

ITEM:		RECOMMENDATION:	APPROVAL
REF NO:	3PL/2018/0931/F	CASE OFFICER	Julie Lawson
LOCATION:	FOXLEY Development Site Off The Street, Foxley	APPNTYPE:	Full
APPLICANT:	Barconn Homes c/o Agent	POLICY:	Out Settlemnt Bndry
AGENT:	David Futter Associates Ltd Arkitech House 35 Whiffler Road	ALLOCATION:	N
PROPOSAL:	Erection of 7 new dwellings with associated garages	CONS AREA:	N
		LB GRADE:	N
		TPO:	N

REASON FOR COMMITTEE CONSIDERATION

The site lies outside the defined settlement boundary for Foxley. Therefore it is contrary to policies CP14 and DC2 of the Adopted Core Strategy and Development Control Policies Development Plan Document (2009).

KEY ISSUES

Principle of Development
Impact Upon the Character and Appearance of the area
Impact on Residential Amenity
Highways Issues
Other issues - Trees and Contamination

DESCRIPTION OF DEVELOPMENT

The application seeks full planning consent for the 7 dwellings. The site has previously been granted planning permission under planning permission reference number 3PL/2017/1437/F for the erection of 7 dwellings with garages.

This application seeks amendments to the previously approved site layout including the following:

- The previously proposed four bedroomed detached dwelling on plot 1 to be replaced with a pair of linked detached three bedroomed dwellings.
- The previously proposed pair of semi-detached dwellings on plots 6 and 7 to be replaced with a single detached four bedroomed dwelling with attached double garage.
- The four terraced properties are proposed further north on the site than previously approved.
- Amendment to location of garages

SITE AND LOCATION

The application site comprises a rectangular shaped piece of agricultural land approximately 0.41 ha in area

on the edge of the settlement boundary of Foxley. The site is located towards the northern edge of Foxley. The proposed development is bounded by more agricultural land to the south, west and north and back gardens of housing to the east. The site is relatively flat and has fences to the west and east with a mix of mature trees and hedges to the west and north-west.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2017/1437/F - Erection of 7 new dwellings with garages Approved 14.02.18

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

CONSULTATIONS

NORFOLK COUNTY COUNCIL HIGHWAYS

No objections but the re-design of the northern end of the site has resulted in an unacceptable reduction in the turning area. This needs to be addressed In addition the bin storage area needs to be increased and it

appears that this can only accommodate 4 bins - and for a note to be added that the overall width of the access provides an overrun able surface of at least 4.5m not the 3.7m shown. Further comments of the updated plan received to address this issue will be reported at Committee.

CONTAMINATED LAND OFFICER

No objections subject to conditions

MRS LINDA ROSE

The Parish Council have no objections

FOXLEY P C

No Comments Received

TREE AND COUNTRYSIDE CONSULTANT

No Comments Received

REPRESENTATIONS

Two representations have been received as follows:

1 representation from an occupier of Lawrence Place has no objections to the development but has requested a fence to the boundary to maintain their privacy.

1 resident from an occupier of Lawrence Place objects:

- Entrance and exit
- Too many dwellings
- Overhead power lines
- Site traffic whilst building dwellings

ASSESSMENT NOTES

1.0 Principle of sustainable development

1.1 The National Planning Policy Framework (NPPF 2018) confirms 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.

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.

1.3 Policy SS1 of the Adopted Core Strategy and Development Control Policies Development Plan Document (2009) sets out the settlements of Breckland. The site is outside but adjacent to the settlement boundary of this village, which runs along the eastern edge of the site.

1.4 The provision of housing to meet local needs is identified as a key component of sustainable

development. In order to promote sustainable development in rural areas, the NPPF indicates that housing should be located where it will enhance or maintain the vitality of local communities.

1.5 The site has approval for 7 dwellings under a previous recent consent. This application is seeking to amend the details relating to that consent. Under the previous consent it was noted by the officer that the site is immediately adjacent to, although outside of, the defined settlement boundary of Foxley, a rural village as identified in the Council's Spatial Strategy where limited services exist. The village benefits from a small village hall and a regular bus service. This bus service means that the future residents would not be solely reliant on the use of private car to meet their day to day needs. It was therefore considered that the site is a sustainable one.

1.6 The proposal is therefore considered acceptable in principle in accordance with the NPPF.

2.0 Character and Appearance

2.1 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.

2.2 Policy DC16 of the Adopted Local Plan (2009) states all new development should achieve the highest standards of design. In assessing any development, consideration will be given to the criteria stated within policy DC16.

2.3 The National Planning Policy Framework states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It states that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history, including the surrounding built environment and landscape setting; and establish or maintain a strong sense of place. Planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

2.4 The proposal seeks to amend the previous approved scheme for the site by replacing a detached dwelling to the frontage of the site with two semi-detached properties, and replacing two semi-detached properties with a detached dwelling. The previously approved row of 4 terraced properties are positioned slightly further north on the site. The garages have also been amended.

2.5 The applicant is proposing two storey dwellings. Materials chosen for the development include red Norfolk pantiles with red facing brickwork.

2.6 The layout proposed is considered to make best use of the density and nature of the site and is considered acceptable in accordance with policy DC16 of the Adopted Local Plan and the National Planning Policy Framework.

3.0 Impact on amenity

3.1 Policy DC1 of the Adopted Local Plan states for all new development consideration should be given to the impact upon amenity. Development will not be permitted where there are unacceptable effects on the

amenities of the area, or the residential amenity of neighbouring occupants, or future occupants of the development site.

3.2 The layout of the proposal is considered to provide adequate separation distances between the proposed dwellings with an ample amount of amenity space.

3.3 The proposal should not have a detrimental impact on the amenity of the occupiers of the dwellings to the east of the site on Lawrence Place due to the separation from those properties and the layout of the proposed development. One representation has been received to state that a fence is requested at between the existing property's garden and plot 6. The path referred to is to allow access from the rear of one of the plots to their garage. The amended plan from the applicant shows a boundary fence to the rear of the properties. A condition is recommended to control details of the boundary treatments.

3.4 The proposal is considered to have given due regard to the parameters of policy DC1 of the Adopted Local Plan (2009).

4.0 Highways Issues

4.1 Norfolk County Council Highways have advised no objections in principle but the re-design at the northern end of the site has resulted in an unacceptable reduction in the turning area. The applicant has submitted an amended plan to address these comments and NCC Highways have been re-consulted on this, along with neighbouring properties. Any further comments will be reported to committee.

5.0 Other Issues

5.1 The Tree Officer has advised no objections. Conditions are recommended relating to tree protection measures.

5.2 The Council's Contaminated Land Officer has raised no objections subject to conditions.

6.0 Conclusions

6.1 The proposal seeks consent for 7 dwellings. In terms of the overall planning balance the development is considered to be acceptable in terms of its layout, impact on neighbouring properties and highway safety as well as helping to contribute to the Council's 5 year housing land supply.

6.2 On the basis of the above assessment, the application is recommended for approval subject to 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 External materials as approved

The development hereby permitted shall be constructed using the materials specified on the planning application form and / or submitted drawings unless otherwise agreed in writing with the Local Planning Authority.

Reason for condition:-

To enable the Local Planning Authority to ensure the satisfactory appearance of the development, as required by policies DC 1 & DC 16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

4 Contaminated Land - Site Investigation/Remediation

Unless otherwise agreed in writing, the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved:

A. Desk Study

A desk study and risk assessment to determine the risk of any contamination on the site, whether or not it originates on the site. The desk study 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 an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments.

B. 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) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s).

C. 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.

D. 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 conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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.

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

5

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

6 Non-standard highways condition

Notwithstanding the submitted details unless otherwise agreed in writing by the Local Planning Authority the proposed private drive shall be maintained in perpetuity at a minimum width of 4.5 metres for a minimum length of 10 metres as measured from the near edge of the highway carriageway.

Reason:- In the interest of highway safety and traffic movement

7 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 SL01D in accordance with the highway specification Dwg. No. TRAD 1 .

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.

8 Non standard highway condition

Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4 x 33metres shall be provided to the western side of the access where it meets the highway and such splay shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.

Reason:- In the interests of highway safety.

This condition will require to be discharged

9 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 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.

10 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 with the Local Planning Authority, until a detailed scheme for the off-site highway improvement works as indicated on drawing number 6912 SL01A have been submitted to and approved in writing by the Local Planning Authority.

Prior to the first occupation of the development hereby permitted the approved off-site highway works shall be completed to the written satisfaction of the Local Planning 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.

11 Construction Method Statement

No development shall take place, including any works of demolition, 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. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. detailed proposals for the removal of asbestos from existing buildings to be demolished
- 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.

This condition will require to be discharged

12 Tree Protection Plan - Ground Protection Mats

A Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works on site.

Any changes to the approved Arboricultural Method Statement, as provides as Appendix 5 of the Arboricultural Impact Assessment, prepared by AT Coombes Associates Ltd, dated 09/11/2017 must be agreed in writing by the Local Planning Authority prior to the commencement of any works on site.

Reason for condition:-

To protect the rooting area of trees during development.

This condition will require to be discharged

13 Retention of trees and hedges

No trees or hedges shall be cut down, uprooted destroyed, lopped or topped, other than in accordance with the approved plans and particulars, 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 the trees and hedges are retained in the interests of the visual amenities of the are 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

14 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/screening to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary

treatment/screening shall be completed before the building(s) are first occupied or in accordance with a timetable agreed in writing with the Local Planning Authority.

Reason for condition:-

In the interests of the satisfactory appearance of the development in accordance with policy DC 16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

This condition will require to be discharged