends to discharge surface water to a watercourse, following infiltration testing evidencing that soakaways would not be viable on this site. The proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any consent granted will likely be conditional, pending the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy. ([https://www.wlma.org.uk/uploads/WMA\\_Table\\_of\\_Charges\\_and\\_Fees.pdf](https://www.wlma.org.uk/uploads/WMA_Table_of_Charges_and_Fees.pdf)). As shown in the FRA and Drainage Strategy (Wardell Armstrong, February 2022) Appendix B, Wardell Armstrong have been in correspondence with the Board regarding the discharge of surface water, and the Board anticipate receipt of an application for consent.
- I note the presence of a Board Maintained watercourse adjacent to the site boundary (DRN140G0801 – New Cut Drain) and that the site layout depends upon the realignment of this watercourse. Please note that the realignment requires consent from the Board under Section 23 of the Land Drainage Act, 1991, and this proposal does not currently have the Board's consent. I recommend the applicant applies to the Board as soon as possible to ensure the proposed site layout is achievable.
- I note that the applicant intends to do works within 9 metres of the realigned New Cut Drain. Therefore, consent is required to relax Byelaw 10 (no works within 9 metres of the edge of drainage or flood risk management infrastructure).
- I note the presence of riparian watercourses (watercourses that are not maintained by the Board) adjacent to the site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, consent will be required under the Land Drainage Act 1991 (and byelaw 4).

Whilst the consenting process as set out under the Land Drainage Act 1991 and the aforementioned Byelaws are separate from planning, the ability to implement a planning permission may be dependent on the granting of these consents. As such I strongly recommend that the required consent is sought prior to determination of the planning application.

### **Anglian Water: NO OBJECTION**

**ASSETS - Assets Affected:** There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site.

Anglian Water would ask that an informative be added regarding this is permission is granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement.

Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the

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Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

**WASTEWATER SERVICES** Wastewater Treatment: The foul drainage from this development is in the catchment of Kings Lynn Water Recycling Centre that will have available capacity for these flows

**USED WATER NETWORK:** This response has been based on the following submitted documents: Application form, site location plan, drainage strategy. The sewerage system at present has available capacity for these flows, via a gravity connection to or near manhole 4901. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

**SURFACE WATER DISPOSAL:** The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water. As such, we are unable to provide comments on the suitability of the surface water management. The applicant and the Local Planning Authority should seek the advice of the Lead Local Flood Authority, as they are the statutory consultee for surface water management, and the Internal Drainage Board if applicable. The Environment Agency should be also consulted if the drainage system directly or indirectly involves the discharge of water into a Main River.

**Environment Agency: NO OBJECTION** but wish to make the following comments.

Review of Flood Risk Assessment We have reviewed the revised Flood Risk Assessment (FRA) dated February 2022 (job number BM12303; report number: 0002) and consider this to be acceptable. The FRA recommends that finished floor levels are set at a minimum level of 4.3mAOD (600mm above the maximum predicted flood level of 3.7mAOD in the event of a breach of the River Great Ouse flood defences) to reduce the risk of flooding to the proposed development in an extreme event.

Your Authority may wish to consider applying a condition to any planning permission to ensure that the above mitigation measure is secured and implemented at the detailed design stage.

**Emergency Planning Officer: NO OBJECTION** However, because of its location in an area at risk of flooding and in line with best practice in business continuity, I would suggest that if permission is granted conditions relating to flood warning and evacuation are appended.

**Housing Team: 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 10 or more dwellings and/or 0.165ha in Terrington St Clement. The affordable housing provision is then further split into 70% of the affordable homes being made available for rent, 25% for First Homes and 5% for Shared Ownership or any other intermediate product that meets the

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intermediate definition within NPPF, meets an identified need in the Borough and is agreed by the Council. In this instance 15 units would be required, 10 for rent, 4 for First Homes and 1 for Shared Ownership.

First Homes is a new form of affordable housing, First Homes are to be sold by developers to eligible households at a discount of at least 30%. The council have published a guidance note for developers on First Homes.

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, i.e., 2-bed, 3-bed etc, I would recommend that, in order to best meet an identified housing need, mainly smaller units i.e., 2-bed 4-person units and 3-bed 5-person unit 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 fully be 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 76 dwellings, the affordable dwellings should be located in clusters of no more than 8. An objection from us is likely if this is not met.

The affordable housing should 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.

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.

**Historic England: NO OBJECTION** On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

**Historic Environment Service: NO OBJECTION** Archaeological surveys undertaken by the Fenland Survey Project in the 1980s found evidence for settlement activity of Anglo-Saxon to medieval date within the vicinity of the present application site. There is potential for heritage assets, buried archaeological remains to be present within the proposed

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development area and that the significance would be adversely affected by the proposed development.

If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigatory work to be secured by condition.

**Norfolk County Council Planning Obligations: NO OBJECTION** While the County Council acknowledges that most infrastructure requirements would need to be funded through the Community Infrastructure Levy (CIL), some might still need to be funded either through a separate legal agreement (e.g., S106 agreement) and/or planning condition.

The County Council would have concerns if funding for the list of infrastructure requirements mitigating the impact of this development could not adequately be addressed/delivered through CIL; and in the case of fire hydrants through planning condition and / or S106.

The following infrastructure will need to be funded through CIL:

- Education: Mitigation required at St.Clement's High School for 11 places.
- Library: Mitigation required at the library to develop self-service system for local area.

Taking into account other developments in the area, there would still be capacity at Early Education level, and Terrington St.Clement Primary would then be at full capacity. St.Clement's High School however does not have capacity to accommodate the additional children generate from these developments. Mitigation will be required for these additional places.

*Fire:* This development will require at least 1 fire hydrant per 50 dwellings (or part thereof to provide adequate firefighting water supply) at a cost of £921 per hydrant, which should be dealt with through condition.

*Library:* A development of 76 dwellings would place increased pressure on the library and mitigation is required to increase the capacity of the library. 76 No. of houses x £75 per dwelling = £5700

**Arboricultural Officer: NO OBJECTION**, but I will need to see an updated AIA, AMS & tree protection plan if this application progresses.

**Norfolk Constabulary: NO OBJECTION** Given the outline nature of the application NC have suggested ways of making the detailed proposals meet Secured by Design standards.

**Norfolk Fire and Rescue: NO OBJECTION** I acknowledge receipt of the above application and I do not propose to raise any objections providing the proposal meets the necessary requirements of the Building Regulations 2010 – Approved Document B (volume 1 – current edition, or as revised) including any requirements in relation to B5: Access and facilities for the fire service and arrangements for emergency service vehicles, as administered by the Building Control Authority.

**Public Open Space: NO OBJECTION**

- As far as possible, open space needs to be well overlooked and centrally located, mitigating any potential for anti-social behaviour. Buffer landscaping, although potentially adoptable by the Borough Council, will not be counted towards public open space requirements, unless it can be demonstrated to offer a play/recreational value. If buffer landscaping is to be publicly accessible, efforts should be made to ensure it is well overlooked.

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- Ponds/SUDs will not be counted towards open space provision or adopted by the Borough Council. Areas of open water also need to be securely fenced against areas of public access.
- Open space is to be provided for public use, not just for use by residents.
- Robust arrangements need to be in place to secure permanent maintenance of all on site landscaping, trees, hedging etc. Landscaping outside of private gardens but conveyed to individual householders tends not to be maintained.
- An open space specification, including detailed information on landscaping, play equipment, landscaping, paths and access arrangements will need to be submitted and approved prior to commencement of development.

Given the development now consists of two phases, up to a maximum of 123 dwellings, there may be a requirement for 56m<sup>2</sup> per dwelling of open space within each phase (in line with requirements under DM16). This would be provided as 30% suitably equipped children's play space and 70% as amenity/sport.

**Conservation Officer: NO OBJECTION** I've been all round this site and the development has the potential to impact on 5 designated heritage assets – The Church of St Clement, the Tower to St Clement, the Conservation Area as a whole and the Church Hall (listed as the Old School) to the south west, plus Tower House to the north.

There is a very good updated Heritage Statement in support of the application which concludes that the proposals would not affect the setting of the Church or its associated Tower and so would cause them no harm and I agree with that assessment. I'm slightly disappointed that neither the Conservation Area or the former School were specifically mentioned but their location relative to the Church meant the same assessments apply and so they will not be harmed either. Tower House is to the north of the site on the other side of Northgate Way and it has a large front garden so I do not think that its setting will be harmed either.

**Planning Policy: NO OBJECTION** I can confirm that we have now checked and processed all of the representations received during the Local Plan Review (Regulation 19) consultation. Regarding the new site allocation proposal reference TSC1, only one representation was received regarding that site proposal during the consultation. That was the response from Highways, to which I referred in my email below. As said, the Highways response related to potential access arrangements, rather than objecting to the principle of development.

Accordingly, I would argue that some (albeit limited) weight could be given to the emerging Local Plan Review Policy TSC1 (regarding the principle of development), given that no objections have been made in this regard. I would advise that you link any policy reference to the relevant criterion in Core Strategy Policy CS02 (Settlement Hierarchy), for Terrington St Clement.

## REPRESENTATIONS

**128** letters of **OBJECTION** have been received from 99 third-party representatives. The reasons for objection can be summarised as:

- Further housing is not needed in general or specifically within the village
- Loss of grade 1 agricultural land
- The local primary school is over prescribed and there is no capacity to expand other than at the loss of play / sports space
- Highway safety in general, but specifically around the primary school, at the access of the site with Northgateway, and along Benns Lane

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- The village does not have the facilities or infrastructure to cope with this degree of development
- Flood Risk and Drainage; the current sewer / drainage system cannot cope, and severe surface water flooding often occurs on Northgateway
- Impacts will be intensified due to the new industrial units
- Low water pressure in the locality will be exacerbated
- The attenuation pond represents a hazard and could result in the death of a child
- The site should be used for business not residential
- The play area is on top of an active badger sett
- Impact on protected species / loss of habitat
- There are GCN in the locality
- Benns Lane should be widened and a footpath added
- The village will have as many houses as a small town
- The site is greenfield and should be used for greenfield purposes
- This will increase traffic using the junction of the A17 with Station Road which is an accident 'hotspot'
- It is out of character with the existing built form of the village

Additionally, Cllr Clive Barton commented as follows: *"I don't object to the Development but have the people in the approval stage looked at the Infrastructure like Roads, School capacity, Doctors Capacity, Traffic volume on the roads. These I feel are not being addressed maybe asking the Builders to give Development money to these Schemes might swing a Development in their favour."*

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS09** - Housing Distribution

**CS11** – Transport

**CS12** - Environmental Assets

**CS13** - Community and Culture

**CS14** - Infrastructure Provision

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

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

**DM2** – Development Boundaries

**DM2A** – Early Review of Local Plan

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

**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

**DM21** - Sites in Areas of Flood Risk

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2019

## **PLANNING CONSIDERATIONS**

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

Principle of Development

Form and Character and Impact on Heritage Assets

Highway Safety

Flood Risk and Drainage

Residential Amenity

Open Space

Affordable Housing and Other Contributions

Other Material Considerations

### **Principle of Development**

On 8th July 2021 the Local Plan Review was approved by Full Council for statutory consultation (Regulation 19, Town and Country Planning (Local Planning) (England) Regulations 2012) and submission to the Secretary of State.

The pre-submission consultation stage ran for 8 weeks, from 2nd August to 27th September 2021, inclusive. The Council has considered consultation feedback, which was summarised and presented to Members (Local Plan Task Group) on 28th October 2021.

The Local Plan Review was submitted to the Secretary of State for Levelling Up, Housing and Communities (SoS) on 29th March 2022, who will appoint a Planning Inspector to undertake an independent examination of the Plan, supporting documentation and Regulation 19 consultation feedback.

From this point the plan-making process is led by the Planning Inspectorate. The examination is expected to finish around the end of the year (2022.)

In terms of the LPRPSS, inclusion of the site within the plan, that has been approved by Full Council and submitted to the SoS, demonstrates the Borough Council's clear intention to

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develop this site. The LPRPSS has been through public consultation with only one response being received from the Local Highway Authority.

It has therefore been confirmed by the Local Plan Team that weight can be attributed to this emerging policy given its position in the allocation process and known consultation responses.

The site represents the Preferred Option for housing development in the Emerging Local Plan alongside the existing three allocations that includes the site to the immediate south that was granted permission by Planning Committee on 04.04.2018 under application 16/02230/OM. Whilst the reserved matters application was refused by Planning Committee on 20.01.2022 due to concerns relating to the proximity of the play area to a surface water attenuation pond, the outline permission remains extant whilst the Planning Inspectorate considers the refused reserved matters application which has been submitted to them via appeal.

Policy TSC.1 'Terrington St Clement Land south of Northgate Way and west of Benn's Lane' relates specifically to this site and states: **Land amounting to 4.9 hectares, as shown on the Policies Map, is allocated for residential development of at least 76 dwellings.**

*Development will be subject to compliance with all of the following:*

- 1. Demonstration of safe access from Northgate Way to the satisfaction of Norfolk County Council as the Local Highway Authority, the provision of adequate pedestrian/cyclist links, including a link through to Churchgate Way, and a pedestrian, cycle and road link to the adjacent land allocated as G93.1*
- 2. Submission of a Flood Risk Assessment (FRA) that should address all forms of flood risk (coastal inundation, fluvial, pluvial and groundwater). The FRA should explain how surface water drainage will be managed. The FRA must demonstrate how the development would provide wider sustainability benefits to the community that outweigh the risk associated with flooding and that the development would be safe for its lifetime without increasing flood risk elsewhere and, where possible, would reduce flood risk overall. The FRA should also suggest appropriate mitigation (flood resiliency measures)*
- 3. Submission of details showing how sustainable drainage measures will integrate with the design of the development and how the drainage system will contribute to the amenity and biodiversity of the development. A suitable plan for the future management and maintenance of the SUDS should be included with the submission*
- 4. Satisfactory accommodation of the Internal Drainage Board maintained drain crossing the site*
- 5. Submission of a detailed Contamination Assessment in accordance with the requirements of the National Planning Policy Framework (NPPF) and the Environment Agency's 'Guiding Principles for Land Contamination'*
- 6. Submission of a Heritage Asset Statement that establishes that development should conserve and where appropriate enhance the Conservation Area, Grade I Listed Church and Tower, and Grade II Listed Tower House and their settings. This should be accompanied by an Archaeological Field Evaluation of the site, if required*
- 7. Provision of affordable housing in line with the current standards.*

The following committee report will show that:

- the Local Highway Authority raises no objection, subject to conditions, to the proposed access from Northgate Way on the ground of highway safety
- neither the Lead Local Flood Authority, Environment Agency, Internal Drainage Board nor Emergency Planning Officer object, subject to conditions, on the grounds of flood risk or drainage
- the Environmental Quality Team raise no objection, subject to condition, on the grounds of contaminated land

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- Neither the Conservation Officer, Historic England nor the Historic Environment Service raise objections, subject to conditions, on the grounds of the impacts on the Historic Environment
- Affordable housing, in line with current standards, will be secured by S106 Agreement.

It is also important to note that, regardless of third-party comments and those of the Parish Council suggesting otherwise, 90% of the site is classed as previously developed land with c60% also benefitting from a lawful development certificate.

There is a presumption in favour of development on brownfield sites wherever possible with paragraph 120c) of the NPPF stating: *[LPAs should] give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.*

The site is also well located in terms of its position within the settlement and its proximity to the services and facilities the settlement has to offer. In relation to this, paragraph 69 of the NPPF states: *Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should: ...*

*c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes...*

Therefore, whilst the site does not form part of the existing Development Plan, it would represent a sustainably located, brownfield windfall site. This in itself carries significant weight.

However, together with the weight that can be given to the emerging Local Plan as outlined above, it is considered that the principle of development for residential use of this site should be supported subject to compliance with other national and local planning policy and guidance.

### **Form and Character and Impact on Heritage Assets**

Layout, scale and appearance are all reserved for future consideration on this site that would have a gross density of development of 15.6dph (by comparison the neighbouring allocation's density of development is 18.7dph.)

Housing types in the vicinity of the site include simple rows of cottages to larger properties, farmhouses, barns and the potentially more modern development on the allocation to the immediate south of the site.

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

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

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

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

In relation to the Historic Environment, the site contains no designated heritage assets.

However, the Grade I Listed Church of St Clement and its Tower and the Grade II Listed Tower House are in the immediate vicinity of the site.

The Heritage Statement (HS) that accompanied the applications states: *In respect to views of the assets, both the Church and the Tower are dominant within the view on approach to and upon entrance off Churchgate Way. The site, located beyond the mass of the Church and intervening vegetation, would not be visible within this view within which the assets are dominant against an intimate backdrop; their associated churchyard.*

The HS goes on to say: *Important long views of the assets were noted as being possible from the public rights of way to their east and south-east. The proposed development would not be visible within these views. Another important view of the assets was noted from Benns Lane. The site would not be visible within this view... views towards the site from the asset were substantially screened, effectively blocked, by the presence of mature vegetation to the boundary of the site and to the boundary of Tower House. The Church Farm property likewise substantially screened the views towards the site from the asset to the west.*

*The Grade I Listed Church of St Clement and its Tower form the north-eastern element of the Terrington St Clements Conservation Area. As such, the views were likewise screened by the presence of vegetation present to the perimeter of the churchyard. The view from the properties along the western side of Churchgate Way, in addition to being partially blocked by the boundary of the Church, were screened by Terrington St Clement Community School. The proposed development is located c.120m north-east of the conservation area. The site would not be visible within this view.*

The HS concludes: *No harm has been identified and no designated heritage assets will be affected by the proposed development. The proposed development would not affect any elements of setting that contribute towards an understanding of the archaeological, historic or architectural interests held by any asset and their significance is sustained.*

In this regard neither the Conservation Officer, Historic England nor the Historic Environment Service raise any objection, with the Conservation Officer commenting on the robustness of the HS.

The proposal therefore complies with Chapter 16 of the NPPF and Development Plan Policies CS01, CS08, CS12 and DM15 and emerging Local Plan Policy TSC1.

## **Highway Safety**

The application is outline with all matters except access reserved for future consideration.

The Development Management Procedure Order 2015 (DMPO), as amended, defines access, in relation to reserved matters, as *the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and **circulation routes** and how these fit into the surrounding access network; where "site" means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made.*

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In relation to circulation routes there is some ambiguity how this relation to 'layout' with the DMPO defines as *the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.*

However, in relation to access the LPA has consistently taken the view that this relates principally to access into the site with circulation routes being considered under layout.

In relation to this site the policy requirement (TSC1) not only requires safe access from Northgate Way, but also the provision of a pedestrian, cycle and road link to the adjacent land allocated as G93.3 as well as a pedestrian and cycle link through to Churchgate Way.

Currently the plans show the main access into the site, from Northgate Way, but not the secondary road link to the adjacent allocation. In this regard only an indicative link is shown.

It could therefore be argued that the first policy requirement has not been considered in sufficient detail given that access is not a reserved matter.

Notwithstanding this, because this is a secondary access, and an indicative plan shows a link up to and abutting the adjacent allocation (as well as a pedestrian and cycle link to Churchgate Way) the indicative masterplan is considered to be consistent with policy TSC1. It is therefore considered that these secondary (vehicular, pedestrian and cycle link to allocation) and tertiary (pedestrian and cycle link to Churchgate Way) accesses can be suitably secured by condition if permission is granted.

In relation to the principal access, the Local Highway Authority has confirmed, following repositing of the main access to Northgate Way (previously it was proposed off Benn's Lane) that they raise no objection to the proposed development on the grounds of highway safety.

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

The proposal therefore complies with Chapter 9 of the NPPF and Development Plan Policies CS01 and CS11 although it could be argued that it is not in full accordance with Policy TSC1 of the emerging Local Plan.

### **Flood Risk and Drainage**

The site lies in an area at risk of flooding (flood zone 2 and 3 of the Local Authority's Strategic Flood Risk Assessment and in the EA's Tidal Hazard Mapping Area.) Both national (the NPPF and NPPG) and local (the Development Plan) policy seeks to steer new development away from areas at risk of flooding by virtue of applying the sequential test.

However, it is not necessary to undertake the sequential test on allocated sites (as it is considered that this occurred during the allocation process). Further, and in line with Development Plan Policy DM21, only the second element of the exception test is required (as it is likewise considered that the first element (wider sustainability benefits) is deemed to be met by the allocation process.)

The second part of the exception test requires that a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.

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The applicant has updated the Flood Risk Assessment (FRA) and Drainage Strategy (DS) due to it being three years since the previous assessment was undertaken. This is to ensure compliance with the latest NPPF, the updated SFRA, the SuDS Manual and NCC guidance document.

The updated assessment calculated a maximum discharge rate of 4.2l/s. This figure was calculated following discussions with the IDB and has been confirmed as acceptable by the LLFA.

The updated FRA and DS has taken into account the SuDS pond surface as an impermeable area. Consequently, the contributing impermeable area is now 2.11ha. The updated FRA and DS now shows attenuation storage designed for 4.2l/s for the 1% AEP plus 40% climate change.

The assessment shows that 2077m<sup>3</sup> of attenuation storage is required in the 1% AEP + 20% climate change flood event and 2452m<sup>3</sup> in the 1% AEP + 40% climate change flood event.

The MicroDrainage calculations show that consideration has been given to the 1% AEP + 40% CC storm and that flood risk is present for the five of the modelled winter storm durations between the lengths of 960 minutes and 4320 minutes. This is considered sufficient information with regard to the 1% AEP storm.

No further information regarding exceedance routing has been submitted. It is assumed that this means that an exceedance routing plan has not yet been created, potentially due to a final layout not yet having been confirmed. A confirmed exceedance routing plan will be required with the final site layout; this can suitably be conditioned if permission is granted.

The FRA and DS have updated the proposed maximum flood levels. However, no further information regarding the proposed constructed levels have been supplied. The updated FRA and DS does state 'As the highest flood risk to the site is tidal breach, the flood levels are predicted to reach a maximum of 3.7m AOD. Following the requirements of the Borough Council of King's Lynn & West Norfolk SFRA, which indicates that Finish Floor Level (FFL) should be set a minimum of 600mm above the 0.5% AEP tidal event plus an allowance for climate change, FFL at the site should be set at a minimum level of 4.3m AOD (600mm above the maximum predicted flood level of 3.7m AOD).' This is considered acceptable. Further information showing how this has been incorporated into the final proposed layout plan will be required; this can be suitably conditioned and will need to be shown when reserved matters are considered at a later stage.

Further information regarding compliance with CIRIA report C753 'The SuDS Manual' has been included in the DS. This confirms how all the surface water management features are to be designed in accordance with the SuDS manual. This is considered acceptable for this application. However, further information, showing how this shall be incorporated into the final proposed layout will be required; this can be suitably conditioned and will need to be shown when reserved matters are considered at a later stage.

The DS includes further information regarding a maintenance and management plan. This is considered acceptable for this application. However, further information on the adoption, maintenance and management arrangements for the site should be secured by condition.

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

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Anglian Water has confirmed there is both foul and used water capacity for the proposed development.

On the basis of the above, the proposal complies with Chapter 14 of the NPPF and Development Plan Policies CS08, CS12 and DM21 and emerging Local Plan Policy TSC1.

### **Residential Amenity**

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

### **Open Space**

Open Space provision is covered in Development Management Policy DM16 and requires (once calculated) 17m<sup>2</sup> per dwelling of equipped play space.

As per the Open Space Officer's comments this area cannot include Ponds / SUDs.

Discussion have taken place with the Open Space Team as to whether this application should be considered as an extension to the allocation to the south. If this were the case then the development would have to provide 56m<sup>2</sup> per dwelling across both sites comprising 70% for either amenity, outdoor sport and allotments (where there is an identified need), and 30% suitably equipped play space.

However, this only relates to when an allocated site comes forward incrementally (e.g. through sub-division.) This application is for a new allocation in the emerging Local Plan and does not relate to the sub-division of an allocated site i.e. these are two separate allocations and no sub-division has occurred. As such only 17m<sup>2</sup> per dwelling needs to be provided. This equates to 1,292m<sup>2</sup>.

The illustrative plan shows 1,500m<sup>2</sup> which therefore exceeds policy requirements.

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

The proposal complies with Chapter 8 of the NPPF and Development Plan Policies CS01, CS13, CS14 and DM16.

### **Affordable Housing and Other Contributions**

The size and scale of the proposed development triggers the requirement for the provision of affordable housing. In this instance 15 units would be required (20%).

The policy requirements in relation to Affordable Housing are different to that of Open Space and do require adjacent consented schemes to be taken into account when calculating the contribution.

In this regard, planning permission was granted for 44 units on the adjoining site.

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Policy DM8 of the Site Allocation and Development Management Policies 2016 requires these two sites to be linked.

However, on a combined site of 120 units (44 + 76), a contribution of 24 units would be required. Nine affordable units have already been secured on the adjoining site and a further 15 proposed on this site.

As such affordable housing, meets current standards, and will be secured via a S106 Agreement.

£50 per dwelling habitats mitigation fee was paid on submission of the application in accordance with Development Management Policy DM19.

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

Section 70(2) of the Town and Country Planning Act 1990 provides that an LPA must have regard to a local finance consideration as far as it is material. This includes any Community Infrastructure Levy (CIL). The Council's adopted CIL charging schedule will cover infrastructure costs including education and libraries.

Therefore, monies for school and library provision can no longer be secured via S106 agreement as CIL now covers such contributions. However, it is pertinent to note that, notwithstanding numerous third-party comments that suggest the nursery and primary schools are full to capacity, Norfolk County Council suggests that no educational contribution is required from this development for the nursery or primary school. It is however acknowledged that 11 secondary school places are required.

On the basis of the above, the proposal complies with Chapter 5 of the NPPF and Development Plan Policies CS01, CS06, CS09, CS14, DM8 and DM19 and emerging Local Plan Policy TSC1.

## **Ecology**

An Updated Preliminary Ecological Appraisal was carried out in Feb 2022. The main purpose of the study is to assess for substantive changes to baseline habitats at the site since the undertaking of previous surveys which are Badger Survey (Sept. 2019), Bat Activity Survey (Sept. 2019), Great Crested Newt (2018) and Water Vole (Sept. 2019.)

The updated PEA identified no substantive changes to the habitats present at the site in 2022 to those recorded at the Site previously. It is therefore possible to assume that the baseline status of the species present at the site will remain as previously identified through surveys.

However, advice provided by the Chartered Institute of Ecology and Environmental Management states that survey data that is older than 3 years should be considered expired. Most of the survey data collected at the Site is approaching the 3-year mark.

However, with respect to GCN, the last surveys were done in 2016 (despite being reported in 'update' reports in 2018). The GCN survey data is therefore more than 5 years old. On that basis it is broadly recommended that the protected species surveys carried out at the site previously are updated in 2022.

Notwithstanding this, it is noted that surveys for protected species that are present at the site, in particular GCN, will need to be updated in order to apply for post-consent, pre-construction mitigation licences.

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Taking each species in turn, the original PE and individual surveys suggest:

**BATS:** The updated BAS (2019) shows that the bat activity recorded throughout the site was consistent with the previous bat activity report (2018) which indicated very irregular use of the site by bats.

*Recommendations:*

- Where possible, linear landscape features such as hedgerows should be maintained in order to preserve the integrity of the site as a commuting and foraging resource for bats. The transects indicated that the eastern hedgerow in particular was regularly used by bats for commuting and therefore should be retained where possible. If gaps are to be created within it, these should be as short as possible. In addition, the vegetation on each side of the gap should be allowed to grow tall so that canopies spread to bridge the gap, thereby retaining connectivity for bats.
- New planting of trees and shrubs, around the periphery of the development would serve to enhance connectivity for bats around the survey area and provide additional foraging habitats.
- Open space should incorporate semi-natural habitats, including the retention of ditches and areas of less intensively managed grasslands, to promote invertebrate diversity, which in turn provide a food source for bats.
- Hedgerows are key locations for foraging and commuting bats and so it is recommended that a sensitive lighting scheme should be designed to preserve these as dark commuting and foraging corridors for bats. This would allow their continued use of the site both during construction and once the development has been completed.
- Ponds are also key locations for foraging and commuting bats. The masterplan includes the creation of balancing ponds and planting schemes within the development which will provide adequate foraging habitat for the low numbers of foraging bats utilising the site.
- In addition, a mitigation strategy for great crested newts (that are known to breed within the lagoons within the survey area) will require the creation of new ponds and associated semi-natural terrestrial habitat, alongside the proposed development. This will provide high quality foraging habitat for bats, offsetting the loss of the central lagoons.

*Summary:* Further surveys are required; the above recommendations can be secured by condition.

**WATER VOLES:** Direct impacts upon water vole as a result of ditch alignment works and associated residential development without mitigation, may include injury or death, entrapment, loss of breeding and foraging habitat, loss of dispersal routes and fragmentation of water vole populations.

*Recommendations:*

A licence will be required from Natural England. The licence will cover mitigation measures. It is therefore not necessary to condition Water Vole mitigation.

**GREAT CRESTED NEWTS:** No Change.

*Summary:* A licence will be required from Natural England prior to the development taking place. The licence will cover mitigation measures. It is therefore not necessary to condition GCN mitigation.

**BADGERS:** SENSITIVE INFORMATION

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*Summary:* A licence will be required from Natural England prior to the development taking place. The licence will cover mitigation measures. It is therefore not necessary to condition Badger mitigation.

### **Conclusion:**

In relation to bats, the further survey(s) and recommendations can be suitably conditioned if permission is granted.

In relation to Water Voles, Badgers and GCN, where it has been concluded that a licence will be required, the LPA is required to consider the tests of derogation under the Conservation of Habitats and Species Regulations 2017 (as amended) (2017 Regulations) by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (2019 Regulations).

The tests are:

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

1. IROPI - NE's guidance advises that IROPI can potentially include developments that are required to meet or provide a contribution to meeting a specific need such as complying with planning policies and guidance at a national, regional and local level. The Local Plan shows a need for additional housing in the Borough over its fifteen-year life (2011 – 2026), and this is an allocation in the emerging Plan, and part of the planned provision.

2. No satisfactory alternatives – The site is the only emerging housing allocation for Terrington St Clement, and it is the Local Authority's intention to develop the site for housing has been established.

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

The LPA can therefore reasonably form the view that NE would not be unlikely to grant a derogation licence under the Regulations in relation to this development and that planning permission should not be refused for this reason.

The proposal complies with the Regulations, Chapter 15 of the NPPF and Development Plan Policy CS12.

### **Crime and Disorder**

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

### **Other Material Considerations**

In relation to the Parish Council and third-party comments not covered above your officers respond as follows:

- The Parish Council fully support the Highways objections to the proposal – Highways do not object

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- NCC erected "No HGV" signs at either end of Benn's Lane during the works and such signs should be displayed permanently – this is not a material consideration in the determination of this application
- There is a specialist water system within the drainage installed by a neighbouring property which has not been highlighted – this is a civil matter
- The Council support their parishioners with their objections to the application
- Loss of grade 1 agricultural land – the site is primarily (90%) previously developed land and not in agricultural use
- The attenuation pond represents a hazard and could result in the death of a child – the position of the attenuation pond and play area are indicatively only and will be fully considered at reserved matters stage
- The site should be used for business not residential – the site represents the preferred option for housing in the emerging Local Plan

## CONCLUSION

This application is for development of the Preferred Option in the emerging Local Plan for housing development and would provide 76 dwellings.

Notwithstanding that, even without the weight to be afforded to the emerging Local Plan, the site is primarily a brownfield site in a central and sustainable location within the settlement of Terrington St Clement.

The application is in outline with all matters except access reserved for future consideration. A suitable access from the north (Northgate Way) has been shown, and it is considered that the secondary access to link the site to the allocation to the south could be suitably conditioned if permission were granted.

Your officers consider that it has been demonstrated (through indicative layout plans) that 76 units could be suitably accommodated on site including drainage attenuation and an appropriate amount of open space.

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

It is therefore considered that the application should be approved subject to the completion of a S106 Agreement and the following conditions.

## RECOMMENDATION:

**(A) APPROVE** subject to conditions and completion of a suitable Section 106 Agreement to secure affordable housing and open space provision within 4 months of the date of the resolution to approve:

- 1 Condition: Approval 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.

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- 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: In relation to access to the site from Northgate Way the development hereby permitted shall be carried out in accordance with drawing no: IMW-01 Rev.K (Illustrative Masterplan)
- 5 Reason: For the avoidance of doubt and in the interests of proper planning.
- 6 Condition: In relation to Conditions 1 and 7 any layout submitted under reserved matters application(s) shall make provision for a link road to the southern boundary of the site where it abuts housing allocation G93.3 of the Site Allocations and Development Management Policies Plan, 2016, and a pedestrian / cycle link to Churchgate Way as indicatively shown on the Illustrative Development Framework Plan (DF-01a Rev.I) and Illustrative Masterplan (IMW-01 Rev.K).
- 6 Reason: To ensure the provision of pedestrian, cycle and vehicular links to the wider highway network and for the proper planning of the area in accordance with the NPPF and Development Plan.
- 7 Condition: **Prior to the commencement of any development hereby permitted**, full details (detailed plans including foul and surface water drainage) of a link road to the southern boundary of the site where it abuts housing allocation G93.3 of the Site Allocations and Development Management Policies Plan, 2016, and a pedestrian / cycle link to Churchgate Way as indicatively shown on the Illustrative Development Framework Plan (DF-01a Rev.I) and Illustrative Masterplan (IMW-01 Rev.K) shall be submitted to any agreed in writing by the Local Planning Authority. The said link road and pedestrian / cycle link shall be constructed and made freely available for use by pedestrian, cycle and vehicular traffic no later than the construction of 50% of the dwellings on the site in accordance with the approved details to the written satisfaction of the Local Planning Authority.
- 7 Reason: To ensure the provision of pedestrian, cycle and vehicular links to the wider highway network and for the proper planning of the area in accordance with the NPPF and Development Plan.
- 8 Condition: The details require in accordance with Condition 1 shall include an updated Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan.

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- 8 Reason: To ensure that the existing trees are properly surveyed and full consideration is made of the need to retain trees in the development of the site in accordance with the NPPF and Development Plan.
- 9 Condition: **No works shall commence on the site** until such time as detailed plans of the roads, footways, street lighting and foul and surface water drainage thereof 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.
- 9 Reason: To ensure satisfactory development of the site and a satisfactory standard of highway design and construction. This needs to be a pre-commencement condition given the fundamental details linked to drainage and other infrastructure which needs to be planned for at the earliest stage in the development.
- 10 Condition: Prior to the construction of the final dwelling all works shall be carried out on roads, footways, foul and surface water sewers in accordance with the approved details to the satisfaction of the Local Planning Authority.
- 10 Reason: To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway.
- 11 Condition: Before any dwelling is first occupied the road(s) and footway(s) shall be constructed to binder course surfacing level from the dwelling to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority.
- 11 Reason: To ensure satisfactory development of the site in the interest of highway safety in accordance with the NPPF and Development Plan.
- 12 Condition: Prior to the first occupation of any dwelling hereby permitted visibility splays measuring 2.4 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 0.225 metres above the level of the adjacent highway carriageway.
- 12 Reason: In the interests of highway safety in accordance with the NPPF and Development Plan.
- 13 Condition: **Development shall not commence** until a scheme detailing provision for onsite parking for construction workers 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.
- 13 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 safeguards associated with the construction period of the development.
- 14 Condition: No dwelling shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act (1980) or a Private Management and Maintenance Company has been established.

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- 14 Reason: To ensure safe, suitable and satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable standard in accordance with the NPPF and Development Plan.
- 15 Condition: **Prior to the commencement of any works** a Construction Traffic Management Plan and Access Route which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway together with wheel cleaning facilities shall be submitted to and approved in writing by the Local Planning Authority together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic.
- 15 Reason: In the interests of maintaining highway efficiency and safety. This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.
- 16 Condition: For the duration of the construction period all traffic associated with (the construction of) the development will comply with the Construction Traffic Management Plan approved under Condition 12 and use only the 'Construction Traffic Access Route' and no other local roads unless approved in writing with the Local Planning Authority.
- 16 Reason: In the interests of maintaining highway efficiency and safety in accordance with the NPPF and Development Plan.
- 17 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 current best practice, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
- 17 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.
- 18 Condition: No development above foundation level shall take place on site until a scheme to protect the dwellings from road noise and noise from the Church Farm site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved before the development is brought into use.
- 18 Reason: To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.
- 19 Condition: **Prior to commencement of development** a detailed construction management plan must be submitted to and approved by the Local Planning Authority; this must include proposed timescales and hours of the demolition and construction phases, any piling and collections/deliveries. The scheme shall also provide the location of any fixed machinery, the location and layout of the contractor compound, the location of contractor parking and proposed mitigation methods to protect residents from noise, dust and litter. The scheme shall be implemented as approved.

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- 19 **Reason:** To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.
- 20 **Condition: Prior to commencement of the development** hereby approved, 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 spacing and height of the lighting columns, 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.
- 20 **Reason:** In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.
- 21 **Condition: Prior to commencement of development** in accordance with the submitted FRA and Drainage Strategy (BM12303-0002, February 2022) and associated drawings, 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 5l/s for rainfall events up to and including the 1% annual probability plus 40% climate change as stated within section 5.3.4 the FRA and Drainage Strategy (confirmation was requested from the King's Lynn Internal Drainage Board 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% annual probability rainfall event including allowances for climate change. A minimum storage volume of 1,263m<sup>3</sup> will be provided in line with section 5.4.7 of the submitted FRA and Drainage Strategy. The applicant's use of a contributing impermeable area of 1.722ha (60% of the developable area) within the storage volume calculation is considered to be suitable for incorporating urban creep. As such, if the actual contributing area increases from 1.42ha (49% of the developable area) then the area used in the calculations will need to increase from 1.722ha respectively.
  - 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% 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. The design of the attenuation basin will incorporate an emergency spillway and any drainage structures must include appropriate freeboard allowances. 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. This will include surface water which may enter the site from elsewhere.
  - V. Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including surface water, 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 are to be designed in accordance with The SuDS Manual (CIRIA C697, 2007), or the updated 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.

21 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF.

22 Condition: Finished floor levels in the development hereby permitted shall be set at a minimum level of 4.3mAOD (600mm above the maximum predicted flood level of 3.7mAOD in the event of a breach of the River Great Ouse flood defences.)

22 Reason: To reduce the risk of flooding to the proposed development in an extreme event in accordance with the NPPF and Development Plan

23 Condition: **Prior to the commencement of development:**

- The developers should sign up to the Environment Agency flood warning system (0345 988 1188 or [www.gov.uk/flood](http://www.gov.uk/flood))
- Have an appropriate on-site management regime (to be approved in writing by the local planning authority) to warn those properties occupied and any contractors on-site.
- Have a flood evacuation plan prepared to the satisfaction of the local planning authority. This will include:
  - Actions to take on receipt of the different warning levels
  - Evacuation procedures e.g. isolating services, securing plant etc.
  - Evacuation routes.

During the construction phase(s) of the development hereby permitted, copies of the flood evacuation plan shall be displayed on site and the development shall be carried out in accordance with the approved plans.

23 Reason: To reduce the risks associated with flooding in accordance with the NPPF and Development Plan.

24 Condition: Prior to the occupation of each dwelling hereby permitted:

- Individual occupiers should sign up to the Environment Agency flood warning system (0345 988 1188 or [www.gov.uk/flood](http://www.gov.uk/flood))
- A Flood Evacuation Plan should be prepared to the written satisfaction of the Local Planning Authority. The Flood Evacuation Plan shall include:
  - Actions to take on receipt of the different warning levels
  - Evacuation procedures e.g. isolating services and taking valuables etc.
  - Evacuation routes

A copy of the agreed Flood Evacuation Plan shall be provided to every first occupier of the development hereby permitted prior to first occupation of the development.

24 Reason: To reduce the risks associated with flooding in accordance with the NPPF and Development Plan

25 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

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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 and
  - 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.
- 25 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF. This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.
- 26 Condition: No development shall take place other than in accordance with the written scheme of investigation approved under condition 25.
- 26 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 27 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 25 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 27 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 28 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.
- 28 Reason: In order to ensure that water supplies are available in the event of an emergency in accordance with the NPPF.
- 29 Condition: **No development or other operations shall commence on site** until the existing trees and hedgerows shown in the Arboricultural Impact Assessment (AIA) to be retained have been protected in accordance with the details contained in the AIA unless otherwise agreed in writing by the Local Planning Authority (LPA). If the protective fencing is damaged all operations shall cease until it is repaired in accordance with the approved in the AIA. Nothing shall be stored or placed in any fenced area and ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the LPA.
- 29 Reason: To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF. This needs to be a pre-commencement condition given the potential for damage to protected trees during the construction phase.
- 30 Condition: The development hereby approved shall comprise of no more than 76 residential units.
- 30 Reason: To define the terms of the permission.

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- 31 Condition: No site clearance works shall take place during the breeding season (March through August inclusive) unless otherwise agreed in writing by the Local Planning Authority.
- 31 Reason: To ensure that the impact of the development upon protected species is minimised in accordance with the NPPF and Development Plan.
- 32 Condition: The development hereby permitted shall be carried out in full accordance with the recommendations contained within the Preliminary Ecological Appraisal carried out by HEYFORD DEVELOPMENTS LTD (Report No. 004, Issued March 2022) in relation to further survey requirements.
- 32 Reason: To ensure that the impact of the development upon protected species is minimised in accordance with the NPPF and Development Plan.
- 33 Condition: The development hereby permitted shall be carried out in full accordance with the recommendations contained within Chapter 5 of the Bat Activity Report that accompanied the application carried out by HEYFORD DEVELOPMENTS LTD (Issued: Sept 2019, Job No: BM11802, Report No: 002, Version: V1.0, Status: Final.)
- 33 Reason: To ensure that the impact of the development upon Bats is minimised in accordance with the NPPF and Development Plan.
- 34 Condition: Prior to first occupation of the development hereby permitted, installation details and a specification of an EV charging scheme for the dwellings within the site shall be submitted to and approved in writing by the LPA. The development shall then be constructed in accordance with the approved measures with each EV charging system being made available to the dwelling prior to the first occupation.
- 34 Reason: To enable charging of plug in and other ultra-low emission vehicles in safe, accessible and convenient locations (NPPF section 112 (e)).
- (B) REFUSE** in the event that a suitable Section 106 Agreement to secure affordable housing and open space provision is not completed within 4 months of the resolution to approve.