

## **Application for Determination**

<b>Parish</b>	Filby
<b>Reference</b>	BA/2012/0213/REM <b>Target date</b> 26 September 2012
<b>Location</b>	Land South of Loke Cottage, Thrigby Road, Filby
<b>Proposal</b>	Reserved Matters Application for three detached dwellings following outline approval on planning permission BA/2009/0257/OUT
<b>Applicant</b>	Mr Scott Bird
<b>Recommendation</b>	Approve subject to Conditions
<b>Reason for Referral to Committee</b>	Third party objection received

### **1 Description of Site and Proposals**

- 1.1 The site, which has an average width of approximately 55m and a depth of approximately 47m, resulting in a site area of approximately 2,524m<sup>2</sup>, directly fronts and is to the west of Thrigby Road within the village of Filby. The site is heavily overgrown with vegetation and is bordered by two rows of trees on both the north-eastern and south-western boundaries. The site frontage to Thrigby Road is defined by a mixture of small conifer trees, and scrubby bushes and vegetation. Loke Cottage is situated immediately to the north west of the site and is almost totally screened from the site by a 3m high (approximately) dense conifer hedge. Vehicular access to Loke Cottage is via The Loke which runs beside the north-eastern boundary of the site. There is currently a vehicular access onto the site, positioned at the southern end of the property's road frontage.
- 1.2 The site is surrounded by residential development. The dwellings in the vicinity of the site comprise a mixture of two storey detached houses, dormer bungalows, modern bungalows and converted rural buildings. The predominant materials are brick, timber panelling and rendering with pantile roofs. The relationship of all the dwellings to the road is very varied with some houses being built right on the road frontage whilst others are set well back into their plots. The only dwellings that directly overlook the site are the dwellings situated opposite on the eastern side of Thrigby Road, as the dwellings on either side of the site are orientated east to west and are screened from the site by the dense vegetation.

- 1.3 The site is within the development boundary for Filby as well as a European designated Special Area of Conservation.
- 1.4 The development proposed is seeking Reserved Matters approval for the siting, design, external appearance, means of access and landscaping for the development of three, detached two storey dwellings with garages, following the granting of an Outline consent for the same in December 2009. The house to be constructed on Plot 1 will be a two storey, four bedroom house with a detached double garage, situated gable on to Thrigby Road. The houses to be situated on Plots 2 and 3 have been designed as a pair and will be linked by a pair of single garages. They will also be four bedroom family homes and will be positioned gable on to Thrigby Road. All three houses will be constructed with red facing bricks and horizontal timber boarding stained black, clay pantiles on the roof and timber joinery stained black.
- 1.5 Access to Plot 1 will be provided by utilising and improving the existing access off Thrigby Road. A new vehicular access will be created into the site from Thrigby Road to provide access to both Plots 2 and 3. A new public footpath is proposed along Thrigby Road across the entire site frontage.
- 1.6 The planning application is supported by a detailed landscaping plan which incorporates the retention of the existing mature trees on the site.
- 1.7 In terms of surface water disposal it is proposed to discharge any surface water from the footpath onto Thrigby Road and for the private driveways to be permeable. Surface water runoff from the roofs will either discharge into concrete ringed soakaways or be harvested for Grey use. Foul water will be discharged into the existing mains sewer within Thrigby Road via individual connections.

## **2 Site History**

- 2.1 In 2008 planning permission was refused for the erection of four detached two storey dwellings with double private garages. This application was refused on the basis that the size of the dwellings proposed was out of scale and character with the surrounding area and combined with a linear arrangement on the site would result in a development which would be inappropriate and intrusive and would have an adverse impact on the character and appearance of Thrigby Road. Furthermore the construction of the dwellings in the proposed location would compromise the health and subsequent lifespan of some of the trees on the site which would detract from the quality of the built environment (BA/2008/0342/OUT).
- 2.2 In 2009 outline planning permission was granted for the construction of three detached two storey dwellings with double garages. All matters were reserved for future consideration and approval (BA/2009/0257/OUT).

### 3 Consultation

*Broads Society* - We have no objections in principle to the erection of three dwellings on this site as indicated in our response to the Outline application. However we object to this application on two grounds. Firstly, the scale of the proposed buildings, and particularly the height, is not in keeping with the surrounding properties and, secondly, we consider the design to be too urban in character for this rural location.

*Parish Council* - No comment.

*Highway Authority* - Amended plans have addressed initial concerns relating to the visibility splays to be created and there is therefore no longer an objection to the proposal on highway terms, subject to the imposition of various conditions.

### 4 Representations

- 4.1 Two letters of representation have been received on this planning application. One representation has no objection to the scheme provided the proposed 1.8m high timber boundary fence is continued along the full length of the south-western site boundary, and is constructed prior to the start of any building works, and the dilapidated building on the site is removed.
- 4.2 The second letter of representation does not object to the construction of three dwellings on the site. However it advocates for the erection of bungalows as opposed to two storey houses as it is felt that they are more in keeping with the area. The letter also raises concerns about the bend in Thrigby Road and the creation of vehicular access into the three plots at this point.

### 5 Policies

#### 5.1 **Broads Core Strategy adopted September 2007**

[Core Strategy \(Adopted Sept 2007\).pdf](#)

CS 1 – Landscape  
CS 7 – Environmental Protection  
CS8 – Response to Climate Change  
CS 18 – Rural Sustainability  
CS24 – Residential Development and the Local Community.

#### 5.2 **Development Management Policies DPD adopted November 2011**

[DMP DPD - Adoption version.pdf](#)

DP1 – Natural Environment  
DP2 – Landscape and Trees  
DP3 – Water Quality and Resources  
DP4 – Design  
DP7 – Energy Generation and Efficiency

DP11 – Access on Land  
DP22 – Residential Development within Defined Development Boundaries  
DP28 – Amenity  
DP30 – Developer Contributions.

## **6 Assessment**

- 6.1 In terms of assessment of this proposal, the principle of the development has been established with the grant of the outline consent and the matters to be considered include those which have been reserved namely siting, design, external appearance, means of access and landscaping.
- 6.2 Firstly, however, in respect of the principle of the development, in addition to establishing that this site is situated in a sustainable location, it has also been accepted that the shape and size of the site is suitable for the development of three dwellings units with garages. The consultation response received from the Broads Society objects to the height of the proposed dwellings and one of the letters of representation advocates for the erection of bungalows on the site instead of two storey dwellings. However the outline planning permission granted consent for the construction of three two storey dwellings on the site as it was considered a suitable scale of development given the existing eclectic mix of single storey and a half and two storey dwellings which surround the site.
- 6.3 The application is supported by documentation from Anglian Water, Essex and Suffolk Water and UK Power Networks to confirm that each of the houses can be adequately serviced. Policy DP3 of the Development Management Policies requires new development to incorporate measures to reduce water consumption. The ways this can be achieved within this scheme will be investigated and confirmed as part of the process for achieving Code Level 3 of the Code for Sustainable Homes certification.
- 6.4 *Siting*  
The siting and relationship of the three dwellings on the site has been the subject of lengthy pre-application discussions with the designer. The houses have been laid out so that the house on Plot 1 is the dominant house on the site with the houses on Plots 2 and 3 being positioned as a pair connected by the garages. To avoid the creation of a linear form of development along Thrigby Road the house on Plot 1 has been set back further into the site than the houses to be constructed on Plots 2 and 3 which, as a pair, have been positioned on the same linear plane. The houses have all been positioned gable end onto Thrigby Road, following detailed consideration of a number of options, as this layout is considered to deliver the most aesthetically pleasing street scene along Thrigby Road and compliments the existing character of residential development in the area.
- 6.5 There are a number of mature trees on the north-eastern and south-western edges of the site which must be retained as part of the scheme. The houses have been positioned on the site to avoid the root protection areas and canopies of these trees.

- 6.6 The area of this site ensures that there is sufficient space to accommodate the construction of three two storey houses on this site without resulting in over development of the site. The proposed building footprints for each of the houses will result in a building to plot ratio similar to that of surrounding residential development. The houses have also been designed and laid out to avoid any loss of privacy between the properties.
- 6.7 It is considered that the proposed positioning of the houses on the site is acceptable and that the layout of the site is appropriate to the setting of the site within the settlement of Filby.
- 6.8 *Design*  
The three houses have been designed to be read as a cohesive development with similar forms, detailing and appearance. As stated previously it is considered preferable to have the buildings designed to be gable end onto Thrigby Road.
- 6.9 The houses have been designed around a two storey core with the subservient areas of the dwellings accommodated within single storey elements. This design creates interesting elevations and helps to reduce the bulk and scale of the houses.
- 6.10 The detailing on each of the houses has also been the subject of pre-application discussions. The Broads Society has objected to the scheme on the basis that the design of the houses is too urban in character for this rural location. However the character of existing dwellings within Filby is varied and comprises a mix of designs, some more rural in scale and character and some more suited to urban settings. It is considered that the detailing on each of the houses complements the character of area and also the houses immediately surrounding the site.
- 6.11 Relevant documentation has been submitted in support of the application which sets out the strategy to ensure compliance with the requirements for each of the houses to achieve at least a 10% reduction in carbon emissions and to meet the requirements for Code Level 3 of the Code for Sustainable Homes. It is recommended that conditions are imposed on any Reserved Matters consent that is granted requiring the submission of both an Interim Certificate and a Final Certificate for each of the houses at the appropriate stage in the development process to ensure that the houses are constructed to achieve compliance with both sustainable design requirements.
- 6.12 *External Appearance*  
The pallet of materials to be used on each of the houses is considered to be typical of the area and to pick up on the materials used on the dwellings immediately surrounding the site. The choice of materials will ensure that the scheme delivered is appropriate for its setting within the wider Broads context. It is recommended that a condition is imposed on any Reserved Matters consent that is granted requiring material samples to be submitted for the approval of the local planning authority.

### 6.13 *Means of Access*

It is proposed to use the existing access into the site from Thrigby Road to create the vehicular access into Plot 1. A second vehicular access off Thrigby Road will be created further along the site frontage to the north which will provide a joint access to both Plots 2 and 3. All three Plots will provide onsite parking for at least two cars and will incorporate a turning area to ensure all vehicles can leave the site in a forward gear. A new 1.8m wide public footpath is to be constructed along the entire site frontage with Thrigby Road to Highway Authority standards. Detailed plans of the access and footpath construction have been submitted in support of this application, which have been assessed by the Highway Authority. The Highway Authority has approved these plans subject to the imposition of a number of conditions.

### 6.14 *Landscaping*

A detailed landscaping scheme has been submitted for the development which incorporates the retention of the existing mature trees on the north-eastern and south-western edges of the site. The landscaping scheme includes the planting of a number of groups of Silver Birch along the frontage of the site to provide visual amenity which will be complimented by various areas of shrub planting within the frontage area of the site. The Scheme also confirms the location of the bat and bird boxes to be erected on the site, required by condition 13 of the outline consent (BA/2012/0257/OUT). The landscaping scheme is considered to be acceptable and it is recommended that a condition be imposed on any Reserved Matters consent that is issued ensuring that the landscaping is carried out in accordance with the approved landscaping scheme.

6.15 Details have also been submitted to confirm construction methods and to identify where protective fencing will be erected around the existing trees on the site to ensure that the trees to be retained are adequately protected during the construction of the proposed dwellings. These details have all been approved by the Broads Authority's Consultant Arboriculturalist.

## **7 Conclusion**

7.1 It is concluded that this application satisfactorily addresses all the requirements and conditions of outline planning consent BA/2012/0257/OUT. It is therefore appropriate for this Reserved Matters application to be approved.

## **8 Recommendation**

8.1 Approve subject to the following conditions:

- Standard time limit condition.
- In accordance with approved plans.
- Samples of materials to be submitted for approval.
- Submission of Code Level 3 Interim Certificate.
- Submission of Code Level 3 Final Certificate.

- Completion of landscaping in accordance with approved Landscaping Scheme.
- Replacement of plants if they die within 5yrs of planting
- Protection of trees during construction in accordance with approved Arboricultural Assessment.
- Installation of bat and bird boxes in accordance with approved plan, to face north and east, within 6 months of the commencement of the development.
- Construction of vehicle accesses prior to occupation.
- Gradient of vehicular access.
- Removal of Permitted Development Rights, preventing the erection of any means of obstruction across the vehicular accesses.
- Creation of visibility splays prior to occupation.
- Prior to first occupation the laying out and formation of accesses and on-site car parking and turning areas.
- No works to commence until detailed scheme for off-site highway improvement works has been submitted to and approved by the Highway Authority.
- Prior to first occupation to complete off-site highway improvement works to satisfaction of LPA in consultation with Highway Authority.

## **9 Reason for Recommendation**

- 9.1 The proposal is considered to be in accordance with Policies DP1, DP2, DP3, DP4, DP7, DP11, DP22, DP28 and DP30 of the adopted Development Management Policies DPD (2011) and Policies CS 1, CS 7, CS 8, CS 18 and CS24 of the adopted Core Strategy (2007).

Background papers: Application File BA/2012/0213/REM

Author: Alison Macnab  
Date of Report: 28 September 2012

List of Appendices: APPENDIX 1 – Location Plan  
APPENDIX 2 - Decision Notice for Planning Consent  
BA/2009/0257/OUT

# APPENDIX 1

BA/2012/0213/REM - Land To South Of Loke Cottage, Thrigby Road, Filby  
Reserved matters application for 3 no detached dwellings following outline approval on pp BA/2009/0257/OUT







The Broads - a member of the  
National Park family

Dragonfly House 2 Gilders Way  
Norwich Norfolk NR3 1UB

Telephone (01603) 610734

Fax (01603) 756069

Email [broads@broads-authority.gov.uk](mailto:broads@broads-authority.gov.uk)  
[www.broads-authority.gov.uk](http://www.broads-authority.gov.uk)

Mr Peter Alger  
Aldreds Property Consultants  
17 Hall Quay  
Great Yarmouth  
Norfolk  
NR30 1HJ

**Application No** : BA/2009/0257/OUT  
**Description** : Outline application for the erection of three detached two storey dwellings with double garages  
**Address** : Land Adjacent To Loke Cottage , Thrigby Road , Filby , Great Yarmouth  
**Applicant** : Executors Of H R Tennant - Deceased

#### APPROVAL OF PLANNING PERMISSION

The Broads Authority give notice in pursuance of the Town and County Planning Act, 1990 that planning permission **has been granted** for the development referred to above in accordance with the application form and plans submitted, subject to the conditions set out below. The informative notes included on this planning permission should also be read carefully.

#### CONDITIONS:

1. Application for approval of all reserved matters must be made not later than the expiration of three years beginning with the date of this permission. Approval of these reserved matters (referred to in condition 2) shall be obtained from the Local Planning Authority in writing before any development is commenced. The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

#### Reason

The time limit condition is imposed in order to comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2005.

2. These reserved matters shall relate to the Siting; Design; External Appearance; Means of Access; and the Landscaping of the Site of the proposed development and this condition shall apply notwithstanding any indication as to these matters which have been given in the application hereby approved.

#### Reason

The application is submitted in outline form only and the details required are pursuant to the provisions of Article 3(1) to the Town and Country Planning (General Development Procedure) Order 1995.

3. Prior to the commencement of development the reserved matters application shall be submitted to include detailed plans showing the proposed site layout of the three dwellings and three garages; the position of the proposed site access; elevations of each of the houses; and floor plans for each of the houses. The scheme such as shall be submitted shall be approved prior to the commencement of development and retained in perpetuity.

Reason

In the interests of the satisfactory appearance of the development and to safeguard the character and appearance of the area in accordance with Policy B11 of the adopted Broads Local Plan.

4. Prior to the commencement of the development the reserved matters application shall be submitted to include the precise details of the materials to be used in the construction of the external walls, roofs and openings of the building(s) hereby permitted, and on the hard surfaced areas of the site. The scheme such as shall be submitted shall be approved prior to commencement of development and retained in perpetuity.

Reason

In order for the Local Planning Authority to be satisfied that the materials to be used will be visually appropriate for the approved development and its surroundings, in accordance with policy B.11 of the adopted Broads Local Plan.

5. All three houses are to be designed and constructed in accordance with Code for Sustainable Homes Level 3.

Reason

To ensure that the detailed design of each of the houses incorporates sustainable design principles that will achieve energy efficiency throughout the lifetime of the houses in accordance with national planning policy.

6. Prior to the commencement of development the reserved matters application shall be submitted to include the following plans and documents prepared with specific reference to the detailed development proposals for the site. These plans and documents such as shall be submitted shall be approved prior to the commencement of development and retained in perpetuity.

A detailed and accurate plan at 1:200 scale with the following details plotted: The canopy size/spread of each tree; the root protection areas; the specific area of No Dig Construction with details of finished surfaces; specific details of works required to trees to allow the development; continuity of tree numbering on all plans.

A detailed Tree Survey.

A Tree Constraints Plan

An Arboricultural Impact Assessment

An Arboricultural Method Statement which details specific works that will be undertaken and measures that will be undertaken to protect the trees on site during construction.

Reason

To safeguard the future health and well being of the existing trees on the site.

7. Prior to the commencement of development the reserved matters application shall be submitted to include a scheme for landscaping and site treatment to include grass seeding, planting of new trees and shrubs, specification of materials for fences, walls and hard surfaces, and the proposed maintenance of amenity areas. The scheme shall also include indications of all existing trees and hedgerows on the land, and details of any to be retained (which shall include details of species and canopy spread), together with measures for their protection during the course of development. The scheme as approved shall be carried out not later than the next available planting season following the commencement of development or such further period as the Local Planning Authority may allow in writing.

Reason

To protect and enhance the visual amenities of the area, in accordance with the requirements of policy C11 of the adopted Broads Local Plan.

8. Prior to the commencement of development the reserved matters application shall be submitted to include full details (in the form of scaled plans and written specifications) to illustrate the following: i) Roads and footways across the frontage of the site, ii) Visibility splays, iii) Access arrangements, iv) Parking provision in accordance with adopted standard, v) Turning areas. The scheme (such as shall be submitted shall be approved prior to the commencement of development and retained in perpetuity.

Reason

To ensure safe access to and within the development, and provision for pedestrians, in accordance with policies TC8 of the adopted Broads Local Plan.

9. No works shall commence on site until a detailed scheme for dealing with the disposal of all foul sewage, surface and grey water from all parts of the development including roofs, roads and other surfaced areas has been submitted to and approved as part of the reserved matters application in consultation with the Environment Agency and Natural England.

Reason

To ensure the satisfactory disposal of foul and surface water drainage from the development and prevent pollution of Filby Broad in accordance with Policies INF7 and C2 of the adopted Broads Local Plan.

10. No works shall commence on site until evidence which demonstrates that the site can be adequately serviced in terms of water supply and electricity has been submitted to and approved as part of the reserved matters application.

Reason

To ensure that the site can be adequately serviced in accordance with Policy INF6 of the adopted Broads Local Plan.

11. No construction work shall be carried out on the site before 8.00am on weekdays or before 9.00am on Saturdays, nor after 6.00pm on weekdays or 1.00pm on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.

Reason

To protect the residential amenity of surrounding residential properties.

12. No deliveries of plant, machinery or building materials shall be taken at the site before 7.00am on weekdays or 8.00am on Saturdays, nor after 6.00pm on weekdays or 1.00pm on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.

**Reason**

To protect the residential amenity of surrounding residential properties.

13. Prior to the commencement of development, details of the design and location of two bat boxes and two bird boxes to be installed on the site shall be submitted to and agreed in writing by the Local Planning Authority. These bat and bird boxes shall be installed within six months from the date of the commencement of development and retained in perpetuity in accordance with the agreed details.

**Reason**

In the interests of enhancing opportunities for bat and bird roosting.

**INFORMATIVE NOTES:**

1. This permission/consent is granted in strict accordance with the approved plans. It should be noted that:
  - a) 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.
  - b) You or your agent or any other person responsible for implementing this permission should inform the Development Regeneration 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.
2. This permission is granted subject to conditions and it is the owners and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond.
3. If there is a condition that requires work to be carried out or details to be approved prior to commencement of the development, this is called a "condition precedent". The following should be noted with regards to condition precedents:
  - a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
  - b) In addition, if a condition precedent is breached, the development is unauthorised and the only way to rectify the development is the submission of a new application. If any other type of condition is breached then you will be liable to a breach of condition notice.
4. This development involves works within the public highway that can only be carried out by Norfolk County Council as Highway Authority unless otherwise agreed in writing.

It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the applicants' responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Advice on this matter can be obtained from the County Council's Highway Development Control Group. Please contact Paul Leared on 0844 800 8009.

Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alteration, which have to be carried out at the expense of the developer.

### Reason for Decision

The proposal is considered to be in accordance with Planning Policy Statement 3 Housing, saved Policies H01, C9, C11, B11, INF6, INF7, TC8 and TC9 of the Broads Local Plan (1997) and Policies CS1, CS2, CS8, CS18, CS21 and CS24 of the adopted Core Strategy (2007).

Signed:



Head of Development and Regeneration

18 December 2009

Date: 18 December 2009