

ITEM:		RECOMMENDATION: APPROVAL
REF NO:	3PL/2017/1355/F	CASE OFFICER Julie Lawson
LOCATION:	SWAFFHAM Site to North of Lynn Road Swaffham	APPNTYPE: Full POLICY: Out Settlement Bndry ALLOCATION: N CONS AREA: N LB GRADE: N TPO: N
APPLICANT:	Mr Tim Walker Bramley Weasenham Road	
AGENT:	Clayland Architects The Glass House Lynford Gardens	
PROPOSAL:	Erection of 6 dwellings	

REASON FOR COMMITTEE CONSIDERATION

The site lies outside the defined settlement boundary for Swaffham. Therefore it is contrary to policies CP14 and DC2 of the Adopted Core Strategy and Development Control Policies Development Plan Document (2009).

KEY ISSUES

Principle of development
Character and appearance
Amenity
Highways
Ecology
Contamination and Drainage
Conclusions

DESCRIPTION OF DEVELOPMENT

The applicant seeks full planning permission for the erection of 6 dwellings on a site area of 0.82 hectares. The proposal includes the provision of an access off Lynn Road with direct access for plots 3 and 4 off Lynn Road and parking within the site. The gross internal floorspace for the dwellings extends to 804sqm. The proposed dwellings are two storey.

SITE AND LOCATION

The site is a triangular piece of land that is located outside of, although adjacent to Swaffham which has been identified by policy SS1 as being a Market Town. The site sits to the north of Lynn Road, is relatively flat in nature, and has mature trees and vegetation to its perimeter. Surrounding uses are predominantly residential to the north east, and a slightly larger residential development recently approved under Ref: 3PL/2017/0314/F to the west.

EIA REQUIRED

No.

RELEVANT SITE HISTORY

3PL/2011/0817/O - outline consent for residential development - refused due to being outside the settlement boundary.

Site to west:

3PL/2017/0314/F - Construction of 9 dwellings approved 21.12.17

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.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.04	Affordable Housing Principles
DC.12	Trees and Landscape
DC.16	Design
DC.17	Historic Environment
DC.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

OBLIGATIONS/CIL

CONSULTATIONS

TREE AND COUNTRYSIDE CONSULTANT

Tree protection should be in accordance with the supplied tree protection plan. Written confirmation should be provided by the agent/applicant to confirm that fencing has been installed as per the approved drawing prior to commencement.

NORFOLK COUNTY COUNCIL HIGHWAYS

Based on the revised comments and based on revised drawing 5141 02 rev. D, conditions and informatives are recommended.

CONTAMINATED LAND OFFICER

Our records indicate that there was a concrete batching plant adjacent to the site to the north this has since been developed into residential housing, including the need for remediation due to the past use. The site itself would appear to have been used as a builder s yard and it is in the vicinity of a landfill (approx 90m to the west). Therefore I recommended that the following conditions and informative are attached to the above planning permission: Conditions 3944 Desk Study/Site Investigation 3946 Unexpected Contamination Informative 3923 Informative (Extensions).

SWAFFHAM TOWN COUNCIL

No objection to the proposal on the basis that conditions in respect of regularisation of the pedestrian access and the creation of a footpath along the length of Lynn Road are applied.

HOUSING ENABLING OFFICER

Revised comments on NPPF 2018:Revised comments submitted following changes to NPPF requesting affordable housing.

The site area and number of dwellings proposed trigger the thresholds of the Council's affordable housing policy as per DC4 of the Council s Adopted Core Strategy and Development Control Policies Development Plan Document. At present a 40% provision is required on sites capable of accommodating 5 or more dwellings and/or 0.17ha. This is then further split into 65% being made available for rent and 35% for shared ownership, shared equity or any other intermediate product that meets the intermediate definition within NPPF, meets an identified need in the District and is agreed by the Council. However, NPPG states that affordable housing should not be sought on developments of fewer than 11 units with a combined floorspace of less than 1000sqm. In this instance, provided the GIA as approved is under 1,000m² (as indicated by the applicant), then no affordable housing will be required on the site.

ENVIRONMENTAL HEALTH OFFICERS

Recommend approval providing the development proceeds in line with the application details and subject to conditions to alleviate environmental concerns to adjacent properties.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

The planning application is supported by a Preliminary Ecological Appraisal report (Glaven Ecology; July 2018). The report highlights suitable habitat available on the site for birds, reptiles and foraging/ commuting bats. Mitigation measures outlined in section 7 need to be implemented to reduce impacts to acceptable levels. Enhancement measures in-line with the NPPF outlined in section 8 need to be incorporated into the site design.

No impacts on statutory and non-statutory designated site are likely due to the scale of the proposed development and distances involved.

Mitigation measures and enhancement measures should be conditioned.

REPRESENTATIONS

3 letters of representation have been received:

2 objections:

- Strain on infrastructure and resources
- Loss of view
- Access concerns
- Impact on character of Swaffham
- Impact on traffic and roads

1 representation:

- No objection to the housing access from Low Road. Being a single track road the additional dwellings would greatly increase the road traffic both during and after construction. In my opinion access from Lynn Road should be considered.

ASSESSMENT NOTES

1.0 Principle of sustainable development

1.1 The National Planning Policy Framework (NPPF 2018) confirms that local authorities should attach significant weight to the benefits of economic and housing growth and enable the delivery of sustainable developments. It states that achieving sustainable development means that the planning system has three overarching objectives, namely an economic objective, a social objective and an environmental objective.

1.2 In relation to housing, NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. In order to achieve this objective government requires that authorities should identify and maintain a rolling supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements plus an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been persistent under delivery the buffer should be increased to 20%.

1.3 Policy SS1 of the Adopted Core Strategy and Development Control Policies Development Plan Document (2009) identifies Swaffham as a market sized town that provides a good range of services for its residents day to day needs. Swaffham has been identified to provide 1,000 homes over the plan period.

1.4 It is recognised the site lies outside the defined settlement boundary for Swaffham. In light of this, the proposal conflicts in principle with policies SS1, DC2, CP1 and CP14 of the Adopted Local Plan (2009).

1.6 From an economic and social perspective, future residents of the dwellings would contribute to providing additional footfall to services with Swaffham, alongside short term construction jobs for local companies. In addition, the new dwellings would provide a modest contribution to the overall housing land supply within the district.

1.7 A new housing development has recently been approved under application Ref: 3PL/2017/0314/F for the erection of 9No. dwellings to the west of this site. Given the location of the development it is considered that this proposal for 6No. dwellings respective would be positively related to the adjacent development and within a sustainable location with access to shops and services within walking or cycling distance.

1.8 The proposal is therefore considered acceptable in principle in accordance with the NPPF.

2.0 Character and Appearance

2.1 Policy DC16 of the Adopted Local Plan (2009) states all new development should achieve the highest standards of design. In assessing any development, consideration will be given to the criteria stated within policy DC16.

2.2 The National Planning Policy Framework states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It states that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history, including the surrounding built environment and landscape setting; and establish or maintain a strong sense of place. Planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents (para.130).

2.3 The surrounding area is typical of that of an edge of centre location. Materials chosen for the development include red and black concrete pantiles with red facing brickwork and silver grey timber cladding.

2.4 The applicant is proposing two storey dwellings. The layout proposed is considered to make best use of the density and nature of the site and is considered acceptable in accordance with policy DC16 of the Adopted Local Plan and the National Planning Policy Framework.

2.5 The Tree and Countryside Officer has stated that the majority of trees on the site, with the exception of two, have been felled. The remaining trees are not within the ownership of the applicant. He has advised that it will be necessary to provide a tree protection plan for the few remaining trees based on the supplied tree survey. The proposal, on the basis of a tree protection plan being conditioned, is considered acceptable in accordance with policy DC12 of the Adopted Local Plan (2009).

3.0 Impact on amenity

3.1 Policy DC1 of the Adopted Local Plan states for all new development consideration should be given to the impact upon amenity. Development will not be permitted where there are unacceptable effects on the amenities of the area, or the residential amenity of neighbouring occupants, or future occupants of the development site.

3.2 The layout of the proposal is considered to provide adequate separation distances between the proposed dwellings with an ample amount of amenity space and 1.8m close boarded fencing providing an element of privacy to the gardens of each dwelling.

3.3 The proposal should not have a detrimental impact on the amenity of the occupiers of the dwellings to the north of the site due to the separation from those properties and the layout of the proposed development. New dwellings have been approved to the west of the site. There is adequate separation distance between the dwellings therefore the proposal should not have a detrimental impact on the amenity of the residents of the approved dwellings to the west.

3.3 The proposal is considered to have given due regard to the parameters of policy DC1 of the Adopted Local Plan (2009).

4.0 Highways

4.1 The applicant initially proposed access off Low Road, however this is a private road. Following concerns raised amended plans were submitted altering the proposed access to Lynn Road. Norfolk County Council Highways have been re-consulted on the proposal and stated no objections subject to conditions.

5.0 Ecology

5.1 Norfolk County Council Ecology were consulted on the proposal and requested additional information. The applicant has submitted a Preliminary Ecological Appraisal and Norfolk County Council Ecology have been consulted on this. They have advised that they have no objections subject to conditions requiring mitigation and enhancement measures.

5.2 The Tree Officer has advised no objections. The plans indicate the location of new planting on the site and these details can be secured by condition.

6.0 Contamination and Drainage

6.1 The Council's Contaminated Land Officer has raised no objections subject to conditions.

6.2 The agent has advised that surface water will be disposed to soakaway and foul sewage to the mains.

7.0 Other issues

7.1 The Housing Strategy Officer has advised that there is a requirement for affordable housing on the site to meet the requirements of Policy DC4. The recent update to the NPPF advises that affordable housing can be sought on major developments. However this is a minor application as the number of dwellings have been specified as being under 10. On this basis, no affordable housing requirement can be justified.

8.0 Conclusions

8.1 The site is considered to be located in a sustainable location with close links to Swaffham Town Centre, aided by the integration of a new footway link to be secured by condition and a section 278 agreement with Norfolk County Council Highways.

8.2 The proposal is adjacent to a site which was considered acceptable under application Ref: 3PL/2017/0314/F. This proposal takes access off Lynn Road rather than Low Road which Norfolk County Council Highways have considered acceptable.

8.3 On the basis of the above assessment, the application is recommended for approval subject to conditions.

RECOMMENDATION

Planning Permission

CONDITIONS

2 Full Permission Time Limit (3 years)

The development must be begun not later than the expiration of THREE YEARS beginning

with the date of this permission.

Reason for Condition:

As required by section 91 of the Town and Country Planning Act 1990.

3 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.

4 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.

This condition will require to be discharged

5 Prior approval of slab level

Prior to the commencement of the development precise details of the slab levels of the dwellings/building hereby approved shall be submitted to and approved in writing by the Local Planning Authority,. Such levels as may be agreed shall be used in connection with the development.

Reason for condition:-

The details are required to be submitted prior to the commencement of the development to safeguard the interests of the amenities of neighbouring occupiers and to ensure the satisfactory appearance of the development from its outset, in accordance with 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

6 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 DC 12 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

This condition will require to be discharged

7 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

8 Non-standard condition

Prior to commencement of development, a Tree Protection Plan and protection measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason for condition:-

To protect the rooting area of trees during development.

9 Non-standard condition

The development shall be undertaken in accordance with the Mitigation measures outlined in section 7 and the Enhancement measures outlined in section 8 of the Preliminary Ecological Appraisal report (Glaven Ecology; July 2018). The required mitigation and enhancement measures shall be undertaken prior to the occupation of any of the dwellings on site and retained thereafter.

Reason: In the interests of safeguarding of protection species in accordance with Policy CP 10 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

10 Full details of external lighting

Prior to the occupation of the development hereby permitted details of the external lighting to the site shall be agreed in writing with the Local Planning Authority, and only lighting so agreed shall be installed on the 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.

This condition will require to be discharged

11 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

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

12 Visibility splays

Prior to the first occupation of the development hereby approved a visibility splay measuring 2.4 x 120 metres shall be provided to each side of the accesses where they meet 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: In the interests of highway safety.

13 Non-standard highways condition

Notwithstanding the details indicated on the submitted drawings no works shall commence on site above slab level until a detailed scheme for the off-site highway improvement works as indicated on drawing number 1541 02 Rev D have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor.

14 Non-standard highways condition

Prior to the first occupation of the development hereby permitted the off-site highway improvement works referred to in condition 13 shall be completed to the written satisfaction of the Local Planning Authority.

Reason: To ensure that the highway network is adequate to cater for the development proposed.

15 Non-standard highways condition

Prior to the first occupation of the development hereby permitted the off-site highway improvement works referred to in Part A of this condition shall be completed to the written satisfaction of the Local Planning Authority.

Reason: To ensure that the highway network is adequate to cater for the development proposed.

16 Non-standard highways condition

Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking, amending or re-enacting that Order) no gates, bollard, chain or other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety

17 Non-standard highways condition

No works shall commence on the site until the Traffic Regulation Order for the extension of the existing 30mph speed limit has been promoted by the Highway Authority.

Reason: In the interests of highway safety.

18 Non-standard highways condition

Prior to the first occupation of the development hereby permitted the vehicular accesses shall be provided and thereafter retained at the position shown on the approved plan drawing number 1541 02 Rev D in accordance with the highway specification Dwg. No. TRAD 2 attached. Arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.

19 Non-standard highways condition

Prior to the first occupation of the development hereby permitted the proposed access parking and turning areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.

20 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

21 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

23 Discharge of conditions

If the formal discharge of any condition is required, 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.