

ITEM:		RECOMMENDATION: APPROVAL
REF NO:	3PL/2019/0428/O	CASE OFFICER Tom Donnelly
LOCATION:	GARBOLDISHAM The Grange The Street Garboldisham	APPNTYPE: Outline POLICY: Out Settlemnt Bndry ALLOCATION: N CONS AREA: N LB GRADE: Adjacent Grade 2 TPO: N
APPLICANT:	Mrs K Colborn The Grange, The Street Garboldisham	
AGENT:	Locus Planning Ltd 11 Charing Cross Norwich	
PROPOSAL:	Erection of Four Dwellings and Creation of New Vehicular Access (Re-submission of Previously Approved Development - 3PL/2016/0818/O)	

REASON FOR COMMITTEE CONSIDERATION

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

KEY ISSUES

Principle of development/ Previous appeal
Impact on character and appearance
Impact on amenities
Impact on character and setting of adjacent Listed Building
Impact on parking provision and highway safety

DESCRIPTION OF DEVELOPMENT

The proposal seeks outline planning permission for the erection of 4 residential dwellings and the creation of a new vehicular access. The proposal is a re-submission of a previous application (3PL/2016/0818/O) which was initially refused but allowed at appeal on 17th August 2017 and still remains extant. All matters are reserved apart from access which forms part of the outline application, although an indicative layout is indicated showing the siting of 4 dwellings.

SITE AND LOCATION

The application site is located outside but adjacent to the Settlement Boundary for Garboldisham and is currently a grassed area with mature trees and vegetation to the boundaries. The site is bounded to the north by Chapel Close, to the west by residential dwellings and to the south and east by agricultural land.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2016/0818/0- Outline application for the erection of 4 dwellings- Allowed on appeal 17th August 2017

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.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.12	Trees and Landscape
DC.16	Design
DC.17	Historic Environment
DC.19	Parking Provision
LBC	Planning(Listed Building & Conservation Areas) Act 1990
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection subject to conditions

CONTAMINATED LAND OFFICER

No objection subject to conditions

TREE AND COUNTRYSIDE CONSULTANT

No objection in principle. Updated tree survey and tree protection plan required if layout is amended at reserved matters stage.

HISTORIC BUILDINGS CONSULTANT

No objection

GARBOLDISHAM P C

No Comments Received

REPRESENTATIONS

12 neighbours were consulted with the 21 days expiring on 12-05-19.

A site notice and press notice were posted which expired on 18-05-19 and 21-05-19 respectively.

1 letter of objection was received with the key points raised being:

- The traffic movements that would occur as a result of the development
- The amenity impact during the course of the development.

ASSESSMENT NOTES

1.0 Principle of development

1.1 This application seeks outline planning permission for 4no. 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 on appeal for 4 dwellings on 17th August 2017 and this permission still remains extant. The principle of development has therefore been established.

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 four 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 Garboldisham is identified as a rural settlement within Policy SS1 of the Core Strategy and Development Control Policies Development Plan Document Adopted 2009. This states that nominal housing growth will be provided where local capacity allows. Policy CP14 of the DPD states that the type and scale of development will reflect the need to maintain the viability of these communities. The relevant criterion in relation to housing identifies that residential development will only be permitted where there are suitable sites available inside the limits of a defined settlement boundary.

1.6 In allowing the appeal the inspector found that there was no harm in terms of its relationship to the main built up area of the village. The inspector determined that the application site was sustainable and, given the previously allowed proposal which still remains a valid permission, the principle of development is considered to be acceptable.

2.0 Impact on the character and appearance of the area

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

2.2 The site lies outside of any defined Settlement Boundary but is immediately adjacent to the settlement boundary. Additionally, the site is adjacent to a considerable level of other residential development and the proposal would therefore the proposal would not appear at odds with the prevailing character and appearance of the area.

2.3 It is considered that the erection of a dwelling on the site would not result in a form of development out of keeping with the existing pattern of development and is therefore considered to accord with Policies CP11, DC1, DC16 and Paragraph 127 of the NPPF.

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 Whilst the currently provided block plan is only indicative, it demonstrates that the site can comfortably accommodate 4 dwellings whilst retaining a good degree of amenity provision for both the existing and proposed dwellings.

3.3 Given the modest size and scale of the proposed dwelling and the 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.

4.0 Impact on character and setting of adjacent Listed Building

4.1 Any decisions relating to listed buildings and their settings and conservation areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 (see in particular sections 16, 66 and 72) as well as satisfying the relevant policies within the National Planning Policy Framework and the development plan. National policy states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Core Strategy Policy DC17 seeks to ensure that new development preserves and enhances the character, appearance and setting of conservation areas and listed buildings.

4.2 The Historic Buildings Officer has raised no objections to the proposal. It is not considered that the proposal would have a significant impact on the character and setting of the adjacent Listed Building.

4.3 Overall, the proposal is considered to satisfy the requirements of Policy DC17 and Section 66 of the Planning (Listed Building and Conservation Area) Act 1990 in terms of the impact on the character and setting of the adjacent Listed Building given that the proposal is considered to preserve these aspects.

5.0 Impact on parking provision and highway safety

5.1 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.

5.2 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.

6.0 Planning Balance

6.1 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 remains a valid consent. 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.

6.2 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 a single dwelling, 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.

6.3 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 Outline Time Limit (2 years) Early Delivery**

Application for Approval of Reserved Matters must be made not later than the expiration of TWO YEARS beginning with the date of this permission, and the development must be begun within TWO YEARS of the FINAL APPROVAL OF THE RESERVED MATTERS or, in the case of approval at different dates, the FINAL APPROVAL OF THE LAST SUCH MATTER to be approved.

Reason for condition:-

As required by section 92 of the Town & Country Planning Act 1990 and in order to ensure the early delivery of housing.
- 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 Desk study/ site investigation**

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. Desk Study**

A desk study and risk assessment to determine the risk of any contamination on the site, whether or not it originates on the site. The desk study 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 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.
 - B. 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) the same details as in part A above (ii) a survey of the extent, scale and nature of contamination and (iii) an appraisal of remedial options, and proposal of the preferred option(s).
 - C. 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.

D 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 undertaken 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.

This condition is imposed in accordance with CP 9 of the Adopted Core Strategy and Development Control Policies Development Control Document 2009 and Planning Policy Statement No 23.

This condition will require to be discharged

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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 in writing with the Local Planning Authority and where it lies within the highway boundary in accordance with the highways specification TRAD 1 and thereafter retained at the position shown on the approved plan. Arrangement 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 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.

This condition will require to be discharged

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NOTE NCC Inf 2 When Vehicular access works required

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.

Please be aware it is the applicants responsibility to clarify the boundary with the public highway. Private structures such as fences or walls will not be permitted on highway land. The highway boundary may not match the applicants title plan. Please contact the highway research team at highway.boundaries@norfolk.gov.uk for further details.

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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.