

ITEM:		RECOMMENDATION: APPROVAL
REF NO:	3PL/2018/0690/VAR	CASE OFFICER Julie Lawson
LOCATION:	HOCKERING Hill House Lodge Road From Honingham To North Tuddenham Hockering	APPNTYPE: Variation of Cond's POLICY: Out Settlemnt Bndry
APPLICANT:	Mr J GUNNS Hill House Lodge, Road From Honingham To North Tudden	ALLOCATION: N CONS AREA: N
AGENT:	Trundley Design Services Salgate Barn Islington Road Tilney All Saints	LB GRADE: N TPO: N
PROPOSAL:	Variation of Condition (No 13) in relation to highway works on 3PL/2016/1552/F to vary condition to read "prior to construction of any dwelling above slab level" (amended description 27.07.18)	

REASON FOR COMMITTEE CONSIDERATION

This application relates to a major application therefore has to be determined by the planning committee.

KEY ISSUES

Principle of the amendment and impact on highway safety
Conclusions

DESCRIPTION OF DEVELOPMENT

The applicant seeks approval for the variation of condition (13) of application Ref: 3PL/2016/1552/F.

Condition 13 of application Ref: 3PL/2016/1552/F currently states:

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

- A scheme showing an improved access at the westernmost part of the site
- Improvements to Hill House Lane, including road widening and a pedestrian refuge.

The agreed works shall be carried out prior to first occupation of any of the dwellings on the northern side of Park Lane, hereby permitted.

Reason for Condition:-

In the interest of highway safety in accordance with Policy 4 of the NPPF and CP04 of the adopted Breckland

Core Strategy.

The applicant had initially requested that the condition be re-written to indicate prior to occupation of the development. However, the agent has agreed to amend the description of the development to alter the proposed wording to 'Prior to construction above slab level'.

The applicant has indicated that the highway layout has been approved in principle by Highway England and NCC Highways but the process of obtaining a detailed design, submitting the application and also obtaining approval could take up to 2 - 3 months they are wanting to start construction on site as soon as possible.

SITE AND LOCATION

The application site is located to the east of Hockering and the north of the A47 to either side of Park Lane which starts and finishes off the A47.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2016/1552/F - Demolition of existing buildings and redevelopment comprising 14 residential dwellings together with associated access, landscaping and boundary treatments - approved 17.11.17

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.04	Infrastructure
CP.05	Developer Obligations
CP.09	Pollution and Waste
CP.11	Protection and Enhancement of the Landscape
CP.13	Accessibility
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.12	Trees and Landscape
DC.16	Design
DC.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

HOCKERING P C

Objection. A dangerous precedent. The access for this site is key and should be a priority to any construction starting.

NORFOLK COUNTY COUNCIL HIGHWAYS

I note that the condition has been amended to require approval of the off-site works prior to construction above slab level rather than occupation of any of the dwellings.

This would be acceptable subject to your enforcement team monitoring development and taking appropriate action to stop building works should the development progress beyond this without the off-site works being approved.

The relevance of this is that, despite having a meeting with Highways England and the developers agents in May of this year, I have yet to see a scheme for the localised widening of Park Lane. Further I am advised that Highways England have not received a proposed scheme for the improvements which lie within the A47 Trunk Road.

Not only can the approval of off-site works take a considerable amount of time but the actual construction of the improvements will be dictated by the developer being able to obtain permission to work within the highway. In the case of works on the A47 this will be limited and the developers agents is aware of this.

CONTAMINATED LAND OFFICER

No comments.

ENVIRONMENT AGENCY

No comments.

ENVIRONMENTAL HEALTH OFFICERS

No objections on the grounds of Environmental Protection.

HOUSING ENABLING OFFICER

No comments.

HIGHWAYS ENGLAND

No objection to amended description.

HISTORIC ENVIRONMENT OFFICER

No comments.

NATURAL ENGLAND

No comments to make on the variation.

ECOLOGICAL AND BIODIVERSITY CONSULTANT No Comments Received

TREE AND COUNTRYSIDE CONSULTANT No Comments Received

PRINCIPAL PLANNER MINERAL & WASTE POLICY No Comments Received

NORFOLK FIRE AND RESCUE SERVICE No Comments Received

RAMBLERS ASSOCIATION: NORFOLK AREA
EAST TUDDENHAM P C
NORFOLK WILDLIFE TRUST

No Comments Received
No Comments Received
No Comments Received

REPRESENTATIONS

Site notice posted

One letter of representation has been received from Councillor Gordon Bambridge:
Concern that the access to the A47, which is one of the busiest roads in the county, is so integral to the site that the exact details should be available before continuing with the build. This access will be considerably altered by the dualling of the road, but we are told this will not be until about 2022/3. But until then the current access at both potential points is where sight lines on the existing roads are very limited. I am neither for or against the application which has been approved, but would like to see the approved scheme on highway access sorted out to all satisfaction.

ASSESSMENT NOTES

1.0 Principle of the development and impact on highway safety

1.1 The principle of development in this location has been established under application
Ref:3PL/2016/1552/F.

1.2 The applicant seeks approval for the variation of condition 13 of planning approval Ref: 3PL/2016/1552/F. This condition required a scheme for highway works to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme requires an improved access to the westernmost part of the site and improvements to Hill House Lane including road widening and a pedestrian refuge. The agreed works need to be carried out prior to first occupation of any of the dwellings on the northern side of Park Lane.

1.3 The approved scheme for 14 dwellings was served by two access points onto Park Lane, an unclassified loop road. This connects to the A47 by two separate junctions to the east and west of the application site. The original condition stipulated that the details were agreed prior to commencement of the development and that the works would be in place prior to occupation of the development.

1.4 Highways England initially advised no objections however they subsequently advised that they would have concerns regarding the proposed rewording of the condition if it were altered to allow the development to proceed up to prior to occupation of the units. NCC Highways objected to the original proposed wording which would have allowed progression of the scheme to prior to occupation. They did however advise that they would not object to a variation to the condition to require the details to be approved prior to the development of the dwellings to slab level.

1.5 The agent has agreed to amend the description of the development to stipulate that the works should not proceed beyond construction to slab level. Highways England and NCC Highways have been reconsulted on this. Highways England have advised no objections to the amended description. NCC Highways have advised that the proposed amended wording of the condition is acceptable subject to monitoring of the development to ensure the development does not progress beyond slab level without the off-site works being

approved.

1.6 It is considered that the amended proposed rewording of the condition is acceptable.

2.0 Conclusions

2.1 On the basis of the above assessment, the amendment to condition 13 is considered to be acceptable.

2.2 The application is recommended approval subject to conditions. The S106 for the former planning consent defines the planning permission as including any the Council grant under S73 therefore the measures secured in the former legal agreement will still be applicable to this development.

RECOMMENDATION

Planning Permission

CONDITIONS

- 1 Full Permission Time Limit (2 years)**

The development must be begun not later than the expiration of TWO YEARS from 17.11.17.

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.
- 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.

Reason for condition:-
To ensure the satisfactory development of the site.
- 3 Precise details of surface and foul water disposal**

Prior to the commencement of any works above slab level precise details of the means of surface and foul water disposal shall be submitted to and approved in writing by the Local Planning Authority. Only such agreed system or works shall be used in connection with this approval.

Reason for condition:-
The details are required to be submitted prior to the commencement of development to minimise the possibilities of flooding from the outset of the development.

This condition is imposed in accordance with Policies DC 1 and DC 13 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009

This condition will require to be discharged
- 4 Archaeological work to be agreed**

No development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions including:

 - 1) The programme and methodology of site investigation and recording,
 - 2) The programme for post investigation assessment,

- 3) Provision to be made for analysis of the site investigation and recording,
- 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation,
- 5) Provision to be made for archive deposition of the analysis and records of the site investigation and
- 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.

No development shall take place other than in accordance with the approved written scheme of investigation. 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 and provision has been made for analysis, publication and dissemination of results and archive deposition has been secured.

The programme of archaeological mitigatory work will commence with informative trial trenching to determine the scope and extent of any further mitigatory work that may be required (e.g. an archaeological excavation or monitoring of groundworks during construction). A brief for the archaeological work can be obtained from Norfolk County Council Historic Environment Service upon request.

Reason for condition:-

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

5

Desk study/ site investigation

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:-

Details are required prior to the commencement of 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. This condition is imposed in accordance with CP 9 of the Adopted Core Strategy and Development Control Policies Development Control Document 2009 and Planning Policy Statement No 23.

This condition will require to be discharged

6

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 CP 9 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009 and Planning Policy Statement No 23.

7

Landscaping scheme to be submitted - hard and soft

No development shall take place on site until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- hard surfacing materials;
- means of enclosure;
- proposed finished levels or contours;

Soft landscaping shall include:

- Planting plans;
- Written specifications (including cultivation and other operations associated with plant and grass establishment);
- Schedules of planting, noting species, plant sizes and proposed numbers/densities where appropriate;
- Implementation programme

Reason for condition:-

In the interests of 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

8 Boundary treatment to be agreed

Prior to the occupation of the development hereby permitted a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the dwelling to which the boundary treatment will serve is first occupied. Development shall be carried out in its entirety in accordance with the approved details.

Reason for condition:-

In the interests of the satisfactory appearance of the development in accordance with policy DC 16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

This condition will require to be discharged

9 In accordance with Arboricultural report

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) supplied by deltasimons, dated March 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 protect the longevity of the trees in accordance with policy DC12 of the Adopted Core Strategy and Development Control Policies Development Control Document 2009.

10 External wall, windows, door and roof materials to be agreed

No development beyond slab level shall take place until precise details, including samples, of the materials to be used in the construction of the external walls, windows and doors, and roofs of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. This condition shall apply notwithstanding any indication as to these matters that have been given in the current application. The materials to be used in the development shall be in accordance with the approved details.

Reason for condition:-

To enable the Local Planning Authority to control the colour, tone, texture and appearance of

the materials used to ensure the satisfactory appearance of the development, as required by 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

12 Development in accordance with noise report

The development shall be carried out in exact accordance with the requirements and recommendations as set out in the submitted Sharps Redmore Environmental Noise Assessment, Project No 1615873. All Bedrooms internal noise levels shall not exceed LAeq30dB(8hours)(23:00 to 07:00) as contained in the guidelines of BS 8233:2014. This noise level is to be achieved when the ventilation rates for the bedroom are also achieved.

Reason for condition:-

To protect the amenity of future occupants in accordance with Paragraph 17 of the NPPF and DC01 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

13 Non-standard highways condition

Prior to the construction of the development above slab level, the following highways works shall be submitted to and approved in writing by the Local Planning Authority:

- A scheme showing an improved access at the westernmost part of the site
- Improvements to the junction of Park Lane with the A47, including road widening and a pedestrian refuge.

The agreed works shall be carried out prior to first occupation of any of the dwellings on the northern side of Park Lane, hereby permitted.

Reason for Condition:-

In the interest of highway safety in accordance with Policy 4 of the NPPF and CP04 of the adopted Breckland Core Strategy.

14 Fire Hydrant

No development above slab level shall commence on site until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of one fire hydrant within the application site in a location to be first agreed with the Local Planning Authority. The development shall be carried out in accordance with the approved details and completed prior to first occupation of any of the dwellings hereby approved.

Reason for Condition:-

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

15 Note non standard re: S106

This permission is subject to a legal agreement, the development shall be carried out in exact accordance with the requirements of the s.106 agreement (dated 14th November 2017) and conditions attached to this notice.

18 Discharge of conditions

It will be necessary for you to submit to the Council all relevant details, together with a completed application for the "Discharge of Conditions" and the fee as appropriate.