

**AGENDA ITEM NO: 9/2(a)**

<b>Parish:</b>	<b>Clenchwarton</b>	
<b>Proposal:</b>	<b>Outline Application: Construction of 16 dwellings</b>	
<b>Location:</b>	<b>Land West of The Grange 262 Main Road Clenchwarton</b>	
<b>Applicant:</b>	<b>Mr PAJ and PR Kitchen</b>	
<b>Case No:</b>	<b>16/00305/OM (Outline Application - Major Development)</b>	
<b>Case Officer:</b>	<b>Mrs N Osler</b>	<b>Date for Determination: 21 June 2016</b>

**Reason for Referral to Planning Committee** – Recommendation is contrary to Parish Council recommendation and level of financial contribution.

**Case Summary**

The application is in outline for residential development on a site measuring approximately 0.89ha to the south of Main Road, Clenchwarton. This site forms the western element of one of the three housing allocations identified in the emerging Site Allocations and Development Management Policies Pre-Submission Document for Clenchwarton, and Policy G25.3 relates specifically to development of this allocation. Application 15/02008/O, which is also before this Committee, is for the eastern part of the allocation.

All matters are reserved although the description of the development is for 16 dwellings. Application 15/02008/O is for four dwellings – totalling 20 dwellings across the two sites / allocation.

The site is countryside but has residential development to its east and north (on the opposite side of Main Road).

The site lies within Flood Zones 2 and 3 and forms part of a wider agricultural field.

**Key Issues**

Principle of Development  
Form and Character  
Neighbour Amenity  
Highway Safety  
Flood Risk  
Drainage  
Affordable Housing and Other Contributions  
Other Material Considerations

**Recommendation**

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

<p><b>(B) REFUSE</b> in the event that a suitable Section 106 Agreement is not completed within 4 months of the resolution to approve.</p>
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## **THE APPLICATION**

The application is in outline, with all matters reserved, for residential development on a site measuring approximately 0.89ha to the south of Main Road, Clenchwarton.

The site forms part of a proposed housing allocation identified in the emerging Site Allocations and Development Management Policies Pre-Submission Document.

At present the land is part of a larger arable field to which access will be retained at the north-eastern corner of the site of the eastern part of the allocation.

## **SUPPORTING CASE**

The site comprises part of the preferred residential allocation included in the Site Allocations & Development Management Policies (Site G25.3). The proposal seeks to formally establish the principle of residential development at this stage, notwithstanding that the Local Plan Examination is currently underway. The site itself is identified on the accompanying plans and it is the intention of the applicants to provide two storey dwellings within the development site to ensure the provision of first floor bedroom accommodation in addition to necessary flood mitigation measures. A flood risk assessment accompanies the current application.

The application proposes the construction of 16 dwellings on agricultural land with layout and all details reserved for future consideration. Adjacent to the eastern side of the site is The Grange, a two-storey white painted cottage. Opposite the site there is linear residential development and a public house, with bus stops located close to the site on both sides of the road.

Clenchwarton has been allocated as a Key Rural Service Centre within the adopted Core Strategy (Policy CS02), with local scale housing development concentrated in such locations. The applicants are aware of the requirements set out in the submitted SS&DMP with regard to sustainable drainage requirements and footpath provision.

Furthermore heads of terms regarding the provision of affordable housing accompany the application.

Following the recent High Court ruling with regard to the Council's five year housing land supply, the current submission has been made with regard to Paragraph 14 of the National Planning Policy Framework. In light of the advice contained within the NPPF, it is asserted that the current proposal would contribute to the vitality and economic wellbeing of the village and would not result in any demonstrable harm to interests of acknowledged importance. Accordingly, it is considered that the outline application should be approved.

## **PLANNING HISTORY**

15/02008/O – Outline application for the construction of four detached dwellings - pending consideration with recommendation of approval.

## RESPONSE TO CONSULTATION

**Parish Council:** Has concerns regarding the access, which they consider is too near the bend in the main.

**Highways Authority: NO OBJECTION** subject to condition

**Internal Drainage Board: NO OBJECTION**

**Environmental Health & Housing – Environmental Quality:** No Comments to make in relation to contaminated land, recommends a construction management plan in relation to air quality

**Environmental Health & Housing – CSNN: NO OBJECTION** subject to condition relating to drainage

**Environment Agency: NO OBJECTION** subject to condition

**District Emergency Planning Officer: NO OBJECTION** subject to condition

**Local Development Framework Team:** The site has been subject to a detailed sustainability appraisal as part of the work for the Site Allocation and Development Management Policies Document. The SA scored the site highly and allocated this site as it performs generally favourably in comparison to other sites submitted in the village.

## REPRESENTATIONS

**TWO** letters of **OBJECTION** / concern have been received. The issues raised are;

- Flooding,
- Ribbon development,
- Traffic and Highway Safety.

## NATIONAL GUIDANCE

**National Planning Policy Framework** – sets out the Government's planning policies for England and how these are expected to be applied.

**National Planning Practice Guidance** - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

## LDF CORE STRATEGY POLICIES

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS08** - Sustainable Development

**CS09** - Housing Distribution

**CS11** - Transport

**CS12** - Environmental Assets

**CS14** - Infrastructure Provision

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT**

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

**DM2** – Development Boundaries

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

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

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

## **PLANNING CONSIDERATIONS**

The main issues for consideration in the determination of this application are:

- Principle of Development
- Form and Character
- Neighbour Amenity
- Highway Safety
- Flood Risk
- Drainage
- Affordable Housing and Other Contributions
- Other Material Considerations

### **Principle of Development**

The site represents part of a proposed housing allocation in the emerging Site Allocations Plan (G25.3). Policy G25.3 states 'Land amounting to 1.2 hectares to the south of Main Road as shown on the Policies Map is allocated for residential development of 20 dwellings. Development will be subject to compliance with all of the following:

1. Submission of a Flood Risk Assessment (FRA) that should address all forms of flood risk (coastal inundation, fluvial, pluvial and groundwater). The FRA should explain how surface water drainage will be managed. The FRA must demonstrate how the development would provide wider sustainability benefits to the community that outweigh the risk associated with flooding and that the development would be safe for its lifetime without increasing flood risk elsewhere and, where possible, would reduce flood risk overall. The FRA should also suggest appropriate mitigation (flood resiliency measures);
2. Submission of details showing how sustainable drainage measures will be incorporated into the development to avoid discharge to the public surface water network, and also to the amenity and biodiversity of the development.

A suitable plan for the future management and maintenance of the Sustainable Drainage System (SUDS) should be included with the submission;

3. Development is subject to demonstration of safe access and visibility to the satisfaction of the local Highway Authority and the provision of the appropriate footway links;

4. Provision of affordable housing in line with the current standards'.

The weight to be given to the emerging local plan prior to adoption is set out in the NPPF para 216. The weight given depends on the stage reached, the extent of unresolved objections, and the consistency with the NPPF.

Other than drainage details (which would be secured by condition given the outline nature of the application), all the above policy criteria is met by the combined applications. As such it is considered that the principle of development for residential use of this site is to be supported.

### **Form and Character**

Dwellings in the locality of the site are predominately two-storey detached or semi-detached in linear form fronting Main Road. Whilst scale, appearance and layout are reserved matters, the development will have to be two-storey in height to be acceptable in terms of the risks associated with flooding, and the narrowness of the site lends itself to linear development. It is therefore considered that the site could be developed to reflect these key characteristics and therefore without detriment to the visual amenity of the locality.

### **Neighbour Amenity**

Whilst layout, scale and appearance are reserved matters, it is considered that overlooking, overbearing and overshadowing impacts could be designed out.

### **Highway Safety**

The application seeks outline planning permission with all matters reserved although clearly access, either single or multiple, will be from Main Road. Norfolk County Highways have raised no objection to the proposal on highway safety grounds subject to condition. The proposed condition has been amended, due to the outline nature of the application, to secure the off-site highway improvement works only (footpath provision).

### **Flood Risk**

The site lies in an area at risk of flooding. Both national (the NPPF and NPPG) and local (the Development Plan) seek to steer new development away from areas at risk of flooding by virtue of applying the sequential test.

However, the NPPF states that it is not necessary to undertake the sequential test on allocated sites (as it is considered that has occurred during the allocation process); a stance that is reiterated in emerging Development Management Policy DM21.

The exception test must however still be passed. For the exception test to be passed:

1. It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and

2. 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.

In relation to the first element, this is an emerging housing allocation. As such it is considered that the development clearly provides wider sustainability benefits that outweigh the risks associated with flooding.

In relation to the second element, the Flood Risk Assessment that accompanied that application has satisfied the Environment Agency that the development can be made safe and would not increase flood risk elsewhere.

### **Drainage**

It is indicated on the application form that surface water drainage will be via SuDS. This is in line with national guidance and emerging Site Allocation Policy G25.3. Given the outline nature of the proposal, any permission will be conditioned accordingly.

Foul drainage is to be via main sewer.

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

The site forms part of a wider housing allocation, and application 15/02008/O, which is also being considered at this meeting, relates to the remaining element. The combined sites (that are in the same ownership) trigger the need for affordable housing and financial contributions towards library and primary school provision. In this instance the affordable housing provision will be four units provided on the allocation (over both sites), with a library contribution totalling £1200 (£60 per dwelling) and education contribution of £60,780 (£3,039 per multi-bed house). These contributions will be secured by a single S106 Agreement that covers both sites.

### **Crime and Disorder**

The proposal raises no specific issues in relation to crime and disorder. Due to the outline nature of the proposed development it is not possible to fully consider Secured by Design issues.

## **CONCLUSION**

The site is within one of the borough's Key Rural Service Centres where residential development of an appropriate scale will be supported. Additionally this site forms part of an emerging residential allocation.

It is considered that the site could be developed without material harm to the visual amenity of the locality, highway safety or neighbour amenity. Issues such as flood risk, drainage, provision of fire hydrants and contributions can be secured via condition or S106 Agreement. It is therefore considered that the proposal accords with the NPPF, NPPG and with emerging Site Specific Development Plan Policy G25.3 and should be approved subject to the following conditions.

## RECOMMENDATION:

**(A) APPROVE** subject to conditions and completion of a suitable Section 106 Agreement within 4 months of the date of resolution to approve and subject to the imposition of the following condition(s):

- 1 Condition Approval of the details of the means of access, 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 Notwithstanding the details indicated on the submitted drawings no works shall commence on site unless otherwise agreed in writing until a detailed scheme for off-site highway improvement works in the form of a footway fronting the site and continuing to link in an easterly direction with the existing footway provision located on the southern side of 248 Main Road and in a westerly direction to the bus stop located opposite number 265 Main Road have been submitted to and approved in writing by the Local Planning Authority.
- 5 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 in accordance with the NPPF and Development Plan.
- 6 Condition Prior to the first occupation of the development hereby permitted the footway referred to in condition 5 shall be completed to the written satisfaction of the Local Planning Authority.
- 6 Reason To ensure that the highway network is adequate to cater for the development proposed in the interests of highway safety in accordance with the NPPF and Development Plan.

- 7 Condition The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) January 2016, Geoff Beel Consultancy (GCB/JCJ Planning) and the following mitigation measures detailed within the FRA:

1. Finished floor levels will be raised 1.4 metres above existing ground level (4.30m above OD).
2. Flood resistant measures will be incorporated into the building construction up to 600mm above the finish floor level.
3. There will be no sleeping accommodation on the ground floor.

The mitigation measures shall be fully implemented prior to the first occupation of the development hereby permitted.

- 7 Reason To reduce the risks associated with flooding in accordance with the NPPF, NPPG and Development Plan.

- 8 Condition The development hereby permitted shall comprise of residential units that are no lower than 1.5-storeys in height.

- 8 Reason To reduce the risks associated with flooding in accordance with the NPPF, NPPG and Development Plan.

- 9 Condition The development hereby approved shall comprise of no more than 16 residential units.

- 9 Reason To define the terms of permission.

- 10 Condition No works shall commence on site until foul and surface water drainage (the latter to include SuDS) details have been submitted to and approved in writing by the local planning authority. The submitted details shall:

I. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

II. include a timetable for its implementation; and

III. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be implemented in accordance with the approved drainage scheme.

- 10 Reason To ensure that there is a satisfactory means of drainage in accordance with the NPPF. This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.



- 11 Condition 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.
- 11 Reason In order to ensure that water supplies are available in the event of an emergency in accordance with the NPPF.

**(B) REFUSE** in the event that a suitable Section 106 Agreement is not completed within 4 months of the resolution to approve.