

ITEM:		RECOMMENDATION:	APPROVAL
REF NO:	3PL/2017/1112/F	CASE OFFICER	Donna Smith
LOCATION:	MATTISHALL Kensington Forge Dereham Road	APPNTYPE:	Full
		POLICY:	Out Settlemnt Bndry
		ALLOCATION:	N
		CONS AREA:	N
APPLICANT:	Norfolk Land Developments Trafalgar House Dereham	LB GRADE:	N
AGENT:	Parsons & Whittlely Ltd Parsons & Whittlely Ltd 1 London Street	TPO:	N
PROPOSAL:	Proposed Residential Development for 12 dwellings including change of use from storage/distribution and light industrial		

DEFERRED REASON

1.0 UPDATE FOLLOWING DEFERRMENT

1.1 At the previous committee dated 12th February 2018, the application was deferred to establish whether the Highway condition LS17 (below) was capable of being implemented in connection with this development proposal.

The proposed condition states:

Prior to the first occupation of the development hereby permitted a visibility splay, (as shown on drawing 216-15-006 rev A) measuring 2.4 x 120m to the east and 2.4 x 83m to the west shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.

Reason for condition;- in the interest of highway safety.

1.2 Since the deferment, the applicant has brought new information forward in respect of land ownership boundaries and how this directly relates to the control of the visibility splay. The Land Registry Plan submitted highlights the extent of the neighbouring residents (Kensington Forge) ownership up to and abutting Dereham Road.

1.5 The applicant has also provided a highway boundary plan showing the extent of land outside the applicants control which shows Norfolk County Council Highway's ownership. The highway boundary plan includes the land necessary to facilitate the required visibility splays.

1.6 Norfolk County Council have acknowledged the boundary plan submitted by the applicant and are conducting further investigations to confirm the extent of the highway boundary, and which feature (brick wall or fence) is being indicated as the highway boundary.

1.7 An update will be provided at the meeting but if, as anticipated the boundary plan is correct, then the applicant and highways boundaries meet and the required visibility could be achieved.

1.8 It is also important to note that Highways have confirmed that the proposed junction / visibility splays are not materially different to those approved on the previous application for residential development , the full extent of which have been included within the application site boundary. Therefore subject to imposing a condition requiring provision of the proposed visibility splays (set out above), they would not wish to raise a highway related objection to the granting of planning permission.

1.9 It is worth noting that the approved access set out circa 90m visibility splays looking right from the proposed site access. The currently proposed visibility details 120 m splays being provided. The applicant's transport consultant has stated that a vehicle travelling along the Dereham Road from the east has a forward stopping sight distance of in excess of 135m, which the applicant considers is more than sufficient to anticipate if a vehicle emerges from the site access.

1.10 It is noted that during the previous committee held in February 2018 that discussions were presented in respect of the covenant in place between the applicant and the adjacent landowner. This is a legal matter which is outside the scope of the application and on the basis of the additional explanatory information provided do not affect the ability of the applicant to provide the required visibility splays necessary to facilitate this development.

1.11 On this basis, Officers are satisfied subject to final confirmation from the Highway Authority regarding the highway boundary plan, that the condition referenced above can be implemented in association with this development.

REASON FOR COMMITTEE CONSIDERATION

The site is located outside the defined settlement boundary for Mattishall. The proposal is therefore contrary to policies CP1 and DC2 of the adopted Core Strategy and Development Control Policies Development Plan Document (2009).

KEY ISSUES

Principle of sustainable development
Impact on rural character and appearance
Impact on residential amenity
Accessibility
Impact on trees
Public right of way
Affordable housing provision
Conclusions

DESCRIPTION OF DEVELOPMENT

The applicant seeks planning permission for 12 residential dwellings (8 market dwellings and 4 social rented) and the change of use of associated storage/distribution units to light industrial. The site extends to 0.94ha. The existing Forge to the north of the site will be converted to allow for four new dwellings. The detailed design of the dwellings to the south reflects the local character of the surrounding area, proposed roofs will utilise Norfolk clay pantiles, whilst external walls will be constructed from a mix of Norfolk red clay

bricks and timber weatherboarding detailing.

SITE AND LOCATION

The site is located on the junction of Turns Road and the A47 and is flat in nature. Surrounding uses are predominantly residential with other uses including All Saints Church to the south and rural countryside located to the north and west. The site is located outside of the defined settlement boundary for Mattishall and therefore is considered as being located in the countryside as defined by policy SS1.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2014/0495/F- Residential development of 11 dwellings - approved 12/12/14.

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

CP.01	Housing
CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
CP.13	Accessibility
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.12	Trees and Landscape
DC.16	Design
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

MATTISHALL P C

No objection

ENVIRONMENT AGENCY

No objection.

ANGLIAN WATER SERVICE

No assets owned by Anglian Water. No comments.

HISTORIC ENVIRONMENT OFFICER

Based on currently available information the proposed development will not have any significant impact on the historic environment and we do not wish to make any recommendations for archaeological work.

RAMBLERS ASSOCIATION: NORFOLK AREA

No objection.

NATURAL ENGLAND

No objection.

PUBLIC RIGHTS OF WAY OFFICER

We note the inclusion of a 3 metre width allowance for Mattishall Footpath 3, which is welcomed. I have included a plan showing the full legal extent of the footpath in this area for clarity. The full legal extent of this footpath must remain open and accessible for the duration of the development and subsequent occupation.

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection subject to conditions.

FLOOD & WATER MANAGEMENT TEAM

No comments.

HISTORIC BUILDINGS CONSULTANT

No comments.

TREE AND COUNTRYSIDE CONSULTANT

No objection subject to conditions.

HOUSING ENABLING OFFICER

Affordable housing provision required in accordance with policy.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

No objection subject to conditions.

ENVIRONMENTAL HEALTH OFFICERS

No objections subject to conditions.

CONTAMINATED LAND OFFICER

No objections subject to conditions.

ENVIRONMENTAL PLANNING

No Comments Received

OBLIGATIONS OFFICER, NORFOLK COUNTY COUNCIL

No Comments Received

REPRESENTATIONS

Five letters of objection were received detailing the following concerns:

Reduction in housing quality, size and number from previous application.

Concerns regarding the overall layout of the scheme

Amenity issues

Highway safety issues

Impact on character and appearance of the area

Accessibility

Lack of amenity space per dwelling.

ASSESSMENT NOTES

1.0 Principle of sustainable development

1.1 The site is located outside the defined settlement boundary for Mattishall therefore is contrary to policies CP1 and DC2 of the adopted Core Strategy and Development Control Policies Development Plan Document (2009).

1.2 Paragraph 49 of the National Planning Policy Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable sites.

1.3 In light of the above, housing policies within the adopted local plan (2009) will be given limited weight when assessing this application. The application will be reviewed with the presumption in favour of sustainable development set out in paragraph 7 of the NPPF. Paragraph 7 states there are three dimensions to sustainable development, economic, social and environmental. These roles cannot be undertaken in isolation as they are mutually dependant.

1.4 The site is located outside the defined settlement boundary for Mattishall. The site is therefore constituted as being within the rural countryside as defined by policy SS1 of the adopted local plan. The countryside is defined as a large area of predominantly undeveloped agricultural land and the sustainability appraisal indicates that these areas do not represent a sustainable option for development. However, from review of the surrounding area context, a variety of housing plots are dispersed outside the settlement boundary, encompassing the site on all fronts.

1.5 Mattishall is considered to have adequate services and facilities to meet day to day requirements of their existing residents. The overarching aim of these centres is primarily around service protection and enhancement and development to meet local needs.

1.6 The proposal presents 12 dwellings which would contribute modestly to the overall housing supply within the district alongside providing short term construction employment, would contribute to supporting growth and establishing a strong and vibrant community.

1.7 Consequently, the proposal is considered as being acceptable in principle and in a sustainable location in accordance with paragraph 7 and 14 of the NPPF.

2.0 Character and appearance

2.1 One of the main drivers for the revised layout was to allow the existing barn to be retained and converted, achieving significant reductions in carbon footprint and embodied energy through re-use rather than new materials and construction.

2.2 In accordance with policy DC16 all new development should achieve the highest standards of design. The layout of the proposal is dedicated to the east of the site, set back from the boundary perimeter. Each plot benefits from a separate garage and ample amenity space. The conversion of the existing Forge building to residential dwellings sits north of the site, to the frontage onto Dereham Road which given the reuse of this building will preserve the character and appearance of the surrounding area. The design of the proposals benefit from a uniform design which includes clay pantiles, black metal rainwater goods, timber weatherboarding on the brickwork and infill openings where required.

2.3 The colour palette chosen would not be considered obtrusive within the rural context. Surrounding dwellings do not benefit from a uniform design style, roof pitching or colour scheme. The traditional and uniform comprehensive design is considered appropriate within the surrounding rural context. The proposal is considered to enhance the existing character of the area, and has been designed to ensure the longevity of the development.

2.4 The proposal does not conflict with the requirements of policy DC16.

3.0 Impact on amenity

3.1 Each plot is set back from the boundary of the site which mitigates any issues of overlooking from adjacent residents is minimised. The applicant has ensured that the garage for each dwelling is adjacent to each dwellings boundary. The garage is not considered a habitable area and alongside appropriate boundary treatment, any perceived issues surrounding overlooking or privacy are further mitigated.

3.2 A new native species hedgerow has been proposed to the southern boundary of the site to allow the threshold of biodiversity surrounding the site to be maintained.

3.3 The applicant is proposing the retention of the Forge and converting it to four affordable dwellings. It is considered the conversion of the Forge causes less harm than the four dwellings proposed in the location to the site frontage and approved under previous consent Ref: 3PL/2014/0495/F. The overall resubmission is considered more uniform and symmetric in layout and proposes a design which would not be considered obtrusive within a rural area. The applicant has given due regard to policy DC1.

4.0 Access

4.1 Access to the site will be from Dereham Road. The Highways Authority has reviewed the application and confirmed that the application boundary, inclusive of associated visibility splays, is acceptable. Conditions have been appended to any grant of consent to include details of footways, roads and visibility splays are submitted and approved prior to development commencing. The proposal therefore gives due regard to policy CP13.

5.0 Impact on trees

5.1 An arboricultural impact assessment has been submitted alongside the application. The Tree Officer has reviewed these details and confirmed this was acceptable. A condition has been recommended to ensure the development is carried out in accordance with the details of this report. The proposal therefore will not conflict with policy DC12.

6.0 Public Right Of Way

6.1 Mattishall Footpath 3 runs to the south of the proposed site. The Public Right Of Way officer has stated that the full legal extent of this footpath must remain open and accessible for the duration of the development and subsequent occupation. An appropriate informative has been included to this affect.

7.0 Affordable housing provision

The proposal triggers policy DC04 for the requirement of affordable housing. It is noted the applicant and the Housing Enabling Officer discussed the bedroom provision within the converted barn to the north of the site where the affordable housing provision will be. This enables the provision of 4 No. 2bed/3 person units to the Nationally Described Space Standards. However in discussion with the Council's Housing Officers the applicant stated a preference that the units are designed as 2 bed/4 person units which would fall short of the NDSS. The Housing Enabling Officer has concluded that given the nature of the conversion planned - it would be difficult for the applicant to achieve the necessary space standards set out in policy. On the basis of the evidence provided for this case, and as an exception, this is considered to be acceptable given the circumstances.

6.0 Conclusions

6.1 In light of the above assessment, the overall layout, design and density of the proposal is considered acceptable in this location and a form of sustainable development, according with paragraphs 7 and 14 of the National Planning Policy Framework and contributing to the overall housing land supply within the district.

6.3 In light of the scheme proposed, and the principle of the dwellings being established under previous consent Ref: 3PL/2014/0495/F the proposal is considered to give due regard to local plan policy and it is in keeping with the surrounding area context. The proposal is recommended approval subject to conditions.

6.4 On this basis, the application is recommended for approval subject to the completion of the a S106 legal agreement for the provision of affordable housing and conditions. Further, delegated authority to the Executive Director of Place to REFUSE planning permission if the S106 is not completed within 3 months of the date of the Resolution to Grant planning permission.

RECOMMENDATION

Planning Permission

CONDITIONS

- 3106 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.

3944

This condition will require to be discharged

Contaminated Land - Desk Study/Site Investigation

Prior to the commencement of the development, the following details shall be submitted to and approved in writing by the Local Planning Authority:

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:-

The details are required 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

3946

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

ER18

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
- viiii. Construction hours.

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

3006

Full Permission Time Limit (2 years)

The development must be begun not later than the expiration of TWO YEARS beginning with the date of this permission.

Reason for condition:-

As required by section 91 of the Town & Country Planning Act 1990 (as amended) and to ensure the deliverability of the scheme to contribute to the five year housing land supply.

3047A In accordance with submitted plans NEW 2017

The development must be carried out in strict accordance with the application form, and approved documents and drawings as set out in the table at the end of this notice.

Reason for condition:-

To ensure the satisfactory development of the site.

3750 Highways condition

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 Authority. All construction works shall be carried out in accordance with the approved plans.

Reason for condition;- to ensure appropriate servicing of the site.

3760 Highways condition

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 Authority.

Reason for condition;- in the interests of highway safety.

3770 Highways condition

Before any dwelling is first occupied the roads and footways shall be constructed to binder course surfacing level from the dwelling / industrial unit 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 appropriate access to dwellings.

LS17 Highways condition

Prior to the first occupation of the development hereby permitted a visibility splay, (as shown on drawing 216-15-006 rev A) measuring 2.4 x 120m to the east and 2.4 x 83m to the west shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.

Reason for condition;- in the interest of highway safety.

3920 Ecology condition

The development shall be carried out in accordance with the recommendations as set out within the URS Extended Phase 1 habitat survey 23rd June 2014, incorporating a mitigation plan for the proposed development statement shall be implemented in full.

Reason for condition:- to ensure the development is carried out in accordance with approved details.

3935 Ecology condition

No demolition or clearance work shall take place or trees removed during the bird breeding season which is between 1st March and the 31st August. If it is not possible for tree removal or demolition and clearance work to take place outside this period, a bird surveyor shall visit the site prior to clearance to ensure there is no nesting and to confirm when works can take place. If nesting birds are present, the nest area shall be cordoned off and left undisturbed until the birds have fledged. All birds (with minor exceptions) are protected from destruction of their nests under the Wildlife and Countryside Act 1981.

Reason for condition:- to mitigate against any impacts on nesting birds and species.

3940

Ecology condition

Before the commencement of work on site an ecological enhancement plan, which shall include enhancements opportunities as set out at paragraph 6.3 of the URS Extended Phase 1 habitat survey June 2014, shall be submitted and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to occupation of the development.

Reason for condition:- to ensure the ecological enhancements are carried out in accordance with the approved details.

LS17

non standard condition

Operations on site shall take place in complete accordance with the approved Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) by A.T Coombes dated 8th September 2017. No other operations shall commence on site in connection with the development until the tree protection works and any pre-emptive tree works required by the approved AIA or AMS have been carried out and all tree protection barriers are in place as indicated on the TPP. The protective fencing shall be retained in a good and effective condition for the duration of the construction of the development and shall not be moved or removed, temporarily or otherwise, until all site works have been completed and all equipment, machinery and surplus materials removed from site, unless the prior written approval of the local planning authority has been sought and obtained.

Reason for condition:- to ensure the development is carried out in accordance with approved details.

3923

Contaminated Land - Informative (Extensions)

NOTE - Where remediation of contaminated land is required, the developer is advised to put in place measures to ensure that any future alterations/extensions to the development do not undermine completed remediation works and, if appropriate, that the future alterations/extensions include the same scheme of remediation as that included in the original development.

3539

Note Re Asbestos

Cement bonded asbestos (CBA) - frequently used in the construction of sheds, garages, industrial and agricultural buildings. CBA must be disposed of in accordance with waste regulations enforced by the Environment Agency (0845 59333111). Working with CBA can fall under the Health and Safety at Work Regulations (HSW) enforced by the Health and Safety Executive (01603 753800). Please telephone the Environmental Health Section at Breckland Council for further advice on the dismantling and disposal of CBA (01362 656350)

3739 Highway NOTE Inf 1

NOTES: This development involves works within 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 Highways Development Control Group. Please contact Graham Worsfold on 01362 656211.

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.

3992 Non-standard note re: S106

NOTE: This permission is subject to a legal agreement relating to the provision of affordable housing.

3737 Inf 2

The full legal extent of Mattishall Footpath 3 must remain open and accessible for the duration of the development and subsequent occupation.

2014 Criterion E - Planning Apps Where Approved

Appeals against planning decisions

If you are aggrieved by the decision of your local planning authority to attach any particular condition/s to this permission, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.planningportal.co.uk

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

