

ITEM:		RECOMMENDATION:	APPROVAL
REF NO:	3PL/2018/1340/F	CASE OFFICER	Naomi Minto
LOCATION:	NECTON Town Farm Chantry Lane Necton	APPNTYPE:	Full
APPLICANT:	Hall Contracts Ltd Station Road Lakenheath	POLICY:	Out Settlement Bndry
AGENT:	Parsons + Whittleby Ltd 1 London Street Swaffham	ALLOCATION:	N
PROPOSAL:	Proposed residential development for 5 dwellings		
		CONS AREA:	N
		LB GRADE:	N
		TPO:	N

REASON FOR COMMITTEE CONSIDERATION

The application is referred to the Planning Committee as it represents a departure from policy and is recommended for approval.

KEY ISSUES

- Principle of development
- Design and impact on character and appearance of area
- Amenity impact
- Highways impact
- Trees and Landscape
- Contaminated Land
- Other matters

DESCRIPTION OF DEVELOPMENT

The application seeks full planning permission for five detached four bedroom dwellings with private parking provision on land currently used as a car sales and repair business to the south east of Necton. The site area is 0.47ha. The properties are two storeys. An access would be provided through the centre of the site.

SITE AND LOCATION

The site lies outside of the Settlement Boundary of the village of Necton. However, the access track and part of the western boundary of the site lies immediately adjacent to the Settlement Boundary. The application site is currently used for car sales and comprises a workshop and sales area. It lies adjacent to the dwelling known as Town Farm. The site is accessed off an existing private track off Chantry Lane and is located approximately 30m from the edge of the Necton Settlement Boundary. The site is also located in an area defined by the Council's Landscape Character Assessment as River Wissey Tributary Farmland. The site is surrounded by open countryside in all directions, except to the north-west where there is existing residential

development.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2017/1526/D - Erection of four dwellings - Approved

3PL/2017/1449/D - Erection of four dwellings - Approved

3PL/2016/0388/O - Erection of four dwellings - Approved

3PL/2014/0590/O - Outline consent for 4 detached dwellings - Approved

3PL/2012/0788/F - Change of use of land for car sales and retention of workshop and portacabin for established business (retrospective) - Approved

3PL/2012/0159/F - Change of use of land to car sales and erection of workshop and office (resubmission) (retrospective) - Refused

3PL/2011/1161/F - Change of use of land to car sales, erection of workshop/garage and portacabin as office - Approved

3PL/2011/0909/O - Residential development (10 dwellings) - Refused

3PL/2002/0623/F - Extension to existing dwelling - Approved

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.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.05	Affordable Housing on Exception Sites
DC.12	Trees and Landscape

DC.14	Energy Efficiency
DC.16	Design
DC.17	Historic Environment
DC.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

OBLIGATIONS/CIL

None

CONSULTATIONS

NECTON PARISH COUNCIL

Necton Parish Council support this application.

NORFOLK COUNTY COUNCIL HIGHWAYS

I am aware that permission already exists for four dwellings on this site and do not consider that an additional dwelling would adversely effect the adjacent road network. No objection subject to conditions.

CONTAMINATED LAND OFFICER

No objection, subject to conditions.

TREE AND COUNTRYSIDE CONSULTANT

The revised layout is an improvement with plot 1 now being outside the root protection area. No objection to the removal of Ash tree 002 from plot 5.

ENVIRONMENTAL HEALTH OFFICERS

Chantry Lane has been subject to flooding in the past therefore no objection, subject to condition regarding surface water drainage.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

Preliminary Ecological Appraisal required prior to application being determined.

NORFOLK COUNTY FIRE SERVICE HQ

No objection, subject to condition requiring the provision of a fire hydrant.

REPRESENTATIONS

A site notice was displayed on 29 November 2018 and six neighbours consulted. One representation was received raising the following main points;

- Over development of the site
- Concern with access to site
- Highway concerns

- Existing services and facilities at full capacity.

ASSESSMENT NOTES

1.0 The application is referred to the Planning Committee as it represents a departure from policy comprising development outside of a Settlement Boundary and is recommended for approval.

2.0 Principle of development

2.1 The National Planning Policy Framework (NPPF 2019) states that local authorities should attach significant weight to the benefits of economic and housing growth and enable the delivery of sustainable developments. It states that achieving sustainable development means that the planning system has three overarching objectives, namely an economic objective, a social objective and an environmental objective. The application will therefore be assessed in the content of the presumption in favour of sustainable development. Paragraph 8 of the NPPF stresses that these roles are interdependent and need to be pursued in mutually supportive ways.

2.2 In relation to housing, the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. In order to achieve this objective government requires that authorities should identify and maintain a rolling supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements plus an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been persistent under delivery the buffer should be increased to 20%.

2.3 Paragraph 78 of the NPPF states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.

2.4 The site is located outside the Settlement Boundary of Necton (as defined by policies SS1, DC02, CP01 and CP14 of the Core Strategy and Development Control Policies Development Plan Document 2009). The lack of a five year housing supply carries significant weight in the consideration of the application.

2.5 Paragraph 11 of the NPPF (2019) states that where an authority does not have an up-to-date Development Plan or 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.

2.6 The site comprises an area of hard surfacing with some buildings with grassed areas with trees either side of the access road. Consent has been granted for four dwellings on this site under references 3PL/2014/0590/O & 3PL/2017/1526/D and consent has also been granted for four dwellings on the adjacent site to the east under references 3PL/2016/0388/O & 3PL/2017/1449/D. Part of the site therefore has previously been in use for car sales and repairs and the application site has an extant consent for housing development.

2.7 Necton is classified as a Service Centre Village, which are defined as those that contain adequate

services and facilities to meet the day to day requirements of existing residents. In terms of services and facilities Necton has a primary school, doctors surgery, Post Office, Shop, Public house and access to public transport. The site is close to the settlement boundary of Necton.

2.8 It is considered that the site is in a suitable location for development and that the positive attributes of the redevelopment of this site for housing from an economic, social and environmental perspective result in a sustainable form of development. Taking into account the extant planning consent for four dwellings on the site, the contribution the development would make towards meeting the five year housing land supply, the requirements of the NPPF and the presumption in favour of sustainable development, it is considered that the principle of the development of the site is acceptable.

3.0 Design and impact on character and appearance of area

3.1 The NPPF and the Breckland Core Strategy and Development Control Development Plan Document (2009) require new development to give careful consideration to its impact on the site and surroundings. Core Policy DC2 deals with housing mix and density, whilst Policy DC16 promotes good design and highlights the importance of local character and the important role layout and siting have on the appearance of an area.

3.2 The proposed layout is considered to be in keeping with the character of the residential properties to the northwest of the development site and with the previously approved scheme for the site. Two storey dwellings are proposed with garden areas. They will front onto the internal access road. The materials proposed for the dwellings are red brick and feature timber boarding with Norfolk pantiles. In light of the above considerations, the proposal has due regard to the parameters of policies DC1 and DC16 of the Adopted Core Strategy and Development Control Policies Development Plan Document (2009).

4.0 Amenity impact

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

4.2 The nearest existing dwellings are to the north west and also Town Farm House to the east. The dwelling to plot 5 abuts part of the garden area of No. 38 Brackenwoods. Given the separation and orientation of the dwellings, it is considered that there will be no impact on that dwelling in terms of loss of light, outlook or privacy as a result of this proposal.

4.3 Consideration also needs to be given to the impact of the proposed dwellings on the dwellings approved on the adjacent site to the east at Town Farm under references 3PL/2016/0388/O & 3PL/2017/1449/D. The reserved matters consent for the adjacent site grants consent for four dwellings, two of which are located adjacent to the boundary with the host site. These two dwellings have habitable windows in the elevations facing the host site. The houses are set away from the boundary and the proposed dwellings under the current application do not have habitable windows at first floor facing the adjacent site. Therefore, it is considered that there will not be an adverse impact in terms of privacy. The proposal is considered to have given due regard to policy DC1 of the Adopted Core Strategy and Development Control Policies Development Plan Document (2009).

5.0 Highways impact

5.1 Policy CP4 of the adopted Core strategy seeks to ensure that all access and safety concerns are

resolved in new developments. The site is accessed off Chantry Lane down a private access road. Norfolk County Council Highways have been consulted on the proposal and have raised no objections to the proposal, subject to the inclusion of conditions.

5.2 The site to the east, Town Farm, has consent for four dwellings with an access provided through the current application site. The current proposed scheme would mean that the approved layout for the adjacent site could not be fully implemented because their access runs to the northern side of the current application site, through what is proposed to be plot 4. Private rights of access are not a planning matter however, it is important to ensure that this adjacent site is not landlocked and that the current application does not prevent access to this neighbouring site.

5.3 The agent has advised that the applicant has been in discussions with the owner of Town Farm who is aware that they will need to demolish an out building on their site in order to maintain access to their site once the development currently proposed is built. The current proposal includes an access road through the centre of the host site which would lead to an existing building on the Town Farm site. The agent has advised that the applicant will construct a diverted access from the end of the new access road to the neighbour's current access, crossing what will be Plot 4. That access will stay in place until the end of 2019 to allow the necessary demolition of the buildings on the adjacent Town Farm site. The new access to the property to the Town Farm site will then be completed before commencement of any works to Plot 4.

5.4 It is considered necessary to include a condition with any future planning permission to ensure the site to the east is not landlocked and the neighbouring owner can continue to access that particular site. On this basis, the proposal is considered acceptable, having regard to highway safety requirements, including access.

6.0 Trees and Landscape

6.1 The NPPF and Policy CP10 of the adopted Core Strategy requires new development to contribute to and enhance the natural environment. Policy DC12 states that development that would result in the loss or the deterioration in the quality of important natural features such as protected trees and hedgerows will not normally be permitted. Policy CP10 of the Core Strategy requires the maintenance and positive enhancement of bio-diversity.

6.2 There are mature trees within the site, particularly along the boundaries of the site. The Tree and Countryside Officer initially advised that there were concerns regarding the layout in terms of the proximity of certain proposed dwellings to existing trees. In response to these comments the applicant has submitted an amended layout and the Tree and Countryside Officer has been re-consulted. He has no objections, subject to the inclusion of conditions. He advised that the revised layout is an improvement in that plot 1 is now out of the root protection area and there is no objection to the removal of an ash tree from plot 5.

6.3 The Natural Environment Team initially advised that a Preliminary Ecological Appraisal of the site needs to be undertaken. However, there is an extant consent for the development of the site therefore, it is considered that it would not be reasonable to insist on this, in this case. It is considered that the proposal complies with Policies CP10 and DC12 of the adopted Core Strategy.

7.0 Other matters

7.1 The Contaminated Land Officer has been consulted and has advised no objections subject to conditions.

7.2 Environmental Health have advised that Chantry Lane has been subject to flooding in the past.

However, no objection was raised subject to a condition requiring a scheme of surface water drainage to be submitted.

7.3 Norfolk Fire and Rescue Service have requested the provision of a fire hydrant. This could be conditioned with any forthcoming planning permission.

8.0 Conclusion

8.1 In terms of the overall planning balance of the scheme, the proposal is considered to represent a sustainable form of development. The principle of development in this location is therefore accepted and the application is recommended for approval, subject to conditions.

CONDITIONS

2 Full Permission Time Limit (3 years)

The development must be begun not later than the expiration of THREE YEARS beginning with the date of this permission.

Reason for Condition:

As required by section 91 of the Town and Country Planning Act 1990.

3 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.

4 External materials and samples to be approved

Prior to the commencement of any works above slab level details and samples of all external materials to be used shall be submitted to and approved in writing by the Local Planning Authority, and this condition shall apply notwithstanding any indication as to these matters which have been given in the current application. Only such agreed materials shall be used in connection with this approval.

Reason for condition:-

To ensure the satisfactory appearance of the development, in accordance with Policy DC 1 and DC 16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

This condition will require to be discharged

5 Fencing/walls - details and implementation

Prior to the commencement of any works above slab level precise details of the boundary treatment shall be submitted to and approved in writing by the Local Planning Authority.

Such scheme as may be agreed shall be completed prior to the occupation of the development hereby permitted and thereafter retained.

Reason for condition:-

To safeguard the interests of the amenities of neighbouring occupiers and to ensure the satisfactory appearance of the development, in accordance with Policy DC 1 and DC 16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

This condition will require to be discharged

6 Surfacing - details and construction

Prior to the commencement of any works above slab level precise details of the construction, surfacing and drainage of the parking and servicing areas, the means of access to the site and details of all paving to be carried out shall be submitted to and approved in writing by the Local Planning Authority. Such work shall be completed to the satisfaction of the Local Planning Authority before the occupation of the development hereby permitted and thereafter retained.

Reasons for condition:-

(a) In the interests of the orderly development of the site and to ensure the satisfactory development of the site in accordance with Policy 12 of the NPPF and policy DC16 of the Breckland Core Strategy.

(b) To minimise the possibilities of flooding in accordance with Policy 14 of the NPPF.

This condition will require to be discharged

7 Trees and hedges

No trees on the site shall be lopped, topped, cut down, uprooted, felled, wilfully damaged or destroyed, other than those shown on the submitted AIA, without the prior written consent of the Local Planning Authority.

Reason for condition:-

In the interests of the satisfactory appearance of the development in accordance with policies DC12 and DC16 of the Breckland Core Strategy.

This condition will require to be discharged

8 Contaminated Land - Site Investigation/Remediation

Unless otherwise agreed in writing, the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved:

A. Site Investigation

A site investigation and risk assessment to determine the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s).

B. Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written

notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

The above must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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 in accordance with Policy 15 of the NPPF.

INFORMATIVE:-

Land contamination risk assessment is a step-by-step process. During the course of the risk assessment process set out in the above condition, it may become clear that no further work is necessary to address land contamination risks. Where this is the case the condition may be discharged by the Council without all the steps specified being completed. In all cases written confirmation should be obtained from the Council confirming that the requirements of the condition have been met.

This condition will require to be discharged

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Contaminated Land - Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with details to be agreed in writing with the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason for condition:-

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

This condition is imposed in accordance with CP9 of the Breckland Adopted Core Strategy.

This condition will require to be discharged

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Non-standard condition

No removal, in full or in part, of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason for condition:-

In the interests of safeguarding of protection species in accordance with Policy CP 10 of the Adopted Core Strategy and Development Control Policies Development Plan Document

2009.

11 Non-standard condition

Prior to the first occupation of the development hereby permitted the vehicular access shall be widened to 4.5 metres for the first 10 metres as measured back from the near channel edge of the adjacent carriageway in accordance with details to be agreed in writing by the Local Planning Authority. Where the access crosses the existing footway the widening shall be carried out in accordance with the Residential Access specification Trad1 Arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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 and traffic movement.

12 Non-standard condition

Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4 metres x 59 metres shall be provided to each side of the access where it meets the highway. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.

Reason for condition:-

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

13 Non-standard condition

Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order (2015), (or any Order revoking, amending or re-enacting that Order) no gates/bollard/chain/other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason for condition:-

In the interests of highway safety.

14 Non-standard condition

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.

15 Non-standard condition

A temporary access to the Town Farm site to the east of the application site shall be provided and retained during the construction works hereby approved or until a permanent access to the site to the east is provided.

Reason: In order to ensure access to the property to the east of the site is not hindered, in accordance with Policy CP4 of the adopted Core Strategy.

16 Construction Method Statement

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials and access arrangements for delivery vehicles
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. detailed proposals for the removal of asbestos from existing buildings to be demolished
- viii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason for condition:

The details are required prior to the commencement of the development in the interests of the amenity of the area and to ensure a safe development from the outset of the development in accordance with Policy DC1 of the Breckland Core Strategy.

This condition will require to be discharged

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Non-standard condition

Prior to the commencement of any development above the laying of foundation, a scheme for the provision, implementation, ownership and maintenance of the surface water drainage shall be submitted in writing and agreed in writing with the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme.

Reason for condition:-

To ensure a satisfactory method of surface water drainage and to prevent flood risk in accordance with Policy 14 of the NPPF.

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Hours of operation during construction

No demolition, site clearance or construction shall be carried out, no machinery operated nor deliveries taken at or waste despatched from the site outside the hours of 07:30 - 18:00 Monday to Friday, 08:00 - 13:00 Saturday nor at any time on Sundays, Bank Holidays or Public Holidays.

Reason for condition:-

In the interests of the amenities of the locality in accordance with policy DC1 of the Adopted Core Strategy and Development Control Policies Development Control Document 2009.

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Fire Hydrants

Prior to the commencement of any works above slab level a scheme shall be submitted to and approved in writing by the Local Planning Authority for the provision of fire hydrants (served by mains water supply) serving the development. No dwelling shall be occupied until the hydrant(s) have been provided in accordance with the approved scheme.

Reason for condition:-

In order to secure the provision of fire hydrants.

This condition will require to be discharged

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Inf 2

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 Management Group. Please contact Kay Gordon 01362 656211.

If required, street furniture will need to be repositioned at the Applicants own expense. Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.