

ITEM:		RECOMMENDATION: APPROVAL
REF NO:	3PL/2019/0192/F	CASE OFFICER Tom Donnelly
LOCATION:	COLKIRK Proposed Development Site Jarvis Drive Colkirk	APPNTYPE: Full POLICY: Out Settlemt Bndry ALLOCATION: N CONS AREA: N LB GRADE: N TPO: N
APPLICANT:	Mr Charlie Haller Roshpinna Fakenham Road	
AGENT:	Claxton-Hall Architectural Ltd 1 Vine House 3 Oak Street	
PROPOSAL:	Erection of Two Dwellings	

REASON FOR COMMITTEE CONSIDERATION

The application is referred to planning committee as it is contrary to the development plan.

KEY ISSUES

Principle of development
Impact on character and appearance
Impact on amenities
Impact on trees and landscaping
Impact on parking provision and highway safety

DESCRIPTION OF DEVELOPMENT

The proposal seeks full planning permission for the erection of 2no. two storey residential properties with a shared access and parking.

SITE AND LOCATION

The application site is land to the north of Jarvis Drive in Colkirk. The site sits outside of the Colkirk settlement boundary but is immediately adjacent. The site has previously had outline approval for two dwellings granted on it. The site is bounded by other residential development to the east, west and south with an open field to the north.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2017/0535/O

Permission

02-08-17

Formation of 2no. plots for the proposed construction of 2no. dwelling houses

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.01	Housing
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

OBLIGATIONS/CIL

Not applicable

CONSULTATIONS

TREE AND COUNTRYSIDE CONSULTANT

No objections subject to conditions

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection subject to conditions

CONTAMINATED LAND OFFICER

No objection subject to conditions

COLKIRK P C

The parish council has no objection to this application provided that condition 5 of outline permission 3PL/2017/0535/O is enforced specifically with the retention of the existing hedgerow that fronts Jarvis Drive

REPRESENTATIONS

13 neighbours were consulted with the 21 days expiring on 01-05-19. Additionally, a site notice and press notice were posted which expired on 01-04-19 and 01-04-19 respectively.

Two letters of representation were received with the key points raised being that there should be provisions for swifts nest as part of the proposal. It was also raised that some existing trees are too close to the mains sewers and should be removed.

ASSESSMENT NOTES

1.0 Principle of development

1.1 This application seeks planning permission for 2no. two storey residential dwellings. The site lies outside of any defined Settlement Boundary and therefore the application is contrary to Policies SS1, DC2 and CP14 of the Core Strategy and Development Control Policies Development Plan Document 2009. However, outline planning permission has already been allowed for two dwellings under reference 3PL/2017/0535/O and this permission still remains extant. The principle of residential development on the site has therefore already been established. This current application seeks full permission for two dwellings.

1.2 Paragraph 10 of the NPPF states that at the heart of the Framework is a presumption in favour of sustainable development. Paragraph 11 further states that proposed development that accords with an up-to-date Local Plan should be approved without delay, and where there are no relevant development plan policies, or the policies which are most important for determining applications are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

1.3 The Council cannot demonstrate a current 5 year housing land supply and therefore the Core Strategy and Development Control Policies Document relating to housing land supply are not considered up-to-date and therefore the material considerations are assessed in line with the sustainable development roles within paragraph 8 of the NPPF:

- 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.

1.4 In terms of economic and social criteria, the proposal would provide two residential dwellings for market sale, which would make a positive, albeit small, contribution to the housing supply. The proposal would provide limited short-term economic benefits through labour and supply chain demand required during construction. However, given the small scale nature of the development these benefits are not considered to be significant and not definitive in this instance.

1.5 Environmentally, the area is currently an unused paddock surrounded by mature tree planting and hedges. It is not subject to any nationally recognised landscape or wildlife designations. The site is adjacent to the existing settlement boundary and within the built up part of the village with existing built form to the west, east and south.

1.6 Whilst the proposal would involve the development of an existing area of open land, the harm caused to the rural setting of the village would not be significant and would not outweigh the benefits of the proposal. The scheme is, therefore, considered to represent sustainable development.

1.7 Footnote 11 of the NPPF confirms that the site should be in a suitable location, available now, and have a realistic prospect of being developed within five years. The application is in outline form. Normally it is expected that applications being considered having regard to the five year supply would be full applications to provide the confidence that the site would be delivered within five years. It is considered appropriate to impose a two year period for commencement of development in order to reaffirm the deliverability of the development.

1.8 In regard to whether this is a suitable location, Colkirk is classified as a rural settlement through Policy SS1 (Spatial Strategy) of the adopted Core Strategy and Development Control Policies Development Plan Document. These villages contain limited services and facilities and the spatial strategy states that these villages are not capable of supporting consequential growth as they rely on higher order settlements for the majority of these services and facilities.

1.9 The village has a number of amenities comprising the village hall (including pre-school); primary school; village pub and church. Given there are no shopping facilities in the village it is recognised that the occupants will have to rely on the private car or public transport in order to undertake shopping trips for their daily and other needs.

1.10 Whilst this need to travel for some services is recognised, Para 55 of the NPPF states that housing should be located where it will enhance and maintain the vitality of existing rural communities and help sustain facilities in the surrounding settlements.

2.0 Amenity Impact

2.1 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.

2.2 Whilst the proposed dwellings are fairly substantial in terms of their scale, they have been positioned well within the site so that adverse amenity impact, particularly in terms overlooking, loss of light and over dominance will not be a significant issue. The plots also provide the existing and proposed dwellings with a good amount of private amenity space for future occupiers.

2.3 Given the size of the proposed dwelling and relationship to the existing dwellings around the site, it is considered that the proposal accords with Policy DC1 in terms of the impact on neighbour amenity.

3.0 Impact on trees and landscaping

3.1 The impact on trees and landscaping was considered with regard to Policy DC12 and in consultation with the Tree and Countryside Officer. He has raised no objections to the proposal subject to the

development being carried in accordance with the submitted AIA, TPP and AMS. It is considered that these details can be secured by way of condition to ensure that the development does not have an adverse effect on the existing trees on site.

3.2 In addition to this, additional planting is proposed along the site frontage. The proposed scheme of additional planting is considered to be appropriate and in keeping with the existing landscaping on the site and surrounding areas. It is overall considered that the proposal has appropriate regard to the requirements of Policy DC12 in terms of the impact on trees and the landscape.

4.0 Impact on parking provision and 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 highways officer has raised no objections to the proposal subject to conditions relating to the creation of the new access, visibility splay and parking provision. Subject to the imposition of these conditions, it is not considered that the proposal would have a detrimental impact on highway safety and has a sufficient level of parking provision to be acceptable in highway safety terms.

5.0 Planning Balance

5.1 The application does not accord with the adopted development plan as the site falls out any settlement boundary. However, the Council does not currently have a 5 year land supply as required by the NPPF and this development would provide a small contribution towards Breckland's Housing supply. There is the additional material consideration of the previously granted outline approval which has already established the principle and still remains extant. On this basis, the other key principle considerations for this proposal must be assessed and are whether the site is a sustainable location for housing and the visual impact on the countryside.

5.2 When applying the tilted balance required by paragraph 14 of the NPPF, the small negative harm created by the site's location away from services and facilities for two dwellings, is considered to be outweighed by the positive contribution towards housing in the district and the nature of residential development in close proximity to the site prevents any harm to the street scene or character and appearance of the countryside.

5.3 In accordance with paragraph 14 of the NPPF, no harm has been identified which would significantly and demonstrably outweigh the benefits, and therefore, approval of planning permission is recommended 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 materials as approved

The development hereby permitted shall be constructed using the materials specified on the planning application form and / or submitted drawings.

Reason for condition:-

To enable the Local Planning Authority to ensure the satisfactory appearance of the development, as required by policies DC 1 & DC 16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

4 New access (over verge/ditch/watercourse/footway)

Prior to the first occupation of the development hereby permitted the vehicular access shall be constructed in accordance with a detailed scheme to be agreed first submitted to and approved in writing by the Local Planning Authority in accordance with the highways specification Trad 4. Arrangements shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.

Reason:

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.

This condition will require to be discharged

5 Non-standard condition

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 Rev C 2019. No tree which has been shown to be retained shall be removed during construction or following occupation unless written consent is obtained from the LPA.

Reason for condition:-

To ensure that the development has appropriate regard to Policy DC12 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009 in terms of the impact on trees and the landscape.

6 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:

To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.

This condition will require to be discharged

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