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|-------------------|---|------------------------|----------------------|
| <b>ITEM:</b>      |   | <b>RECOMMENDATION:</b> | APPROVAL             |
| <b>REF NO:</b>    | 3PL/2018/0552/F   | <b>CASE OFFICER</b>    | Julie Lawson         |
| <b>LOCATION:</b>  | ATTLEBOROUGH<br>Land adjacent to junction of Hillsend Lane/London Road<br><br>Attleborough  | <b>APPNTYPE:</b>       | Full                 |
| <b>APPLICANT:</b> | Desira Holdings plc<br>Victoria Road Diss   | <b>POLICY:</b>         | Out Settlement Bndry |
| <b>AGENT:</b>     | Architectural Design and Plann<br>73 Yarmouth Road Thorpe St Andrew   | <b>ALLOCATION:</b>     | N                    |
| <b>PROPOSAL:</b>  | Demolition of existing motor retail facility & associated buildings & the erection of 7 residential properties ( 4semi detached & 3 detached) as well as access & parking |                        |                      |
|                   |   | <b>CONS AREA:</b>      | N                    |
|                   |   | <b>LB GRADE:</b>       | N                    |
|                   |   | <b>TPO:</b>            | N                    |

#### REASON FOR COMMITTEE CONSIDERATION

The application is a departure as the site falls outside of the settlement boundary of Attleborough and is recommended for approval.

#### KEY ISSUES

Principle of development  
Design and Impact on the Character and Appearance of the Area  
Impact on amenity  
Access and highway impact  
Other issues: Landscaping, contamination and drainage

#### DESCRIPTION OF DEVELOPMENT

The proposal seeks planning permission for the demolition of the existing motor retail facility and the construction of 7 dwellings comprising four semi detached and three detached properties. The mix of dwellings are four ( 3 bed dwellings) and three ( 4 bed dwellings). Three of the dwellings ( Plots 1, 2 and 3) would be accessed off Hillsend Lane which itself is accessed off London Road, the other four dwellings( Plots 4,5,6 and 7) would be accessed off London Road.The site is 0.36 hectares.

Drainage is proposed to mains sewer.

#### SITE AND LOCATION

The site is bounded to the north by recently constructed properties of Grosvenor Park and a primary school. There is existing hedging and a small stream along the boundary. To the western boundary there are residential properties and the proposed site access will also serve these,

Attleborough town centre is located approximately 1km to the north-east of the site.

'The Bungalow' is a detached single storey dwelling fronting Hillsend Road. Hillsend Lane is a narrow rural road with no through access. It leads to a large two storey property at the end of the Lane.

**EIA REQUIRED**

No.

**RELEVANT SITE HISTORY**

No relevant site history for this site.

Site to north west - 3PL/2016/0825/F - erection of 5 dwellings Approved 5 April 2017

Neighbouring site to north-east:

3PL/2011/0528/H - Erection of 375 dwellings with assoc. parking, garages & landscaping (Full) & Outline for Employment Development

3CM/2016/0014/CM - New 630 pupil primary school and associated external works and a stand alone 52 place nursery building

3PL/2016/0416/O - Erection of 16 dwellings and associated works

**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.01 | Housing                                     |
| CP.10 | Natural Environment                         |
| CP.11 | Protection and Enhancement of the Landscape |
| CP.13 | Accessibility                               |
| CP.14 | Sustainable Rural Communities               |
| DC.01 | Protection of Amenity                       |
| DC.02 | Principles of New Housing                   |
| DC.12 | Trees and Landscape                         |
| DC.13 | Flood Risk                                  |
| DC.16 | Design                                      |
| DC.19 | Parking Provision                           |
| NPPF  | National Planning Policy Framework          |
| NPPG  | National Planning Practice Guidance         |

SS1

Spatial Strategy

**OBLIGATIONS/CIL**

Not Applicable.

**CONSULTATIONS**

**ATTLEBOROUGH TC**

Refusal due to concerns over loss of employment land. It was noted that the application is retrospective as demolition of the building has already taken place.

**CONTAMINATED LAND OFFICER**

Approval subject to conditions.

**TREE AND COUNTRYSIDE CONSULTANT**

No comments.

**HOUSING ENABLING OFFICER**

NPPF states that affordable housing should only be sought on developments of 10 or more dwellings or 0.5ha. Provided the development is for under 10 dwellings and the site area is less than 0.5ha, no affordable housing is required.

**NORFOLK COUNTY COUNCIL HIGHWAYS**

No Comments Received

**REPRESENTATIONS**

The application has been advertised in the press, on site and letters have been sent to neighbouring occupiers. 1 representation has been received making the following main points.

- Petrol storage tanks are under the site of the proposed housing.

**ASSESSMENT NOTES**

Principle

1.1 The National Planning Policy Framework (NPPF 2018) states that Local Authorities should attach significant weight to the benefits of economic and housing growth and enable the delivery of sustainable developments. It states that achieving sustainable development means that the planning system has three overarching objectives, namely an economic objective, a social objective and an environmental objective. The application will therefore be assessed in the content of the presumption in favour of sustainable development.

1.2 In relation to housing, NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. In order to achieve this objective government requires that authorities should identify and maintain a rolling supply of specific deliverable sites sufficient to provide

five years worth of housing against their housing requirements plus an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been persistent under delivery the buffer should be increased to 20%.

1.3 Paragraph 78 of the NPPF states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.

1.4 The site is located outside the settlement boundary of Attleborough to the south west of the town, (as defined by policies SS1, DC02 and CP01 of the Core Strategy and Development Control Policies Development Plan Document 2009), where development is restricted. As such the proposed residential development would be contrary to the development plan.

1.5 However, paragraph 11 of the NPPF (2018) states that where an authority does not have an up-to-date Development Plan or five year housing land supply, the relevant local policies for the supply of housing, as referred to above, should not be considered up-to-date and that housing applications should be considered in the context of the presumption in favour of sustainable development.

1.6 Attleborough is currently identified in the Council's Spatial Strategy as a major focus for employment and residential growth, and whilst the application site falls beyond its settlement boundary it is immediately adjacent to it, and is a brownfield site. In considering the site's accessibility to the services and facilities, the route to Attleborough Town Centre is approximately 800m and would provide a footway / cycle along most of its length. There are also bus stops within walking distance of the site that provide a regular and frequent service. This would therefore enable easy accessibility to local services and for these reasons the occupants of the dwellings would not need to rely on the use of the private car to gain access to these nearby facilities. This would accord with the NPPF which is to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.

1.7 It is noted that the Town Council have raised concern regarding the loss of employment land. Policy DC 6 seeks to protect areas that are identified as General Employment Areas for employment use. However, the site is not allocated as one of the town's employment sites. The former use of the site was as a motor retail showroom facility and the applicant has advised that the use ceased on 31st January 2018 due to the development of a number of larger multi franchise dealerships and workshop facilities in the area therefore the site became unprofitable.

1.8 The construction of the development would have some short-term economic benefits, and the proposal would be consistent with the NPPF principles that housing should be located where it will maintain or enhance the vitality of existing communities, minimise the need to travel and support economic growth. The development would contribute to the Council's 5 year housing land supply shortfall.

1.9 It is considered that the site is in a sustainable location and the principle of housing on this site is acceptable.

## 2.0 Impact on character and appearance of the area

2.1 The NPPF and the Breckland Core Strategy and Development Control Development Plan Document (2009) require new development to give careful consideration to its impact on the site and surroundings.

Core Policy DC2 deals with housing mix and density, whilst Policy DC16 promotes good design and highlights the importance of local character and the important role layout and siting have on the appearance of an area.

2.2 Development within the District is expected to be of the highest design quality in terms of both architecture and landscape. It should have regard to good practice in urban design and fully consider the context within which it sits. It should embrace opportunities to enhance the character and appearance of an area and contribute to creating a sense of local distinctiveness. The importance of the character and form, height, scale, massing and layout amongst other key design considerations are also set out in policy DC16 of the Core Strategy.

2.3 Policy CP11 of the Core Strategy seeks to ensure that the landscape of the District will be protected for the sake of its own intrinsic beauty and its benefit to the rural character. Development within the District is also expected to be of the highest design quality in terms of both architecture and landscape. It should have regard to good practice in urban design and fully consider the context within which it sits, embracing opportunities to enhance the character and appearance of an area.

2.4 Development along Hillsend Lane primarily comprises large properties in large plots surrounding by greenspace and trees. Approval has recently been granted for a development of 5 units to the north west of the site. It is noted that Attleborough is identified within the spatial strategy as a major focus for growth, the site's location directly abuts the settlement boundary and there are residential properties on both sides of Hillsend Lane.

2.5 The dwellings are considered to be of an acceptable design and constructed with brick and red pantile roofs.

2.6 The proposal is considered to have given due regard to Policy SS1 and despite being located outside the designated settlement boundary for Attleborough, in terms of housing mix and density, the application is considered in accordance with DC02 and DC16, and the policies set out in Policy 6 and 7 of the NPPF.

### 3.0 Impact on amenity

3.1 Policy DC1 of the Core Strategy requires that all new developments have regard to amenity considerations and states that development will not be permitted where there are unacceptable impacts on the amenity of neighbouring residents and future occupants.

3.2 The proposal is for 7 dwellings, the properties are two storeys and the site layout shows the properties to be a sufficient distance from the existing dwellings and the recently approved dwellings to the north west of the site. It is therefore considered that the proposed development will not have a detrimental impact on the amenity of any surrounding occupiers.

3.3 The proposal is therefore considered to be in accordance with the NPPF and DC01 and DC16 of the adopted Core Strategy.

### 4.0 Highways Issues

4.1 Policy CP4 of the Core strategy seeks to ensure that all access and safety concerns are resolved in new developments.

4.2 The site utilises the access road approved under the application reference 3PL/2016/0825/F as well as

taking access from London Road.

4.3 NCC Highways have initially advised that they did not want access onto London Road, but that they would support all dwellings being served by the private road to the rear which joins onto Hillsend Road. However, the agent has advised that the current access is onto London Road. NCC Highways have advised that they accept the existing access to the former commercial premises, when in use, would have been capable of generating a large amount of traffic including commercial vehicles. Therefore whilst far from ideal they consider that, on that basis, it would be difficult to substantiate a formal objection to an access serving 4 dwellings. They have provided comments advising that if an access is to remain onto London Road it is essential it is capable of accommodating servicing vehicles to prevent these from being left in the carriageway of London Road causing an obstruction or, worse, straddling the footway cycleway. An amended plan has been submitted to address the comments of Highways to ensure that there is an area for turning. NCC Highways have been reconsulted on this and their comments will be reported to committee.

4.4 Subject to the revised comments of NCC Highways, it is considered that the proposal is acceptable in terms of its impact on highway safety.

## 5.0 Landscaping

5.1 The NPPF and Policy CP10 of the adopted Core Strategy requires new development to contribute to and enhance the natural environment. Policy DC12 states that development that would result in the loss or the deterioration in the quality of important natural features such as protected trees and hedgerows will not normally be permitted. Furthermore, appropriate landscaping schemes to mitigate against landscape impact and complement new development will be required.

5.2 The site is a brownfield site with limited landscaping, in addition the Tree Officer has raised no objections.

5.3 It is considered that subject to conditions there would be no significant harm caused to important landscape features and nature conservation interests within and around the site as required by policy DC12 and CP10 of the Core Strategy DPD.

## 6.0 Drainage

6.1 The site is in Flood zone 1. Details of the means of surface water drainage can be submitted as a condition.

## 7.0 Contamination

7.1 Policy 11 aims to prevent unacceptable risks from pollution. The Contaminated Land Officer was consulted on the proposal and has advised no objections subject to conditions.

## 8.0 Conclusion

8.1 The application has been assessed in accordance with the presumption in favour of sustainable development.

8.2 In terms of the overall planning balance of the scheme and in the absence of a 5 year housing land supply the site is considered to be a sustainable location for development, and it is recommended for approval subject to appropriate conditions.

**RECOMMENDATION**

**Planning Permission**

**CONDITIONS**

- 1 Full Permission Time Limit (2 years)**

The development must be begun not later than the expiration of TWO YEARS beginning with the date of this permission.

Reason for condition:-  
As required by section 91 of the Town & Country Planning Act 1990 (as amended) and to ensure the deliverability of the scheme to contribute to the five year housing land supply.
- 2 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.
- 3 Contaminated Land - Desk Study/Site Investigation**

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

A. Site Investigation  
A site investigation and risk assessment to determine the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include (i) the same details as in part A above (ii) a survey of the extent, scale and nature of contamination and (iii) an appraisal of remedial options, and proposal of the preferred option(s).

B. Remediation Scheme  
A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C 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 in accordance with Policy 11 of the NPPF.

**This condition will require to be discharged**

**4 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 policy CP9 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009 and policy 11 of the NPPF.

**This condition will require to be discharged**

**5 Prior approval of slab level**

Prior to the commencement of the development precise details of the slab levels of the dwellings/building hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Such levels as may be agreed shall be used in connection with the development.

Reason for condition:-

The details are required to be submitted prior to the commencement of the development to safeguard the interests of the amenities of neighbouring occupiers and to ensure the satisfactory appearance of the development from its outset, 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**

**6 Non-standard materials condition**

The materials for the dwellings hereby approved shall be as shown on plans or in accordance with a scheme which shall prior to construction of any of the dwellings hereby approved be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason for condition:-

To achieve the highest standards of design and protect the character of this area in accordance with policy DC16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**7 No additional windows at first floor**

Any windows to the first floor side elevations of the dwellings hereby approved shall be obscure glazed to a specification of not less than the equivalent of classification 5 of Pilkington Glass and shall be retained in situ in accordance with the approved drawings unless otherwise first agreed in writing by the Local Planning Authority.

Reason:

To help safeguard the privacy and amenity of the occupiers of the adjacent properties in accordance with Policy DC1 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009..

**8 Boundary screening to be agreed**

Prior to the occupation of the development hereby approved, a scheme for the provision of boundary screening, shall be submitted to the Local Planning Authority for approval. Such scheme as may be agreed shall be completed prior to the occupation of the development which the screening adjoins to the satisfaction of the Local Planning Authority.

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**

**9 Set back gates and splays**

Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan. The splay shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.

Reason for condition:-

In the interests of highway safety.

**10 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 . A plan shall be submitted and approved by the Local planning Authority prior to first occupation to show the arrangements for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway. The works shall be carried out in accordance with the approved plan.

Reason for condition:-

To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.

**11 Non-standard highways condition**

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

Reason for condition:-

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

**12 Non-standard highways condition**

Notwithstanding the details indicated on the submitted drawings, no development above slab

level shall commence on site unless otherwise first agreed in writing, unless or until a detailed scheme for the off-site highway improvement works as indicated on drawing number 1068-02B has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved plans.

Reason for condition:-

To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor.

**13**

**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. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- viii. a scheme for recycling/disposing of waste resulting from demolition and construction 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 policy DC1 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009 and paragraph 17 of the NPPF.

**This condition will require to be discharged**