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To The Chairman and Members of the Planning Committee

All other Members of the Council – for information

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Date 14 December 2011

## AGENDA SUPPLEMENT

Dear Sir/Madam

### PLANNING COMMITTEE - MONDAY 19 DECEMBER 2011

I refer to the agenda for the above-mentioned meeting and enclose the following item:

Item No	Report Title	Page Nos
8.	<b><u>DEFERRED ITEMS</u></b>	
(a)	<b><u>Swanton Morley: Greengate: Erection of 20 residential dwellings with associated garaging, parking and access: Applicant: Hopkins &amp; Moore Limited: Reference: 3PL/2011/0830/D</u></b>	61 - 70

Report of the Director of Commissioning.

Yours faithfully

*Jane Osborne*

Committee Officer



**BRECKLAND COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE – 19<sup>th</sup> December 2011**

**REPORT OF DEVELOPMENT SERVICES MANAGER**

(Author: Jayne Owen (Senior Development Control Officer))

**SWANTON MORLEY:**

**Applicant:** Hopkins and Moore Ltd

**Reference:** 3PL/2011/0830/D

**DEFERRED ITEM REPORT**

This report concerns a planning application which seeks reserved matters approval for the erection of 20 residential dwellings with associated garaging, parking and access.

Outline planning permission establishing the principles of this development was granted under reference 3PL/2008/1379/O.

The original proposal was deferred at the planning committee meeting held on the 31<sup>st</sup> October 2011 following members concerns regarding the palette of materials proposed and flooding and surface water drainage issues.

A revised materials schedule and finishes plan has been submitted. Slate has been removed as a proposed material and the proposed render has been removed from Plot 2. The proposed weatherboarding is now black. The remaining rendered dwellings will be located beyond the retained roadside hedge. The applicants point out that notwithstanding the revisions made in this regard, a formal discharge of conditions application would still need to be submitted in relation to conditions imposed at the outline stage including condition 5 which requires approval of details and samples of all external materials.

With regard to flooding and surface water drainage issues, given the concerns of local residents and Members, notwithstanding condition 7 of the outline permission which requires details of surface water to be approved before works on site commence, the applicants have voluntarily submitted a Flood Risk Assessment in order to demonstrate the credibility of their approach. As part of this information a levels drawing has also been submitted. The proposals incorporate a swale to the rear of the site which will capture surface water from beyond the boundary. The plan also provides for rainwater harvesting, oversized drainage storage pipes beneath the road and a new drainage outlet beneath Greengate and the road culvert. The proposals, in combination meet with the approval of the Highways Authority and with Anglian Water Services.

The submitted Flood Risk Assessment has been considered by a drainage consultant appointed by the Council and following initial recommendations this assessment has been subsequently revised. In relation to the revised proposals the consultant has recommended that the Council accepts the proposed drainage strategy and flood alleviation proposal for this site. He also recommends a number of minor technical specification amendments which it is expected will be addressed prior to the submission of a final scheme to be submitted in order to formally discharge condition 7 of the outline planning permission. The applicants have

agreed that the requirements will be addressed through the discharge of condition submission.

The Parish Council have been reconsulted on the amended details and remain concerned regarding the following issues:

That there are still rendered buildings within the plans. New style rendered buildings are not a feature of our village and we would like it kept that way.

- That there is still no provision for street lighting.
- The access to the field at the rear of the development remains on the plans.
- The Parish Council acknowledge the efforts made by Hopkins and Moore to provide a Flood Risk Assessment.

It is considered that the use of render on two of the plots namely plot 11 and plot 17 is acceptable to incorporate some variety into the scheme. In relation to street lighting this will form part of the Section 38 Agreement required by Norfolk County Council Highways.

In relation to access to the field at the rear of the site the applicants have confirmed that from the adopted turning head as shown this would be purely an occasional/emergency access with the remainder of the existing field able to be accessed by the farmer from adjacent fields to the north and north-west. Norfolk County Council have not raised any objections to the scheme subject to conditions. In the light of the above it is considered that this element of the proposal is acceptable.

**RECOMMENDATION:** It is considered that the amendments are acceptable and that Members accept the proposed drainage strategy and flood alleviation proposal for this site (subject to minor technical specification changes) to be submitted and agreed by way of a formal discharge of condition application.

**BRECKLAND COUNCIL - PLANNING COMMITTEE - 31-10-2011**

<b>ITEM</b>	<b>5</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2011/0830/D	<b>CASE OFFICER:</b> Jayne Owen
<b>LOCATION:</b>	SWANTON MORLEY Greengate	<b>APPN TYPE:</b> Reserved Matters <b>POLICY:</b> In Settlemnt Bndry <b>ALLOCATION:</b> No Allocation <b>CONS AREA:</b> N <b>TPO:</b> N <b>LB GRADE:</b> N
<b>APPLICANT:</b>	Hopkins & Moore Limited Melton Park House Scott Lane	
<b>AGENT:</b>	Hopkins & Moore Limited Melton Park House Scott Lane	
<b>PROPOSAL:</b>	Erection of 20 residential dwellings with associated garaging, parking and access	

**KEY ISSUES**

Design and appearance  
Landscaping  
Scale and layout  
Amenity  
Highways  
Drainage  
Biodiversity  
Contamination  
Energy efficiency

**DESCRIPTION OF DEVELOPMENT**

The proposal seeks approval of reserved matters to construct 20 dwellings with associated garaging, parking landscaping and ancillary works on land currently in agricultural use. 7 of the proposed 20 dwellings are proposed to be affordable. Outline planning permission has been granted including access under planning reference 3PL/2008/1379/O. A mix of two storey dwellings is proposed including 2,3 and 4 bedroomed two storey terraced, linked detached and detached dwellings and there would be 2 two bedroomed apartments. A total of 47 parking spaces are provided, 35 for the open market dwellings and 12 for the 12 affordable units. Materials comprise a variety of red and buff brick, render, horizontal timber weatherboarding, red brick plinths and a mixture of eternit slate and red pantiles for roofs. Established natural planting and features will be retained wherever possible with additional planting including a substantial new tree belt within an additional 3 m strip of land adjacent to but beyond the currently undefined northern boundary of the site.

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 31-10-2011**

The application is accompanied by a design and access statement, engineering layouts with respect to surface water and foul water drainage proposals together with a non-technical summary and a Tree Survey, Arboricultural Implication Assessment and Method Statement including Executive Summary. Amended plans have been received amending the detailed design of the dwellings to include horizontal weatherboarding, addition of crested ridge tiles, dentil detailing, adding a porthole feature to plot 20 and removing gable pentice boards and brackets where previously proposed.

Following comments from County Highways, amendments have also been made including the following:

- \* Reduction in width and scale of main spine road
- \* Introduction of an entrance gateway feature from Greengate
- \* Roadway is now proposed to be shared surface with specific, softer finish and visual appearance to reflect the rural village location
- \* Alterations to frontage footway and crossing points
- \* Additional tree planting within roadway adjacent to plots 5-7
- \* Alterations to the proposed secondary field access between plots 9 and 10 with field gates beyond adopted turning head

In addition, a detailed specification of proposed soft landscaping measures have been submitted with a mixture of trees and hedging proposed to the north-western field boundary.

### **SITE AND LOCATION**

The site is within the Settlement Boundary of Swanton Morley. The site is located on the north side of Greengate opposite Bedingfield Road. The site is currently served by an unmade field access off Greengate. The front of the site is bounded by a mature hedge. A line of dead elm trees (approx 16 m) are proposed to be felled on the south-western boundary together with an ash tree also on the south-western boundary which is described as being in declining condition with dieback within the canopy. All other hedges and trees are shown to be retained. New hedge planting is also proposed to the south-western boundary.

### **EIA REQUIRED**

No

### **RELEVANT SITE HISTORY**

- 3PL/2008/1379/O - Proposed residential development - Approved 29/1/09
- 3PL/1992/1002/O - Residential development (6 No. houses) - Approved 17/11/92
- 3PL/1991/1432/O - Residential development of 12 No. dwellings - Refused 13/2/92
- 3PL/1991/0281/O - Residential development - Refused 23/5/91

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 31-10-2011**

### **POLICY CONSIDERATIONS**

The following National Planning Guidance and the Breckland Adopted Core Strategy and Development Control Policies have been taken into consideration in the determination of this application:

PPG13	Transport
PPS01	Delivering Sustainable Development
PPS03	Housing
PPS09	Biodiversity and Geological Conservation
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPS25	Development and Flood Risk
CP.05	Developer Obligations
CP.06	Green Infrastructure
CP.08	Natural Resources
CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
CP.12	Energy
CP.13	Accessibility
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.04	Affordable Housing Principles
DC.11	Open Space
DC.12	Trees and Landscape
DC.13	Flood Risk
DC.14	Energy Efficiency
DC.15	Renewable Energy
DC.16	Design
DC.19	Parking Provision

### **CONSULTATIONS**

#### **SWANTON MORLEY PC -**

Please be advised that Swanton Morley PC objects to the aforementioned planning application, for the reasons detailed below:

1. The drainage of surface water in this area is currently poor and properties within this area are regularly subjected to flooding. There is insufficient provision for draining surface water from this development which is only going to exacerbate the local flooding problem. Drainage into ditches in this area is not an option, the water needs to flow into mains drainage. The Design and Access statement is adamant that the site is within 'Flood Zone 1 (the definition of which is not explained) thus beyond any zone of risk' The Parish Council, with extensive local knowledge of this area, can assure the developer that this area is subjected to flooding on a regular basis. Please find enclosed photographs provided by Mr and Mrs Briggs whose property is adjacent to the proposed

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 31-10-2011**

development. As you can clearly see they have suffered from a considerable flooding problem and indeed have needed the fire brigade to assist them.

2. There are grave concerns about the 'creepage' of the area of development. There is a line of trees in the design beyond the area which was granted outline planning permission. The Parish Council would like to know:

a. Who would these trees belong to and who would have the responsibility of maintaining them? The proposed trees would be very close to no. 40 Greengate. The siting of these trees already pose the threat of limiting the light to this property, left unmaintained they will definitely have a detrimental effect on this property and indeed could affect the foundations of the nearby house.

b. If the trees are designed to be a boundary to the development, why is there a gap between properties 9 and 10 which would allow access to the field behind? It would not be practical for farm traffic to travel through this estate to access the field so why would there be a need for an access road there?

3. The post and rail fencing that denotes the end of the development is inadequate.

4. The many variances of finish to the properties is wholly inappropriate for a rural village. All these different colours are more fitting for an urban estate and would not blend in with the neighbouring properties in the village.

5. The proposed pathway is too short and should be extended as far as the bus stop.

6. There are no details of street lighting for this development shown on the plans, but the installation of street lighting is a requirement for the developers so that they can 'design out crime' (Para 3.15 of the Design and Access Statement) The design of the street lighting furniture must be made in consultation with the Parish Council so that it is in keeping with the rest of the village's street lighting stock.

7. The Parish Council would seek confirmation of the status of the highway that will service the homes within the development. (i.e. will they be private or adopted?)

The Parish Council stresses that this is not an objection to 20 dwellings on this land. We accept this number of dwellings but it is imperative that the dwellings are the right ones for our village. The planning application set before us is not the one that is appropriate for our village and we would encourage the developer to reconsider the application taking into account the points we have made. Furthermore, we would like Breckland Council's Planning Committee to make a site visit to this area prior to their meeting so that the practical examples of the above points can be demonstrated. Please can you advise when this site meeting would be convenient.

Should you need any clarification of the above points, please do not hesitate to contact me. We look forward to working with Hopkins and Moore to ensure that this is the best development possible for Swanton Morley.

## **NORFOLK COUNTY COUNCIL - HIGHWAYS**

Requests that the following amendment / additional information be submitted.

1. Dropped kerb pedestrian crossings should be provided at both ends of the new frontage footpath. This should also include constriction of a section of footpath across the opposite verge to the existing footpath, which will require removal of at least one tree.

2. The plan approved at the outline stage indicated that a new ditch would be created along the

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north west site boundary, as a replacement for the loss of the existing field ditch adjacent to Greengate.

3. The layout still provides for access to the adjacent field, which as previously stated is wholly unacceptable and must be removed.

4. The bellmouth radii at the junction with Greengate should be reduced to 6.0m.

No comments received in respect of amended plans as at 13/10/2011

### **TREE & COUNTRYSIDE OFFICER**

I am in agreement with the Arboricultural Impact Assessment by Hayden's. The application site is immediately adjacent to one pond and continuous with hedgerows extending to wider countryside. This pond should be assessed for suitability for great crested newts by a competent ecologist and the resulting assessment should contain appropriate recommendations for mitigation where appropriate. The development proposals should also have included details of measures for the enhancement of biodiversity within the site. Appropriate landscaping, boundary treatments and nesting/roosting opportunities should be considered.

### **HOUSING ENABLING AND PROJECTS OFFICER**

The application for reserved matters at Greengate, Swanton Morley is supported by the strategic housing team.

Swanton Morley has a considerable identified housing need and this application will provide 7 no. dwellings of mixed sizes formulated to assist the need in the village.

The layout of the affordable housing units is deemed appropriate by the team, and feel the properties are well integrated into the scheme.

We expect the units to be built to at least the minimum HCA design standards and be delivered free from public subsidy.

### **CONTAMINATED LAND OFFICER**

No objections subject to compliance with condition 8 on the outline planning permission (3PL/2008/1379/O) for which a site investigation is required.

### **ARCHITECTURAL LIAISON/CRIME - No Comments Received**

### **NORFOLK COUNTY COUNCIL - ECONOMIC AND STRATEGY OFFICER - No Comments Received**

### **REPRESENTATIONS**

Representations have been received in relation to the following issues:

Drainage/flooding issues; Scale of development; Design and appearance; Materials; Need for additional housing; Impact on character of area; Highways;

Biodiversity; Boundary hedges; Trees; Loss of privacy; Impact on views across open countryside;

Access to land at rear; Impact on foundations; Tree belt to north of site - Future

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ownership/maintenance/possible future incorporation as gardens; materials - slate is an inappropriate material in this context

### **ASSESSMENT NOTES**

\* The application is referred to the Planning Committee as it is a major application.

#### Principle

- \* The site is within the Settlement Boundary and has the benefit of outline planning permission. The principle of the construction of 20 dwellings in this location is therefore established and there is no policy requirement for the applicants to demonstrate an identified need for the development.
- \* The reserved matters are appearance, landscaping, layout and scale.
- \* The site is located in a sustainable location which benefits from a good range of services and facilities with good links to the town of Dereham.
- \* The proposal provides a full range of housing types and sizes and proposes an appropriate level of affordable housing in accordance with the policies which were current at the time outline planning permission was granted and will be secured by way of a Section 106 Legal Agreement signed and completed at the outline stage.
- \* Similarly financial contributions in relation to Swanton Morley School Travel Plan, education, fire hydrants and library provision will be secured by the signed and completed Legal Agreement.
- \* Conditions attached to the outline planning permission remain applicable and include a condition relating to renewable energy.

#### Design, layout, scale, siting and appearance

- \* The proposed dwellings are well designed and would sit comfortably within the street scene in this context. Materials predominantly reflect local vernacular including a mixture of red brick, horizontal weatherboarding, render and slate and red pantiles. Adequate amenity space for each dwelling would be provided.
- \* In summary, it is considered that with respect to design, layout, siting and appearance the proposal is acceptable.

#### Scale and Layout

- \* The scale and layout reflects the principles agreed at the outline stage. Two storey dwellings are proposed which satisfactorily reflect existing built form within this context. Satisfactory amenity, parking and turning areas are provided

#### Landscaping

- \* The Tree and Countryside Officer has been consulted on the proposal and has raised no objections.
- \* In summary, the proposals include retention of established natural planting and features wherever possible with additional planting including a substantial new tree belt within an additional 3 m strip of land adjacent to but beyond the currently undefined northern boundary of the site.
- \* A detailed specification of proposed soft landscaping measures have been submitted with a mixture of trees and hedging to the north-western field boundary.

#### Protection of Amenity

- \* There is sufficient separation distance between the proposed dwellings and existing dwellings to the south-west and east to ensure that there would no significant impact in relation to existing residential amenity by way of significant overlooking, overshadowing or loss of privacy or outlook.

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\* Whilst clearly neighbours would no longer have views over open farmland there is no private right to a view.

\* A condition may be attached to any consent granted to prevent any further windows or other opening being inserted at first floor level or above in the north eastern facing side elevations of the proposed dwellings on plots 14 and 15 to ensure that the future residential amenity of the immediately adjacent dwellings Nos 40 and 42 Greengate is satisfactorily preserved.

### Highways

\* County Highways requested amendments/additional information to be submitted. \* This information has been provided and County Highways have raised no highway related objection subject to condition. Highways conditions attached to the outline planning permission also remain applicable.

### Drainage/Flood Risk

\* There is a great deal of local concern regarding drainage and flooding and evidence has been submitted that localised flooding occurs in this area.

\* The applicant has submitted proposals for foul and surface water drainage together with a non-technical summary. The Environment Agency has been consulted on the proposals and have commented that PPS25 allows the local planning authority to request a Flood Risk Assessment if it is considered necessary

\* It is not considered that it would be reasonable or necessary for the Council to request a flood risk assessment at this stage as it is considered that these issues are adequately controlled by conditions attached to the outline planning permission

\* Notwithstanding the above, the submitted details are initial proposals only and further details will be worked up and submitted with a formal discharge of conditions application in due course.

### Biodiversity

\* The Tree and Countryside Officer was consulted at the time of the outline planning permission and made no comment at that stage.

\* It is considered that the pond should be assessed for suitability for great crested newts and that the development proposals should have included details of measures for the enhancement of biodiversity within the site and that appropriate landscaping, boundary treatments and nesting/roosting opportunities should be considered. However, the survey of this pond was not set out in the principles established at the outline planning stage and therefore, it is considered that it would be unreasonable for the Council to introduce this as a requirement at this stage. In any event, the pond is within the curtilage of an adjacent property owner and outside the control of the applicant.

\* Additional planting is proposed to supplement the existing boundary hedgerows wherever possible, including a new tree belt to the north.

\* The Design and Access Statement states that the applicants intend to install bird boxes and similar measures wherever possible to encourage wildlife.

\* It is considered that appropriate landscaping and boundary treatments are proposed and that providing the conditions attached to the outline planning permission are satisfactorily complied with that the proposed landscaping is acceptable.

### Contaminated Land

Conditions were attached to the outline planning permission in this respect and remain applicable.

### Energy Efficiency

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\* The development will incorporate water use reduction measures including water butts and dual flush cisterns, all homes where practicable will be fitted with energy efficient lighting, all homes, where practicable, will have dedicated space for dry recyclables and composters will be provided within gardens.

Other Issues

Proposed Tree Belt to north of site

\* The red line around the site reflects that identified at the outline stage. The proposed new tree belt is proposed on land also owned by the applicant. The Council cannot control the future ownership of this land proposed to include the new tree belt.

\* The rear of the site will be enclosed by timber post and rail fencing and this is considered appropriate as at this point the development abuts open countryside.

\* Extension of existing gardens onto the additional 3m strip beyond the development boundary would require the benefit of a separate change of use application and should this happen without the benefit of planning permission this would be an enforcement matter.

\* The application is recommended for approval subject to conditions.

**RECOMMENDATION**

**Approval of Reserved Matters**

**CONDITIONS**

- 3012** Approval of Reserved Matters condition
- 3046** In accordance with submitted plans
- 3920** No additional windows
- 3920** Slab level to be agreed
- 3740** Any highway conditions
- 3940** Outline conditions remain applicable
- 3920** On site parking areas
- 3998** NOTE: Reasons for Approval
- 4000** Variation of approved plans
- 3996** Note - Discharge of Conditions