

ITEM:		RECOMMENDATION: APPROVAL
REF NO:	3PL/2017/1555/VAR	CASE OFFICER Donna Smith
LOCATION:	THETFORD 115 Bury Road Thetford	APPNTYPE: Variation of Cond's POLICY: ALLOCATION: N CONS AREA: N LB GRADE: N TPO: N
APPLICANT:	Miss Clare Thomas Suite 11 Chalkwell Lawns 648-656 London Road	
AGENT:	Dove Jeffery Homes Suite 11 Chalkwell Lawns 648-656 London Road	
PROPOSAL:	Variation of conditions 2, 4, 6A & 11 of application ref 3PL/2017/0118/VAR	

REASON FOR COMMITTEE CONSIDERATION

The proposal is a Major Application and therefore in accordance with the Council's scheme of delegation has been referred to committee.

KEY ISSUES

Reason for amendments
Surface and foul water drainage
Landscaping
Archaeology
Conclusions

DESCRIPTION OF DEVELOPMENT

The applicant seeks approval for the variation of conditions 2, 4, 6(a) and 11 of approved application reference 3PL/2017/0118/VAR. The original application Ref: 3PL/2015/1501/F approved for the erection of 38 new dwellings and the subsequent variation under Ref: 3PL/2017/0118/VAR was approved for an amendment to condition 8 (surface water drainage) in respect of discharge rates which was considered acceptable by Anglian Water.

The amendments are requested due to issues surrounding gas services to the north of the site. The conditions to be amended under this application have been detailed below for reference:

Condition 2 In accordance with the approved plans

Condition 4 Landscaping

Condition 6 Archaeology

Condition 11 Construction works and drainage

SITE AND LOCATION

The site lies within the defined Settlement Boundary of Thetford, to the east of the A134. The site is bound by residential development to the north and partially to the east, with allotment gardens located immediately to the south. To the west lies Bury Road which runs north to south. Beyond Bury Road are further residential properties.

EIA REQUIRED

No.

RELEVANT SITE HISTORY

3PL/2015/1501/F- Erection of 38 new dwellings - Approved 10-10-16
3PL/2017/0118/VAR - Variation of condition 8 on 3PL/2015/1501/F - Approved - 06-06-17
3DC/2017/0014/DOC- Discharge of condition 10 on 3PL/2015/1501/F - Approved - 28-03-17
3DC/2017/0007/DOC- Discharge of conditions 12 on 3PL/2015/0151/F- Approved - 17-03-17
3DC/2017/0006/DOC- Discharge of condition 16 on 3PL/2015/1501/F - Approved - 09-03-17
3DC/2016/0179/DOC - Discharge of condition 6 on 3PL/2015/1501/F - Approved - 15-02-17
3DC/2016/0193/DOC - Discharge of condition 19C on 3PL/2015/1501/F - Approved - 21-02-17
3DC/2016/0187/DOC - Discharge of conditions 3 & 5 on 3PL/2015/1501/F - Approved - 09-03-17
3DC/2016/0173/DOC - Discharge of condition 11 on 3PL/2015/1501/F - Approved 02-02-17
3DC/2016/0168/DOC - Discharge of condition 19 A & B on 3PL/2015/1501/F - Approved 21-02-17
3DC/2016/0169/DOC- Discharge of condition 4 on 3PL/2015/1501/F - Approved - 18-01-17
3PL/2017/0118/VAR - Variation of condition 8 - Approved - 06-06-17

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

CP.04	Infrastructure
CP.09	Pollution and Waste
CP.11	Protection and Enhancement of the Landscape
DC.12	Trees and Landscape
DC.13	Flood Risk
DC.17	Historic Environment
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
TH15	Water and Drainage

TH17

Archaeology

OBLIGATIONS/CIL

A s106 as agreed under application Ref: 3PL/2015/1501/F and subsequent variation 3PL/2017/0118/VAR for the provision of affordable units and open space. The parameters of this agreement remain in force in light of any material amendments.

CONSULTATIONS

THETFORD T C

No comments.

TREE AND COUNTRYSIDE CONSULTANT

No objection to the amended proposals.

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection to the amended proposals.

HISTORIC ENVIRONMENT SERVICE

No Comments Received

ANGLIAN WATER SERVICE

No Comments Received

ENVIRONMENT AGENCY

No Comments Received

REPRESENTATIONS

No representations received.

ASSESSMENT NOTES

1.0 Reason for amendments

1.1 The applicant has detailed on the supporting application form that the reason for the amendments are due to live gas mains located to the northern element of the site and as a consequence, this has caused material amendments to the approved scheme under application Ref: 3PL/2017/0118/VAR, specifically to the detail approved under conditions 2, 4, 6(a) and 11.

2.0 Foul and surface water

2.1 The applicant has provided additional drainage detail to support the amendments. This is inclusive of slab detail shown on drawing 161249-CA-04-P1, further technical detail on drawing 16129-CA-03-P2, cross sections of manholes on drawing 16129-CA-02-P2 and further detail in relation to flow control and trench configuration as shown on drawing 161249-CA-01-P3.

2.2 Anglian Water were consulted on these amendments and concluded they had no objection to the proposed variation of condition 11 due to the location of gas pipes on the development site.

3.0 Landscaping

3.1 The applicant provided an amended landscape design as shown on drawing gc.144769.08.01 Rev B. In accordance with the schedule, the amendments included the relocation and omission of trees to the rear gardens of some plots due to service constraints.

3.2 The Tree Officer assessed the application and considered these amendments to be acceptable.

4.0 Archaeology

4.1 The Historic Environment Officer reviewed the amendment requested to part a of condition 6 which required a WSI to be submitted and approved. The revised Written Scheme of Investigation submitted had been approved with application 3PL/2017/1555/VAR. The amendment is considered acceptable in this regard.

5.0 Conclusions

5.1 The amendments requested in respect of landscaping, archaeology and drainage to application Ref:3PL/2017/0118/VAR are considered necessary by the applicant following detailed discussions with statutory bodies in respect of gas mains to the northern boundary of the site.

5.2 The amendments requested include minor alterations to the layout in respect of foundations, amendments to the types of plants approved in respect of landscaping, small amendments to the written scheme of investigation and amendments to the foul and surface water drainage scheme due to the location of the gas pipes.

5.3 The amendments are considered acceptable and are consequently recommended for approval.

RECOMMENDATION

Planning Permission

CONDITIONS

- | | |
|-------------|--|
| 3106 | External materials
Only such agreed materials, approved under 3DC/2016/0187/DOC, shall be used in connection with this approval.
Reason for condition:-
To ensure the satisfactory appearance of the development, in accordance with Policy DC 1 and DC 16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.
This condition will require to be discharged |
| 3408 | Landscaping
The approved landscaping scheme, as shown on drawing GC.144769.08.01 Rev B dated April 2016, shall be carried out during the planting season November/March immediately following the commencement of the development, or within such longer period as may be agreed in writing with the Local Planning Authority. The details shall take account of the Council's leaflet "Tree pack" (Landscaping advice for applicants). Any trees or plants which within a period of 5 (five) years from the completion of the landscaping scheme die, are |

removed or become seriously damaged or diseased shall be replaced during the next planting season with others of the same size and species unless the Local Planning Authority gives written consent to any variation.

Reason for condition:-

To ensure the satisfactory appearance of the development, in accordance with Policy DC 12 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

This condition will require to be discharged

3405 Boundary treatment

The approved boundary treatments, as shown on drawings 13.188.006, 13.188.007 and 13.188.008, shall be completed prior to the occupation of the development hereby permitted and thereafter retained.

Reason for condition:-

To safeguard the interests of the amenities of neighbouring occupiers and to ensure the satisfactory appearance of the development, in accordance with Policy DC 1 and DC 16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

This condition will require to be discharged

3380 Archaeological work

A) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation by Allen Archaeology Limited Ref: THBR16 dated 7th November 2017.

B) 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 Written Scheme of Investigation approved under this consent, and provision is made for the analysis, publication and dissemination of results and archive deposition in accordance with the details approved under the Written Scheme of Investigation by Allen Archaeology Limited Ref: THBR16 dated 7th November 2017

Reason for condition:-

To ensure the potential archaeological interest of the site is investigated and protected from the outset of the development, in accordance with Policy DC 17 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

This condition will require to be discharged

3416 Bird boxes

The details for the number, type and siting of bird boxes approved under 3DC/2017/0014/DOC, shall be carried out in strict accordance with the agreed details and must be completed before the first occupation of the development.

Reason for condition:-

For the enhancement of biodiversity, in accordance with Policy CP10 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

This condition will require to be discharged

HA01 Standard estate road conditions

All construction works shall be carried out in accordance with the approved detailed plans for the roads, footways, cycleways, foul and surface water drainage, as approved in the plans stated at the bottom of this notice.

Reason for condition:-

To ensure satisfactory development of the site and a satisfactory standard of highway design and construction.

This condition will require to be discharged

HA20

Provision of visibility splays - conditioned

Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4m X 59 metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.

Reason for condition:-

In the interest of highway safety.

This condition will require to be discharged

HA29B

**Construction traffic management and routing/
exceptional wea**

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 3DC/2017/0006/DOC, and use only the Construction Traffic Access Route and no other local roads unless approved in writing with the Local Planning Authority in consultation with the Highway Authority.

Reason for condition:-

In the interests of maintaining highway efficiency and safety.

This condition will require to be discharged

3946

**Contaminated Land - Unexpected
Contamination**

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 details to be agreed in writing with the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason for condition:-

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

This condition is imposed in accordance with CP9 of the Breckland Adopted Core Strategy.

This condition will require to be discharged

3944

Contaminated Land - Remediation

Prior to the commencement of the development, the following details shall be submitted to and approved in writing by the Local Planning Authority:

A) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written

notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

The above must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason for condition:-

The details are required prior to the commencement of the development 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 from the outset of the development.

INFORMATIVE:-

Land contamination risk assessment is a step-by-step process. During the course of the risk assessment process set out in the above condition, it may become clear that no further work is necessary to address land contamination risks. Where this is the case the condition may be discharged by the Council without all the steps specified being completed. In all cases written confirmation should be obtained from the Council confirming that the requirements of the condition have been met.

This condition will require to be discharged

3007

Full Permission Time Limit (3 years)

The development must be begun not later than the 10th October 2019.

Reason for Condition:

As required by section 91 of the Town and Country Planning Act 1990.

3047A

In accordance with submitted plans NEW 2017

The development must be carried out in strict accordance with the application form, and approved documents and drawings as set out in the table at the end of this notice.

Reason for condition:-

To ensure the satisfactory development of the site.

3860

Non-standard drainage condition

The development hereby approved shall be carried out in accordance with Sections 5 and 6 of the

submitted Flood Risk Assessment, dated December 2015, carried out by EAS.

Reason for condition:-

To ensure the satisfactory development of the site, in accordance with Policy DC13 of the Adopted

Core Strategy and Development Control Policies Development Plan Document 2009.

3870

Non-standard drainage condition

The development shall be carried out in accordance with the surface water strategy as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason for condition:-

To prevent environmental and amenity problems arising from potential flooding, in accordance with

Policy DC13 of the Adopted Core Strategy and Development Control Policies Development Plan

Document 2009.

- 3214** **Obscure glass**
- All bathroom windows shall be fitted with obscure glass with a degree of obscurity equivalent to Pilkington Level 5 and shall be hung in such a way as to prevent overlooking of neighbouring dwellings. It shall be permanently maintained in that form.
- Reason for condition:-
To help safeguard the privacy and amenity of the occupiers of the adjacent properties. This condition is imposed in accordance with Policy DC1 of the Breckland Adopted Core Strategy.
- HA02** **Standard estate road condition**
- No works shall be carried out on roads, footways, cycleways, foul and surface water sewers otherwise than in accordance with the specifications of the Local Planning Authority in consultation with the Highway Authority.
- Reason for condition:-
To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway.
- HA03A** **Road Surfacing**
- Before any dwelling is first occupied the road(s), footway(s) and cycleway(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 in consultation with the Highway Authority.
- Reason for condition:
To ensure satisfactory development of the site.
- 3304** **No P.D. rights for extensions, sheds, etc**
- Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no extensions or ancillary buildings as defined within Classes A, B & E of Part 1 of Schedule 2 of that Order shall be erected or brought onto the land unless an appropriate planning application is first submitted to and approved by the Local Planning Authority.
- Reason for condition:-
In order that the Local Planning Authority may retain control over future development on this site.
- 4000** **Variation of approved plans**
- Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.
- You or your agent or any person responsible for implementing this permission should inform the Development Control Section immediately of any proposed variation from the approved plans and ask to be advised to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new application.
- 3996** **Note - Discharge of Conditions**
- If the formal discharge of any condition is required, it will be necessary for you to submit to the Council all relevant details, together with a completed application for the "Discharge of Conditions" and the fee as appropriate.

AN60

NOTE NCC Inf 1 When off-site road improvements are required

It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. This development involves work to the public highway that can only be undertaken within the scope of a Legal Agreement between the applicant and the County Council. Please note that it is the applicants' responsibility to ensure that, in addition to planning permission, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the County Council's Highways Development Management Group based at County Hall in Norwich. Please contact Kay Gordon tel: 01362 656211.

Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.

If required, street furniture will need to be repositioned at the applicants own expense.

3987

NOTE: Underground services near trees

The attention of the applicant is drawn to the guidelines of the 'National Joint Utilities Group' regarding the provision of underground services near trees.

AN72

Note Legal agreement re: afford hsg, p open space & fin cont

The permission is subject to a legal agreement requiring the provision of affordable housing, public open space and financial contributions towards local services.

2000

NOTE: Application Approved Without Amendment

The Local Planning Authority has acted positively and proactively in determining this application, and by assessing the application against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise and subsequently determining to grant planning permission in as timely a manner as possible in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Copies of all documentation submitted in connection with this application can be viewed online at <http://www.breckland.gov.uk/content/planning-search-0>

2014

Criterion E - Planning Apps Where Approved

Appeals against planning decisions

If you are aggrieved by the decision of your local planning authority to attach any particular condition/s to this permission, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at

www.planningportal.co.uk

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.