

ITEM:		RECOMMENDATION: APPROVAL
REF NO:	3PL/2017/1464/O	CASE OFFICER Fiona Hunter
LOCATION:	SHIPDHAM Land to rear of 82, Market Street Shipdham	APPNTYPE: Outline POLICY: Out Settlemnt Bndry ALLOCATION: N CONS AREA: N LB GRADE: N TPO: N
APPLICANT:	Mr Andrew Jackson Willow House Hale Road	
AGENT:	Brown & Co The Atrium St Georges Street	
PROPOSAL:	Erection of detached two storey dwelling	

REASON FOR COMMITTEE CONSIDERATION

The application is contrary to Development Plan policies.

KEY ISSUES

Principle of development
Sustainability
Landscape, Character and Appearance
Access and highway impact
Impact on amenity
Other Matters

DESCRIPTION OF DEVELOPMENT

This application seeks outline planning permission for the erection of a detached two storey dwelling and provision of access. The application is submitted in outline with all matters reserved, therefore the matters comprising scale, layout, external appearance, access and landscaping will be the subject of future detailed reserved matters applications.

This outline planning application as submitted seeks to establish the general principles of development of a two storey detached dwelling on the site. An indicative site layout plan and access plan has been submitted with the application which indicates the following:

- Site area of 0.53 hectares
- Access taken off Market Street, between number 78 and 80 Market Street

SITE AND LOCATION

The application site comprises of a square-shaped parcel of land together with a linear access route at land

at the south-west of the village of Shipdham. The site lies outside but adjacent to the settlement boundary of this village. The land is relatively level and extends to 0.53 hectare.

The access runs through land currently in commercial use by Jackson's Garage a car sales and repair business. A chapel lies to the west of the site entrance which has extant planning permission for conversion to residential.

The site is adjoined to the north-east by residential properties on Letton Road and to north-west by the commercial premises currently occupied by Jackson's Garages. To the south and east is agricultural lands.

A Public Right of Way runs to south-western boundary and joins Market Street (A1075).

EIA REQUIRED

No

RELEVANT SITE HISTORY

No relevant site history for the application site.

The chapel to the west of the site entrance has extant planning permission for conversion to residential together with land to its rear to form a private garden and 2 car parking spaces (reference: 3PL/2015/1293/F). This decision notice if not implemented would expire on 1 June 2019.

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.11	Protection and Enhancement of the Landscape
CP.13	Accessibility
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
SS1	Spatial Strategy

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

SHIPDHAM P C

The Parish Council view this application as garden infill. There is believed to be contamination on the site from a previous bio fuel business. The Parish Council object to the use of the Public Footpath being used as the main access from the road. The Parish Council has registered a Caution via solicitors on this footpath, as proposed access is from said public footpath

NORFOLK COUNTY COUNCIL HIGHWAYS

Made the following comments;

- no longer intended to serve site by public right of way
- access proposed to be taken from garage forecourt
- sufficient land to frontage to provide acceptable access and visibility splays
- reserved matters should address access, visibility, parking and turning.

ENVIRONMENTAL HEALTH OFFICERS

Recommends approval subject to the following condition;

- noise mitigation prior to commencement.

TREE AND COUNTRYSIDE CONSULTANT

No objection subject to conditions

CONTAMINATED LAND OFFICER

No objections subject to conditions

PUBLIC RIGHTS OF WAY OFFICER

Provided response in relation to original plans, including access via the Public Right of Way:

Holding objection;

- application should demonstrate private right of access to development
- proposed access is via public rights of way know as Shipdham footpath 10.

WARD MEMBER

"Certificate A states that the applicant owns all land within application. He does not. The parish council has registered a Caution with the land registry applicable to the public footpath running alongside the proposed site, where the applicant has indicated the only access to the proposed site would be. As such the parish council or county council should have been asked to complete a consent form, which has not happened. This public footpath is on definitive maps, is signposted and well used. It also provides access to farm vehicles for landowners beyond the proposed site." - 18/12/2017 (comments pre-access change)

PAUL HEWETT

"The revised access acknowledges the fact that the applicant has no right of access over the existing public footpath which is welcomed as other applications from the applicant do not acknowledge this. But the site still strikes me as back fill development and the concerns of local neighbours for loss of privacy and being overlooked must be taken into account when considering this application." - 31/01/2018 (comments post-access change)

REPRESENTATIONS

8 letters have been received under this application comprising 4 letters of objections and 4 letters of comment.

The objections and comments received can be summarised as follows:

- Access to the site not in ownership of applicant.
- Access to site is via a public footpath.
- Certificate A served which is incorrect.
- Impact on wildlife.
- Impact on character of area/loss of green space.
- Possibility of future further development on this land.
- Construction, noise levels and the impact on day to day life.
- Light pollution to neighbouring garden.
- Loss of privacy.
- Possible overlooking.
- Land is contaminated.
- Revised access acknowledges the applicant has no right of access over the existing public footpath.

ASSESSMENT NOTES

1. Principle of the Development

1.1 This application seeks Outline planning permission with all other matters reserved, for the erection of a single dwelling on land outside but adjacent to the Shipdham Settlement Boundary. For this reason, the proposal conflicts, in principle, with Policies SS01, DC02 and CP14 of the adopted Core Strategy and Development Control Policies Development Plan Document (2009), which seek to focus new housing within defined Settlement Boundaries.

1.2 The Council does not currently have a published 5 year land housing supply as required by the National Planning Policy Framework, which is a material consideration in the determination of planning applications. Paragraph 49 of the NPPF, states that where an authority does not have an up-to-date five year housing land supply the relevant local policies specifically for the supply of housing, as referred to above, should not be considered up-to-date. Furthermore, housing applications should be considered in the context of the presumption in favour of sustainable development unless any adverse impacts of doing so would demonstrably outweigh the benefits or specific policies in the Framework indicate that development should be restricted. On the aforementioned basis, other principle planning issues for the application are considered below.

1.3 The provision of housing to meet local needs is identified as a key component of sustainable development. In order to promote sustainable development in rural areas, the NPPF indicates that housing should be located where it will enhance or maintain the vitality of local communities.

1.4 The site is immediately adjacent to the defined settlement boundary of Shipdham, a rural village as identified in the Council's Spatial Strategy where limited services exist. The main village street (A1075) is around 200 metres to the north of the site. Shipdham benefits from local shops, a post office, primary school, doctor's surgery, public houses, churches, and a village hall.

1.5 Shipdham is also close to Dereham, which accommodates a much wider range of activities and services, including higher order shopping, employment and leisure facilities. Regular bus services operate through the village providing links to the towns of Dereham, Watton and Swaffham. The bus services mean that the future residents would not be solely reliant on the use of private car to meet their day to day need, which should be afforded some weight in support of the application.

1.6 The combination of frequent bus service, and a village hall, primary school, shops and public house within walking distance is considered to make the site acceptable in terms of access to services and facilities for a limited number of dwellings. It therefore accords with paragraph 17 of the NPPF which advises that patterns of growth should be managed to make the fullest possible use of public transport, walking and cycling. The proposal also accords with paragraph 34 of the Framework in terms of ensuring the need to travel will be minimised and the use of sustainable transport modes will be maximised. In addition, the proposal complies with paragraph 55 which states that housing should be located where it will maintain the viability of rural communities and isolated dwellings in the countryside should be avoided.

2. Landscape, Character and Appearance

2.1 Policy CP11 of the Core Strategy seeks to ensure that the landscape of the District will be protected for the sake of its own intrinsic beauty and its benefit to the rural character.

2.2 The indicative layout proposed concentrates the massing towards the centre of the site, towards the village and adjacent to the settlement boundary. The application site is related to the existing built form of Shipdham, with established housing and commercial development immediately adjacent to the north and east and as such the proposal would not create an isolated development in the countryside. The site is contained visually by mature trees and hedging, and by adjacent commercial and residential development. Whilst the development will encroach into the countryside, because of the skewed massing it is considered on balance, that the appearance of the site would and the small encroachment would be acceptable.

2.3 Nearby residential development mainly comprises a mixture of detached and semi-detached dwellings with long back gardens. The proposed dwelling would reflect this pattern, being set within a reasonably sized plot, with adequate garden space and sufficient separation distances to neighbouring properties. As this application is for outline permission only, full details of the scale, layout and external appearance of the dwelling will be provided at the reserved matters stage.

2.4 Whilst concern has been raised by local residents that the proposal is overdevelopment, the proposal is for one dwelling and therefore the density is low and would not appear significantly out of place at this location.

2.5 The proposal's impact on the countryside's flat rural landscape is therefore considered acceptable, given the small area of land to be developed, development layout, and therefore accords with Policy CP 11 and paragraph 7 and 55 of the National Planning Policy Framework (2012).

3. Access and Highway Impact

3.1 Although this application is for outline permission with all matters reserved, which includes access, it is necessary to demonstrate at least one way to provide a suitable access could be delivered for the site. The applicant originally indicated an access via a private track and right of way to east boundary of the application site. Due the un-surfaced nature of this track and no existing legal rights for the applicant to upgrade the track surface, it was agreed this would not be an appropriate site access, particularly as it provides a right of way to the benefit of walkers, cyclists etc.

3.2 The applicant amended the application redline line to create an access through land in their ownership between number 78 (The Chapel) and 80 Market Street. 80 Market Street is a commercial premises currently used for car sales (Jacksons Care Sales). Number 78 is a chapel, and has extant planning permission for conversion to residential, which includes an area of land to it's rear for private garden and car parking. The access would not conflict with the approved chapel conversion. However, it will require the car sales business to re-arrange their forecourt, which is not anticipated to cause any medium or long term damage to the business. Whether the residential access and commercial access will overlap or be separated has not been specified at this stage.

3.3 Whilst the access is not typical, the Highways Authority have not raised an objection subject to conditions and a residential access in between number 78 and 80 has already been established through the Chapel conversion extant planning permission.

3.4 On this basis, the development's access and impact to highways safety have been found acceptable in accordance with CP 4, and as such satisfactory access to the development site has been demonstrated. Adequate access and parking would be retained for the existing Jacksons garage to the north of the application site.

4. Impact on Amenity

4.1 It is recognised that due to the location of the proposed dwelling adjacent to commercial premises at Jacksons Garage immediately to the north, the application site could be affected to a degree by noise from nearby activities. Therefore, a Noise Assessment has been submitted with this application to measure existing noise levels and determine what measures would be required to mitigate effects on future residents.

4.2 The Noise Assessment found that noise from the adjacent commercial premises would exceed background levels by 2.9 dB assuming a worst-case scenario. On this basis, some adverse effects on living conditions could result. However, this assessment is based on a worst case scenario, and in practical terms, the Noise Assessment found that noise from the adjacent garage premises, including noise from the vehicle ramp, impact drivers, air compressors and jet washers, was likely to be minimal at the location of the proposed dwelling.

4.3 In addition, although the design and layout of the proposed dwelling are yet to be determined, a range of measures could be included to minimise the potential effects of noise on future residents.

4.4 Given the size and shape of the application site, separation distances to neighbouring dwellings and established boundary vegetation, it is considered that the proposed dwelling could be accommodated on the application site without impact on neighbouring properties as result of overlooking or overshadowing to a harmful level.

4.5 It is considered that the proposed development would secure an acceptable standard of amenity for both existing and future residents. Therefore the proposal would have regard to the Core Strategy Policy DC1, which seeks to avoid unacceptable impacts on the amenities of neighbouring residents and future occupants.

5. Other Matters

5.1 The Contaminated Land Officer has advised that the development could proceed subject to suitable conditions relating to Site Investigation and remediation. The proposal therefore accords with Policy CP 9.

5.2 In relation to concerns about flooding, the site is located within Flood Risk Zone 1, which has the lowest risk of flooding from rivers and the sea. In addition is in a very low risk area for surface water flooding. Although details of drainage are reserved, it is anticipated that surface water drainage would be via soakaways and foul water would be disposed of via the public sewer.

5.3 Concern has also been raised about associated construction traffic and site disturbance during the building phase. However, this is unavoidable with the vast majority of development and is not a reason to justify refusal.

5.4 The proposal is unlikely to result in the removal of trees on the site to facilitate the development, as detailed in the submitted Arboricultural Impact Assessment. It is proposed to locate the proposed dwelling, although indicative, centrally within the plot. As such, this is outside the root protection areas of the boundary trees. A detailed scheme of tree protection measures can be secured by way of a planning condition.

5.5 An Ecology Assessment has been submitted with the application, which details that the site was of low ecological value. The Assessment scopes-out a number of protected species as absent, and finds that the site is of low value for those potentially present from time to time as part of larger local population.

6. Conclusion

6.1 In accordance with paragraph 14 of the NPPF, no harm has been identified which would significantly and demonstrably outweigh the benefits. The proposal is considered to have appropriate regard to the Development Plan and National Planning Policy Framework. Therefore, the grant of Outline planning permission subject to conditions is recommended.

RECOMMENDATION

Outline Planning Permission

CONDITIONS

HA05

Standard outline highways condition

The reserved matters application required by Condition 2 of this planning permission must include full details (in the form of scaled plans and / or written specifications) to be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority to illustrate the following:

- i) Roads, footways, cycleways, foul and on-site water drainage
- ii) Roads and footway
- iii) Foul and surface water drainage
- iv) Visibility splays
- v) Access arrangements
- vi) Parking provision in accordance with adopted standard
- vii) Loading areas
- viii) Turning areas.

Reason for condition:-

For the avoidance of doubt as the details are not included within the current submission and to enable the Local Planning Authority to retain control of the above aspects of the proposal, to ensure an appropriate development for the site.

This condition will require to be discharged

3060

Standard outline landscaping 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 for a landscaping and tree planting scheme, which shall take account of any existing trees or hedges on the site. The landscaping and tree planting shall be carried out in accordance with the scheme as approved during the planting season of the 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, and in accordance with 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:-

The details are not included in the current submission and in the interests of protecting the visual amenity of the site.

This condition will require to be discharged

3946

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

3003

Early delivery of Housing Time limit

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 ONE YEAR 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.

3058

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, access and landscaping of the development.

Reason for condition:-

The details are not included in the current submission.

3047A

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.

3750

Non-standard highways condition

The position of the proposed driveway shall be outside the root protection area of trees on the southern boundary as identified on A.T Coombes drawing dated 07/09/2017.

Reason for condition:-

To protect the trees on the site and in the interest of visual amenity.

NR23

Non standard noise restriction

Prior to commencement, a detailed scheme of noise mitigation shall be submitted to the local planning authority for approval. The scheme shall include measures to protect the amenity of garden areas in addition to internal rooms.

Reason for condition:-

For the avoidance of doubt as the details are not included within the current submission and to enable the Local Planning Authority to retain control of the above aspects of the proposal, to ensure an appropriate development for the site.

3923

Contaminated Land - Informative (Extensions)

NOTE - Where remediation of contaminated land is required, the developer is advised to put in place measures to ensure that any future alterations/extensions to the development do not undermine completed remediation works and, if appropriate, that the future alterations/extensions include the same scheme of remediation as that included in the original development.

3920

Non-standard condition

The development will be carried out as per the recommendations set out by the approved Preliminary Arboricultural Impact Assessment, unless otherwise agreed in writing with the Local Planning Authority.

Reason for condition:-

In the interests of the visual amenity of the site.

AN86 Application Approved Following Revision

The Local Planning Authority has acted positively and proactively in determining this application, by assessing the application against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal within as timely a manner as possible, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Copies of all documentation submitted in connection with this application can be viewed online at <http://www.breckland.gov.uk/content/planning-search-0>

9850 Non-std NOTE

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. This development involves work to the public highway that can only be undertaken within the scope of a legal Agreement between the applicant and the County Council. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the County Council's Highway Development Control Group based at County Hall in Norwich. Please contact Graham Worsfold tel 01362 656211.

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.