

ITEM:		RECOMMENDATION: APPROVAL
REF NO:	3PL/2019/0487/VAR	CASE OFFICER Fiona Hunter
LOCATION:	WATTON Ex RAF Officers Mess Site(Heritage Park)Portal Avenue Watton/Carbrooke	APPNTYPE: Variation of Cond's POLICY: In Settlemnt Bndry ALLOCATION: N CONS AREA: N LB GRADE: N TPO: N
APPLICANT:	Bennett PLC Low Green Barn Nowton	
AGENT:	Terence D Harvey FASI 48 Marine Parade Gorleston	
PROPOSAL:	Variation of Condition No5 on 3PL/2014/1378/F - with regard to removal of trees	

REASON FOR COMMITTEE CONSIDERATION

The application is a variation to a major as defined by the Council's scheme of delegation.

KEY ISSUES

Whether the variations are acceptable and any material changes in circumstances.

DESCRIPTION OF DEVELOPMENT

Variation of condition 5 of planning permission reference 3PL/2014/1378/F for 80 dwellings for the removal of TPO protected tree and parts of 4 groups of trees within the site, some of which are covered by TPO also. The applicant has advised by phone these are necessary to facilitate the development.

Removals Sought

Tree T72 - 1 x Silver Birch (BS category B2)

Group G4 (including T10) - 4 x Silver Birch and x 1 and Horse Chestnut (BS category B2)

Group G5 - 1 x Silver Birch (BS category B2)

Group G6 - 4 x Norway Mapel and 2 x Sycamore and 1 Red Oak (BS category B2)

Group G7 - 3 x Leyland Cypress (Conifers) (BS category C2)

SITE AND LOCATION

The application site is located to the east of Watton town centre and forms part of the former RAF Watton

base, including the former Officers Mess. The surrounding area is predominantly residential in character, but does include some commercial uses.

The site extends to around 11.1 hectares in total. It is irregular in shape and comprises mainly open grassland, together with some areas of hardstanding and land formerly occupied by RAF buildings. There are a large number of trees within the site, a number of which are subject to a Tree Preservation Order (TPO 2008 No.98).

The site is adjoined by former RAF housing, including that at Trenchard Crescent, Dowding Road and Tedder Close and by more recent housing on the former RAF Technical Site (Blenheim Grange) to the east.

The site straddles the parish boundary between Watton and Carbrooke.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3DC/2018/0054/DOC DOC - COMPLETE 19-06-18

Discharge of conditions no 8 on 3PL/2014/1378/F

3DC/2018/0225/DOC DOC - COMPLETE 29-03-19

Discharge of conditions 9 & 18 on pp 3PL/2014/1378/F

3NM/2019/0005/NMA Permission 04-02-19

Amendment to 3PL/2014/1378/F - Residential Development for 80 dwellings - substitution of dwellings types on plot 77 to 80.

3PL/2014/1378/F Permission 05-09-17

Residential development for 80 dwellings with associated servicing and infrastructure.

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.10	Natural Environment
DC.12	Trees and Landscape
DC.16	Design
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

OBLIGATIONS/CIL

The application is a variation to Full Planning Permission reference: 3PL/2014/1378/F, which has an associated S106 legal agreement dated 18th August 2017. This legal agreement is worded to enable the Council to make it enforceable against Section 73 variation applications such as this one.

CONSULTATIONS

TREE AND COUNTRYSIDE CONSULTANT

T72 - this tree is clearly visible from the road and subject to TPO. No significant defects have been indicated and it does not appear to be in direct conflict with the proposals except for a garden fence. This tree should be retained.

G7 - low value conifers. No objection to the removal. A replacement for this piece of open space should be provided.

G4 - Silver Birch x 4 and Horse Chestnut x1. These trees are in poor condition and can be removed with very little impact on the overall group. Not sustainable in the long term so it is a good opportunity to get some good quality trees in as replacements.

G5 - Not TPO tree. The Field Maples to the north are the better trees within this group, removal of the Birch and replacement with another Field Maple will be preferable in the long term.

G6 - The trees are positioned to the north of plots and therefore should not create too much shade. Issues may occur with Honey Dew (sticky aphid excretion) which is associated with species and ongoing pruning works are likely to be required to ensure adequate clearance. The trees are not particularly good specimens but do have some amenity value. Ideally these trees should have been retained with more space between them and the plots and in hindsight I should have picked up on this when originally consulted. My recommendation would be that approval is granted for the removal of these trees on condition that replacements are provided set 3-4m further north. My recommendation would be heavy standards with a 12-14cm girth fastigate Oaks which will have an upright habit and therefore less likely to cause future issues.

A condition should be attached to all replacements which requires maintenance for the first 3 years with and failures during the first 5 years being replaced on a like for like basis.

WATTON TOWN COUNCIL

Response to most recent consultation awaited

21-05-2018

Watton Town Council feels there is insufficient information to understand why these trees now need to be felled when this was not identified as necessary in the original application.

REPRESENTATIONS

A site notice was erected on 22-05-19. No local representation were received.

ASSESSMENT NOTES

1.0 Whether the changes are acceptable

1.1 The application seeks removal of one TPO tree at the front of the site and parts of 4 groups of trees within the site. This is in addition to other tree works granted under the full planning permission.

1.2 The Tree Officer has reviewed the application and advised that the removal proposals are acceptable bar the removal of TPO tree T72 which can be seen from the front of the site and is worthy of retention. The developer will need to amend the dwelling fence boundaries proposals to accommodate and retain this tree. In addition replacement or mitigation tree planting is required in respect of the group tree removals.

1.3 To mitigate the tree removals, replacement or mitigation planting is sought and should be conditioned.

1.4 With consideration given to the Tree Officer's assessment, the retention of the tree at the front of the site and the replacement planting, the variation is considered acceptable and in accordance with Policy DC 12.

2.0 Re-application of Planning Conditions

2.1 The applicant has submitted two discharge of condition applications with some conditions having been approved and the conditions for this variation application being updated to reflect these in accordance with best practice. In addition, condition 2 is updated to reflect the approved Non Material Amendment application.

3.0 Conclusion/ Planning Balance

3.1 The changes are considered acceptable and therefore approval is recommended subject to conditions.

RECOMMENDATION

Approval subject to conditions.

CONDITIONS

- 1 S73 Time Limit**

The development must be begun not later than the expiration of THREE YEARS beginning with the 5th September 2017.

Reason for Condition:
As required by section 91 of the Town and Country Planning Act 1990.
- 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 other than varied by plans for plots 77 to 88 approved under Non Material Amendment Permission reference 3NM/2019/0005/NMA dated 4th February 2019.

Notwithstanding the approved drawings and documents, tree T72 will be retained and protected as an integral part of the development.

Reason for condition:-

To ensure the satisfactory development of the site.

3

External materials to be approved

Prior to the commencement of any works above slab level precise details of the colour of the external materials shall be submitted to and approved in writing by the Local Planning Authority. 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

4

Slab level to be arranged

No development shall take place until precise details of the slab levels and roof levels of the dwellings hereby approved have been submitted to and agreed in writing by the Local Planning Authority. Such details shall also provide comparative levels of the adjoining properties (roof levels) and details of the levels of any boundary treatments proposed. The development shall be carried out in accordance with the details as approved.

Reason for condition:-

The details are required prior to the commencement of development in order to ensure that the development approved does not have an adverse effect on the amenities of local residents or on the character and appearance of the area, as required by policies DC1 & DC16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

This condition will require to be discharged

5

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 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:-

In order to ensure 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

6

Tree Replacement

A tree replacement scheme shall be submitted to and approved by the Local Planning Authority prior to works above slab level. This will include mitigation planting for trees to be removed within Group G4, G5, G6 and G7 as identified by approved document Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement & Tree

Protection Plan Revision A dated 08/04/2019.

The approved tree replacement scheme shall be implemented in full prior to the occupation of the nearest adjacent dwelling, or prior to occupation on the 60th dwelling which ever is the sooner, or an alternative timetable to be first submitted to and approved by the Local Planning Authority.

Reason for condition:-

In order to ensure the satisfactory appearance of the development, in accordance with Policy DC12 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

7

Fencing/walls - details and implementation

Prior to the commencement of any works above slab level precise details of the site and plot boundary treatments, together with any re-positioning of plot boundaries to enable the retention of tree T72 / T072 shall be submitted to and approved in writing by the Local Planning Authority.

Such scheme as may be agreed shall be completed prior to the occupation of the development hereby permitted and thereafter retained.

Reason for condition:-

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

This condition will require to be discharged

8

Fencing protection for existing trees

Prior to the commencement of any work on the site, all existing trees shown to be retained and tree T72 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

This condition will require to be discharged

9

Archaeological work to be agreed

The archaeological written scheme of investigation (Archaeological Investigation prepared by Lanpro Services 14-03-2018) approved by discharge of condition permission reference 3DC/2018/0054/DOC dated 19th June 2018 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 development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under permission reference 3DC/2018/0054/DOC and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason for condition:-

The details are required prior to the commencement of development in order to ensure the potential archaeological interest of the site is investigated in accordance with policy DC 17 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

This condition will require to be discharged

10 Ecological surveys/mitigation

The development including timescales for surveys, mitigation and enhancements will take place in full accordance with documents Reptile Mitigation Method Statement, BSG Ecology and Tree Climbing Inspections and Bat Activity Surveys, BSG Ecology approved by discharge of condition permission reference 3DC/2018/0225/DOC dated 28th March 2019.

Reason for condition: In the interests of maintaining and enhancing biodiversity and ecological value of the site and surrounding area. In accordance with policies CP10, CP11, DC12, and DC16 of the Core Strategy and Development Management Policies DPD. The details are required to be discharged prior to commencement in order to ensure that all necessary protection and precautionary measures are undertaken throughout construction works on site.

11 Construction management

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:-

In the interests of the amenity of the area and to ensure a safe development. These details are required prior to the commencement of the development to ensure that adequate safeguards are in place to maintain local amenity from the outset.

12 Non-standard highways condition

Prior to the first occupation of any dwelling on the site, parking and garaging related to that dwelling shall be provided in accordance with the submitted plans and drawings. All parking

areas provided shall be maintained and made available permanently for that purpose.

Reason for condition:-

In order to ensure the provision of adequate car parking.

13 Standard estate road conditions

No works shall commence on the site until such time as detailed plans of the roads and footways have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. All construction works shall be carried out in accordance with the approved plans.

Reason for condition:-

The details are required prior to the commencement of development in order to ensure satisfactory development of the site and a satisfactory standard of highway design and construction.

This condition will require to be discharged

14 Standard estate road condition

No works shall be carried out on roads and footways otherwise than in accordance with the specifications of the Local Planning Authority in consultation with the Highway Authority.

Reason for condition:-

To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway.

This condition will require to be discharged

15 Road Surfacing

Before any dwelling is first occupied the roads and footways shall be constructed to binder course surfacing level from the dwelling to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason for condition:

To ensure satisfactory development of the site.

16 Highway improvements-offsite A

Notwithstanding the details indicated on the submitted drawings no works shall commence on site until a detailed scheme for the off-site highway improvement and traffic management works, as indicated on drawing TL-2994-15-1B, have been submitted to and approved in writing by the Local Planning Authority. The traffic management works shall include the extension of the 30 mph speed limit.

Reason for condition:-

The details are required prior to the commencement of development in order 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.

This condition will require to be discharged

17 Highway improvements off-site B

Prior to the first occupation of the development hereby permitted, the off-site highway improvement and traffic management works referred to condition 16 shall be completed in full.

Reason for condition:-

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

18 Precise details of surface water disposal

Development shall not begin until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA), ref. 2183 version 3, dated 19 December 2014, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include a restriction in run-off into the existing surface water drain along Norwich Road to 8.9 l/s and surface water storage on site, as outlined in drawing no.2183.04 Rev B in Appendix D of the FRA.

Reason for condition:-

The details of this condition are required prior to the commencement of development in order to prevent the increased risk of flooding on site and elsewhere and to improve and protect water quality.

This condition will require to be discharged

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Contaminated Land - Desk Study/Site Investigation

The remediation scheme (Email from Delta-Simons Environmental Consultants Ltd 18-03-2018) approved by discharge of condition permission reference 3DC/2018/0225/DOC dated 28th March 2019 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:-

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

INFORMATIVE:-

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

This condition will require to be discharged

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Contamination found during development

If during development contamination not previously identified/known about, is found to be present at the site then no further development ,(unless otherwise agreed in writing with the Local Planning Authority), shall be carried out until the developer has submitted and

obtained written approval from the Local Planning Authority for a scheme detailing how this unsuspected contamination shall be dealt with. Only when evidence is provided to the Local Authority confirming the contamination is no longer a risk can development continue.

Reason for condition:-

To ensure a safe development.

This condition is imposed in accordance with Policies CP9 and DC01 of the Breckland Adopted Core Strategy and PPS23.

22

Variation of approved plans

NOTE: Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.

You or your agent or any person responsible for implementing this permission should inform the Development Control Section immediately of any proposed variation from the approved plans and ask to be advised to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new planning application.

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NOTE NCC Inf 2 When Vehicular access works required

NOTE: This development involves work to the public highway that can only be carried out by Norfolk County Council as Highway Authority unless otherwise agreed in writing.

It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the applicants' responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Advice on this matter can be obtained from the County Council's Highway Development Control Group. Please contact Graham Worsfold tel: 01362 656211.

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

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