

ITEM:		RECOMMENDATION:	APPROVAL
REF NO:	3PL/2019/0162/VAR	CASE OFFICER	Mark Simmonds
LOCATION:	SHIPDHAM Land at Swan Lane Shipdham	APPNTYPE:	Variation of Cond's
APPLICANT:	Clayland Estates Ltd The Glass House Lynford Gardens	POLICY:	Out Settlemnt Bndry
AGENT:	Clayland Architects The Glass House Lynford Gardens	ALLOCATION:	N
PROPOSAL:	Variation of Condition 11 & removal of condition 12 on pp no 3PL/2018/0228/O (Outline application for up to 7 dwellings and provision of footpath) - remove footpath provision		
		CONS AREA:	N
		LB GRADE:	N
		TPO:	N

REASON FOR COMMITTEE CONSIDERATION

This application is being put forward to the Planning Committee as the original Outline permission was determined by The Planning Committee.

KEY ISSUES

The key considerations are the acceptability of the variation of Condition 11 and the removal of condition 12 attached to planning permission 3PL/2018/0228/O.

DESCRIPTION OF DEVELOPMENT

The applicant seeks to vary condition 11 and remove condition 12 which were attached to the Outline planning permission granted for the development of 7No. three bedroom Market dwellings. The conditions relate to a public right of way footpath to the rear of properties on the western side of Swan Lane linking to Market Street.

SITE AND LOCATION

The site is located adjacent to the defined settlement boundary for Shipdam. By definition and as a consequence, the site is located within the countryside as defined by policy SS1 of the Adopted Local Plan (2009).

The site is a rectangular parcel of land, sited to the west of Swan Lane. The site surroundings are prodominently residential, and the site currently is in use as an agricultural field. The site is relatively flat in nature with some light vegetation to its boundary. The site also has a sloped embankment to its eastern boundary fronting Swan Lane.

EIA REQUIRED

No.

RELEVANT SITE HISTORY

3PL/2018/0228/O

Outline planning permission was issued on the 8th February 2019, following approval at Planning Committee in October 2018.

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.13	Accessibility
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

OBLIGATIONS/CIL

Not applicable

CONSULTATIONS

SHIPDHAM P C

The Parish Council fully supports this variation to the planning application for Swan Lane, Shipdham. The council has worked closely with the residents, developers and agents and states the following: The Parish Council approves and supports the variation to the planning application in Swan Lane for seven dwellings. The variation is to remove the original proposed permissive footpath to be sited at the rear of the new dwellings. We believe that this proposed new footpath would not be used (not being the most direct route to the village centre and amenities), but would be a white elephant. We fully agree with the police concerns in the original application that such a path could attract anti social behaviour, attract possible burglaries etc. Into existing and new dwellings, and be a source of distress and worry to residents. The current residents of Swan Lane have used the road for many years as pedestrians, and the nature and design of the road encourages what traffic there is to go slowly and carefully. In order to satisfy any highways concerns, we would however suggest that some extra signage could be placed along the road, alerting users that there are pedestrians using the road. We would therefore ask the planning committee to listen to the residents, parish and district Councillors, and allow the variation.

CONTAMINATED LAND OFFICER

I have looked at the application submitted and, based on the information provided to me at this time; there are no objections or further comments on the grounds of Environmental Protection, providing the development proceeds in line with the application details.

HOUSING ENABLING OFFICER

No comments.

FLOOD & WATER MANAGEMENT TEAM

No comments.

CLLR LYNDA TURNER

I fully support the variation to this application. Comments on the original application included concerns from residents and the police on the purpose and hazards with the proposed footpath. The proposed footpath would not be used, as it is not the natural shortest route from new/present dwellings to the village centre. Unless it was lit, tarmacked etc. it would not be used. Police were concerned that it became a route/target for antisocial behaviour and a threat to safety of existing properties. The current residents of Swan Lane have used the roadway for walking since its beginning - it is narrow and winding, so traffic naturally travels at a slower speed. The addition of 7 dwellings and residents should make no difference to the usage and safety of Swan Lane, however highways might think it might useful to have some signage alerting traffic to pedestrians, and I would support this. There is no use for this permissive footpath - a waste of money, land, safety, and to serve no purpose.

PUBLIC RIGHTS OF WAY OFFICER

Having read the comments online from the local Councillor who is representing the local residents it is clear that the permissive path is not wanted and as such will not be used by local people. Therefore I have no objection to the proposed variation of the condition to remove the permissive footpath.

CRIME REDUCTION & ARCHITECTURAL LIAISON OFFICER No Comments Received

TREE AND COUNTRYSIDE CONSULTANT No Comments Received

NORFOLK COUNTY COUNCIL HIGHWAYS No Comments Received

REPRESENTATIONS

The application was advertised in The EDP 04-03-2019- 25-03-2019.

14 Neighbours have been directly notified. No comments have been received.

ASSESSMENT NOTES

1.0 Principle

1.1 In deciding an application under section 73, the Council is guided to only consider the question of the conditions subject to which planning permission should be granted. A complete re-consideration of the proposal is generally not undertaken but any party can raise issues they consider material to the determination.

1.2 Condition 11 stated:

The details to be submitted at Reserved Matters Stage shall include details of the access (paired or grouped), visibility splays (to be in accordance with the Manual for Streets), parking on site in accordance with NCC adopted guidance, turning facilities on site and details of the formal footpath

provided between the site and Market Street to be created as a Public Right of Way and surfaced in accordance with details to be agreed with Norfolk County Council. The details as approved at reserved matters shall be implemented in accordance with the agreed details prior to the occupation of any of the dwellings hereby approved and retained thereafter.

Reason: In the interests of highway safety, accessibility and sustainability.

1.3 Condition 12 stated:

The details to be submitted at Reserved Matters Stage shall include details of the boundary treatment to the formal footpath provided between the site and Market Street to be created as a Public Right of Way. The details as approved at reserved matters shall be implemented in accordance with the agreed details prior to the occupation of any of the dwellings hereby approved and retained thereafter.

Reason: In order to safeguard the privacy of adjacent occupiers having regard to Policy DC1.

1.4 The applicant has stated they require to vary condition 11 to remove the footpath provision only.

1.5 The applicant has stated they require the removal of condition 12 completely as this relates to the boundary treatment to the formal footpath to be provided as a Public Right of Way.

1.6 The application form explains that:

'Following consultations with the Parish Council, local residents and the Architectural Liaison & Crime Prevention Officer this variation is submitted for removal of the proposed footpath. Pre-app consultations have been made to investigate alternative footpath routes, however these were not feasible so alternative signage solutions have been offered to mitigate highways safety concerns. It is also considered that removing the footpath provision will alleviate security concerns for local residents. The road is currently safely used by pedestrians without any recorded incidents and has good levels of visibility to oncoming traffic. The road benefits from street lighting and the nearby junction onto Market Street acts as a traffic calming measure to reduce vehicular speed.'

1.7 The Public Rights Of Way Officer has been consulted and has advised that having read the comments online from the local Councillor who is representing the local residents it is clear that the permissive path is not wanted and as such will not be used by local people. Therefore, they have no objection to the proposed variation of the condition to remove the permissive footpath.

1.8 The applicant had been advised by NCC Highways at the Outline application to provide a Public Right of Way route to provide a pedestrian access from the application site to Market Street, thereby providing a pedestrian route avoiding Swan Lane. The initial concerns expressed by NCC Highways were that the carriageway width of Swan Lane varies to allow sporadic passing provision but in places is as narrow as 3.4m. One such pinch point is adjacent to the gable frontage of 33A Market Street where the verge is already being overrun by vehicles attempting to pass resulting in the carriageway edge being eroded and mud and debris being carried out into the carriageway causing a potential skid hazard.

1.9 The proposed Right of Way was to the west of the properties to the west of Swan Lane, from the site to adjacent to Orange Fields and 31 Market Street. Objections were received to this footpath on grounds of impact on security and loss of privacy. The Police Crime and Architectural Liaison Officer had also been consulted and advised that vulnerable areas such as rear and side gardens will need a robust defensive barrier by using walls or fencing to a minimum height of 1.8m. This was then conditioned once planning permission was granted.

1.10 The Parish Council have been consulted and they fully support this variation to the planning application. They commented that this proposed new footpath would not be used (not being the most direct route to the village centre and amenities), but would be a "white elephant" . They also fully agree with the Police concerns in the original application that such a path could attract anti social behaviour and attract possible burglaries. They note that the current residents of Swan Lane have used the road for many years as pedestrians, and the nature and design of the road encourages what traffic there is to go slowly and carefully. In order to satisfy any highways concerns they suggest that some extra signage could be placed along the road, alerting users that there are pedestrians using the road.

1.11 Taking into account the comments received from the Parish Council and the police, it is therefore considered that the proposed development is acceptable in terms of its impact on highway safety and that the provision of the footpath is not necessary.

2.0 Other matters

2.1 The Contaminated Land Officer has been consulted and advised that based on the information provided at this time; there are no objections or further comments on the grounds of Environmental Protection, providing the development proceeds in line with the application details.

3.0 Conclusions

3.1 The variation of condition 11 in relation to the Public Footpath only and the removal of condition 12 are considered to be acceptable, and therefore, recommended for approval.

RECOMMENDATION

The application is recommended for approval.

CONDITIONS

- 1 Material Amendment**

This permission seeks a material amendment to planning permission 3PL/2018/0228/O. The development must commence in accordance with the time scale and conditions set out in the original permission unless varied by this permission.
Reason for condition:-
To comply with section 92 of the Town & Country Planning Act 1999 (as amended).
- 2 Standard Outline Condition**

No development whatsoever shall take place until the plans and descriptions giving details of the reserved matters referred to above shall have been submitted to and approved by the Local Planning Authority and these plans and descriptions shall provide details of the appearance, layout, scale, access and landscaping of the development.
Reason for condition:-
The details are not included in the current submission.
- 3 Non-standard condition**

The details to be submitted at Reserved Matters Stage shall include details of the access (paired or grouped), visibility splays (to be in accordance with the Manual for Streets) and parking on site in accordance with NCC adopted guidance, turning facilities on site.

The details as approved at reserved matters shall be implemented in accordance with the agreed details prior to the occupation of any of the dwellings hereby approved and retained thereafter.

Reason: In the interests of highway safety, accessibility and sustainability.

4 Landscaping - details and implementation

Prior to the occupation of the development hereby permitted a scheme of landscaping which shall take account of any existing trees or hedges on the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme 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

5 Hardlandscaping - details and completion

Prior to the occupation of the development hereby permitted details of the hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. Such approved works shall be completed in all respects before the occupation of the development hereby permitted and thereafter retained.

Reason for condition:-

To ensure the satisfactory appearance of the development, in accordance with Policy DC01 and DC16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

This condition will require to be discharged

6 Fencing protection for existing trees

Prior to the commencement of any work on the site, all existing trees 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 the development 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

- 7 External materials and samples to be approved**
- Prior to the commencement of any works above slab level details and samples of all external materials to be used shall be submitted to and approved in writing by the Local Planning Authority, and this condition shall apply notwithstanding any indication as to these matters which have been given in the current application. Only such agreed materials 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**
- 8 Precise details of surface water disposal**
- Prior to the commencement of any works above slab level precise details of the means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. Only such agreed system or works shall be used in connection with this approval.
- Reason for condition:-
The details are required to be submitted prior to the commencement of development to minimise the possibilities of flooding from the outset of the development.
This condition is imposed in accordance with Policies DC 1 and DC 13 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009
- This condition will require to be discharged**
- 9 Non-standard condition**
- The development hereby approved shall be limited to single storey dwellings only.
Reason: To ensure a form of development compatible in scale and massing with the adjacent buildings and in the interests of residential amenity, as required by policies DC 1 & DC 16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.
- 10 Non-standard condition**
- The development hereby approved shall be limited to no more than 7 dwellings.
Reason: To ensure a form of development compatible in scale and massing with the adjacent buildings and in the interests of residential amenity, as required by policies DC 1 & DC 16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.
- 11 Non-standard condition**
- The details to be submitted at Reserved Matters Stage shall include details of the access (paired or grouped), visibility splays (to be in accordance with the Manual for Streets), parking on site in accordance with NCC adopted guidance and turning facilities on site . The details as approved at reserved matters shall be implemented in accordance with the agreed details prior to the occupation of any of the dwellings hereby approved and retained thereafter.
Reason: In the interests of highway safety, accessibility and sustainability.
- 12 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

14

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