

## AGENDA ITEM NO: 8/1(a)

<b>Parish:</b>	<b>Snettisham</b>	
<b>Proposal:</b>	<b>Residential development of land to provide 23 residential dwellings together with associated access road, parking, garaging and public open space (revised scheme to 13/01736/FM)</b>	
<b>Location:</b>	<b>Land At Common Road Snettisham Norfolk</b>	
<b>Applicant:</b>	<b>Hopkins And Moore (Developments) Ltd</b>	
<b>Case No:</b>	<b>14/00944/FM (Full Application - Major Development)</b>	
<b>Case Officer:</b>	<b>Mrs K Lawty Tel: 01553 616403</b>	<b>Date for Determination: 1 October 2014</b>

**Reason for Referral to Planning Committee** – To seek an extension to the time period allowed for finalisation of the Section 106 obligation.

### Case Summary

On 5<sup>th</sup> February 2015 the Planning Committee resolved to grant permission for the development that it is the subject of this application. Approval was subject to completion of a Section 106 agreement within 3 months of the date of the resolution, i.e. by 5<sup>th</sup> May 2015.

The agreement has not been completed for reasons set out below.

This item seeks the consent of the committee to allow a further two months from the date of the committee meeting to allow completion of the legal agreement.

The full report presented to committee in February is appended to this item. This document contains the site description, assessment etc, which is only summarised here.

### Recommendation

**A) APPROVE** subject to conditions and completion of Section 106 Agreement within 2 months of the date of the resolution to approve.

**B)** In the event that the Section 106 agreement is not completed within 2 months of the date of this Committee meeting, the application shall be **REFUSED** due to the failure to secure affordable housing, public open space and county contributions.

### SUMMARY

The application site relates to a rectangular shaped parcel of land on the southern side of Common Road at the western end of the village of Snettisham. The site is currently a grassed paddock of approximately 0.8 ha in area and provides open space between residential properties along Common Road.

The dwellings to the west of the site are within the established village settlement boundary and dwellings to the south east are also within the village. The dwellings immediately to the east of the site are affordable houses and were approved as a rural exceptions site. The

dwelling on the northern side of Common Road further east are also affordable houses approved as a rural exceptions site.

To the north are open agricultural fields.

The land levels across the site are relatively consistent.

This site is part of the preferred option for development in Snettisham identified in the ongoing 'Site Allocations and Development Management Policies Pre-Submission Document' which is to be considered at a hearing in July. In addition to the application site, the proposed allocation includes a triangular shaped site, amounting to 1.5 hectares. Draft Policy G83.1 sets out the planned policy intentions for the site for residential development of 34 dwellings. It is the only allocated site in Snettisham for future development in the borough up to 2026.

In June of 2014 a planning application for residential development on this site which was refused at Planning Committee. No objection was raised to the principle of development on this site but the reasons for refusal referred to the layout and design of the affordable housing and insufficient car parking due to the small garage sizes. That decision was appealed and the appeal was allowed. However, the Council has challenged the appeal decision (see below).

This current application seeks full planning permission for the construction of 23 dwellings, including 5 No. affordable housing units; together with associated access road, parking, garaging and public open space, albeit of a revised design. This current application seeks to address the reasons for refusal of the earlier application.

The current application also includes an access through the proposed housing estate to the southern part of Site G38.1, unlike the previous application.

The site is within the countryside as depicted on the adopted local plan proposals map (1998) and just beyond the AONB.

The key issues set out in the report that forms an appendix to this item are:-

- The principle of development on this site;
- Planning history;
- Impact upon the AONB;
- Design, character and appearance;
- Impact upon Residential Amenity;
- Affordable housing;
- Highway Issues;
- Flood Risk;
- Crime and Disorder Act 1998;
- Archaeology;
- Foul and Surface Water Drainage Details
- Contamination;
- Lighting Scheme;
- Other material considerations

## **PLANNING HISTORY**

13/01736/FM - Residential development of 24 dwellings together with associated access road, parking, garaging and public open space (Amended scheme) – Allowed on appeal.

14/00944/FM

Planning Committee  
29 June 2015

The Council has challenged the Inspector's decision through the Courts and a date has been set for a hearing. In summary, the Council's challenge is on two points:-

- The Inspector dealt incorrectly with the implications of the proposal for the enlargement of the proposed allocation; and
- The legal undertaking that the appellant submitted and to which the Inspector attached weight was flawed.

During the course of negotiations in anticipation of the hearing, Hopkins Homes has agreed to amend the undertaking to a form that is acceptable to the Council. A revised document has been submitted, reviewed and agreed upon. Subject to formal execution of the agreement, the Council has agreed to withdraw the challenge.

Consequently, the situation is very much the same as when the committee resolved to approve the scheme; i.e. there is an extant consent for a development of 24 dwellings on the site.

## **PLANNING POLICIES**

These remain the same as when the committee considered the application in February. The Site Allocations and Development Management Policies document is to be the subject of an inquiry, which commences in July.

## **CONCLUSION**

Whilst the applicant submitted a Section 106 agreement very late in the day it is now in and has been reviewed. It is in a form that is acceptable to the Council and addresses the flaws in the undertaking submitted with the appeal application. The initial committee resolution does not allow an approval to be issued as the deadlines set out have not been met. However, a refusal on this basis would not be defensible as an acceptable agreement has been submitted.

The proposal that is the subject of this application also has benefits over the appeal scheme in that the committee has previously accepted that it addresses the design, parking and affordable housing issues that lead to the refusal of the first scheme. It also provides for an access through to the southern half of site G38.1, which the appeal scheme did not.

Considering these benefits and the presence of an acceptable legal agreement, it is considered appropriate to allow an extension of time for the execution of the agreement and subsequent approval of the application, subject to the conditions outlined below that include the amendments agreed in February to conditions 12 and 17 to secure details of safety measures at the play area and management and maintenance of those safety measures.

## **RECOMMENDATION:**

**A) APPROVE** subject to conditions and completion of Section 106 Agreement within 2 months of the resolution to approve.

- 1 Condition The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

- 1 Reason To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing No. SNE1-1000, Site Location Plan  
Drawing No. SNE1-1001, Rev D, Planning Layout  
Drawing No. SNE1-1002, Rev D, External Works Layout  
Drawing No. SNE1-1004, Rev A, Materials Plan  
Drawing No. SNE1-1005, Rev B, Proposed Floor Plans & Elevations (Plots 7, 8, 9 & 13)  
Drawing No. SNE1-1006, Rev A, Proposed Floor Plans & Elevations (Plots 1,2,3,4 & 10)  
Drawing No. SNE1-1007, Rev B, Proposed Floor Plans & Elevations (Plots 20, 21, 22 & 23)  
Drawing No. SNE1-1008, Rev B, Proposed Floor Plans & Elevations (Plots 5, 6-11)  
Drawing No. SNE1-1009, Rev B, Proposed Floor Plans & Elevations (Plot 12)  
Drawing No. SNE1-1010, Rev B, Proposed Floor Plans & Elevations (Plots 14-15)  
Drawing No. SNE1-1011, Rev B, Proposed Floor Plans & Elevations (Plots 16, 17, 18 & 19)  
Drawing No. SNE1-1012, Rev A, Garages, Proposed Floor Plans & Elevations (Plots 12, 13 & 14)

- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition Prior to the first occupation of the development hereby approved, a detailed outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lighting columns, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site. The scheme shall be implemented in accordance with approved scheme and thereafter maintained and retained as agreed.
- 3 Reason In the interests of minimising light pollution to safeguard the amenities of the locality and to minimise the impact of the development upon protected species in accordance with the NPPF.
- 4 Condition Prior to the first use or occupation of the development hereby approved, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include finished levels or contours, hard surface materials, refuse or other storage units, street furniture, structures and other minor artefacts. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate.
- 4 Reason To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 5 Condition All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously

damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.

- 5 Reason To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 6 Condition No existing trees, shrubs or hedges within the site that are shown as being retained on the approved plans shall be felled, uprooted, willfully damaged or destroyed, cut back in any way or removed without the prior written approval of the Local Planning Authority. Any trees, shrubs or hedges removed without such approval or that die or become severely damaged or seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of a similar size and species in the next available planting season, unless the Local Planning Authority gives written approval to any variation.
- 6 Reason To ensure that the development is compatible with the amenities of the locality and to minimise the impact of the development upon protected species in accordance with the NPPF.
- 7 Condition The development shall not be brought into use until a scheme for the provision of a fire hydrant has been implemented in accordance with a scheme that has previously been submitted to and approved in writing by the Local Planning Authority.
- 7 Reason In order to ensure that water supplies are available in the event of an emergency in accordance with the NPPF.
- 8 Condition No works shall commence 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.
- 8 Reason To ensure satisfactory development of the site and a satisfactory standard of highway design and construction
- 9 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.
- 9 Reason To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway
- 10 Condition Before any dwelling is first occupied the road(s), footway(s) and cycleway(s) shall be constructed to binder course surfacing level from the dwelling 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.
- 10 Reason To ensure satisfactory development of the site.
- 11 Condition Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4m x 59m shall be provided to each side of the access where it meets Common Road 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.

- 11 Reason In the interests of highway safety
- 12 Condition The applicant has submitted details of the foul and surface water drainage arrangements for the site within the Flood Risk Assessment, Revision B, dated April 2014. In addition, prior to commencement of development, details of safety measures to be put in place at the play area to safeguard users in the event of the flooding of that area as part of the drainage scheme shall be submitted to and agreed in writing by the Local Planning Authority. The drainage details and safety measures shall be constructed as approved before any part of the development hereby permitted is brought into use.
- 12 Reason To ensure that there is a satisfactory means of drainage in accordance with the NPPF.
- 13 Condition Notwithstanding the details indicated on the submitted drawings no works shall commence on site until full details of off-site highway improvement works to comprise of widening of the site frontage carriageway to 5.5m and a 1.8m wide site frontage footway has been submitted to and approved in writing by the Local Planning Authority.
- 13 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 Condition Prior to the first occupation of the development hereby permitted the off-site highway improvement works referred to in condition 14 shall be completed to the written satisfaction of the Local Planning Authority in consultation with the Highway Authority.
- 14 Reason To ensure that the highway network is adequate to cater for the development proposed
- 15 Condition Notwithstanding the details that accompanied the application hereby permitted, no development shall take place on any external surface of the development until the type, colour and texture of all materials to be used for the external surfaces of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 15 Reason To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 16 Condition No development shall commence on any external surface of the development until a sample panel of the materials to be used for the external surfaces of the building(s) and/or extension(s) hereby permitted has been erected on the site for the inspection and written approval of the Local Planning Authority. The sample panel shall measure at least 1 metre x 1 metre using the proposed materials, mortar type, bond and pointing technique. The development shall be constructed in accordance with the approved details.
- 16 Reason To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.

- 17 Condition A landscape management plan including long-term design objectives, management responsibilities, management and maintenance schedules for all landscape areas and swales, (other than small privately owned, domestic gardens), and management and maintenance of safety measures to be put in place at the play area to safeguard users in the event of the flooding of that area as part of the drainage scheme shall be submitted to and approved by the Local Planning Authority prior to the occupation of any part of the buildings or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved and retain in perpetuity.
- 17 Reason To ensure that the landscaping and safety measures are properly maintained in accordance with the NPPF.
- 18 Condition Notwithstanding the details shown on Drawing No. 1001 Rev D details of the hardstanding surfacing between the hammerhead junction and the southern site boundary to serve the road access link to the adjoining land to the south shall be submitted to and agreed in writing by the local planning authority prior to the commencement of the development. This hard surfaced area shall be constructed and made freely available for use by pedestrian and vehicular traffic no later than the commencement of the 20th dwelling on the site. Thereafter no dwelling shall be occupied until the said hard surfaced area has been completed to the satisfaction of the Local Planning Authority.
- 18 Reason To ensure the provision of a road to the southern part of the site so as to enable a link to be made through to the highway layout on the adjoining land for the proper planning of the area in accordance with the NPPF.

**(B)** In the event that the Section 106 agreement is not completed within 2 months of the date of this Committee meeting, the application shall be **REFUSED** due to the failure to secure affordable housing, public open space and county contributions.