

<b>ITEM:</b>		<b>RECOMMENDATION:</b>	APPROVAL
<b>REF NO:</b>	3PL/2019/0019/O	<b>CASE OFFICER</b>	Naomi Minto
<b>LOCATION:</b>	GARVESTONE Thorncroft Clematis Nursery The Lings Garvestone	<b>APPNTYPE:</b>	Outline
<b>APPLICANT:</b>	Mr & Mrs J Gooch Netherley, The Lings Garvestone	<b>POLICY:</b>	Out Settlemnt Bndry
<b>AGENT:</b>	Parsons + Whittlely Ltd 1 London Street Swaffham	<b>ALLOCATION:</b>	N
<b>PROPOSAL:</b>	Proposed Self-Build Residential Development (3 Dwellings)		
		<b>CONS AREA:</b>	N
		<b>LB GRADE:</b>	N
		<b>TPO:</b>	N

#### REASON FOR COMMITTEE CONSIDERATION

The application is referred to Planning Committee at the request of the Ward Member and because it is a departure from the adopted development plan and recommended for approval.

#### KEY ISSUES

- Principle of development
- Impact upon highway safety
- Impact upon amenity
- Other matters

#### DESCRIPTION OF DEVELOPMENT

The application seeks Outline planning permission for the construction of three self build dwellings. Indicative plans submitted in support of the application indicate that the dwellings would be detached with double garages and parking provision and served by the existing access off the B1135. Only access is being sought at Outline stage, with all other matters reserved.

#### SITE AND LOCATION

The application site is located outside of any defined Settlement Boundary. The site is bounded to the north by the B1135 highway, to the east and west by existing residential dwellings and to the south by agricultural land. In the past the site has been used as a nursery. However, the business is no longer operational.

#### 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.04	Infrastructure
CP.05	Developer Obligations
CP.06	Green Infrastructure
CP.08	Natural Resources
CP.09	Pollution and Waste
CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
CP.13	Accessibility
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.11	Open Space
DC.12	Trees and Landscape
DC.13	Flood Risk
DC.16	Design
DC.19	Parking Provision
DC.20	Conversion of buildings in the countryside
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

**OBLIGATIONS/CIL**

Not Applicable

**CONSULTATIONS**

**GARVESTONE P C**

No objection, subject to conditions.

**NORFOLK COUNTY COUNCIL HIGHWAYS**

No objection, subject to conditions.

**TREE AND COUNTRYSIDE CONSULTANT**

No objection.

**CONTAMINATED LAND OFFICER**

No objection, subject to conditions.

**ECOLOGICAL AND BIODIVERSITY CONSULTANT**

No objection, subject to conditions.

**REPRESENTATIONS**

A site notice was erected on 24 January 2019 and five neighbours consulted. Four letters of representation were received, one in support of the proposal, one objection and two letters providing comments. The main points raised are;

Comments

- Pleased that existing access point is proposed to be retained;
- The bus services mentioned within the supporting material is very restricted (one service, three days per week). No bus stop near site and no pavement to the nearest bus stop in Hardingham;
- Pleased that trees on site are to be retained;
- Land which was originally agricultural is likely to be lost to residential development now.
- Careful consideration should be given to foul and surface water drainage with any future application.
- Numerous priority and protected species have been recorded adjacent to the site. Increased light pollution from additional properties would have a detrimental effect on wildlife and neighbouring dwellings and should therefore be minimised.
- If permitted, construction vehicles should park on site during works.
- Would like to see speed reduced to 40mph.

Support

- Proposal will contribute towards 5 year housing land supply shortfall in the District.

Objection

- Not in settlement boundary;
- Increased traffic on busy highway - detrimental to highway safety;
- Sets a precedent for residential development on nursery land;
- Concerns in respect of overlooking and loss of privacy.

**ASSESSMENT NOTES**

1.0 Principle of development

1.1 This application seeks Outline planning permission for the construction of three self build detached dwellings with details of access only and all other matters reserved, on land at The Lings, Garvestone. The

site is located outside of any defined Settlement Boundary and is therefore contrary to Policies SS1, DC2, CP1 and CP14 of the adopted Core Strategy.

1.2 However, the district cannot currently demonstrate a five year housing land supply. Paragraph 11(d) of the NPPF (2019) states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted. This includes applications involving the provision of housing, where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites. Planning permission should not be granted where policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. In addition, planning permission should not be granted where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

1.3 The NPPF constitutes guidance for LPAs and decision takers and is a material consideration in the determination of planning applications to achieve sustainable development. The government outlines three objectives to sustainable development: economic, social and environmental (paragraph 8). Paragraph 9 states that these objectives should be delivered through the preparation and implementation of plans and the application of the policies in the NPPF. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

1.4 In terms of the economic and social criteria, the proposed dwellings would provide three additional houses and would therefore make a positive, albeit small contribution to the housing supply. Annex 2: Glossary of the NPPF (2019) states that for sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years. If permission was granted it can therefore be assumed to be deliverable within 5 years and contribute to the council's housing land supply.

1.5 The social role of sustainable development seeks to ensure, amongst other matters, the creation of a high quality built environment with accessible local services. Policy SS1 of the adopted Core Strategy describes seven types of place and their potential to accommodate new development. The application site is remote from services and facilities to meet day-to-day requirements. The nearest settlement is at Garvestone (approximately 1 mile north west of the site), which is a rural settlement for the purposes of the policy, and has only nominal allocated housing growth due to its minimal local services. The site is not located within a defined settlement boundary and is therefore in the countryside.

1.6 Garvestone has some services and facilities available, including a bus stop (offering a limited service), church, village hall, play area and primary school. The next nearest settlements are Hingham (approximately 3.6 miles away), Mattishall (approximately 4.5 miles away) and Dereham (approximately 5.2 miles away). These settlements provide additional facilities including, education, employment, leisure and healthcare services. However, given the distances to these villages and town, along predominantly unpaved and unlit highway with varying speed limits, the development will give rise to the need to travel by private car, which is a negative of the scheme.

1.7 Paragraph 78 of the revised NPPF encourages housing in rural areas where it will enhance or maintain the vitality of rural communities, for example, development in one village may support the services of a nearby village. As discussed above, these villages/town have a wider range of services and facilities and would require relatively short car trips to access. Furthermore, the NPPF aims to avoid isolated homes in the countryside and recognises that opportunities to maximise sustainable transport solutions will vary from

urban to rural areas. Whilst it is acknowledged that future residents would likely rely on the use of private car for their daily needs, it is considered that the proposal would not result in isolated new homes. The proposal would represent infill on a brownfield site and would provide potential for future occupants to support services and facilities in nearby villages, therefore enabling rural communities to prosper.

1.8 In terms of the environmental objective, the site is located outside of any defined settlement boundary on a plot of previously development land with residential neighbours on either side. It is considered that the site represents an infill plot and if developed sensitively would not appear out of character with the area, having regard to Policy CP11 of the adopted Core Strategy.

1.9 The development would involve the loss of an employment / commercial site outside of a protected area. There are no adopted policies which seek to prevent this, but it is a material consideration. The site is relatively small for the type of operation and ceased to operate as a nursery in January 2017, over two years ago. Other new uses such as general industrial would not be acceptable due to existing residential neighbours. It is considered it's loss is acceptable on this basis.

1.10 Due to the sites previous use, it is considered to be previously developed land / brownfield land and paragraph 121 of the NPPF advises that Local planning authorities should also take a positive approach to applications for alternative uses of land, which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. This site is previously developed, not covered by any land designation and there is a housing need in the district, therefore it is supported by paragraph 121 of the NPPF (2019).

## 2.0 Impact upon highway safety

2.1 Norfolk County Council Highways advised that the site is located remotely from services and amenities, which residents would require on a daily basis and therefore the occupants of the proposed dwellings would have a high dependency on travelling by car. The site has an existing retail use, which is open to the public and therefore capable of generating both commercial and domestic traffic. On that basis, the Highway Authority consider that it would be difficult to raise an objection on highway safety grounds.

2.2 The Highway Authority acknowledged that the application is submitted in Outline only, with details of access included for consideration as part of this proposal. They advised that any future reserved matters application will need to include a communal size 3 turning head (to prevent delivery vehicles waiting in the highway) and parking in accordance with the adopted guidelines. In addition, they recommend that details of contractor parking and measures to prevent mud and surface water being carried out onto the highway will also need to be submitted for approval. On this basis, no objection was raised subject to the inclusion of conditions.

## 3.0 Impact upon amenity

3.1 Policy DC1 of the adopted Core Strategy seeks to protect residential amenity. It states that all new development must have regard to amenity considerations. Development will not be permitted where there are unacceptable effects on the amenity of neighbouring residents and future occupants.

3.2 The application is supported by an indicative plan which shows that three dwellings could fit on site with sufficient external amenity space, parking provision and vehicle turning. Concern has been raised in respect of loss of privacy, however, the units can be orientated to prevent unacceptable levels of overlooking.

3.3 This is an Outline application, with details of access only for consideration. If the application is

approved, details relating to the actual design of the dwellings and boundary treatment would be dealt with at reserved matters stage. Further consideration would be given at that stage in relation to protecting the amenity of existing residents and future occupants of the dwellings. The proposal is therefore considered to comply with the requirements of Policy DC1 of the adopted Core Strategy.

#### 4.0 Other matters

4.1 Policy CP9 of the adopted Core Strategy seeks to ensure that development minimises any unavoidable polluting effects and the development's design should actively seek to minimise or mitigate against all forms of pollution. The Contaminated Land Officer raised no objection to the proposal, subject to the inclusion of a pre-commencement condition relating to ground gas site investigation / protection measures and two informative notes relating to extensions and guidance on gas protection measures. The proposal is therefore considered to be in accordance with Policy CP9.

4.2 The Tree and Countryside Officer raised no objection to the proposal. The application is therefore considered to accord with Policy DC12 of the adopted Core Strategy, which seeks to protect trees, hedgerows and other natural features.

4.3 The Natural Environment Team raised no objection to the proposal, subject to the inclusion of a condition relating to development proceeding in line with the mitigation and enhancement measures outlined in paragraphs 8.4 - 8.40 of the Preliminary Ecological Appraisal (Greenlight Environmental Consultancy Limited, dated April 2019). The application is therefore compliant with the requirements of Policy CP10 of the adopted Core Strategy, which seeks to protect and enhance biodiversity and geodiversity in the district.

4.4 Under paragraph 61 of the NPPF (2019) this requires Councils to plan for people wishing to build their own homes. This can be a material planning consideration for this application as self-build has been identified as the method of delivering the site. Whilst an indication of self-build has been given by the applicant it should also be noted that at this stage it cannot be certain that the method of delivering this site will be self-build. The only way to secure this would be via a section 106 agreement, this has not been volunteered by the applicant. In the instance of this application, the other material planning considerations detailed above are of greater significance and only limited weight is given to this part of the proposal due to the absence of a means of securing the site as self-build.

#### 5.0 Conclusion

5.1 In consideration of the overall planning balance of the scheme, whilst it is acknowledged that the application does not accord with the adopted development plan as the site falls outside of any settlement boundary and is not in a sustainable location, the proposal would result in the re-development of a brownfield site and would contribute to the Council's lack of a five year housing land supply. In addition, it is considered to be infill development, with neighbouring residential dwellings on either side. Furthermore, the impact on the character and appearance of the countryside has been found to be acceptable.

5.2 When applying the tilted balance required by paragraph 11 of the NPPF (2019), the moderate harm created by the site's location away from a wide variety of services and facilities for three dwellings would not significantly and demonstrably outweigh the benefits, and therefore, grant of Outline planning permission subject to conditions, is recommended.

5.3 To secure the properties as self build, a legal agreement would be required. The NPPF advises that planning obligations should only be required where they are necessary to make the development acceptable. On this occasion, it is not considered to be necessary and therefore, if approved as recommended, it would

not need to be self-build units.

**RECOMMENDATION**

Approval subject to conditions with no requirement for self-build.

**CONDITIONS**

- 1 Outline Time Limit (2 years) Early Delivery**

Application for Approval of all 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 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.
- 4 Non-standard condition**

Prior to the first occupation of the development hereby permitted the vehicular and pedestrian access shall be constructed to a minimum width of 4.8m for its first 10 metres as measured from the nearside carriageway edge, and shall additionally be constructed perpendicular to the highway over this length, 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. 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.
- 5 Non-standard condition**

There shall be no direct pedestrian access to the dwellings from or onto B1135 The Lings.

Reason for condition:-  
In the interests of highway safety and traffic movement.

**6 Ground Gas Protection Measures**

The development shall include ground gas protection measures, or a site investigation may be undertaken to provide site specific assessment which would need to be acted on accordingly. The Local Planning Authority shall approve the proposals in either case before development on the site commences. The scheme shall be constructed and completed in accordance with the approved specification at such times as may be specified in the approved scheme.

Reason for condition:-

To ensure a safe development.

Informative: The developer is referred to the BRE report 414, CIRIA 665 / C149 or similar for guidance on gas protection measures, or CLR11 or similar for guidance on site investigation.

**This condition will require to be discharged**

**8 Full details of external lighting**

No external lighting shall be installed without prior written approval from the Local Planning Authority. Only such approved lighting shall be installed. Such lighting shall be kept to a minimum for the purposes of security and site safety, and shall prevent illumination of mature trees and boundary hedges, and shall be:

- 1) fully shielded (enclosed in full cut-off flat glass fitments)
- 2) directed downwards (mounted horizontally to the ground and not tilted upwards)
- 3) be sensor operated
- 4) white light low-energy lamps (LED, metal halide or fluorescent) and not orange or pink sodium sources

Reason for condition:-

In the interests of amenity and reduce disruption to commuting/ foraging bats and to limit light pollution, having regard to paragraph 180 of the NPPF (2019).

**This condition will require to be discharged**

**9 Non-standard condition**

The proposed development must proceed in-line with the mitigation and enhancement measures outlined in paragraphs 8.4 - 8.40 of the Preliminary Ecological Appraisal (Greenlight Environmental Consultancy Limited; dated April 2019). The enhancement measures outlined in paragraphs 8.4 - 8.40 of the Preliminary Ecological Appraisal (Greenlight Environmental Consultancy Limited; April 2019) shall be incorporated into the site's design.

Reason:- In accordance with Policy CP10 of the adopted Core Strategy.

**10 Any drainage conditions**

No development above slab level nor construction of any drains will take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme.

Reason for condition:-

Details are required prior to works above ground level to prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the

development and to protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (2019) and Environment Agency Groundwater Protection: Principles and Practice.

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**Non-standard drainage condition**

Prior to any development commencing above ground level precise details of the means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first occupation.

Reason for condition:-

Details are required at an early stage in accordance with Policies DC 1 and DC 13 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009