

ITEM:		RECOMMENDATION:	APPROVAL
REF NO:	3PL/2018/0024/VAR	CASE OFFICER	Fiona Hunter
LOCATION:	YAXHAM Development Site, Land Off Elm Close Yaxham	APPNTYPE:	Variation of Cond's
APPLICANT:	Flagship Housing Development Ltd C/O Agent	POLICY:	Out Settlement Bndry
AGENT:	Parker Planning Services Ltd Ketteringham Hall Church Road	ALLOCATION:	N
PROPOSAL:	Removal of conditions 13 and 21 and variation of conditions 12 and 16 of planning permission reference: 3PL/2014/0820/O.	CONS AREA:	Adjacent
		LB GRADE:	N
		TPO:	N

REASON FOR COMMITTEE CONSIDERATION

The application is a variation to a major planning application.

KEY ISSUES

Whether the variations are acceptable.

DESCRIPTION OF DEVELOPMENT

This application seeks a variation of an extant Outline planning permission reference 3PL/2014/0820/O for residential development at land of Elm Close, Yaxham.

The development has not yet commenced, however, a Reserved Matters application has been submitted and is currently being determined (reference: 3PL/2018/0021/D).

The conditions to be removed (13 and 21) or varied (16) relate to the requirement for drainage details. These three conditions have some duplication of drainage requirements and this application seeks to remove the duplication element. The forgoing would be achieved by removing conditions 13 and 21, and the amending of condition 16 requiring drainage details to be submitted with the Reserved Matters application.

Condition 12 is also sought to be amended requiring the Traffic Regulation Order to be promoted prior to first occupation opposed to commencement, for the change to a 20mph zone on Elm Close and within the proposed development.

SITE AND LOCATION

The site is located on the south eastern edge of Yaxham outside the Yaxham Settlement Boundary. The site measures approximately 1.98 hectares in area.

The site is located on the fringe of Yaxham village, directly adjacent to the existing development boundary. The site is bordered to the south, east and west by hedgerows. There is existing residential development beyond the north boundary comprising Elm Close and the site is well related to the existing settlement.

The site is located to the south east of the Yaxham Conservation Area and Grade II Listed Building 'Boronia Cottage' on Norwich Road.

The immediate neighborhood to the north of the site is characterised by 1960s single storey dwellings. There is a large newly built two storey dwelling to the north east of the site. The land currently comprises rough grassland. Surrounding land use other than residential is largely agricultural. The site and surrounding landscape is generally flat and level.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3DC/2018/0011/DOC	DOC - COMPLETE	07-03-18
Discharge of Conditions no 20 on 3PL/2014/0820/O		Provision of Fire Hydrants
3PL/2014/0820/O	Permission	11-01-16
Residential development		
3PL/2018/0021/D		
Residential development - 42 dwellings		

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

DC.13	Flood Risk
NP	Neighbourhood Plan
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

LLFA 'Statutory Consultee for Planning, Guidance Document' Version 3 dated April 2017
Ministerial Guidance (House of Commons: Written Statement (HCWS161), 18 December 2014

OBLIGATIONS/CIL

The Outline application reference 3PL/2014/0820/O this application seeks to vary is subject to a S106 Legal Agreement dated 7th January 2016. The officers review has found no clause within this legal agreement

which would automatically link it to this variation planning permission. Therefore, a Deed of Variation will be necessary to tie the S106 to the new planning permission and ensure it's requirements continue to be binding on the developer.

CONSULTATIONS

PETER LOWINGS, CLERK TO YAXHAM PARISH COUNCIL

30-10-2018

Yaxham Parish Council is pleased to see the revised wording for condition 16, surface water drainage, and that this remains a condition that needs to be satisfied as part of the reserved matters application. The fact it has taken 9 months to get to this point again brings into question Breckland's decision to validate this and the associated Elm Close applications in January in one day.

NORFOLK COUNTY COUNCIL HIGHWAYS

No comment.

ENVIRONMENT AGENCY

We are no longer a statutory consultee for surface water flood risk. We therefore have no comment to make on this application. We recommend that you consult the lead local flood authority for their comments on this application.

NATURAL ENGLAND

No comment.

HISTORIC BUILDINGS CONSULTANT

No objection.

HOUSING ENABLING OFFICER

No comment.

CONTAMINATED LAND OFFICER

No objection.

FLOOD & WATER MANAGEMENT TEAM

We have no objection to the combination of conditions 13, 16 and 21. However, we would recommend the LPA maintains the wording of condition 16 to contain "As part of any reserved matters application a surface water drainage scheme shall be submitted to, and approved in writing by, the Local Planning Authority".

CRIME REDUCTION & ARCHITECTURAL LIAISON OFFICER No Comments Received

OBLIGATIONS OFFICER, NORFOLK COUNTY COUNCIL No Comments Received

HISTORIC ENVIRONMENT OFFICER No Comments Received

ANGLIAN WATER SERVICE No Comments Received

TREE & COUNTRYSIDE CONSULTANT No Comments Received

ENVIRONMENTAL PLANNING No Comments Received

DEREHAM TOWN COUNCIL No Comments Received

ENVIRONMENTAL HEALTH OFFICERS No Comments Received

REPRESENTATIONS

The site notice was erected on 5th February 2018. 25 neighbors were consulted on 26th January 2018. A further consultation was held on 8th October 2018 following amendments to the suggested wording for revised condition 16.

Three local representations were received raising the following points:

- Do not object to rationalising of the disparate conditions
- Object to removal of drainage as a reserved matters requirement
- Concerned no groundwater management plan has been submitted with the related reserved matters application and Breckland validity of accepting the related application.
- This application should be decided prior to the reserved matters application being considered
- Please see Environment Agency comments on the surface water strategy
- Drainage works will need to be substantial and there are local constraints

ASSESSMENT NOTES

1.0 Whether the variations are acceptable

1.1 The amalgamation of the three drainage conditions to remove duplication would make the decision notice easier to understand without changing the requirements of the decision notice. This aspect of the variation is therefore considered acceptable. The drainage details would be required to be submitted with the first reserved matters application which is considered appropriate and in accordance with Ministerial Guidance (House of Commons: Written Statement (HCWS161), 18 December 2014), Core Strategy Policy DC 13, Yaxham Neighborhood Plan ENV 4 and LLFA 'Statutory Consultee for Planning, Guidance Document' Version 3 dated April 2017.

1.2 The variation of condition 12 requiring the Traffic Regulation Order to be promoted prior to occupation opposed to commencement, for the change to a 20mph zone on Elm Close and within the proposed development is also considered acceptable and the Highways Authority has not objected to the proposed amendment. Given that a 20mph zone cannot be implemented within the proposed development until it has been built, this is a logical variation.

2.0 Conclusion

2.1 It is recommended that this application is approved, subject to the completion of a Deed of Variation agreement.

CONDITIONS

1 Outline Time Limit (2 years)

The application for Approval of Reserved Matters and commencement of development must

accord with Condition 1 of planning permission number 3PL/2014/0820/O.

Reason for condition:-

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

2 In accordance with submitted

The development must be carried out in strict accordance with the application form, and approved documents and drawings as set out below:

Drawing numbers 1308 01 dated July 2014

Reason for condition:-

To ensure the satisfactory development of the site.

3 Standard Outline Condition

No development whatsoever shall take place until the plans and descriptions giving details of the reserved matters referred to above shall have been submitted to and approved by the Local Planning Authority and these plans and descriptions shall provide details of the appearance, layout, scale, access and landscaping of the development.

Reason for condition:-

The details are not included in the current submission.

4 Standard estate road conditions

No works shall commence on any surface works on the site until such time as detailed plans of the roads, footways, cycleways, 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:

To ensure satisfactory development of the site and a satisfactory standard of highway design and construction.

This condition will require to be discharged

5 Standard estate road condition

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

Reason:

To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway.

This condition will require to be discharged

6 Road Surfacing

Before any dwelling unit is first occupied the roads, footways and cycleways shall be constructed to binder course surfacing level from the dwelling 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:

To ensure satisfactory development of the site.

7 Construction traffic (parking)

Prior to the commencement of any works above slab level a scheme detailing provision for on site parking for construction workers for the duration of the construction period shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be

implemented throughout the construction period.

Reason:

To ensure adequate off-street parking during construction in the interests of highway safety.

This condition will require to be discharged

8 Wheel washing facilities- temporary for construction vehicle

No works shall commence on site above slab level until the details of wheel cleaning facilities for construction vehicles have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason:

To prevent extraneous material being deposited on the highway.

This condition will require to be discharged

9 Wheel washing facilities- temporary for construction vehicle

For the duration of the construction period all traffic associated with the construction of the development permitted will use the approved wheel cleaning facilities provided referred to in Condition 8.

Reason:

To prevent extraneous material being deposited on the highway.

This condition will require to be discharged

10 Highway improvements-offsite A

Notwithstanding the details indicated on the submitted drawings no works shall commence on site until a detailed scheme for the off-site highway improvement works as indicated on drawing number 689_03_001C has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway 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. This is a pre-commencement condition as the details are fundamental to the scheme.

This condition will require to be discharged

11 Highway improvements off-site B

Prior to the first occupation of the development hereby permitted (or Prior to the commencement of the use hereby permitted) the off-site highway improvement works referred to in condition 10 shall be completed to the written satisfaction of the Local Planning Authority in consultation with the Highway Authority.

Reason for condition:-

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

12 Traffic regulation orders

No occupation of the development will take place until the Traffic Regulation Order for a 20mph zone on Elm Close and within the proposed development has been promoted by the Highway Authority.

Reason:-

In the interests of highway safety. This is a pre-commencement condition as the Order is fundamental to the scheme.

This condition will require to be discharged

13 Construction Method Statement

Prior to the commencement of any works above slab level, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of hours of site operation/deliveries, noise and dust suppression methodology and method of waste disposal. Such scheme as may be agreed shall be carried out concurrently with the approved development.

Reason for condition:-

To safeguard the amenities of the adjoining properties. This is a pre-commencement condition as the details of construction need to be agreed prior to construction work taking place.

14 Fencing/walls - details and implementation

Prior to the commencement of any works above slab level, precise details of the boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. Such scheme as may be agreed shall be carried out concurrently with the approved development.

Reason for condition:-

To safeguard the amenities of the adjoining properties.

This condition will require to be discharged

15 Surface water drainage

As part of any reserved matters application a surface water drainage scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme will be implemented and made available for use prior to first occupation of the development and shall be maintained in perpetuity. The scheme will be in accordance with the approved FRA, unless otherwise agreed in writing with the Local Planning Authority, and include:

1. Dimensioned plans and drawings of all aspects of the surface water drainage system;
2. Infiltration testing on the site in accordance with BRE 365, and the use of infiltration as the means of drainage if the infiltration rates and groundwater levels show it to be possible;
3. If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to 5 l/s in the equivalent 1 in 1 year, 1 in 30 year and 1 in 100 year rainfall events including climate change as specified in the FRA;
4. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100 year rainfall event including climate change;
5. Modelling of the pipe network in the 1 in 30 year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100 year climate change rainfall event, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;
6. Submission of a management plan for the pumping station detailing what management measures will be incorporated to prevent a failure occurring, or to prevent a failure resulting in flooding, along with topographic plans depicting the exceedence flow paths in the event of failure of the pumping station and demonstration that the flows would not flood buildings or

flow offsite;

7. Details of who will maintain each element of the surface water system for the lifetime of the development, and submission of a maintenance schedule. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority;

8. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality.

Reason for condition:-

(a) To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development.

(b) To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (2018), 21 and Environment Agency Groundwater Protection: Principles and Practice (GP3) and Core Strategy Policy (2009) DC 13.

16 Tree protection / arboricultural assessment

Before the commencement of work on site above slab level, a Tree Protection Plan, Arboricultural Impact Assessment and Method Statement in accordance with BS5837:2012 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason for condition:-

In the interests of visual amenity and to ensure a satisfactory form of development. This condition is imposed in accordance with Policy DC12 of the Breckland Adopted Core Strategy.

17 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

18 Renewable Energy

Prior to the commencement of any works above slab level, a scheme for generating at least 10% of the predicted energy requirement of the development from decentralised renewable and/or low carbon sources (as defined in PPS Planning and Climate Change (2007) or any

subsequent revision) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of the development hereby approved.

Reason for condition:-

In order to ensure an appropriate standard of sustainable construction.

This condition will require to be discharged

19 Fire Hydrants

No development shall commence on site until a full scheme has been submitted to, and agreed in writing by the local planning authority in consultation with Norfolk Fire Service, for the provision of at least one fire hydrant (on a minimum 90-mm main) for every 50 dwellings forming part of the development. The number of hydrants will be rounded to the nearest 50th dwelling where necessary.

Reason for condition:-

Condition is needed to ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire. This a pre-commencement condition as the approved scheme is fundamental to the scheme.

This condition will require to be discharged

20 Variation of approved plans

NOTES:

Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.

You or your agent or any person responsible for implementing this permission should inform the Development Control Section immediately of any proposed variation from the approved plans and ask to be advised to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new planning application.

24 NOTE NCC Inf 7 Street lighting

Street lighting is a concurrent power of the County, District and Parish Councils. However, it is the County Council after consultation with the Local Lighting Authority (District or Parish Council) who decides whether street lighting is required on proposed public highways. Norfolk County Council will challenge any automatic assumption that street lighting needs to be provided on part or all of the new development.