

ITEM:		RECOMMENDATION:	APPROVAL
REF NO:	3PL/2018/1105/F	CASE OFFICER	Mark Simmonds
LOCATION:	BESTHORPE White House Farm, White House Lane Besthorpe	APPNTYPE:	Full
APPLICANT:	Peerless Properties(Norfolk)Ltd Rose Cottage Swamp Lane	POLICY:	Out Settlemnt Bndry
AGENT:	John Spencer Drawing Services Magnum House Deopham Green	ALLOCATION:	N
PROPOSAL:	Erection of four detached dwellings on garden plot demolition of small range of outbuildings		
		CONS AREA:	N
		LB GRADE:	N
		TPO:	N

REASON FOR COMMITTEE CONSIDERATION

The planning application is referred to by Planning Committee as the proposal is a departure from Policy.

KEY ISSUES

Principle of Development
Impact on Character and Appearance of the area
Impact on Neighbouring Amenity
Highway Safety
Affordable Housing
Contamination
Flood Risk
Attleborough Neighbourhood Plan

DESCRIPTION OF DEVELOPMENT

The proposal seeks full permission for the erection of 4 new dwellings and garages, including one new access point to all dwellings via White House Lane and a private road. The proposal also includes the demolition of the existing outbuildings.

SITE AND LOCATION

The subject site is located on the north side of a private road and the west side of White House Lane, Besthorpe.

A section of the site fronting the private road, is currently occupied by delapidated outbuildings which are to be demolished as part of the proposal.

The railway line runs to the north of the site and the route into the village includes navigating the railway

crossing but this site is in close proximity to the main body of the village.

EIA REQUIRED

No

RELEVANT SITE HISTORY

No relevant site history

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.10	Natural Environment
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
NP	Neighbourhood Plan
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

BESTHORPE PARISH COUNCIL

No objections

TREE AND COUNTRYSIDE CONSULTANT

No comments

CONTAMINATED LAND OFFICER

Recommends approval providing the development proceeds in line with the application details and subject to

conditions to alleviate environmental concerns.

REPRESENTATIONS

Site notice erected and displayed 26.10.2018 - 16.11.2018

Two letters of support were received from residents, summarised as follows:

- Provides more security.
- Improve the existing set up.
- The proposal is in keeping with Attleborough Neighborhood Plan
- The proposals are in keeping with the refurbished existing farmhouse
- Provide the much sought after residential accommodation needed in the area.
- The existing barns and out-buildings are very dilapidated and have become an eye sore and the area needs to be developed.
- The existing buildings could pose a danger to anyone venturing on site.

One letter received with concerns from existing residents adjacent to the proposed site for the potential for asbestos and whether this is a cause for concern, particularly since high winds recently caused further damage to the existing buildings proposed for demolition.

ASSESSMENT NOTES

1. Principle of Development

1.1 This application seeks permission for the erection of four dwellings, separate garages and associated parking and access. The proposed site is located just outside of the Settlement Boundary as designated by the adopted Core Strategy and Development Control Policies Development Plan Document (2009). For this reason the proposal conflicts in principle with Policies DC02 and CP14 of the Core Strategy and Development Control Policies Development Plan Document which seeks to focus new housing within defined Settlement Boundaries.

1.2 However, 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.

1.3 The Statement of Five Year Housing Land Supply as at 31st March 2018 was confirmed at the Planning Committee on the 30th July 2018. The five year supply is not being currently met, although the council will prioritise work on establishing a five year housing land supply target. The emerging new local plan is currently at examination and when adopted, new policies and allocations will be able to be included within the five year housing land supply, which will ensure the Council is able to meet this. 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.

1.4 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, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

- a social role - supporting 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

- an environmental role - contributing 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.

1.5 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.

1.6 In terms of the economic criteria, the proposals would provide four additional dwellings and would therefore make a limited but positive contribution to the housing supply and longer-term economic benefits through the additional household spend within the wider area that would be generated.

1.7 The social role of sustainable development seeks to ensure, amongst other matters, the creation of a high quality built environment with accessible local services. The site is just outside of the defined settlement boundary of Attleborough, however, the site is in close proximity of Attleborough (a Market Town), which does benefit from an extensive provision of services and facilities (public houses, schools, shops, dentist / doctors surgeries etc) and as such would make a positive contribution in this regard. In addition, the town benefits from 15 bus and coach services and a train station, all of which link Attleborough to Wymondham, Norwich, Diss and further afield. These services and facilities help to reduce the reliance on the private car in respect of meeting day to day needs.

1.8 The proposal seeks to provide 4 detached dwellings on the application site. In determining this application the Officers noted that although outside the defined settlement limit, it's important to note it falls only just outside the settlement boundary. The proposed development would therefore not result in an isolated development in the countryside and would be within close proximity to a wide variety and number of facilities in Attleborough, and would help maintain the viability of the rural community.

1.9 Taking these matters into account, it is concluded that the proposal would be broadly consistent with the NPPF principle that housing should be located where it will help to maintain or enhance the vitality of existing communities and that on balance the adverse effects of the additional dwellings would not outweigh its benefits.

1.10 With respect to environmental aspect of sustainable development further discussion of the environmental implications and the effects of the proposed additional dwelling on the character and appearance of the area are considered in detail below.

2.0 Impact on the character and appearance of the 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. Core Strategy Policy CP11 says, amongst other things, that the countryside will be protected for its intrinsic beauty and rural character, and that the design of new development should be sympathetic to landscape character, informed by the Council's Landscape Character Assessment, (LCA). Core Policy DC02 deals with housing mix and density, whilst Policy DC16 promotes good design. The NPPF indicates that planning should contribute to the protection and enhancement of valued rural landscapes and that the design of new development should respond to local character and use streetscapes and buildings to create attractive places to live.

2.2 It is noted that a scheme of 4 dwellings in the proposed arrangement would be sympathetic with the scale and character of the neighbouring farm house and would sit comfortably within the rural street scene. The plot sizes, design and materials of the proposed dwellings are also considered sympathetic to those used within the surrounding streetscene. The scale of the proposed dwellings is set to match the scale of the neighbouring property, White House Farm House. Given the existing outbuildings are already in a deteriorating condition, the proposal would be an improvement to the existing arrangement.

2.3 Having regard to the above, the proposal is not considered to cause any significant harm to the character and appearance of the area and is of a design appropriate for its context, and therefore accords with the requirements of Core Strategy Policy DC16 as well as paragraph 127 of the NPPF (2019).

3.0 Residential Amenity

3.1 Policy DC01 of the Core Strategy requires that all new development 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 proposed scheme as shown on the site plan demonstrates that a development of four dwellings could be provided whilst retaining adequate separation distances between them and the the adjacent farm house.

3.3 With regard to the amenity of future occupants it is considered that each dwelling would provide for adequate light, outlook and private indoor and outdoor amenity space for the future occupants. The proposed scheme of 4 dwellings would not cause significant harm to the amenity of neighbouring residents, in accordance with policy DC01.

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 application initially proposed four new accesses to serve the development, however, following concerns from the Highways Officer an amended scheme has been submitted with one access off White House Lane to all the proposed dwellings and a passing place at the access point. This is considered to overcome any issues of Highway safety at he access point and although Highways have concerns regarding the intensification of traffic on this narrow rural lane officers feel the benefits outweigh the negatives in this case. The final formal comments have not yet been received from the Highways officer, however, a supplementary report will be completed for the Planning Committee to include their formal comments if they are material to the determination of the application.

5.0 Affordable Housing

5.1 The revised National Planning Policy Framework (July 2019) (NPPF) sets out new thresholds of when affordable housing should be sought at pages 64 and 68. The new definition when determining whether affordable housing would be required as follows:

- Residential sites of 0.5ha or more; or
- 10 or more dwellings.

5.2 The subject site area measures 0.3ha, therefore, no affordable housing would be required and therefore complies with the above Policy.

6.0 Trees/hedgerows

6.1 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.

6.2 The Councils Tree officer has advised that the established trees and hedges have been removed prior to submission therefore there are no objections to the proposal.

7.0 Contamination

7.1 The Contaminated Land Officer confirms based on the information provided at this time, namely the sites past agricultural use and the proximity of a railway line, that there are no objections subject to the development proceeding in line with the application details and subject to conditions to alleviate environmental concerns.

7.2 Therefore, the application is in accordance with policy CP09 on pollution and waste, subject to conditions.

8.0 Flood Risk and Drainage

8.1 Policy DC13 relates to flood risk and paragraph 163 of the NPPF (2019) stipulates that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as appropriate) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

8.2 The application site is located within Flood Zone 1 and is, therefore, within an area at lowest risk of flooding from various sources including that from rivers, surface water, tidal, reservoir and canal sources.

8.3 Therefore, the proposals comply with Policy DC13 and paragraph 163 of the NPPF (2019).

9.0 Attleborough Neighbourhood Plan 2016-2036

9.1 The Attleborough Neighbourhood Plan was approved at the referendum in November 2017 and is a made Neighbourhood Plan. as such the Neighbourhood Plan should be given significant weight in the planning balance.

9.2 The proposed site is within the Neighbourhood Plan area.

9.3 The plan sets out their vision and at paragraph 3.3.3 states 'new housing of mixed tenure and type, and incorporating sustainable design and construction to meet the needs of the community, will be integrated with new and existing facilities. The town will be supported by sufficient infrastructure improvements, with first class education, health, social, leisure and community facilities.'

9.5 Two of the core objectives set out in the Plan, C0 05 and C0 06 state 'integrate the new housing with facilities in the town with the necessary footpath and cycle ways and addressing traffic congestion in the town centre, and sustainable connections to the rest of the region and to provide housing which meets the needs of all, with a range of housing including affordable, 'older living' residences and housing types which will encourage entrepreneurs and professional people to live in the community.'

9.6 Within the plan Policy ESD.P3 says that all new development should seek to be of the highest sustainable and innovative design quality in terms of both architecture and landscape.

9.7 Whilst the Attleborough NP is a material consideration and is acknowledged, the lack of a five year supply of housing at district level engages the tilted balance in favour of sustainable development and, as the Attleborough NP does not specifically allocate housing sites the NPPF guidance is clear that the exemption to paragraph 11d is not brought in to effect:

National Planning Policy Framework (2019) Paragraph 14:

"In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply

:

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
- c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and
- d) the local planning authority's housing delivery was at least 45% of that required⁹ over the previous three years".

9.8 Therefore, the exemption against the presumption in favour of sustainable development set out in the footnote to paragraph 11 does not come into the determination and on this occasion when considering the proposals in this location they are considered, on balance, to be sustainable development which is supported by the guidance in the National Planning Policy Framework (2019).

9.0 Planning Balance and Conclusion

9.1 In terms of the overall planning balance of the scheme it is considered that the proposals would constitute a sustainable form of development as defined in 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. Additionally, the proposals are considered to improve the site as the existing buildings are in a poor state of disrepair. The application is therefore recommended for approval.

RECOMMENDATION

Grant Planning permission subject to conditions:

CONDITIONS

- 1 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.
- 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 - details and implementation**

Prior to the occupation of the development hereby permitted a scheme of landscaping which shall take account of any existing trees or hedges on the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out during the planting season November/March immediately following the commencement of the development, or within such longer period as may be agreed in writing with the Local Planning Authority. The details shall take account of the Council's leaflet "Tree pack" (Landscaping advice for applicants). Any trees or plants which within a period of 5 (five)

years from the completion of the landscaping scheme die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with others of the same size and species unless the Local Planning Authority gives written consent to any variation.

Reason for condition:-

To ensure the satisfactory appearance of the development, in accordance with Policy DC 12 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

This condition will require to be discharged

5 Provision of parking and servicing - when shown on plan

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.

6 No P.D. rights for garages

Notwithstanding the provisions of Part 1, Classes A and E of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification), express permission will be required in respect of any garage, car port or similar structure for garaging a motor vehicle, or for the alteration of an existing garage facility to any other form of accommodation.

Reason for condition:-

To ensure that off-street car parking is retained and in a visually satisfactory manner.

This condition is imposed in accordance with Policy DC1 of the Breckland Adopted Core Strategy.

7 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

8 Precise details of foul water disposal

Prior to the commencement of any development, a scheme for the provision,

implementation, ownership and maintenance of the foul water drainage shall be submitted 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:-

The details are required to be submitted prior to the commencement of development to minimise the possibilities of flooding from the outset of the development.

This condition is imposed in accordance with Policies DC 1 and DC 13 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009

This condition will require to be discharged

9 Fencing protection for existing trees

Prior to the commencement of any work on the site, all existing trees shall be protected by the erection of Tree Protection Fencing. This fencing shall be retained throughout the period of the development and at all times when works (as defined below) are being carried out on the site.

For the purposes of this condition "work" shall include the storage of plant, materials, site huts or the use of any machinery either for preparatory site work or construction itself.

"Trees" shall refer to all trees both on and adjacent to the site. Protective fencing shall be constructed and maintained in accordance with BS5837:2012 and the Council's document Practice Note: Construction and Maintenance of Tree Protection Fencing, which is available to download from the Council's website.

Reason for condition:-

The works are required to be undertaken prior to the commencement of the development 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 Trees and hedges

No trees on the site shall be lopped, topped, cut down, uprooted, felled, wilfully damaged or destroyed, without the prior written consent of the Local Planning Authority for a period of five years from the first occupation of the development hereby approved.

Reason for condition:-

In the interests of the satisfactory appearance of the development having regard to Policy DC12 of the Core Strategy

This condition will require to be discharged

11 Boundary treatment/screening to be agreed

Prior to the occupation of the development hereby permitted a plan indicating the positions, design, materials and type of boundary treatment/screening to be erected shall be submitted to and approved in writing by the Local Planning Authority. This shall include the access track to the site. The boundary treatment/screening shall be completed before the building(s) are first occupied. Development shall be carried out in its entirety in accordance with the approved details.

Reason for condition:-

In the interests of the satisfactory appearance of the development in accordance with policy DC 16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

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.