

ITEM:		RECOMMENDATION:	REFUSAL	
REF NO:	3PL/2018/0575/O	CASE OFFICER	Mark Simmonds	
LOCATION:	GARVESTONE Windyridge Reymerston Road Garvestone	APPNTYPE:	Outline	
APPLICANT:	Mr Neil Hart 46 Bentham Way Ely	POLICY:	Out Settlemnt Bndry	
AGENT:	Mr Neil Hart 46 Bentham Way Ely	ALLOCATION:	N	
PROPOSAL:	Erection of one detached 3/4 bedroom house and Garage		CONS AREA:	N
		LB GRADE:	N	
		TPO:	N	

DEFERRED REASON

This application was deferred at the Planning Committee meeting of 30th July 2018 because Members wanted the applicant to provide a Tree Survey and Ecological Survey before making a decision on the application.

The Tree and Countryside Consultant has advised that there is no objection in principle based upon the AIA submitted by Oakfield, which shows that all trees are to be retained with no development within the Root Protection Area of any tree. A condition should be attached to any outline planning consent requiring a further implications assessment to be undertaken to inform the detailed design proposal at the reserved matters stage. This should advise on any specialist construction detail required to aid tree protection. This may include, but is not limited to, foundation design, construction or replacement of hard surfaces, tree protection and landscape proposals.

The Ecologist has advised that the application is supported by a Preliminary Ecological Appraisal (by Parker Planning Associates; September 2018). The report highlights 'limited potential for roosting bats to be present on the site, commuting and foraging bats.' The report states 'none of the trees bordering the site that are likely to be affected by the development have any potential for roosting bats. There is potential for foraging hedgehogs to move across the site and for nesting birds to be present on the site. The proposed mitigation and enhancement measures in Section 7 of the Preliminary Ecological Appraisal (Parker Planning Associates; September 2018) to reduce the likelihood of impacts on ecological receptors to acceptable levels is agreed with.

The report highlights 'there are two ponds in close proximity to the site (including one pond located in the south-east corner). These ponds were assessed as having poor to below average suitability to support great crested newts and there are no records of great crested newts in the area. There is limited potential for amphibians to be present and to be impacted by the development works given the nature of the habitats present.' We agree with the report that a precautionary approach needs to be followed as outlined in Section 7.8 of the Preliminary Ecological Appraisal (Parker Planning Associates; September 2018).

Due to the distances involved and the scale of the proposed works, there are unlikely to be impacts on designated sites.

The mitigation and enhancement measures outlined in Section 7 of the Preliminary Ecological Appraisal (Parker Planning Associates; September 2018) would need to be implemented and is recommended to be conditioned.

As a result, the original reasons for refusal 2 and 3 would be addressed through the provision of the required information and appropriate conditions. However, the first reason for refusal remains in this instance.

Since the first committee report, there has also been an update on the Council's 5 year land housing supply. On the 30th July 2018 the Council reported a 5 year land supply based on a evidenced statement demonstrating a 4.77 year land housing supply, however, this still falls below the required 5 years.

REASON FOR COMMITTEE CONSIDERATION

The application is to be considered by the Planning Committee at the request of the Ward Member.

KEY ISSUES

- Principle of Development
- Design and Impact on the Character and Appearance of the Surrounding Area
- Impact on Amenity
- Highway and Traffic Implications
- Impact on Trees

DESCRIPTION OF DEVELOPMENT

The application seeks outline planning permission, with all matters reserved, for the erection of 1no. dwelling and garage on the site. The Design and Access Statement indicates that it is intended that the dwelling is proposed to be two storeys in height and would have three or four bedrooms.

A new access would be created onto Reymerston Road.

SITE AND LOCATION

This application site is a garden area associated with the dwelling to the north, "Windyridge". Boundary Farm is located to the south of the application site. Open fields are to the east and west.

The application site is located in Garvestone, which is a dispersed settlement, with three separate Settlement Boundaries. The application site is located approximately 150m to the south of the nearest Settlement Boundary. It is not located within a conservation area or in close proximity to any designated heritage assets.

EIA REQUIRED

Not required.

RELEVANT SITE HISTORY

3PL/2017/1133/O

Withdrawn

07-11-17

Erection of one detached two storey house & garage

- 3PL/2017/1133/O: Erection of one detached two storey house & garage - 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

CP.01	Housing
CP.04	Infrastructure
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
SS1	Spatial Strategy

OBLIGATIONS/CIL

Not applicable.

CONSULTATIONS

GARVESTONE P C

The Parish Council has no strong feelings for or against the application. However the PC requests that if permission is granted, a condition tying the new dwelling to Windyridge so it cannot be sold as a separate property be applied. The PC also requests that the trees along the front of the site be retained. There seems no need to remove these trees and their removal would be a loss to the area.

NORFOLK COUNTY COUNCIL HIGHWAYS

The site is located remotely from services and amenities which would be required on a daily basis and therefore it is considered that any residents would be principally car dependant. If your Authority is minded to grant approval conditions relating to visibility, parking, access and turning would be required as part of a reserved matters application.

CONTAMINATED LAND OFFICER

No objections or comments on the grounds of Environmental Protection, providing the development proceeds in line with the application details.

ENVIRONMENTAL HEALTH OFFICERS

No objections or comments on the grounds of Environmental Protection, providing the development proceeds in line with the application details.

TREE AND COUNTRYSIDE CONSULTANT

No objection to the principal based on the AIA submitted by Oakfield which shows all trees to be retained with no development within the RPA of any tree. Condition should be attached to any outline planning consent requiring a further implications assessment to be undertaken to inform the detailed design proposal at the reserved matters stage. This should advise on any specialist construction detail required to aid tree protection this may include but not limited to foundation design, construction or replacement of hard surfaces, tree protection and landscape proposals.

REPRESENTATIONS

A Site Notice was displayed on 25th May 2018, advertised in the local press and four neighbours were directly notified. No representations were received.

ASSESSMENT NOTES

1.0 Principle of Development

1.1 This application seeks outline consent for the erection of one dwelling and garage and associated vehicular access. The site is located outside of any defined Settlement Boundary. For this reason, the proposal conflicts, in principle, with Policies DC2 and CP14 of the Core Strategy and Development Control Policies Development Plan (2009), which seek to focus new housing within defined Settlement Boundaries. However, paragraph 11 of the NPPF states that where an authority does not have an up-to-date five year housing land supply, the relevant local policies for the supply of housing, as referred to above, should not be considered up-to-date and that housing applications should be considered in the context of the presumption in favour of sustainable development.

1.2 The Statement of Five Year Housing Land Supply as at 31st March 2017 was published in July 2017. This outlined that the District does not benefit from having a five year supply of housing land (it can only demonstrate a 4.6 years housing land supply). In these cases the NPPF makes provision, in principle, for Local Planning Authorities to positively consider sites that are not within defined Settlement Boundaries. This must be balanced against other policy requirements and aims including securing sustainable development, protecting the countryside, and good design.

1.3 The NPPF constitutes guidance for local planning authorities and decision-takers and is a material consideration in the determination of planning applications to achieve sustainable development. The Government outlines three dimensions to sustainable development: economic, social and environmental (paragraph 8). These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that

sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

- a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

- an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

1.4 Paragraph 9 states that these roles should not be undertaken in isolation, because they are mutually dependent and that the planning system should play an active role in guiding development to sustainable solutions. A balanced assessment against these roles is, therefore, required.

1.5 The application site is located to the south of Garvestone's Settlement Boundary. Garvestone benefits from a children's play area, a primary school and a village hall that hosts a regular mobile post office service. These facilities are approximately 1km away from the application site. Garvestone has two churches, the nearest of which is around 450m from the application site. Policy SS1 of the adopted Core Strategy and Development Control Policies Development Plan Document notes that rural settlements are not capable of sustaining consequential growth as many are completely reliant on higher order settlements for services and facilities. This is predominantly the case for Garvestone and it is clear that the level of service provision in the village is such that, whilst some needs could be met within the village, future residents would be dependant on other settlements for most shopping, employment and leisure purposes. Consequently, the proposal would conflict to a degree with certain objectives in the NPPF to minimise the need to travel.

1.6 However, the centre of Dereham is located approximately 4.5 miles to the west, and that the NPPF recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. It is noted that there is a bus stop approximately 350m away from application site. Buses that serve this stop are the no15 that runs between Shipdam and Norwich, once a day on Monday to Friday, and the no17 that runs between Dereham and West Bradenham, once a day on Tuesdays and Fridays. It is not considered that these services are sufficiently frequent to promote public transport use and consequently the development would heavily rely on the use of private motor car. As a result the location is not considered to be sustainable.

1.7 Paragraph 78 of the NPPF notes that development in one village may help support the services in a nearby village. Garvestone is surrounded by several other villages but all are equally devoid of services as Garvestone, with a heavy reliance on the nearby market town of Dereham. It is therefore not considered that the proposal would significantly support the services of nearby villages.

1.8 With regards to benefits of the proposed development, it is noted that there would be some social and economic benefits through the provision of an additional dwelling; there would also be the generation of labour in the short term during construction. However, given the limited scale of development being proposed these are not considered to be significant either individually or cumulatively and would not outweigh the conflict with the core policies in the development plan that manage sustainable growth across the district. As a result of the above, it is considered that the principle of development is not acceptable.

2.0 Design, Impact upon the Character and Appearance of the Surrounding Area

2.1 Both local and national planning policies require careful consideration to be given to the impact of new development on the character of its surroundings. Policy DC2 deals with housing mix and density, whilst Policy DC16 promotes good design. The NPPF indicates that the design of new development should respond to local character and use streetscapes and buildings to create attractive places to live.

2.2 Garvestone takes the form of three main clusters of dwellings with other sporadic dwellings. There is a clear distinction between the three clusters of dwellings that form the mainstay of the village and the area outside of these that is characterised by open countryside and only very sporadic built form. It is noted that the site is a large open space, but as a private garden, does not form part of the open countryside. So whilst the proposed dwelling would therefore not be part of an established built up area, it would not result in the encroachment of built development into the open countryside detracting from the character and openness of the site and surrounding area.

2.3 An indicative layout plan has been provided within the Design and Access Statement. The proposed dwelling would follow the immediate dwellings in terms of scale, density and siting.

2.4 It is considered that an appropriately designed dwelling in terms of design and impact upon character and appearance could be achieved and thus has the ability to comply with Policy DC16 and the NPPF.

3.0 Impact on Amenity

3.1 Policy DC1 of the Core Strategy requires that all new development must have regard to amenity considerations and states that development will not be permitted where there are unacceptable effects on the amenity of neighbouring residents and future occupants.

3.2 Whilst this would be a matter for the Reserved Matters application, due to the size of the site, it is considered that an appropriately designed dwelling could be accommodated that would not have a significant detrimental impact on the neighbouring property.

3.3 Whilst the proposal would see additional vehicular traffic during construction and operation it is not envisaged that it would cause significant harm to amenity to surrounding properties by way of noise, odour and disturbance over and above that is what would be expected in the construction of a dwelling.

3.4 As a result, it is considered that the proposal has the ability to comply with Policy DC1.

4.0 Access and Highway Impacts

4.1 Paragraph 108 of the NPPF stipulates that plans and decisions should take into account, amongst other matters, that safe and suitable access to the site can be achieved.

4.2 The application sets out that a new access to serve the proposed dwelling would be created onto Reymerston Road and the site could accommodate a turning area to ensure that all vehicles can enter the site and also leave in forward gear. The Highway Authority has considered the proposal and has advised that at Reserved Matters stage they would require further details relating to the visibility that would be achieved at the access point (which should be 2.4m x 120m), parking provision, access arrangements and the proposed turning area.

4.2 The Highway Authority also note that the site is located remotely from services and amenities that would be required on a daily basis and therefore any residents would be principally car dependant. Policy DC2

states that housing will only be permitted in rural locations (i.e. outside of a Settlement Boundary) where it can be demonstrated that there are limited accessibility factors. It is clear that the site is not located within an accessible location. The site lies 350m from the nearest bus stop with limited services to higher order settlements. This public transport service is not considered sufficiently adequate to deter residents from using private vehicles to meet their day-to-day needs. The location of the proposed development is not sustainable.

5.0 Impact on Trees

5.1 Policy DC12 seeks to protect the District's trees and hedges.

5.2 The submitted illustrative plan indicates that the Silver Birch trees to the front (west) of the site adjacent to the road would be removed for visibility and access purposes and that the conifers on the southern boundary may be removed.

5.3 Following deferral at Committee on 30th July 2018, an Arboricultural Implications Assessment was submitted.

5.4 The Tree and Countryside Consultant has advised that there is no objection in principle based upon the AIA submitted by Oakfield, which shows that all trees are to be retained with no development within the Root Protection Area of any tree. Condition should be attached to any outline planning consent requiring a further implications assessment to be undertaken to inform the detailed design proposal at the reserved matters stage. This should advise on any specialist construction detail required to aid tree protection. This may include, but is not limited to, foundation design, construction or replacement of hard surfaces, tree protection and landscape proposals.

5.5 As a result, subject to conditions, the proposal would comply with Policy DC12.

6.0 Ecological Impact

6.1 Policy CP10 seeks to protect the District's Natural Environment.

6.2 Following deferral at Committee on 30th July 2018, a Preliminary Ecological Survey was submitted.

6.3 The Ecologist has advised that the application is supported by a Preliminary Ecological Appraisal (by Parker Planning Associates; September 2018). The report is fit for purpose. The report highlights 'limited potential for roosting bats to be present on the site, commuting and foraging bats.' The report states 'none of the trees bordering the site that are likely to be affected by the development have any potential for roosting bats. There is potential for foraging hedgehogs to move across the site and for nesting birds to be present on the site. The proposed mitigation and enhancement measures in Section 7 of the Preliminary Ecological Appraisal (Parker Planning Associates; September 2018) to reduce the likelihood of impacts on ecological receptors to acceptable levels is agreed with.

6.4 The report highlights 'there are two ponds in close proximity to the site (including one pond located in the south-east corner). These ponds were assessed as having poor to below average suitability to support great crested newts and there are no records of great crested newts in the area. There is limited potential for amphibians to be present and to be impacted by the development works given the nature of the habitats present.' We agree with the report that a precautionary approach needs to be followed as outlined in Section 7.8 of the Preliminary Ecological Appraisal (Parker Planning Associates; September 2018).

6.5 Due to the distances involved and the scale of the proposed works, there are unlikely to be impacts on

designated sites.

6.6 The mitigation and enhancement measures outlined in Section 7 of the Preliminary Ecological Appraisal (Parker Planning Associates; September 2018) would need to be implemented and is recommended to be conditioned.

6.7 As a result, subject to conditions, the proposal would comply with Policy CP10.

7.0 Other material considerations

7.1 The Council's Environmental Health Officer and Contaminated Land Officer were consulted upon this proposal. Neither had any objection or comments to make.

7.2 With regards to drainage and flood risk implications of the proposed development, the site is located within Flood Zone 1 and is, therefore, in an area at least risk of flooding from rivers, tidal flows, canals, groundwater, and surface water. The site is not located within an area identified as a critical drainage area, nor in an area identified as having poor drainage. Therefore, the proposal would accord with the principles set out in the NPPF in directing new residential development to areas at lowest risk of flooding. The principle of a vulnerable type use such as residential is considered acceptable in this respect.

8.0 Planning Balance and Conclusion

8.1 The National Planning Policy Framework, (NPPF), is clear and explicit that Local Planning Authorities should consider favourably sustainable development. As noted above, the proposed development would conflict with policies SS1, DC2, CP1 and CP14 of the adopted Core Strategy.

8.2 There would also be some limited social and economic benefits through the provision of a new dwelling. However, given the limited scale of development being proposed these economic and financial benefits would not be significant and the proposals would not significantly increase the provision of, mix, availability and supply of housing in the local area and District.

8.3 Having regard to the above, it is considered that there would be no exceptional considerations and public benefits that would outweigh the conflict with the core policies in the development plan that manage sustainable growth across the district. Therefore, it is concluded that the proposal would not form sustainable development and it is recommended for refusal.

RECOMMENDATION

Refusal of Outline Planning Permission

REASON(S) FOR REFUSAL

1 Policy not met outside settlement

The proposal would introduce new residential development outside a settlement boundary. The residential development would be remote from necessary facilities and services and would be reliant on the motor vehicle. As a result, the proposed development would not amount to sustainable development when assessed against all three strands and the material considerations and benefits of the proposed development would not outweigh the harm caused. In addition, given the size of the development it is also unlikely to contribute significantly to the delivery of housing and a five year land supply. The proposal would,

therefore, be contrary to the policies SS1, CP1, CP4, CP14 and DC2 of the adopted Breckland Core Strategy and Development Control Policies DPD, as well as having regard in particular to Paragraphs 8, 11 and 12 of the NPPF.