

ITEM:		RECOMMENDATION:	APPROVAL
REF NO:	3PL/2018/0584/D	CASE OFFICER	Fiona Hunter
LOCATION:	BEESTON Land to the north of Herne Lane Beeston	APPNTYPE:	Reserved Matters
APPLICANT:	Suburban 2006 Limited PO Box 177 Wymondham	POLICY:	Out Settlemnt Bndry
AGENT:	Brown & Co The Atrium St Georges Street	ALLOCATION:	N
PROPOSAL:	Erection of 11 dwellings.	CONS AREA:	N
		LB GRADE:	N
		TPO:	N

REASON FOR COMMITTEE CONSIDERATION

The application is, as defined by the scheme of delegation, a major planning application as it relates to 11 dwellings and is therefore referred to planning committee.

KEY ISSUES

Principle of development
Access
Layout and Scale
Appearance
Landscaping
Other Matters - trees, Health and Safety Executive, contamination, open space management, ecology and fire hydrants

DESCRIPTION OF DEVELOPMENT

Consent is sought at Reserved Matters for details of access, layout, scale, external appearance and landscaping in relation to Outline Planning Permission 3PL/2016/269/O for 11 dwellings.

Two accesses would be created onto Herne Lane, one serving 4 dwellings and the other serving 7 properties.

An area of open space, attenuation pond and footpath link to the village would be provided to the rear of the site, with a paddock area in the south east corner of the site. Each plot would have its own individual curtilage and area of private amenity space. The dwelling mix would be as follows:

Plots 1 & 3 - 5 bedroom detached dwellings finished in red brick with a pantile roof, two storey gable feature. Plot 1 would be served by large two bay/car port detached garages with floor space over two floors, the top floor served by dormer windows. Plot 2 would be served by a double bay garage with games room above.

Plots 2 & 5 - 4 bedroom house finished in brick/pantile roof with a cat slide roof finish to the front elevation. Double bay garages with games room above.

Plots 4 & 6 - 3 bedroom house finished in brick/pantile roof with a projecting glazed/weatherboard bay to the front elevation. Double bay garages with games room above.

Plot 7 - 5 bedroom, red brick/pantile roof, two storey front gable feature. Single storey timber cladding projection to the side elevation. Double bay garages with games room above.

Plots 8, 9, 10 & 11 - Affordable housing units, 2 x pair of semi-detached dwellings finished in brick with a pantile roof. Separate access from Herne Lane.

SITE AND LOCATION

The site extends to approximately 2 hectares and is relatively flat agricultural land and the immediate area contains a mix of commercial and residential dwellings (detached, semi-detached). There is housing to the east and west with a commercial site to the north. To the south, on the opposite side of Herne Lane, there are open fields. The site is on the southern edge of the village of Beeston, a rural settlement under policy SS1, and is approximately 700m from the centre of the village.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2015/0388/O - Residential development (38 dwellings). Withdrawn - 27/07/2015.

3PL/2016/0269/O - Proposed residential development (11 dwellings). Grant Permission (with conditions) - 17/01/2017.

3DC/2017/0220/DOC - Discharge of Conditions No 6 & 7 on 3PL/2016/0269/O. 24/01/2018 - Partially discharged.

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.1 Housing

CP.10 Natural Environment

CP.05 Developer Contributions

CP.06 Green Infrastructure

CP.11 Protection and Enhancement of the Landscape

CP.14 Sustainable Rural Communities

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.16 Design
DC.19 Parking Provision
SS1 Spatial Strategy
NPPF National Planning Policy Framework (2018)
NPPG National Planning Practice Guidance

OBLIGATIONS/CIL

A S106 dated 13/12/2016 is tied to the associated Outline Planning Permission. This legal agreement required 40% of the development to be provided as affordable housing.

CONSULTATIONS

BEESTON P C

13-08-18

The parish council reiterates comments made in its submission dated 27 June which have not been accounted for in these revisions:

1. In its submissions to the original outline application, comments were made requesting that the affordable houses be moved away from the existing bungalow bounding the site and that a piece of open space be included between the existing and new properties. This has not been done and should be reconsidered.
2. Herne Lane is part of the HGV route for the village. It is also extremely difficult for 2 HGVs to pass each other as it is very narrow and the site of the proposed entrance to the main development is currently an unofficial passing place so the lorries can pass. The opposite side of the road is bounded by a ditch and it is not possible to have a passing place on that side. Therefore, the site entrance must be designed to ensure that the entrance is both wide enough and set back into the site to ensure that 2 HGV's can still pass at this point as at present.

The parish council made a third comment regarding the junction of Herne Lane and Dereham Road and this appears to be addressed by the required condition requested in the highways authority submission dated 16 July.

27-06-18

We believe there should be open space between the bungalow bounding the site and the affordable housing. The site entrance must be designed to ensure that the entrance is both wide enough and set back into the site to ensure that 2 HGV's can still pass at this point as at present. Works should be undertaken to improve the sight line at Herne Lane/Dereham Road.

TREE AND COUNTRYSIDE CONSULTANT

No comments to make.

CONTAMINATED LAND OFFICER

No objection subject to condition requiring a site investigation and remediation if necessary.

HEALTH & SAFETY EXECUTIVE

The proposed development site currently lies within the consultation distance (CD) of at least one major

hazard site and/or major accident hazard. Advise against approval.

FACILITIES MANAGEMENT

No objection following receipt of additional information.

ENVIRONMENTAL HEALTH OFFICERS

No objection subject to noise condition.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

No objection.

ENVIRONMENT AGENCY

No comment.

Guidance: The site is located above a Principal Aquifer and the developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency Guiding Principles for Land Contamination.

FLOOD & WATER MANAGEMENT TEAM

Falls below current threshold for comment.

NORFOLK COUNTY COUNCIL HIGHWAYS

The Outline planning application was approved against highways advice. No objection to the reserved matters, subject to conditions for: vehicle access, visibility splays and compliance with approved details.

WENDLING P C

No Comments Received

ANGLIAN WATER SERVICE

No Comments Received

NORFOLK FIRE AND RESCUE SERVICE

No Comments Received

HOUSING ENABLING OFFICER

No Comments Received

REPRESENTATIONS

The application was advertised in the local press, a site notice displayed, and letters sent to neighbouring residents. Six local representations were received and are summarised below:

- Concern about highway safety implications.
- There is potentially asbestos in the ground.
- The site may be home to protected species including Great Crested Newts.
- The village has no amenities and the school is almost full.
- The proposal will lead to a loss of light to our property.
- Fire hydrant requirements
- There should only be one point of vehicle access

ASSESSMENT NOTES

1. Principle of Development

1.1 The principle of development is established by the grant of outline planning permission (ref: 3PL/2016/0269/O) in January 2017. The current application only considers matters relating to access, appearance, layout, landscaping and scale of the development, which are discussed in the following

sections.

1.2 A local resident has raised that the village has no amenities and the school is full. However, as aforementioned, the principle of development for 11 dwellings has already been established and is not for consideration under this application.

2. Access

3.1 Condition 3 of the outline consent requires the reserved matters to broadly accord with the approved Indicative Site Layout. The indicative layout shows the accesses broadly in the locations now proposed and therefore the principle of two accesses is considered acceptable.

3.2 Highways have not objected to the application subject to conditions for: vehicle access, visibility splays and compliance with approved details.

3.3 The Parish Council have raised HGV traffic and passing as an issue for Herne Lane. More specifically, that HGV currently use an un-official passing place where the proposed eastern most site entrance is. The proposed accesses are at least 9m wide and therefore can act as unofficial passing places. As the development will not result in an uplift of HGV movement, this is considered acceptable mitigation. Furthermore, Highways have not requested a passing place to be installed.

3.4 Based on the foregoing the development is considered to comply with Policy CP4 and paragraph 109 of the NPPF (2018).

3. Layout and Scale

3.1 Condition 3 of the outline consent requires the reserved matters to broadly accord with the approved Indicative Site Layout. This requirement is met.

3.2 The layout has been slightly amended, however, these changes have not resulted in overlooking or shadowing to any plots or existing neighbours. Each plot continues to have a good sized rear garden and parking spaces for at least two cars.

3.3 Specifically in relation to existing residents, plot 11 would be adjacent to the existing property at 8 Herne Lane. Whilst concern is expressed by the occupants, through third party representation, in relation to impact on amenity, it is considered an adequate separation distance is proposed with a distance of 10m from the proposed flank wall of No.11 and the common boundary. Therefore, the proposal would not be unduly imposing or lead to overshadowing or overlooking.

3.4 All the proposed plots are two storeys in height which complies with outline condition 5. Due to generous garden sizes and set back from Herne Lane, the scale will appear sympathetic to existing neighbours and will not be overly dominant or out of character within the street scene.

3.5 On the foregoing basis, the development layout and scale are acceptable, with particular regard to creating a sense of place as required by policy CP11 and residential amenity as per Policy DC1 requirements.

4. Appearance

4.1 The units are proposed to be red facing brick, with red or "dark" pantile roofs, with small elements of

timber style cladding. Interest is added to the elevations by the use of contrast brick work, decorative brickwork, chimneys and varied plan and roof forms. The appearance of the dwellings is considered to be high quality, with their own identify which respects its rural location.

The appearance of the development is considered acceptable in accordance with Policy DC16.

5. Landscaping

5.1 High level landscaping details have been submitted which accord with the approved Indicative Site Layout. However, insufficient level of landscaping detail, including plot boundary and planting, has been provided to approve this in entirety, and it is recommend a requirement for a detailed landscaping scheme is conditioned.

6. Mix of Dwellings

6.1 The application proposed 7 market units and 4 affordable units, which complies with the Outline S106 agreement and Policy DC4. The unit to be intermediate (part sale, part rent) has not been identified, however, this can be agreed separately via the S106 affordable housing scheme. The tenure of the dwellings is therefore acceptable.

6.2 The affordable units are 2 x 2 bedroom and 2 x 3 bedroom. The market units are 3 x 5 bedroom units and 4 x 4 bedroom units. Overall the development provides a reasonable mix of dwellings. The affordable units comply with the 2015 'Technical housing standards - nationally described space standard'. The development in terms of housing mix and quality is therefore considered acceptable and complies with Policy DC1.

7. Other Matters

7.1 The Trees and Landscaping Consultant raises no objection to the scheme and there are no prominent trees on the site which would be affected by this proposal. The proposal is in accordance with policy DC12.

7.2 The Health and Safety Executive have raised concern with the proposal as the site is within a HSE consultation zone where they advise against this type and quantum of development. However, the principle of development has already been established and the houses are sited at the southern part of the site, furthest from the source of the hazard. The hazard is a hazardous substance permit for light industrial premises to the north of the site. The agent has contacted the land owner for the hazardous substance permit whom have advised they want to have the consent removed. The agent has suggested a legal agreement to deal with this matter. We recommend this restricts occupation of development until the hazardous substance permit is revoked to ensure the residents safety.

7.3 Environmental Health has advised that the development is acceptable subject to conditions agreeing appropriate mitigation noise in relation to the sites proximity to an industrial area, it is recommended this advice is followed.

7.4 Facilities Management has advised that they do not wish to adopt the proposed open space and the agent has confirmed that the open space will be private and maintained by a management company. A condition to this effect is recommended.

7.5 A condition to secure public access to the footpath link to the village is also recommended.

7.6 A local resident has raised the need for a fire hydrant. Outline condition 13 requires one to be delivered and therefore there is no need to duplicate this.

7.7 A local resident has raised that protected species may be present on site. The Outline application was supported by ecology surveys which found that the site is generally of limited ecological value, although boundary trees and hedges to provide valuable habitat for birds and other wildlife. However, Great Crested Newts are present in ponds and ditches to the north of the site, and various mitigation measures are proposed to avoid harm during construction. Habitat creation measures are also proposed, including management of existing and proposed ponds, landscape enhancement and the provision of hibernaculum. To secure these recommendation conditions have been applied to the Outline planning permission, and do not need to be duplicated.

7.8 The Contaminated Land Officer has recommendation a Site Investigation and remediation is necessary prior commencement of development.

8. Conclusion

8.1 The principle of development or the erection of 11 dwellings was established by the grant of outline planning permission in November 2016. The current application only considers matters relating to appearance, layout, landscaping and scale of the development together with S106 compliance. The reserved matters have been found to be acceptable and it is recommended that the application is approved subject to conditions.

9. Recommendation

9.1 Recommend approval subject to conditions and a legal agreement for the restriction of occupation of the development until the hazardous substance permit is revoked.

RECOMMENDATION

Approval of Reserved Matters

CONDITIONS

1

Approval of Reserved Matters condition

This approval is granted following the grant of Outline Planning Permission reference 3PL/2016/0269/O dated 17th January 2017. The timescales for implementation of the development are set out at condition 1 of the Outline Planning Permission.

Reason for condition:-

The time limit by which the development must be commenced is indicated on that Permission.

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

Non-standard condition

All construction activities shall be undertaken in accordance with the Construction Ecological Management Plan (CEMP) agreed under application 3DC/2017/0220/DOC. the scheme

shall proceed in accordance with the details outlined therein.

Reason for condition:-

To ensure that wildlife interests on the site are adequately protected during construction work. These details are required prior to the commencement of work to ensure that impacts are properly managed from the outset.

4

Non-standard condition

The development shall proceed in accordance with the scheme of biodiversity enhancements and habitat management, including the programme for implementation, agreed as the approved programme under application 3PL/2017/0220/DOC, and shall be retained for the lifetime of the development.

Reason for condition:-

In order to secure the long term protection and management of biodiversity features.

5

Contaminated Land - 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. 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) a survey of the extent, scale and nature of contamination; (ii) 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; (iii) an appraisal of remedial options, and proposal of the preferred option(s).

B. 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.

C. 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 conducted 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.

This condition will require to be discharged

6 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

7 Landscaping - details and implementation

Prior to the occupation of the development hereby permitted a scheme of landscaping which shall take account of any existing trees or hedges on the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out during the planting season November/March immediately following the commencement of the development, or within such longer period as may be agreed in writing with the Local Planning Authority. The details shall take account of the Council's leaflet "Tree pack" (Landscaping advice for applicants). Any trees or plants which within a period of 5 (five) years from the completion of the landscaping scheme die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with others of the

same size and species unless the Local Planning Authority gives written consent to any variation.

Reason for condition:-

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

This condition will require to be discharged

8

No PD for classes A B C D & E

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification), no extensions, roof alterations, porches or ancillary buildings as defined within Classes A, B, C, D and E of Part 1 of Schedule 2 of that Order shall be erected or brought onto the land unless an appropriate planning application is first submitted to and approved by the Local Planning Authority.

Reason for condition:-

In the interests of the satisfactory appearance of the development and/or the amenities of adjoining residents in accordance with Policy DC1 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

9

Full details of external lighting

No external lighting shall be erected on site until details of such lighting has been submitted to and approved in writing by the Local Planning Authority. Only such approved lighting will be installed on site. Such lighting shall be kept to a minimum for the purposes of security and site safety, and shall prevent upward and outward light radiation.

Reason for condition:-

In the interests of amenity and to reduce light pollution.

This condition will require to be discharged

10

Boundary treatment/screening to be agreed

Prior to the occupation of the development hereby permitted a plan indicating the positions, design, materials and type of boundary treatment/screening to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment/screening shall be completed before the buildings are 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 DC16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

This condition will require to be discharged

11

Hardlandscaping - details and completion

Prior to the occupation of the development hereby permitted details of the hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. Such approved works shall be completed in all respects before the occupation of the development hereby permitted and thereafter retained.

Reason for condition:-

To ensure the satisfactory appearance of the development, in accordance with Policy DC01 and DC16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

This condition will require to be discharged

12 Open Space Management and Maintenance

No works above slab level will take place until details of a private management company for the management and maintenance of the private open space and landscaping areas have been submitted to and agreed in writing with the Local Planning Authority. The approved private management company will be formed or instructed prior to first occupation of development and will operate in perpetuity unless otherwise agreed in writing with the Local Planning Authority

Reason for condition:-

To ensure the satisfactory management and maintenance of the private open space.

13 Public Footpath

The footpath link as identified by approved plan reference SL01 Rev A and linking to Dereham Road and Dairy Drift will be made available for public use at all times, other than when maintenance works of no longer than 21 days are being undertaken, prior to first occupation of the development unless otherwise agreed in writing with the Local Planning Authority.

The design of the footpath is to be agreed under condition 10 of the Outline Planning Permission reference 3PL/2016/0269/O dated 17th January 2017.

Reason for condition:-

To ensure the satisfactory public access to the footpath which was considered a benefit of the proposal resulting on the grant of Outline Planning Permission reference 3PL/2016/0269/O.

14 Noise protection of new residential properties

Prior to commencement of the development a scheme for protecting the proposed residential dwellings from noise from the adjacent industrial units shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include protection to amenity and garden area and should not rely on the requirement to close windows. All works which form part of the scheme shall be completed before any part of the development is occupied.

Reason for condition:-

In the interest of the amenities of future occupants

This condition will require to be discharged