

BRECKLAND COUNCIL

PLANNING COMMITTEE – 9th June 2014-05-22

**REPORT OF THE DIRECTOR OF COMMISSIONING
(Author: Jason Parker, Principal Development Management Planner)**

**NORTH ELMHAM: Station Yard: 19 Dwellings: Outline
Applicant: Mr H S Thompson
Reference: 3PL/2013/1045/O**

UPDATE ITEM REPORT

Introduction

At the Planning Committee on 17th February 2014 Members resolved to refuse this application due to inadequate levels of visibility being available at the site access. That report is appended to this further report for clarification. At the time the Highway Authority was recommending refusal.

The applicant requested the opportunity to address these concerns given the length of time this matter has been before the Council and on this basis the Planning Chairman and the Planning Manager facilitated the applicant with the opportunity to undertake this by not issuing the refusal notice.

Amendments from the previous Scheme

The application seeks outline planning permission for a residential development with all matters reserved, with the exception of means of access. An indicative "conceptual" layout was shown to members previously in support of the application for 19 dwellings.

Amended plans and a traffic assessment report have now been undertaken.

The proposal improves visibility splays for the application site, with the addition of Eastgate Street benefiting from visibility improvements, as well as the provision of a footpath. Alterations to the Mid Norfolk Railway crossing will also take place a consequence of the road and footway alterations.

In terms of the railway crossing, a footpath would be provided in front of the railway gate, to the south, and picket gate access shall give the opportunity for pedestrians to cross the railway to the north of the railway gate.

Consultations

Reconsultation has resulted in the receipt of the following additional responses:

Mid Norfolk Railway:

MNR are still in agreement, in principle, to the alteration of the level crossing to improve visibility in respect of the proposed residential development. However, there are concerns regarding the ultimate positioning of the railway gates.

Office of Rail Regulation:

The ORR (HMRI) has no objection to the move of the crossing posts / gate on one side to accommodate improved sighting for road traffic. This being based on a max road speed at present of 30 mph and light use.

North Elmham Parish Council:

In principle, there is no objection to the site being developed for housing. However, there is a very deep concern with the proposed access arrangements. In order to obtain a suitable visibility splay, the footpath is being pushed out into the carriageway. This will result in pedestrians having to walk outside the railway gate and will provide a dangerous situation where the likelihood of a potentially fatal accident is substantially increased. The road is very busy and vehicles approach this area, from both directions, at high speeds. This is a critical length of footpath as it forms part of the safe route to school which parents and children use twice per day. It is our view that there is no need for the footpath to be on the road side of the gate.

We understand that gardens of adjoining cottages are available for the developer to buy and, if this was done, the vision splay needed could be created without apparent risk. Furthermore, the Parish Council finds the drawings rather confusing and unhelpful. We ask if the developer could submit clearer drawings along the lines suggested. It is stressed that the Parish Council takes the whole issue, particularly the safety of pedestrians and other road users, extremely seriously.

Further discussions with the Parish Council Chairman have concluded that the Parish Council would be satisfied with the scheme if a condition was attached to the decision that requires the retention of pedestrian access to the north of the gates through the proposed wicket gates. Suggested Condition No. 14 seeks to achieve this.

Norfolk County Council Highways:

Raise no objection to the proposal subject to conditions relating to the agreement of details and the carrying out of works in respect of roads, footways, foul and surface water drainage. The provision of on-site parking for construction workers and the carrying out of offsite highway improvements.

Representations

Reconsultation has resulted in the receipt of objections relating to;

- Pedestrian and Highway Safety
- The availability of land for the applicant to purchase

Assessment of the Proposal

Principle of Development

* Notwithstanding the previous decision, the site lies within the Settlement Boundary of the village of North Elmham and, as such, the principle of residential development is acceptable in accordance with Policy DC2 of the Breckland Core Strategy.

Design, layout, scale and appearance

* These are matters which would be considered at the reserved matters stage should outline planning permission, to establish whether the principle of three new dwellings in this location is acceptable, be granted. The indicative "conceptual" plan satisfactorily demonstrates that a residential development could be accommodated comfortably within the site together with an appropriate level of parking, turning area

and amenity space whilst having regard to the character and appearance of the area. This "conceptual" plan was previously considered to be acceptable as part of its positive resolution in relation to the historic application at the site.

Highway Safety

- * A traffic speed survey has since been conducted and the visibility splays have been improved from the previously proposed scheme.
- * The Highway Authority confirm that they are satisfied with the proposal and have no objection
- * Further details as to the precise arrangements of the gates and highways could reasonably be dealt with at reserved matters stage.

Railway safety

- * The site is immediately adjacent to a railway crossing.
- * Mid Norfolk Railway (MNR) have been re-consulted following the amended plans and information.
- * They previously commented that the alterations and improvements should be funded by the applicant and agreement on this matter was in place as part of the previous application. The applicant has been made aware of this requirement and he has confirmed that he will be able to agree to this. This can be dealt with by way of a planning condition.
- * MNR previously requested that boundary treatments, external lighting and tree/landscaping be discussed with them. It is considered that these matters could be reasonably controlled to their satisfaction through planning conditions.
- * The Railway Inspectorate (Office of Rail Regulation) raises no objection to the proposal.
- * It is considered that highway matters have been dealt with satisfactorily and that the railway works will need to be carried out to the satisfaction of the Railway Inspectorate anyway.

- * The main concerns to the scheme appear to relate to pedestrian safety. The proposal will result in the slight narrowing of the highway which will have the affect of slowing traffic down. In addition to this the proposal also improves visibility from Eastgate Street in relation to the current situation. The objection appears to desire a footway behind the safety of a railway gate, which is the current situation.
- * The proposal provides a footpath in front (south) of the railway gate, as well as wicket gate pedestrian access to the rear (north) of the railway gate. Therefore pedestrians will have two options. It should also be noted that most of the footpaths in this country are not protected by a railway gate in-fact most footpaths which go over a railway crossing are located in-front of a railway gate or that there is indeed no railway gate at all. An example of this is the railway crossing at Dereham, which has no railway gate, but just flashing lights and footpath access.
- * Recent discussions have taken place with the Parish Council and it has been agreed that to satisfy its concerns a condition could be placed on the consent to require the applicant to agree the provision of a pedestrian route to be maintained to the north side of the gate and through the proposed wicket gate access.

On this basis the proposal would therefore satisfy the Office of Rail Regulation, Highway Authority and the pedestrian access concerns of the Parish Council.

Conclusion

- * The development of this brownfield site will result in a visual improvement to the area as well as providing much needed housing within a location inside the development boundary.

* Improved visibility splays have been submitted together with improved visibility splays for Eastgate Street and the Highway Authority is now satisfied with the proposal.

* The scheme is considered acceptable in all planning terms.

* The recommendation is for approval subject to the following conditions:-

Suggested Conditions:

1. Application for Approval of Reserved Matters must be made not later than the expiration of THREE YEARS beginning with the date of this permission, and the development must be begun not later than whichever is the later of the following dates - a) the expiration of FIVE YEARS from the date of THIS PERMISSION, or b) the expiration of TWO YEARS from the FINAL APPROVAL OF THE RESERVED MATTERS or, in the case of approval at different dates, the FINAL APPROVAL OF THE LAST SUCH MATTER to be approved.

Reason for condition:-

As required by section 92 of the Town & Country Planning Act 1990.

2. 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. The development must be carried out in strict accordance with the application form, plans, drawings, and other documents and details submitted or provided by the applicant, as amended by the documents referred to above.

Reason for condition:-

To ensure the satisfactory development of the site.

4. 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) the same details as in part A above (ii) a survey of the extent, scale and nature of contamination and (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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 undertaken 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.

5. 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.

6. Prior to the commencement of any works, the site must be surveyed by an appropriate environmental consultant for the presence of Japanese Knotweed and a copy of this survey sent to the Local Planning Authority. Please note that Japanese Knotweed can be far more extensive than the visible parts on the surface and that the underground parts of the plant may extend laterally up to 7 metres beyond this. Therefore, this survey must also note any knotweed adjoining the site. If Japanese Knotweed is confirmed, full details of a scheme for its eradication and/or control shall be submitted to and approved by the Local Planning Authority prior to the commencement of work on site, and the approved scheme shall be implemented prior to the commencement of the use of the buildings.

Reason for Condition:-

To ensure the proper inspection and control of Japanese Knotweed.

7. No development shall commence on site until a scheme has been submitted for the provision of the fire hydrant on the development in a location agreed with the Council in consultation with Norfolk Fire and Rescue Service. The applicant will be expected to meet the costs of supplying and installing the fire hydrant.

Reason for condition:-

To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.

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

Reason for condition:-

To ensure the satisfactory development of the site in accordance with highway and railway standards.

9. No works shall be carried out on roads, footways, foul and surface water sewers otherwise than in accordance with the specifications of the Local Planning Authority in consultation with the Highway and Railway Authorities.

Reason for Condition:-

To ensure the satisfactory development of the site in accordance with highway and railway standards.

10. Before any dwelling is first occupied the road(s) and footway(s) 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 the satisfactory development of the site in accordance with highway standards.

11. Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason for Condition:-

To minimise the potential for on-street parking during construction and thereby safeguard the interest of safety and convenience of road users.

12. Notwithstanding the details indicated on the submitted drawings no works shall commence on site unless otherwise agreed in writing until a detailed scheme for the off-site highway improvement works as indicated on drawing number 636-03-100A have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway and Railway Authorities.

Reason for Condition:-

To ensure the satisfactory development of the site in accordance with railway and highway standards.

13. Prior to the first occupation of the development hereby permitted the off-site highway improvement works referred to in Condition 12 shall be completed to the written satisfaction of the Local Planning Authority in consultation with the Highway and Railway Authorities.

Reason for Condition:-

To ensure the satisfactory development of the site in accordance with highway and railway standards.

14. Details of the new railway crossing gates and the retention of pedestrian access to the north of the railway gate(s) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Mid Norfolk Railway, Highway and Railway Authorities prior to the commencement of development.

Reason for Condition:- To ensure that the railway crossing gates are satisfactorily replaced and that pedestrian safety is maintained.

15. Details of the boundary treatments, external lighting, tree and landscaping details shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Mid Norfolk Railway and Highway Authority prior to the commencement of development.

Reason for Condition:- To ensure the satisfactory development of the site.

16. Informative relating to boundary screening suggestions from Environmental Protection, contamination and other standard Informatives and Notes.