

<b>ITEM:</b>		<b>RECOMMENDATION:</b> APPROVAL
<b>REF NO:</b>	3PL/2019/0229/F	<b>CASE OFFICER</b> Lisa ODonovan
<b>LOCATION:</b>	BESTHORPE Cherry Tree Barn Norwich Road Besthorpe	<b>APPNTYPE:</b> Full <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> N <b>CONS AREA:</b> N <b>LB GRADE:</b> N <b>TPO:</b> N
<b>APPLICANT:</b>	Mr & Mrs Panter C/O One Planning Ltd	
<b>AGENT:</b>	One Planning Ltd Gateway (Unit 3) 83-87 Pottergate	
<b>PROPOSAL:</b>	Erection of two detached three-bedroom dwellings including new vehicular access and garages	

#### **REASON FOR COMMITTEE CONSIDERATION**

The application is brought to the Planning Committee as the recommendation is contrary to Policy.

#### **KEY ISSUES**

Principle  
Impact on the character and appearance of the area  
Amenity impact  
Highway safety  
Tree implications

#### **DESCRIPTION OF DEVELOPMENT**

The application seeks permission for the erection of two, three bed dwellings on land to the south of Norwich Road, Besthorpe. Plot 1 is proposed to have a full road frontage with plot 2 sitting gable end facing the road. A shared garage is proposed between the dwellings. Plot 1 is proposed at one and half storeys with plot 2 at two storeys. A shared access is proposed leading off Norwich Road.

#### **SITE AND LOCATION**

The site currently comprises of 0.09ha of meadowland which is currently well screened from the road by an established hedge and mature planting. Cherry House lies to the south-west of the site and the land to the east has permission for the erection of 6 dwellings. Opposite lies a Plant Centre, Farm shop and fish farm. The site lies outside of the Besthorpe Settlement Boundary.

#### **EIA REQUIRED**

No

**RELEVANT SITE HISTORY**

3PL/2016/0644/F - Two detached houses & double garages - Refused and dismissed at appeal

Adj Site (east)

3PL/2018/1220/VAR - Variation of condition 2, 3, 4, 5, 6 & 7 on 3PL/2017/0002/F - Permission

3PL/2017/0002/F - Residential Development of 6 dwellings together with access road, driveway, parking and amenity space - Allowed on appeal

3PL/2016/1064/F - Residential Development for 6no. dwellings together with access road, driveway, parking and amenity space. - Refused

**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.04	Infrastructure
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**

**BESTHORPE P C**

No Objections

**NORFOLK COUNTY COUNCIL HIGHWAYS**

The site is located in a village which is remote from shops, schools, employment and other amenities and it is considered that any residents would have a high dependency on travelling by car. However in view of

previous permissions granted in the vicinity I consider it would be difficult to substantiate a highway objection on transport sustainability grounds.

The site is located within the 30mph speed restriction and I can confirm that the applicant is able to provide a level of visibility appropriate to the traffic speed. I can also confirm that the parking provision indicated meets adopted guidelines.

No objection subject to conditions.

**CONTAMINATED LAND OFFICER**

No objection subject to a condition.

**TREE AND COUNTRYSIDE CONSULTANT**

No objection subject to a condition.

**ENVIRONMENTAL HEALTH OFFICERS**

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

**ECOLOGICAL AND BIODIVERSITY CONSULTANT**

We were not consulted on the previous application on this plot (3PL/2016/0644/F which was refused, appealed, and dismissed). No ecological information has been provided with the current application (or the previous). I am not sure we can make any comments.

**REPRESENTATIONS**

Site notice erected: 12-03-2019

Consultations issued: 7th, 8th and 12th March 2019.

No representations received.

**ASSESSMENT NOTES**

1.0 Principle

1.1 The application seeks permission for the erection of two dwellings on land outside of the Besthorpe settlement boundary. For this reason the proposal conflicts in principle with Policies DC02 and CP14 of the Core Strategy and Development Control Policies Development Plan Document, (2009), which seek to focus new housing within defined Settlement Boundaries. However, as the Council cannot currently demonstrate a 5 year supply of housing land, policies in respect of the supply of housing cannot be considered to be up-to-date and can be given little weight. The application is therefore assessed against the benefits provided in relation to the sustainable development tests as set out in the NPPF.

1.2 The NPPF identifies three dimensions of sustainable development:

- economic, to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

- social, to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- environmental, to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

1.3 Paragraph 8 of the NPPF also stresses that these roles should not be undertaken in isolation because they are mutually dependent; therefore a balanced assessment against these three roles is required.

1.5 In terms of the economic and social criteria, the proposal would provide two new dwellings and would provide some short-term economic benefits through construction, and longer-term economic benefits through additional household spend within the surrounding area that would be generated by the provision of the dwellings.

1.6 Socially, the site is situated in very close proximity to the Market Town of Attleborough, approximately 2 miles away, and Besthorpe has many employment opportunities with various businesses in close proximity and public transport links are available further along Norwich Road to the north-east, linking the village to Attleborough.

1.7 Additionally, the site immediate adjacent to the site (north-east) was allowed on appeal, the Inspector concluding that:

"In light of my conclusions about the level of accessibility that the development would have to employment, shops and other services I find that it would not result in an unsustainable pattern of development and would cause no material harm in this respect."

1.8 This conclusion was based on the site's proximity to Attleborough, a Market Town, accessible approximately 2 miles to the south-west of the site.

1.9 In light of these conclusions, and the presence of other residential uses to the south-west, the principle of residential development in this location has been established.

## 2.0 Impact on the character and appearance of the area

2.1 The environmental role of sustainable development seeks to, in part, contribute to protecting and enhancing the natural, built and historic environment. Consideration of a development's impact on the character and appearance of the area within which it is situated is, therefore, integral to the environmental dimension of sustainable design, as is its design.

2.2 Policy CP11 seeks the protection and enhancement of the landscape for the sake of its intrinsic beauty and benefit to the rural character. Development should have particular regard to maintaining the aesthetic and biodiversity qualities of natural and man-made features within the landscape, including consideration of individual or groups of natural and man-made features such as trees, hedges and woodland or rivers, streams or other topographical features.

2.3 Policy DC16 requires all new development to achieve the highest standard of design. As part of this, all design proposals must preserve or enhance the existing character of an area. Consideration will also be

given to the density of buildings in a particular area and the landscape/townscape effect of any increased density.

2.4 The site is currently laid to grass/meadow land which is bounded by established hedgerows and planting to the front and side/east boundary. To the south lies garden sheds and outbuildings which belong to the adjoining property (Cherry House). Given the screening and adjoining, associated residential garden use, the development of the land will not appear as isolated and will not result in an adverse character impact given the presence of associated, ancillary buildings and the adjacent dwelling known as Cherry House.

2.5 The layout and design of the dwellings is considered appropriate for the site, having regard to the varied mix of dwellings to the south-west as well as the proposed development to the east and a good degree of separation exists between the proposed and existing dwellings. In light of these factors, the proposal is considered to accord with the environmental role of sustainable development, Policies CP11 and DC16 of the adopted Core Strategy as well as paragraph 127 of the NPPF (February 2019).

### 3.0 Amenity impact

3.1 Policy DC1 seeks to protect residential amenity and 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 The siting of the dwellings and internal layout has been carefully considered so that first floor side windows serve non-habitable rooms and the separation distances between the dwellings help to ensure that overlooking will not be an adverse problem. Overshadowing will not be a significant issue and the site and dwellings have been well spaced within the plot, with a good degree of circulation space around each so as not to appear overbearing. The small number of dwellings alongside the central access point will also ensure that noise and disturbance will not be a concern. In addition, each dwelling has been afforded a generous private amenity area. In light of these factors, the proposal is considered to accord with Policy DC1 of the adopted Local Plan and paragraph 127 (f) of the NPPF (February 2019).

### 4.0 Highway safety

4.1 Policy CP4 of the Core strategy seeks to ensure that all access and safety concerns are resolved in new developments. Policy DC19 requires sufficient parking for all new development.

4.2 The proposal provides sufficient parking and turning space within the site for the two dwellings. Norfolk County Council Highways Department was consulted and advised that the site is located in a village which is remote from shops, schools, employment and other amenities and it is considered that any residents would have a high dependency on travelling by car. However, in view of previous permissions granted in the vicinity it is considered difficult to substantiate a highway objection on transport sustainability grounds.

4.3 The site is located within the 30mph speed restriction and it is confirmed that the applicant is able to provide a level of visibility appropriate to the traffic speed. It is confirmed that the parking provision indicated meets adopted guidelines.

4.4 In light of the above, the proposal is considered acceptable in highway safety terms subject to conditions.

### 5.0 Tree implications

5.1 Policy DC12 seeks to preserve the District's trees, hedgerows and other natural features and secure appropriate landscaping schemes to mitigate the impact of, and complement, new development. None of the trees on or near to the site are the subject of a TPO and the site is not part of a conservation area.

5.2 The application was accompanied by an Arboricultural Implications Assessment, Tree Protection Plan and Method Statement as a result of there being several trees and a hedgerow surrounding the site. No trees are proposed for removal as a result of the development and the dwellings have been positioned so as to reduce the impact on two high value oak trees to the front of the site whilst allowing room for growth.

5.3 The Tree and Countryside Officer was consulted and raised no objection subject to operations on site taking place in accordance with the approved Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS). This can be adequately conditioned and on this basis the application is considered to have due regard to Policy DC12.

## 6.0 Conclusion

6.1 When applying the planning balance, it is considered that the proposal would constitute a sustainable form of development as defined in Paragraph 8 of the NPPF, which would help to support the local rural community, would not compromise local amenity, would not adversely impact the character and appearance of the surrounding area or present any other, significant impact.

6.2 In accordance with paragraph 11 of the NPPF, no harm has been identified which would significantly and demonstrably outweigh the benefits, and therefore the grant of planning permission is recommended.

## RECOMMENDATION

That the application be approved subject to conditions.

## CONDITIONS

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

The development must be begun not later than the expiration of TWO YEARS beginning with the date of this permission.  
Reason for condition:-  
As required by section 91 of the Town & Country Planning Act 1990 (as amended) and to ensure the deliverability of the scheme to contribute to the five year housing land supply.
- 2 In accordance with submitted plans NEW 2017**

The development must be carried out in strict accordance with the application form, and approved documents and drawings as set out in the table at the end of this notice.  
Reason for condition:-  
To ensure the satisfactory development of the site.
- 3 External wall and roof materials to be agreed**

No development beyond slab level shall take place until precise details, (including samples where required), of the materials used in the construction of the external walls and roof(s) of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. This condition shall apply notwithstanding any indication as to these matters that have been given in the current application. The materials to be used in the development shall be in accordance with the approved details.

Reason for condition:-

To enable the Local Planning Authority to control the colour, tone, texture and appearance of the materials used to ensure the satisfactory appearance of the development, as required by Policy DC 1 and DC 16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**This condition will require to be discharged**

**4 Landscaping scheme to be submitted - hard and soft**

No development beyond slab level shall take place on site until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

-hard surfacing materials;

-means of enclosure;

Soft landscaping shall include:

-Planting plans;

-Written specifications ( including cultivation and other operations associated with plant and grass establishment);

-Schedules of planting, noting species, plant sizes and proposed numbers/densities where appropriate;

-Implementation programme

Reason for condition:-

In the interests of the satisfactory appearance of the development in accordance with policy DC12 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**This condition will require to be discharged**

**5 New access (over verge/ditch/watercourse/footway)**

Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan in accordance with the highway specification Dwg. No. TRAD 4. 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 satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.

**This condition will require to be discharged**

**6 Means of obstruction - highways**

Notwithstanding the provision of Class A of Schedule 2, Part 2 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 or 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.

**This condition will require to be discharged**

**7 Provision of visibility splays - condition/approved**

**plan**

Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4. x 59. metres shall be provided to each side of the access where it meets the highway and such 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.

**This condition will require to be discharged**

**8**

**Provision of parking and servicing areas**

Prior to the first occupation of the development hereby permitted the proposed access, parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason for condition:-

To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.

**This condition will require to be discharged**

**9**

**Tree protection**

Operations on site shall take place in complete accordance with the approved Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) prepared by C J Yardley February 2019. No other operations shall commence on site in connection with the development until the tree protection works and any pre-emptive tree works required by the approved AIA or AMS have been carried out and all tree protection barriers are in place as indicated on the TPP.

The protective fencing shall be retained in a good and effective condition for the duration of the construction of the development and shall not be moved or removed, temporarily or otherwise, until all site works have been completed and all equipment, machinery and surplus materials removed from site, unless the prior written approval of the local planning authority has been sought and obtained.

Reason for condition:-

In order to safeguard the protection of trees from the outset of the development, in accordance with Policy DC 12 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**10**

**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**

**13**

**Variation of approved plans**

Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.

You or your agent or any person responsible for implementing this permission should inform the Development Control Section immediately of any proposed variation from the approved plans and ask to be advised to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new application.