

ITEM:		RECOMMENDATION:	APPROVAL
REF NO:	3PL/2021/1172/VAR	CASE OFFICER	Rebecca Collins
LOCATION:	SWANTON MORLEY Street Record Primrose Hill	APPNTYPE:	Variation of Cond's
APPLICANT:	Orchard Homes Ltd C/o Agent	POLICY:	Out Settlemnt Bndry
AGENT:	Studio 35 Suite GF1 Crafton House	CONS AREA:	N
PROPOSAL:	Variation of Condition No 2 on 3PL/2020/0018/F - Changes to site layout and house types		
		LB GRADE:	N
		TPO:	N

REASON FOR COMMITTEE CONSIDERATION

The application was sent from Chairman's panel to Planning Committee as it is a variation to a previous permission, heard at Planning Committee.

KEY ISSUES

Whether the variation is acceptable?

DESCRIPTION OF DEVELOPMENT

Variation of Condition No 2 on 3PL/2020/0018/F - Changes to site layout and house types.

SITE AND LOCATION

Primrose Hill is outside and further north of the development boundary of Swanton Morley. The existing dwellings are flat roofed bungalows of red brick construction and tile property which occupy a rectangular parcel of land. Other residential dwellings are situated slightly further to the south with open and agricultural land situated to the north, east and west.

Information submitted with the application states that the bungalows are post war accommodation for servicemen operating from Swanton Morley airfield. Significant amounts of asbestos were included within the construction of these properties. As a result of this asbestos, contractors are unwilling and unable to carry out works at the properties - works that are required to bring the properties into a modern habitable standard. As a result of the applicant being unable to carry out works to maintain or upgrade the properties, they have deteriorated and are nearly uninhabitable. Therefore, the proposal is to demolish these properties and replace them with modern, habitable properties.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2020/0018/F Permission 07-05-20

To demolish the four existing residential units, which comprise two pairs of semi-detached bungalows, and replace with four detached dwellings.

POLICY CONSIDERATIONS

The following policies of the Breckland Local Plan, 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

COM01	Design
COM03	Protection of Amenity
ENV06	Trees, Hedgerows and Development
GEN01	Sustainable Development in Breckland
GEN02	Promoting High Quality Design
GEN03	Settlement Hierarchy
HOU06	Principle of New Housing
HOU11	Residential Replacement, Extension and Alteration
HOU12	Conversion of Buildings in the Countryside
NP	Neighbourhood Plan
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
TR01	Sustainable Transport Network
TR02	Transport Requirements

OBLIGATIONS/CIL

Not applicable

CONSULTATIONS

SWANTON MORLEY PC

Swanton Morley Parish Council have concerns that the footprint is larger than what has originally been given planning permission for. The council also feel that the applicant has not submitted enough information on the materials being used on all elevations. There is no visual information to show what this development will now look like, and there is also no up to date plan detailing the tree line.

TREE AND COUNTRYSIDE CONSULTANT

No objections.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

No objections.

NORFOLK COUNTY COUNCIL HIGHWAYS

The site lies off a private road which coincides with a public right of way Swanton Morley FP1 and you will therefore also need to consult with the Public Rights of Way Officer .

The private road is hard surfaced, has Give Way markings and an acceptable level of visibility where it joins the county highway network.

The proposal seeks to replace 4 existing dwellings and provide a size 3 turning head.

If you are minded to grant permission please impose the suggested condition and informative note.

HIGHWAYS ENGLAND

National Highways is a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). In respect to this planning application, the nearest SRN Trunk Road is the A47. We have reviewed the details and information provided. The location of the development site is remote from the A47 Trunk Road, and is not linked to any larger development. Therefore, there is unlikely to be any adverse effect upon the Strategic Road Network. Consequently, we offer No Comment.

NORFOLK COUNTY COUNCIL PUBLIC RIGHTS OF WAY

We have no objection in principle to the application. However, we would highlight that access to the site will be via the Public Right of Way known as Swanton Morley footpath 1 which does not offer any means of public vehicular access and it is not maintainable at the public expense to a vehicular standard. It would be expected that any damage caused to the footpath by the exercise of the private rights, either during construction, or thereafter, remains with the rights holders to repair. The full legal extent of this footpath must remain open and accessible for the duration of the development and subsequent occupation.

REPRESENTATIONS

One letter of representation has been received from Cllr Atterwill, his comments are summarised as follows:

1) The original approved application was the subject of much consternation locally because of the size of the proposed dwellings compared to the existing flat roof bungalows. A great deal of discussion took place in relation to policy HOU 11 of the local plan. I fail to see how this applicant can meet the requirements of this policy without providing sufficient design information particularly in relation to the proposed materials. So far he has provided proposals for one elevation only. In order for this application to be considered properly it is essential that this information is provided for all building elevations. This development site sits on top of a hill in a prominent location seen from a considerable distance on all sides but in particular from Worthing Road. Please ensure that more detailed design information is provided so that this can be properly tested against the requirement of Policy HOU 11.

2) In relation to the proposed tree screening along Primrose Lane I am advised by residents of this road that they do not wish to lose the current uninhibited view they enjoy from the front of their homes. It is very difficult

to comment on the screening when there seems to be a lack of detail concerning the type of trees/hedging species proposed. If the screening is not put in it is even more important that the applicant provides more design detail for the dwellings and proposed screening immediately to the west of the development site.

In conclusion myself, the Parish Council and local residents require more detail to be able to come to a well informed view on this application.

ASSESSMENT NOTES

1.0 Principle

1.1 The principle of development has been established by the granting of the earlier Planning Permission reference 3PL/2020/0018/F.

2.0 Whether the variation is acceptable?

2.1 The original application reference 3PL/2020/0018/F was for four replacement dwellings. On 7th May 2020 Planning Permission was granted to replace four existing dwellings against Policy HOU 11 of the Breckland Local Plan (adopted). The applicant is now seeking to vary the design of those replacement dwellings. Therefore, the principle of the development in accordance with Policy HOU11 has already been established. Policy HOU11 of the Breckland Local Plan, requires:

'Replacement dwellings must be of a scale and design sensitive to the countryside setting, with a height and size similar to that of the original dwelling. If an alternative height or scale is proposed, the applicant will be expected to demonstrate that the scheme exhibits exceptionally high quality of design and enhances the character and appearance of the locality.'

'Proposals for replacement, extension or alteration of rural dwellings must be contained within the existing curtilage. The building must be in residential use and not classed as abandoned'.

2.2 The replacement dwellings approved under application reference 3PL/2020/0018/F were stated to be significantly larger than those which stood on the site previously. However, the officer report concluded:

'Despite being considered contrary to Policy HOU12, in that the existing buildings are not suitable for occupation and are of a scale larger than the existing. The scale of the proposed dwellings are proposed to be chalet style, with a height exceeding the existing dwellings. The existing bungalows hold limited merit in terms of design or street scene, as existing. The proposals are considered of an appropriate design for this location and despite the increased scale are not so significant in terms of impact on character of street scene to warrant refusal of planning permission at this time.'

1.13 The design of the proposed dwellings are considered acceptable, particularly when taking into the account the deteriorated state of the existing dwellings, also the properties to the south which comprise of mainly two-storey dwellings. The dwellings have been designed using and a form and scale appropriate in the context of other dwellings in the area. The proposal has considered architectural vernacular but with a more contemporary fashion. This can be noted with the dormers and flat roof areas, connecting to the more traditional flint work half gables to the front'.

2.3 Elevation plans of the proposed dwellings have been submitted. The proposed revised design consists of buildings, no higher than that already approved, with projecting gables being a prominent feature on the

front elevation, as opposed to a secondary feature actually reducing the bulk of the development at the first floor and providing more visual skyline, this is considered important given the elevated nature of the site. There are two dwelling types proposed, one with a large single storey side element (plots 1 and 4), again increasing the skyline and reducing the bulk of the development. The other design type (plots 2 and 3) seeks to do the same thing with a two storey side projection. Also, both design types propose less fussy front elevations than previously proposed, which is considered a benefit.

2.4 The proposed materials are clearly stated on the submitted plans and application form (albeit only the front elevations of the dwellings are coloured - the agent has confirmed that the materials apply to all elevations). The materials proposed for all plots are:

- Dark coloured plain tiles
- Grey coloured fascias and barge boards
- Red facing multi brickwork
- White coloured render
- Grey coloured uPVC windows and doors
- Flint (the agent has confirmed this will be flint inlay's)
- Standing seam wall and roofing detail
- Cedar Cladding

2.5 The use of a consistent pallet of materials across all plots will tie the two design types together. These materials are considered acceptable for the design of the development proposed.

2.6 On the previous permission, materials were conditioned to be submitted and approved and therefore details of materials were not required to make the development acceptable. The previous application did however give an indication of materials proposed, as follows:

- Brick and flint walling with areas of timber cladding
- Plain roofing tiles
- Mixture of white and brown uPVC Windows
- Dark Grey Aluminium

2.7 It is actually considered that the materials proposed in this application would be an improvement to that previously considered. Given the earlier allowance for materials to be submitted later and agreed; that the site, although elevated, the proposed development is no higher than that previously proposed; and that this is not a designated landscape; it would be unreasonable to require further details of materials at this stage. Furthermore, the details of material proposed are considered acceptable to the design of the development.

2.8 The dwellings proposed now form a linear form of development, a pattern which the existing bungalow form takes. The previous approval had a linear form but with the end dwelling on an angle.

2.9 The footprint of the dwellings has increased. There are fewer gaps between dwellings and detached double garages for plots 1 and 4 effectively 'fill' green spaces (despite these being single storey and flat roofed). This is considered to be a direct result of the bulk of the first floor level being reduced. Although, it would be better to increase the spacing between the dwellings, it is considered that the greatest impact on the wider character of the area, given the sites elevated position, would be from development at the upper floors and the bulk of development at this level has been reduced and the improved design and pallet of materials. On this basis the proposed increased footprint is considered acceptable.

2.10 As a result of the above, the proposal meets the aims of Policy HOU 11 of the Breckland Local Plan

(adopted 2019), Policies 1, 10 and 12 of the Swanton Morley NP and paragraph 79 of the NPPF (2019). In addition, the proposals are considered to accord with Policies GEN02, COM01 and HOU06 of the Breckland Local Plan (adopted 2019).

2.0 Amenity impact

2.1 Policy COM03 seeks to avoid unacceptable effects on the residential amenity of neighbouring occupants, or development which does not provide for adequate levels of amenity for future occupants. Policy 12 of the Swanton Morley NP sets out that new development should provide sufficient amenity, refuse and storage space. The proposed dwellings, although closer together remain sufficiently spaced within reasonably large plots. Fenestration has been placed to avoid unacceptable overlooking and the varying roof heights, some single storey and linear layout will ensure limited overshadowing or overbearing impacts. The rear gardens have decreased in size but remain acceptable to serve the needs of future occupants. There is sufficient space for storage, amenity and refuge.

2.2 There are no immediate neighbours, which would likely be impacted by the development, therefore the proposals are considered to accord with Policies COM03 of the Local Plan and 12 of the NP.

3.0 Highway safety

3.1 Policies TR01 and TR02 of the Local Plan seek to promote sustainable transport. Policy TR01 requires development to minimise the need to travel; promote opportunities for sustainable transport modes; not adversely impact on the operation or safety of the strategic road network; improve accessibility to services; and support the transition to a low carbon future. Policy TR02 requires development to integrate into existing transport networks; mitigate highways impacts; protect and enhance access to public rights of way; provide safe, suitable and convenient access for all users, including appropriate parking; and avoid inappropriate traffic generation and do not compromise highway safety.

3.2 The highways layout has not changed but the driveways off the access have been re-located. The proposals would provide sufficient parking and turning within the site boundary. The Highways Authority raise no objections to the proposals, which are considered to accord with Policies TR01 and TR02 of the Local Plan.

3.3 The Public Rights of Way Team have been consulted and offer no objections in principle to the proposals. A note will be added to the permission reminding the applicant of their responsibilities with regards to this Public Right of Way.

4.0 Other issues

4.1 Contamination

Paragraph 178 of the NPPF states that planning policies and decisions should ensure that:

a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Contamination officers have been consulted with regards to the proposed amendments and subject to a condition are happy with the proposals, which are considered to accord with Section 15 of the NPPF.

4.2 Trees

The retention of significant trees and hedgerows is supported by Policy ENV06 of the Local Plan and Policy 12 of the Swanton Morley Neighbourhood Plan. Previously local concern had been raised about the retention of a mature oak tree. As this is outside the application site. Other on site trees were protected by a

condition, which will be added to this permission to further protect trees. The Tree Officer has been consulted and has no objections to the proposals. In order to ensure appropriate landscaping across the site given the sites elevated position, a landscaping condition is also considered appropriate and will be applied. The proposal is therefore considered to accord with Policy ENV06 of the Local Plan and Policy 12 of the NP.

5.0 Conclusion

5.1 The proposed variation to dwellings types and layout is considered acceptable and policy compliant. The application is considered to accord with the development plan and relevant material considerations as set out in the NPPF and is recommended for approval, subject to the conditions applied to application reference 3PL/2020/0018/F, updated accordingly and with the addition of a landscaping condition.

RECOMMENDATION

Recommended for approval, subject to the following conditions.

CONDITIONS

- 1 Full Permission Time Limit (2 years)**

The development shall be carried out in accordance with the timescales as specified on application reference 3PL/2020/0018/F.
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 External wall and roof materials to be agreed**

No development beyond slab level shall take place until precise details, 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 and policies GEN2 and COM01 of the emerging Local Plan.
This condition will require to be discharged
- 4 New access (over verge/ditch/watercourse/footway)**

Prior to the first occupation of the development hereby permitted the vehicular access shall be constructed in accordance with a detailed scheme to be first agreed in writing with the Local Planning Authority in accordance with the highways specification (TRAD 4) and

thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.

Reason for condition:-

To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety in accordance with TR01 and TR02 of the emerging Local Plan.

This condition will require to be discharged

5 Provision of parking and servicing areas

Prior to the first occupation of the development hereby permitted the proposed access, parking and 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 for condition:-

To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety in accordance with TR01 and TR02 of the emerging Local Plan.

This condition will require to be discharged

6 Access - combined, configuration and gates/bollards

Any access gates/bollard/chain/other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 5 metres from the near channel edge of the adjacent carriageway. Any sidewalls/fences/hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the outside gateposts to the front boundary of the site.

Reason for condition:-

In the interests of highway safety enabling vehicles to safely draw off the highway before the gates/obstruction is opened in accordance with TR01 and TR02 of the emerging Local Plan.

This condition will require to be discharged

7 Boundary treatment/screening to be agreed

Prior to the occupation of the development hereby permitted a plan indicating the positions, design, materials and type of boundary treatment/screening to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment/screening shall be completed before the dwelling 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, COM01 of the emerging Local Plan and ENV3 of the Neighbourhood Plan.

This condition will require to be discharged

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 will require to be discharged

9

Lighting

No external lighting shall be installed without prior written approval from the Local Planning Authority. Only such approved lighting shall be installed. Such lighting shall be kept to a minimum for the purposes of security and site safety, and shall prevent illumination of mature trees and boundary hedges, and shall be:

- 1) fully shielded (enclosed in full cut-off flat glass fitments)
- 2) directed downwards (mounted horizontally to the ground and not tilted upwards)
- 3) be sensor operated
- 4) white light low-energy lamps (LED, metal halide or fluorescent) and not orange or pink sodium sources

Reason for condition:-

In the interests of amenity and reduce disruption to commuting/ foraging bats and to limit light pollution, having regard to paragraph 180 of the NPPF (2019).

10

Ecology

The proposal shall accord with the submitted Ecological Report (Norfolk Wildlife Services; August 2019) including the enhancement measures detailed in section 5.4 of the Report (Norfolk Wildlife Services; August 2019) and the green space and sparrow terrace boxes.

Reason for condition:-

To preserve and enhance ecology in accordance with Section 15 of the NPPF.

11

Soft landscaping scheme to be submitted

Prior to first occupation of the dwellings hereby approved, full details of landscaping, which shall take into account of any existing trees or hedges on the site, shall be submitted to and approved in writing by the Local Planning Authority.

These details should include:

- Planting plans;
- Written specifications (including cultivation and other operations associated with plant and grass establishment);
- Schedules of planting, noting species, plant sizes and proposed numbers/densities where appropriate;
- Implementation programme

The details shall also take account of the Council's leaflet 'Tree pack' (Landscaping advice for applicants) which is available for down load on the Council's website. The development shall accord with the approved details.

Reason for condition:-

In the interests of the satisfactory appearance of the development in accordance policies GEN02 and COM01 of the Breckland Local Plan (adopted 2019).

This condition will require to be discharged

16

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.