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| ITEM: | | RECOMMENDATION: APPROVAL |
| REF NO: | 3PL/2018/1163/F | CASE OFFICER Mark Simmonds |
| LOCATION: | ICKBURGH Iceni Brewery Foulden Road Ickburgh | APPNTYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: N CONS AREA: N LB GRADE: Adjacent Grade 2 TPO: N |
| APPLICANT: | Mr J Leech Tallon House Tallon Street | |
| AGENT: | Clayland Architects The Glass House Lynford Gardens | |
| PROPOSAL: | Three dwellings on land at Iceni Brewery | |

REASON FOR COMMITTEE CONSIDERATION

The application is brought to committee as the recommendation is contrary to Policy.

KEY ISSUES

Principle of development
Amenity
Impact on the character and appearance of the area
Highway safety
Natural environment
Ecology

DESCRIPTION OF DEVELOPMENT

The application seeks permission for the erection of three, two-storey, four bedroom dwellings with plots one and two with attached garages.

The proposed dwellings will be constructed using red and dark grey tiles with elements of timber cladding, although specific details in terms of colour and type have not been provided.

The existing access from Foulden Road is proposed for use to serve the new dwellings.

SITE AND LOCATION

The site was previously used for the Iceni Brewery which comprised of a range of sheds, outbuildings and large former cattle shed, it is accessed from a track leading from Foulden Road. To the south-east of the brewery lies a two-storey red brick house and detached double garage. Boundary screening is currently provided by way of established hedging and vegetation.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2017/0288/F - Demolition of an existing brewery and ancillary buildings and the erection of a two-storey, four bedroom dwelling with attached garage / cart shed. Permission granted.

3PL/2016/1051/F - Demolition and removal of existing buildings and erection of two detached houses and creation of new access - Withdrawn

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

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| CP.01 | Housing |
| CP.09 | Pollution and Waste |
| 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.12 | Trees and Landscape |
| DC.16 | Design |
| DC.19 | Parking Provision |
| NPPF | National Planning Policy Framework |
| NPPG | National Planning Practice Guidance |

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

ICKBURGH PARISH MEETING

Ickburgh Parish Meeting - little reason not to support this proposal. However in the interest of road safety we would wish to see the hedges fronting Foulden Road to be reduced in height and width.

NORFOLK COUNTY COUNCIL HIGHWAYS

No objections, subject to conditions.

HISTORIC BUILDINGS CONSULTANT

No objections subject to conditions.

CONTAMINATED LAND OFFICER

Based on the information provided at this time there are no further comments on the grounds of Contaminated Land, providing the development proceeds in line with the application details.

TREE AND COUNTRYSIDE CONSULTANT

Tree retention and protection should be in accordance with the supplied tree protection plan (drawing no.05)

PRINCIPAL PLANNER MINERAL & WASTE POLICY No Comments Received

NATURAL ENGLAND No Comments Received

REPRESENTATIONS

Site notice erected: 20-10-2018-10-11/2018

Advertised in the Press: 10-10-2018

Four neighbours were directly notified.

One representation has been received objecting to the proposals, which has been summarised below;

- Part of the land within the proposals is within the objectors ownership.
- The current vehicular access does not adequately support three dwellings.
- The access crosses the objectors land from Foulden Road.
- There is no legal right of way and the existing access to Icen Brewery is currently in dispute.
- The proposal shows trees to be removed from the objectors land.
- The reference to the deed dated 25th July 1942 is no longer relevant as the obligations have not been complied with and the deed has been invalidated.

ASSESSMENT NOTES

1.0 Principle of development

1.1 The application site lies outside of any defined Settlement Boundary. For this reason the proposal conflicts in principle with Policies SS1, DC02 and CP14 of the Core Strategy and Development Control Policies Development Plan Document, (2009), which seek to focus new housing within defined Settlement Boundaries.

1.2 Whilst outside of the settlement boundary, the application site was previously in operation as a brewery and had been for 20 years. The site is therefore considered to be brownfield land. The applicant has also recently received permission for the erection of one, four bedroom, two-storey dwelling on this land and it is noted within the Design and Access Statement that the reason for now seeking permission for a further two dwellings on the same site is due to an oil pipe originally thought to run through the site has been discovered during the construction, to be located further north west which gives the site the space for further development.

1.3 Paragraphs 117 and 118 of the NPPF (2019) encourage the re-use of brownfield land that is not of high environmental value.

1.4 Paragraphs 122 and 123 of the NPPF (2019) says that planning policies and decisions should support development that makes efficient use of land, taking into account;

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services - both existing and proposed - as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and healthy places.

Paragraph 123 - Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.

As there is a permission (extant) which establishes residential use but is for only one dwelling on a site easily capable of accommodating three, this development as proposed complies with the NPPF guidance at Para 123.

2.0 Impact on amenity

2.1 The separation distances between the new dwellings and the nearest neighbour to the south east which fronts Foulden Road are considerable. This, the orientation of the site and the considered positioning of the dwellings and sensitive window placements will ensure that the impact on the existing level of amenity currently enjoyed by neighbouring occupiers are not affected, particularly in respect of loss of light, overshadowing, noise and disturbance and overshadowing. The site also provides sufficient private amenity space for the future occupiers. The proposal is therefore considered to accord with Policy DC01 and paragraph 127 of the NPPF (2019).

3.0 Impact on the character and appearance of the area

3.1 The dwellings proposed are of a traditional form and style for the area. The scale is considered acceptable in the context of the plot size and neighbouring dwelling. Taking into consideration the previous use the proposal is an enhancement to the area and the proposed landscaping will further enhance the appearance of the area.

3.2 Design

3.3 Plot one is proposed to be 943 sq. metres, plot two 987 sq. metres, and plot three 560 sq. metres. Plots one and two have attached garages and have large garden/amenity space to the rear, whilst plot three has a smaller garden whilst still being sufficient. The house's eaves and ridge heights have been designed in character with the neighbouring dwelling. Construction details will include brick window headers, oversized

barge boards, feature chimneys, brick detailing, timber cladding and brickwork plinths to give individual style and character to each home.

3.4 The proposed dwellings are of an acceptable scale and design, have been sensitively designed to suit the character of the location and the setting and are considered an enhancement to the area and the proposal is therefore considered to comply with Policies DC01 and DC16 and paragraph 127 of the NPPF(2019).

4.0 Highway safety

4.1 Norfolk County Council as the Highway Authority was consulted on the proposal and have been corresponding with the agent and amended plans were submitted to meet their requirements. The Highways Officer also commented that as part of the development the applicant proposes constructing a footway between the site and the existing provision on Swaffham Road to facilitate pedestrian movement. Research indicates that the necessary land lies within the public highway but that planting has been carried out within this area. Any developer will be responsible for negotiating the removal of vegetation in order to construct the footway. Conditions have been specified should the application be approved.

The application is therefore not considered to have an adverse impact on highway safety.

5.0 Natural environment

5.1 The ecology team were consulted on the proposal and commented that a Preliminary Ecological Appraisal report (Riverdale Ecology; no date) was submitted in support of the previous application. The plans used to inform the PEA (shown in the report) are similar to the plans submitted in support of the current application (for three houses). The PEA report is therefore still valid and the recommended mitigation measures are still relevant. There is potential for nesting birds and reptiles to be present on the site and therefore mitigation measures outlined in section 4.2 need to be followed to reduce the likelihood of impacts on these species.

5.2 The application site is just under 1 km from Breckland Farmland SSSI, a component SSSI of Breckland SPA and therefore within the 1.5km stone curlew constraints zone put in place to protect stone curlew, a qualifying species of Breckland SPA. The application site is also within 500m of Breckland Forest SSSI. Natural England and the NCC Ecologist concluded that the proposals outlined in the previous application at this site (3PL/2017/0288/F) were unlikely to have a significant effect on any European site, and therefore Breckland DC as the competent authority (as defined by the Habitats Regulations) could screen out the need for an Appropriate Assessment. The proposals have been amended and therefore Natural England will need to be re-consulted on the current application (as stated in their comments in response to the previous application).

5.3 The Natural Environment Team agree with the PEA report that 'the development is small and located at a distance from Breckland SPA and its component SSSIs that direct impacts are unlikely to occur and indirect impacts are considered negligible. They further agree that habitats within the site are not considered to be 'functionally linked' to those within the SPA or SSSI and as such the development is unlikely to affect any of the key features for which the sites were designated.' In our opinion, the proposed development is unlikely to significantly affect any European sites and no further assessment under the Habitat Regulations is necessary.

If approval is recommended then conditions have been specified.

5.4 As a result, the application is considered to accord with Policy CP10 and paragraphs 8(c) and 170 of the NPPF (2019).

6.0 Other issues

6.1 Trees - The tree retention and protection should be in accordance with the supplied tree protection plan (drawing no.05) and is therefore considered to accord with Policy DC12.

6.2 Contaminated Land - The Contaminated Land Team has raised no objection subject to conditions.

6.3 Historic Buildings - The Historic Buildings consultant has been consulted and has raised no objection.

7.0 Conclusion

7.1 In terms of the overall planning balance, the land is considered to be brownfield where the presumption in favour of development is accepted. The proposal incorporates three dwellings, which in design, form and scale terms are considered appropriate in the context of the site size and will not present undue harm to the level of amenity currently enjoyed by the neighbouring occupiers. In light of this, the application is recommended for approval.

RECOMMENDATION

This application is recommended for approval. Approval subject to no objection being received by Natural England and subject to conditions.

CONDITIONS

- 1 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.
- 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 Provision of parking and servicing areas**
Prior to the first occupation of the development hereby permitted the proposed access parking and communal turning area 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 areas, in the interests of satisfactory development and highway safety.
This condition will require to be discharged
- 4 Construction traffic (parking)**

Development shall not commence until a scheme detailing provision for on-site parking for construction workers, site compound and unloading area for the duration of the construction period has been 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 needs to be a pre-commencement condition as it deals with the construction period of the development.

This condition will require to be discharged

5 Provision of visibility splays - condition/approved plan

Prior to the first occupation/use of the development hereby permitted visibility splays to a specification to be agreed in writing with the Local Planning Authority shall be provided to each side of the access where it meets the highway. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety in accordance with the principles of the NPPF.

This condition will require to be discharged

6 Highway improvements - off-site

Notwithstanding the details indicated on the submitted drawings no works above slab level shall commence on site unless otherwise agreed in writing until detailed drawings for the off-site highway improvement works as indicated on Drawing No. 1160 3 Rev C 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.

This condition will require to be discharged

7 Highway improvements - off-site

Prior to the first occupation of the development hereby permitted the off-site highway improvement works referred to in condition 6 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.

8 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

9

Landscaping

Tree retention and protection shall be in accordance with the submitted tree protection plan (drawing no.05).

Reason - To protect existing trees in accordance with policy DC12 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009 and the National Planning Policy Framework.

10

Ecology

The proposed development shall proceed in strict accordance with section 4.2 of the Preliminary Ecological Appraisal report (Riverdale Ecology).

Ecological Enhancements outlined in section 4.3 of the Preliminary Ecological Appraisal report (Riverdale Ecology) shall be incorporated into the site's design.

Reason for condition:-

To ensure the development is not detrimental to Protected Species and in order to protect the wildlife value of the site in accordance with Policy CP10 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009 and the National Planning Policy Framework.

11

Bird nesting

The proposed ground works on site and vegetation removal shall be conducted outside of the nesting bird season of 1 March to 31 August. If this is not possible, a qualified ecologist should visit the site prior to clearance. If nesting birds are present, the nest area should be cordoned off and left undisturbed until the nest attempt has reached a natural conclusion.

Reason for condition:-

To ensure the development is not detrimental to Protected Species and in order to protect the wildlife value of the site in accordance with Policy CP10 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009 and the National Planning Policy Framework.

12

External wall and roof materials to be agreed

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

Reason for condition:-

To enable the Local Planning Authority to control the colour, tone, texture and appearance of the materials used to ensure the satisfactory appearance of the development, as required by Policy DC 1 and DC 16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

This condition will require to be discharged

13

Implementation of submitted boundary treatment

The boundary treatment shown on the plans and particulars hereby approved shall be constructed in the manner shown and completed before the buildings are first occupied or in accordance with a timetable agreed in writing with the Local Planning Authority.

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

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Variation of approved plans

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 application.