

<b>ITEM:</b>		<b>RECOMMENDATION:</b>	APPROVAL
<b>REF NO:</b>	3PL/2018/1437/O	<b>CASE OFFICER</b>	Mark Simmonds
<b>LOCATION:</b>	SWAFFHAM Site Adjacent to Tower View Princes Street Swaffham	<b>APPNTYPE:</b>	Outline
<b>APPLICANT:</b>	M G Property Developments Ltd Northwold Hall Little London Road	<b>POLICY:</b>	Out Settlemnt Bndry
<b>AGENT:</b>	Parsons + Whittlely Ltd 1 London Street Swaffham	<b>ALLOCATION:</b>	N
<b>PROPOSAL:</b>	Proposed Residential Development	<b>CONS AREA:</b>	N
		<b>LB GRADE:</b>	N
		<b>TPO:</b>	N

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

The proposal is sited on the edge, but outside of, the settlement boundary of Swaffham and is therefore contrary to policy.

#### **KEY ISSUES**

Principle of development  
Impact on the character and appearance of the area  
Amenity  
Highway safety  
Impact on ecology  
Other Matters

#### **DESCRIPTION OF DEVELOPMENT**

This application seeks outline permission for a three detached dwellings, with all matters reserved other than access, which would be gained via a new access onto Princes Street.

Whilst in outline, an indicative site layout has been provided to show the layout of the site, which also indicates 3 dwellings with garage located within each plot. This also shows the dwellings positioned more or less centrally within each of the three plots in a linear style with good size rear gardens. Parking and turning space would be provided within each plot within the site.

#### **SITE AND LOCATION**

The application site is currently a vacant overgrown piece of land that was last used as allotments located off Princes Street. The site is adjacent to residential dwellings on one side and sits adjacent to the Settlement Boundary of Swaffham. The site reflects the size and orientation of the adjacent built form and consists of

approximately 0.16 hectares. Some vegetation to the site frontage is proposed to be removed to provide access visibility splays, however the site is very overgrown and in need of some sympathetic tidying and replacement planting.

**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.01	Housing
CP.08	Natural Resources
CP.09	Pollution and Waste
CP.10	Natural Environment
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.16	Design
NP	Neighbourhood Plan
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

**OBLIGATIONS/CIL**

Not Applicable

**CONSULTATIONS**

**NORFOLK COUNTY COUNCIL HIGHWAYS**

The site is served by a Public Right of Way ( Swaffham RB66) which is single track in width and has no public vehicular rights over it. The PROW connects into the adopted highway network via Princes Street some 200m to the east.

The junction of Princes Street with Whisands Road is substandard by reason of its current, bifurcated, layout and extent of visibility obtainable. As part of this proposal the applicant intends improving this junction which

would enhance highway safety for all road users.

Whilst this would still result in the intensification of the single track Restricted Byway, it is considered that this is outweighed by the benefit of the Princes Street/Whitsands Road junction improvement. However Swaffham RB 66 is only maintained to pedestrian standard and there is no obligation on the County Council to maintain the way for vehicular traffic. You will therefore need to consult the County Councils Public Rights of Way Team, to establish what form of surfacing would be appropriate. If minded to approve details of parking, turning and construction traffic management will need to form part of the reserved matters application as well as other appropriate conditions.

**CONTAMINATED LAND OFFICER**

Recommends conditions

**ECOLOGICAL AND BIODIVERSITY CONSULTANT** No Comments Received

**PUBLIC RIGHTS OF WAY OFFICER** No Comments Received

**SWAFFHAM TOWN COUNCIL** No Comments Received

**Natural Environment Team - confirms the Ecology Report submitted is fit for purpose and recommends conditions.**

**REPRESENTATIONS**

The site notice was placed on site on 11th January 2019 and all nearby neighbours consulted directly.

One representation received outlining the following concerns:

- Traffic concerns, already issues with allotment users and further concerns with proposed development opposite this proposal.
- Concern regarding access for emergency services given increase of traffic
- What will happen to the Princess Street restricted Byway status.

**ASSESSMENT NOTES**

1.0 Principle of development

1.1 This application seeks outline consent for the erection of a three dwellings on land adjacent to Tower View on Princes Street, Swaffham. The site lies adjacent to the Swaffham Settlement Boundary where the principle of residential development is technically unacceptable as it falls just outside of the 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. The application is therefore assessed against the benefits provided in relation to the sustainable development tests as set out in the NPPF. However as the site falls directly adjacent to the boundary the benefits of the proposal including the density, mix and type of dwellings and the consideration of any perceived harm will be considered in the planning balance in line with the NPPF.

1.2 The NPPF identifies three dimensions of sustainable development:

- Economic, in terms of building a strong economy and in particular by ensuring that sufficient land is of the

right type and is available in the right places.

- Social, by supporting, strong and healthy communities by providing the supply of housing required to meet future need in a high quality environment with accessible local services and
- Environmental, through the protection and enhancement of the natural, built and historic environment.

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.

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

1.5 In terms of the social role, the site lies outside but is closely related to the Swaffham Settlement Boundary. Swaffham is a mid-size Market Town and has a wide range of amenities ranging from 4 supermarkets, GP's, pharmacies and banks, some of which are within walking distance from the site.

1.6 In light of the above, the proposal is considered to meet the economic and social aims of sustainable development.

## 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 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.

2.3 The application has been submitted in outline with all matters reserved except for access, therefore design and layout etc. will be fully considered at the reserved matters stage. Notwithstanding this, an indicative layout plan has been provided which indicates that at least three dwellings can be accommodated within the site which provides a road facing development which is prevalent in the area as well as providing a sufficient plot size for future occupants. The dwellings will not appear unduly prominent in the streetscene. The application is therefore considered to have regard to Policies DC1 and DC16 of the Adopted Local Plan as well as having regard to Paragraph 127 of the NPPF.

## 3.0 Impact on the character and appearance of the area.

3.1 The application seeks outline permission only, with all matters reserved except for access, which is to be gained from Princes Street. The proposed plot's would provide satisfactory space therefore to accommodate 3 new dwellings of appropriate size, with good sized gardens. The form and scale appears acceptable in the context of the adjacent dwellings and impact on amenity.

3.2 As stated above, the application is in outline only, with all matters reserved except access, therefore the full impact on the character of the area would be further assessed at the reserved matters stage. However, the proposal and indicative drawing illustrates 3 detached dwellings, which provides similar accommodation

to the dwellings along Princes Street. In addition, the indicative plan shows the dwellings would be situated centrally within each plot, providing a good degree of separation to the neighbouring dwelling and boundaries/side elevations, particularly given the existing boundary screening in place. These factors, alongside the orientation of the site will ensure that the impact on the amenity currently received by neighbouring occupiers will be minimal, particularly in respect of overlooking, loss of light and over-dominance. In addition, the proposal clearly shows that sufficient private amenity space will be available for the future occupiers. The application is therefore considered to have regard to Policy DC1.

#### 4.0 Ecology

4.1 An Ecology Report was submitted and the Ecology officer has confirmed that the assessment is sufficient and the proposal is unlikely to have impacts on designated sites or on their qualifying features. The ecology officer recommends that the development must proceed in-line with the mitigation measures outlined in section 8 of the Preliminary Ecological Appraisal (Greenlight Environmental Consultancy Limited; October 2018) and, the Enhancement measures outlined in section 8 of the Preliminary Ecological Appraisal (Greenlight Environmental Consultancy Limited; October 2018) need to be incorporated into the site's design to provide net gains for nature (para 170, NPPF). This would be imposed on the planning permission via a suitably worded condition.

#### 5.0 Highway safety

5.1 Norfolk County Council Highways were consulted and the applicant submitted a revised plan to address the concerns of the officer and proposed improvements to the junction of Princes Street with Whisands Road which would enhance highway safety for all road users. The officer comments that whilst the development would still result in the intensification of the single track Restricted Byway, it is considered that this is outweighed by the benefit of the Princes Street/Whitsands Road junction improvement.

5.2 The Highways officer also recommended that the Public Rights of Way team are also consulted, however no response has been received from the PROW team at the time of writing the report and the date for any response has long since expired. Highways are satisfied that an acceptable access can be provided and that the junction improvements will provide an enhancement. They have no objection subject to conditions.

#### 6.0 Other Matters

6.1 The Swaffham Neighbourhood Plan was approved at the referendum stage on 2nd May and as such should be given significant weight in the planning consideration.

6.2 The Swaffham Neighbourhood Plan does not appear to allocate specific sites but relies on the allocations proposed in the Breckland emerging Local Plan. The Neighbourhood Plan places great importance on Housing and other development and the expectation that they should contribute towards improving local services and infrastructure. Also of importance is a sustainable range of housing types for a vibrant mixed community and an avoidance of further ribbon style development.

6.3 Whilst the Swaffham 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 Swaffham 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 required over the previous three years".

6.4 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).

## 7.0 Conclusion

7.1 In terms of the overall planning balance of the scheme, the site lies just outside of the settlement boundary where the principle of development would not usually be acceptable. However, the application site is adjacent to the settlement boundary and is acceptable in planning terms, on balance, in all other regards. The site is low flood risk and is acceptable in proposed scale and density and would not have an unacceptable impact on the neighbours. Highways and ecology impacts have been sufficiently mitigated and the Contaminated land officer is content subject to conditions.

7.2 It is noted that development outside the development boundary is not the preferred focus of new housing, however it is located close to the boundary and adjacent to the existing built form. The application is in outline, therefore specific details in relation to design, character and scale have not been submitted formally, however, the application indicates that three dwellings can be positioned on site, so as not to have an adverse impact on the overall character and appearance of the area, or the level of amenity currently enjoyed by existing neighbouring occupiers. The Council is unable to demonstrate a 5 year housing supply and this proposal for 3 dwellings would be a positive contribution.

### RECOMMENDATION

Grant Planning Permission subject to conditions:

### CONDITIONS

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#### **Outline Time Limit (3 years)**

Application for Approval of Reserved Matters must be made not later than the expiration of THREE 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.

**2 Standard Outline Condition**

No development whatsoever shall take place until the plans and descriptions giving details of the reserved matters referred to above shall have been submitted to and approved by the Local Planning Authority and these plans and descriptions shall provide details of the appearance, layout, scale, and landscaping of the development.

Reason for condition:-

The details are not included in the current submission.

**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 Reserved matters to closely follow outline**

The Reserved Matters referred to above shall closely follow the submitted plan no 3418.02 B hereby permitted.

Reason for condition:-

For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans, as required by policies DC1 & DC16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**5 Non-standard highways condition**

As part of the reserved matters submission details of parking, turning and construction traffic management shall be submitted to and approved by the Local Planning Authority.

Reason for condition:-

To ensure the provision of satisfactory details are provided having regard to Policies CP4 and DC19 of the Core Strategy.

**6 Vehicular access in accordance with detailed scheme**

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 thereafter retained at the position shown on the approved plan 3418.02 B. 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 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.

**7 No gates/bollard/chain/other means of obstruction**

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.

**8 Visibility splays**

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

**9 Off-site highway improvement works detailed scheme**

Notwithstanding the details indicated on the submitted drawings no works above slab level shall commence on site unless otherwise agreed in writing until detailed drawings for the off-site highway improvement works for the extension of the existing footway as indicated on Drawing 3418.02 B have been submitted to and approved in writing by the Local Planning Authority.

Reason for condition:-

To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor.

**10 Off-site highway improvement works completed**

Prior to the first occupation of the development hereby permitted the off-site highway improvement works referred to in condition 9 shall be completed to the written satisfaction of the Local Planning Authority.

Reason for condition:-

To ensure that the highway network is adequate to cater for the development proposed.

**11 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**

**12 Non-standard condition**

The development shall proceed in-line with the mitigation measures outlined in section 8 of the Preliminary Ecological Appraisal (Greenlight Environmental Consultancy Limited; October 2018).

Reason for condition:-

In the interests of biodiversity of the site having regard to Policy CP10 of the Core Strategy and paragraph 170 of the NPPF (2019)

**13 Non-standard condition**

The Enhancement measures outlined in section 8 of the Preliminary Ecological Appraisal (Greenlight Environmental Consultancy Limited; October 2018) shall be incorporated into the site's design to provide net gains for nature in accordance with details to be first submitted to and approved in writing by the LPA and thereafter implemented.

Reason for condition:-

In the interests of bio diversity of the site having regard to Policy CP10 of the Core Strategy and paragraph 170 of the NPPF (2019)

**15 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.