

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)	

DEFERRED REASON

Deferred on 3rd September 2018 to allow further information to be received from the Highways Engineer on the highway layout and further clarification was required on construction levels.

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. This was then agreed to be changed to prior to works above slab level. However, after further investigation after the planning committee meeting on 5th September 2018, the plots to the north of Park Lane have already progressed above slab level with the majority with at least partial roof construction underway or complete. It is therefore proposed to change the condition to:

"Prior to works above slab level of plots 1, 2, 3, 4 and 5 and occupation of plots 6 - 14, 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 Park Lane and junction with A47, including road widening and a pedestrian refuge.

The agreed works shall be carried out prior to first occupation of any of the dwellings.

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."

In addition, the condition has been amended to correct the reference from Hill House Lane to Park Lane and the junction with the A47.

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

3DC/2018/0192/DOC - Discharge of Conditions No 13 on 3PL/2016/1552F - pending consideration

3DC/2018/0035/DOC - Discharge of Conditions 4 and 5 on 3PL/2016/1552/F - 4 approved in full and 5 in part

3DC/2017/0201/DOC - Discharge of conditions 3,7,8,10 on 3PL/2016/1552/F - all discharged in part

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.04	Infrastructure
CP.05	Developer Obligations
CP.13	Accessibility
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.

EAST TUDDENHAM P C

Disappointed that East Tuddenham were not advised of this variation as this is on the parish boundary and affects two of our residents. This is a dangerous precedent. I note Hockering P C and our MR George Freeman are against this amendment, Highways say there has been no proposal submitted for the widening and improvements and this must be approved before work commences. This is a very fast and dangerous stretch of the A47 and without improvements to the access will cause major problems for our residents and the daily heavy traffic. We object.

HIGHWAYS ENGLAND

No objection to amended description.

HISTORIC ENVIRONMENT OFFICER

No comments.

NATURAL ENGLAND

No comments to make on the variation.

PRINCIPAL PLANNER MINERAL & WASTE POLICY No Comments Received

ECOLOGICAL AND BIODIVERSITY CONSULTANT No Comments Received

NORFOLK FIRE AND RESCUE SERVICE No Comments Received

RAMBLERS ASSOCIATION: NORFOLK AREA No Comments Received

TREE AND COUNTRYSIDE CONSULTANT No Comments Received

NORFOLK WILDLIFE TRUST 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.

1 letter from a resident objecting:

No regards to the safety of local residents

This is already a notoriously dangerous junction that sees at least one accident a month outside what is effectively the entrance of two properties.

Since the works began at the site off Dereham Road, we as a household have had numerous near misses where construction traffic has exited Dereham Road and crossed our entrance at high speed, using the lay-by and the drop kerb (put in specifically for our property access, not for general through-traffic) to access the A47.

This situation will only get worse as traffic levels to the site increase.

This variation of the original planning condition cannot be allowed to pass as it would directly endanger the lives of all those who use the junction and surrounding roads, as traffic continues to travel eastbound down

Dereham Road rather than used the proposed improved junction to the western end of the road.

ASSESSMENT NOTES

1.0 Principle of the development and impact on highway safety

1.1 The principle of development has been established by planning permission Ref:3PL/2016/1552/F. This application considers the sought variation only.

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. It was agreed during the course of this application to change this to prior to works above slab level and presented to committee on the 5th September as such. However, given that the northern plots (6 -14) have exceeded above slab level, this would not be a reasonable condition to impose as they would be immediately in contravention of the condition. It is therefore proposed to vary the conditions to prevent works above slab level for plots 1 - 4 which have not yet started, and prior to occupation of plots 6 - 14.

1.5 For safety reasons the works must be done prior to occupation, however, we have reasonable confidence that developer is progressing matters with the off-site highways design to enable the works to be undertaken. The applicant has submitted a discharge of condition application seeking approval of condition 13 (ref: 3DC/2018/0192/DOC) and paid for the Highways England design review which is scheduled to take place at the end of January 2019.

1.4 Highways England and Highways have advised that they have concerns with the condition being worded prior to occupation. It is understood this is due to the risk of the units being occupied in breach of condition. However, on balance it is not considered reasonable to refuse based on potential future non-compliance given that the developer is actively progressing matters with Highways England. In addition, further control is added by restricting the works to plots 1 -4 until the condition is part discharged.

2.0 Conclusion

2.1 On the basis of the above assessment, the amendment to condition 13 is considered to be acceptable. Condition 13 is recommended to be reworded to require the highways works design to be approved prior to works above slab level of plots 1, 2, 3, 4 and 5 and occupation of plots 6 - 14, together with the correction of the reference to Park Lane opposed to Hill House Lane.

2.2 The conditions have been updated to reflect those approved or part approved via applications 3DC/2017/0201/DOC and 3DC/2018/0035/DOC. Condition 14 relating to fire hydrant details has been amended to reflect the triggers for condition 13, as it was also linked to works above slab level and has not yet been discharged.

2.3 The S106 for the former planning consent defines the planning permission as including any the Council grant under S73 powers therefore the measures secured in the former legal agreement will still be applicable to this development.

2.4 Based on the foregoing, the application is recommended approval subject to conditions.

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**

The approved surface and foul water disposal scheme, approved by application reference 3DC/2017/0201/DOC, shall be completed and made available prior to first occupation of the development, unless otherwise agreed in writing with the Local Planning Authority.

Reason for condition:-
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**

The development will take place in full accordance with Witham Archaeology Report 2018, approved under application reference 3DC/2018/0035/DOC.

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 development will take in full accordance with the Site Investigation Report 2018 Ref C1436, approved under application reference 3DC/2018/0035/DOC.

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.

Reason for condition:-

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

The approved hard and soft landscape details, approved by application reference 3DC/2017/0201/DOC, shall be carried out in full accordance with the approved 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

The boundary treatment, approved by application reference 3DC/2017/0201/DOC, 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

The external materials, approved by application reference 3DC/2017/0201/DOC, shall be used for the construction of the dwellings unless otherwise agreed in writing with the Local Planning Authority.

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 works above slab level of plots 1, 2, 3, 4 and 5 and occupation of plots 6 - 14, 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 Park Lane and the junction with A47, including road widening and a pedestrian refuge.

The agreed works shall be carried out prior to first occupation of any of the dwellings.

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

Prior to works above slab level of plots 1, 2, 3, 4 and 5 and occupation of plots 6 - 14 a scheme must be 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.