

ITEM:		RECOMMENDATION:	APPROVAL
REF NO:	3PL/2018/0982/VAR	CASE OFFICER	Fiona Hunter
LOCATION:	ATTLEBOROUGH Land north-west of Chapel Road School 50 Chapel Road Attleborough	APPNTYPE:	Variation of Cond's
APPLICANT:	Breckland Bridge C/O Agent	POLICY:	In Settlemnt Bndry
AGENT:	Hoopers Architects 5 Cromwell Court St Peter's Street	ALLOCATION:	N
PROPOSAL:	Variation of Condition on pp 3PL/2017/0342/F, reposition plots 9 & 10 to avoid correctly positioned sewer easement area	CONS AREA:	N
		LB GRADE:	N
		TPO:	N

REASON FOR COMMITTEE CONSIDERATION

The application relates to a major.

KEY ISSUES

Acceptability of the minor material amendment.

DESCRIPTION OF DEVELOPMENT

The proposal seeks a minor-material amendment to 3PL/2017/0342/F condition 3, as amended by 3NM/2018/0034/NMA, which granted approval for a residential development of 10 houses, including improvement works to access road and adjacent pavements.

The amendments relate to the positing of plots 9 and 10 to create a larger easement to the Anglian Water pipeline. In addition, the application includes plots 7 and 8 being moved 0.3m north-west to correct an overlap with plot 6.

SITE AND LOCATION

The application site is located to the north-east of Chapel Road and south of Cyprus Road, adjacent to the north-west of Chapel Road School. The application site currently consists of open space/grass, which is accessible but not designated open space. There is a wire mesh fence surrounding the application site. Residential development fronts on to the application site from the north, east and west, with the Chapel Road School to the south of the site. Properties are constructed of a mix of materials including red, buff and dark bricks.

The site is a relatively flat site, in a dominant position on the corner of two streets. There is one tree within

the application site, to its north-eastern corner of the site.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3DC/2018/0153/DOC DOC-Discharge PART 05-09-18

Discharge of condition 15 on 3PL/2017/0342/F

3NM/2018/0034/NMA Permission 14-06-18

Amendments to planning permission 3PL/2017/0342/F - Changes to approved plans for residential development of 10 houses

3PL/2017/0342/F Permission 03-11-17

Residential Development of 10 Houses, including improvement works to Access road and adjacent pavements

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

DC.01	Protection of Amenity
DC.12	Trees and Landscape
DC.16	Design
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

ATTLEBOROUGH TC

Concerns remain as before regarding this application:-

Refuse due to loss of green space, an increase in traffic (Highways issues) and parking issues and objections have been raised by residents.

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection. Ask for clarification be added to previous conditions 4, 5, 6,7, 8, 9, 10, 11, 13 and 4.

TREE AND COUNTRYSIDE CONSULTANT

Raises no objection.

ENVIRONMENTAL HEALTH OFFICERS

No objection.

ENVIRONMENT AGENCY

No comment.

FLOOD & WATER MANAGEMENT TEAM

No comment.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

No objection.

CONTAMINATED LAND OFFICER

Comments made on 3PL/2017/0342/F still apply.

EAST HARLING I D B

No Comments Received

REPRESENTATIONS

The application was advertised in a local newspaper on 22/08/2018 and a site notice was displayed on the same day. Immediate neighbours were consulted on 21/08/2018 by post.

One local representation has been received raised an objection relating to the development but not specifically to this variation being considered.

ASSESSMENT NOTES

The application seeks small amendments to the position of plots 9 and 10 to create a 3m easement with the Anglian Water sewer which runs between the plots. More specifically both plots are shifted northward by approximately 1.4m. This movement results in plot 10 encroaching further into the root protection area of tree 'T001' by 2%.

In addition, the application includes plots 7 and 8 being moved 0.3m north-west to correct an overlap with plot 6.

In relation to street scene and appearance of the development the plot position changes are considered acceptable and will have a neutral impact and therefore does not conflict with Policy DC 16.

The changes will also not have a negative affect on residential amenity of access and therefore complies with policies DC 1 and CP 4.

The application is recommended for approval subject to the previous conditions being reapplied, bar 15 which should be recommended to reflect the condition part approval earlier this year.

RECOMMENDATION

Planning Permission

CONDITIONS

- 1 Variation of previous Time Limit condition**

This permission seeks a material amendment to planning permission 3PL/2017/0342/F. The development must commence in accordance with the time scale set out in the original permission.

Reason for condition:- To comply with section 92 of the Town & Country Planning Act 1999 (as amended).
- 2 Drainage**

Prior to first occupation of the development, the drainage scheme outlined in the FRA and Surface Water Drainage Strategy Revision A (dated July 2017); Addendum A to the FRA/Surface Water Drainage Strategy (dated 7 Sept 17); drawing 21025/802(B); which incorporates soakaways and accommodates the off-site flows from the south within the drainage system, resulting in no above ground flooding in the 1:1000 year event is implemented in full prior to first occupation of the development.

Reason:

To prevent flooding in accordance with National Planning Policy Framework paragraph 103 and 109 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the surface water drainage system operates as designed for the lifetime of the development.
- 3 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.
- 4 Non-standard highways condition**

Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan drawing number 3627-1-115-A in accordance with the highway specification Dwg. No. TRAD 1 attached. Arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.
- 5 Non-standard highways condition**

Short Road onto Cypress Road

Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4. x 43. 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 above ground level.

Reason: In the interests of highway safety.
- 6 Non-standard highways condition**

Access to Plot 9 and 10

Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4. x 25. 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 above ground level.

Reason: In the interests of highway safety.

7 Non-standard highways condition

Cypress Road onto Chapel Road

Prior to the first occupation of the development hereby permitted a visibility splay measuring 4.5 x 43 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 above ground level.

Reason: In the interests of highway safety.

8 Non-standard highways condition

Prior to the first occupation of the development hereby permitted the proposed accesses and parking areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.

9 Non-standard highways condition

Development shall not commence until a scheme detailing provision for on site parking for construction workers and delivery and storage of materials 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.

Reason: To ensure adequate off-street parking during construction in the interests of highway safety.

10 Non-standard highways condition

No works shall commence on site until the details of wheel cleaning facilities for construction vehicles have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: To prevent extraneous material being deposited on the highway.

11 Non-standard highways condition

For the duration of the construction period all traffic associated with the construction of the development permitted will use the approved wheel cleaning facilities provided referred to in Condition 10.

Reason: To prevent extraneous material being deposited on the highway.

12 Non-standard highways condition

No works shall commence on site until such time as a Stopping Up Order to remove all highway rights subsisting in the highway land coloured blue on Drawing 3627-1-115-A has been granted and all Highway rights over the blue land have been successfully removed.

Reason: In the interests of highway safety.

13 Non-standard highways condition

Notwithstanding the details indicated on the submitted drawings no works shall commence on site above slab level unless otherwise agreed in writing until a detailed scheme for the off-site highway improvement works as indicated on drawing number 3627-1-115 A (which for the avoidance of doubt include but are not limited to the provision of a 2 metre footway around the entire site frontage with all visibility splay lines being widened to the back of the footway and the widening of the first 10m of Short Road to 4.8 metres) have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

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.

14 Non-standard highways condition

Prior to the first occupation of the development hereby permitted the off-site highway improvement works referred to in Condition 13 shall be completed in accordance with the approved details.

Reason: To ensure that the highway network is adequate to cater for the development proposed.

15 Non standard contamination condition

The development including site remediation will take place in full accordance with the details approved by application reference 3DC/2018/0153/DOC, dated 5th September 2018.

The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of approved remediation measures and before first occupation of the development, 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 conducted in accordance with DEFRA and the Environment Agency's 'Model

Procedures for the Management of Land Contamination, CLR 11'.

Reason for condition:-

Details are required prior to the commencement of 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. This condition is imposed in accordance with CP 9 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009 and Planning Policy Statement No 23.

16 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 CP 9 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009 and Planning Policy Statement No 23.

17 Construction Method Statement

No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. hours of works

Reason for condition:

The details are required prior to the commencement of the development in the interests of the amenity of the area and to ensure a safe development from the outset of the development in accordance with DC01 of the adopted Core Strategy and paragraph 17 of the NPPF.

This condition will require to be discharged

18 Window details to be agreed

Notwithstanding the details shown on the approved plans, no works above slab level shall take place on site until full details of the windows and doors to be used in the construction of the dwellings hereby approved, have been submitted to and approved in writing by the Local Planning Authority: detailed drawings of the proposed windows at a scale of no less than 1:10 and profiles of a scale no less than 1:2. The development shall be carried out in accordance with the details as approved and permanently maintained in that form.

Reason for condition:-

The details are required prior to any works to the windows or openings to enable the Local Planning Authority to ensure the satisfactory appearance of the development, as required by Policy DC 17 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

This condition will require to be discharged

19 Landscaping scheme to be submitted - hard and soft

No development shall take place on site until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- hard surfacing materials;
- means of enclosure;
- proposed finished levels or contours;

Soft landscaping shall include:

- Planting plans;
- Written specifications;
- Schedules of planting, noting species, plant sizes and proposed numbers/densities where appropriate;
- Implementation programme

Reason for condition:-

In the interests of the satisfactory appearance of the development in accordance with policy DC12 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

This condition will require to be discharged

20 Retention of trees and hedges

No trees within the site shall be cut down, uprooted destroyed, lopped or topped, without the previous written approval of the Local Planning Authority.

Any trees or hedges removed without consent shall be replaced during the next planting season November/March with trees of such size and species as agreed in writing with the Local Planning Authority.

Reason for condition:-

To ensure that trees are retained in the interests of the visual amenities of the area and the satisfactory appearance of the development in accordance with policy DC12 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

This condition will require to be discharged

21 Fencing protection for existing trees

Prior to the commencement of any work on the site, the existing Horse Chesnut tree shall be protected by the erection of Tree Protection Fencing. This fencing shall be retained throughout the period of the development and at all times when works (as defined below) are being carried out on the site.

For the purposes of this condition "work" shall include the storage of plant, materials, site huts or the use of any machinery either for preparatory site work or construction itself.

"Trees" shall refer to all trees both on and adjacent to the site.

Protective fencing shall be constructed and maintained in accordance with BS5837:2012 and the Council's document Practice Note: Construction and Maintenance of Tree Protection Fencing, which is available to download from the Council's website.

Reason for condition:-

The works are required to be undertaken prior to the commencement of work on the site in order to safeguard the protection of trees from the outset 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

22 Boundary treatment/screening to be agreed

Prior to the occupation of the development hereby permitted a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment should allow for direct rear access to the parking area to the rear of dwellings off Chapel Road. The boundary treatment shall be completed prior to first occupation of each dwelling hereby approved. Development shall be carried out in its entirety in accordance with the approved details.

Reason for condition:-

In the interests of the satisfactory appearance of the development and the amenities of adjoining residents in accordance with Policies DC1 and DC16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009 and paragraph 17 and Policies 6 and 7 of the NPPF.

This condition will require to be discharged

23 External wall and roof materials to be agreed

No development beyond slab level shall take place until precise details, including samples, of the materials used in the construction of the external walls and roofs of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. This condition shall apply notwithstanding any indication as to these matters that have been given in the current application. The materials to be used in the development shall be in accordance with the approved details.

Reason for condition:-

To enable the Local Planning Authority to control the colour, tone, texture and appearance of the materials used to ensure the satisfactory appearance of the development, as required by 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

24 No PD for classes A B C D & E

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, roof alterations, porches or ancillary buildings as defined within Classes A, B, C, D and 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 the interests of the satisfactory appearance of the development and the amenities of adjoining residents in accordance with Policies DC1 and DC16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009 and paragraph 17 and

Policies 6 and 7 of the NPPF.

25

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.