

ITEM:		RECOMMENDATION:	APPROVAL
REF NO:	3PL/2017/1202/F	CASE OFFICER	Natalie Levett
LOCATION:	LITCHAM Development Site at Lime Kiln House Back Lane Litcham	APPNTYPE:	Full
APPLICANT:	Mr & Mrs Jason Fuller c/o Agent	POLICY:	Out Settlement Bndry
AGENT:	Icon Consulting Hethel Engineering Centre Chapman Way	ALLOCATION:	N
PROPOSAL:	Proposed dwelling including means of access	CONS AREA:	N
		LB GRADE:	N
		TPO:	N

REASON FOR COMMITTEE CONSIDERATION

This application is a deviation from the adopted development plan due to the proposal of residential development outside a defined settlement boundary.

KEY ISSUES

Principle of development
Impact on local environment - Landscape, Character and Appearance
Highways

DESCRIPTION OF DEVELOPMENT

The application seeks full planning permission for the erection of a detached super eco house with integral garage, access and landscaping.

SITE AND LOCATION

The application site is located off Mileham Road on the north eastern edge of the village of Litcham. The application site is a generally flat plot which currently comprises agricultural land. The site is well screened from the main road. There are limited views into and out of the site from the public realm. The immediate surrounding area comprises open countryside. The site lies approximately 150 metres to the east of the Settlement Boundary of Litcham.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2014/0731/F - Construct two storey detached zero carbon dwelling and integral garage, outdoor pool and associated landscaping - Withdrawn.

3PL/2015/0460/F - Erection of detached super-eco house with associated garage, drive and landscaping - Approved.

3NM/2015/0085/NMA - Amendments to 3PL/2015/0460/F in respect of amended design - Granted.

3PL/2016/0380/VAR - Erection of detached super-eco house with associated garage, drive and landscaping (revised scheme) and removal of conditions 7 and 8 to 3PL/2015/0460/F - Granted.

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.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
CP.12	Energy
CP.13	Accessibility
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.12	Trees and Landscape
DC.14	Energy Efficiency
DC.15	Renewable Energy
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

LITCHAM P C

No objection.

NORFOLK COUNTY COUNCIL HIGHWAYS

Recommend conditions if approved.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

Recommend conditions.

TREE AND COUNTRYSIDE CONSULTANT

Recommend condition.

PRINCIPAL PLANNER MINERAL & WASTE POLICY No Comments Received

REPRESENTATIONS

5 letters of representation have been received, comprising 1 letter of comment and 4 letters of support, which make the following summarised comments and observations;

- Innovative and impressive design
- Site well screened by trees
- Good for the growth of the village.

ASSESSMENT NOTES

1. This application is referred to Planning Committee as the proposal is contrary to policy.

2. Principle of development

2.1 The application site is located within an area of countryside where local planning policies generally seek to limit new development. In relation to settlement boundaries, the objectives of Policy CP14 include focusing development in sustainable locations with access to key services and protecting the form and character of settlements. These objectives are consistent with the NPPF's key aims and so in this respect Policy CP14 can be afforded significant weight in accordance with paragraph 215. The application site lies outside of any defined settlement boundary with 'Westfield' not located within a settlement boundary, (as defined by policies SS1, DC02, CP01 and CP14 of the Core Strategy and Development Control Policies Development Plan Document 2009), where development is heavily restricted. As such the proposed development of a new dwelling would be contrary to the development plan.

2.2 Therefore the site is considered to be remote from local services and it is likely that the occupiers of the dwellings on this site would be dependent on private cars for their daily travel requirements and is not considered to constitute a sustainable form of development having regard to the social/ economic role.

2.3 Planning law requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. It is necessary to consider therefore whether in this case any such material considerations, including national planning policy, would justify a departure from policy.

2.4 Paragraph 49 states that housing applications should be considered in the context of a presumption in favour of sustainable development. The NPPF defines sustainable development in broad terms by reference to economic, social and environmental considerations and indicates that planning should seek gains in relation to each element. The provision of housing to meet local needs is identified as a key component of sustainable development and in this respect the NPPF seeks to boost significantly the supply of housing.

2.5 The conservation of the natural environment is also central to the NPPF, including protecting valued landscapes and minimising effects on biodiversity. 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.

2.6 The application is accompanied by a Supporting Statement setting out the case for approval. The Council cannot currently demonstrate a five-year supply of housing land, Policy CP14 cannot be considered to be up to date (NPPF Para. 49) and there is therefore a presumption in favour of sustainable development meaning that permission for development should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits (Paragraph 14).

2.7 Recent case law developments in the Supreme Court, "Richborough Estates v. Cheshire East, Suffolk Coastal v. Hopkins Homes", has confirmed that even in the absence of a five year housing land supply, policies such as CP14, which deal with the restriction on housing location, are not "policies for the supply of housing" as per paragraph 49 and can therefore still be considered and afforded appropriate weight in any planning balance. The weight afforded to the policy will depend on a number of issues including its general conformity to the aims of the NPPF. As detailed above it is considered that the aims of the policy closely resemble those of national guidance within the NPPF, in relation to sustainable rural housing provision. In that respect it is advised that the policy should carry significant weight in any planning balance.

2.8 However as confirmed in the judgement, the absence of a five year housing supply, is enough to engage the so called "tilted balance" of Para 14. Crucially the weight to be afforded to Policy CP14 is not diminished in assessing whether the adverse impacts demonstrably outweigh the benefits as this is a matter of planning judgement for the decision maker.

2.9 It is also noted that a new dwelling would provide some economic support for existing shops and facilities and contribute to the vitality of the local community. The construction of the development would have some short-term economic benefits.

2.10 In terms of availability and delivery, Paragraph 47 of the NPPF requires new sites for housing development to be deliverable, which is defined as being available now, suitable in terms of location and be achievable in respect of housing being developed on the site within the next five years. There is nothing to suggest that there are any technical constraints which would prevent the development coming forward in the short term.

2.11 In addition to this, National Planning Policy, as set out in paragraph 55 of the NPPF, also indicates that Local Planning Authorities should avoid isolated new homes in the countryside, but extends the special circumstances that may justify development to include, amongst other things, the exceptional quality or innovative nature of the design of the dwelling. To qualify for favourable consideration, such dwellings should be truly outstanding or innovative, helping to raise standards of design more generally in rural areas; reflect the highest standards in architecture, significantly enhance its immediate setting; and be sensitive to the defining characteristics of the local area. The applicant contends that the proposal would satisfy these criteria.

2.12 In this respect the proposed house would be constructed to achieve a high level of energy performance and sustainable construction equivalent to Code 6 of the now withdrawn Code for Sustainable Construction. Level 6 is the highest rating within the Code for Sustainable Homes. In summary, the sustainability strategy for the dwelling is to reduce the need for energy through design features that provide passive heating, natural lighting and cooling, to reduce the need for energy through energy efficient features such as improved insulation and glazing and to meet residual energy requirements through the use of low or zero carbon energy generating technologies.

2.13 A condition that prior to commencement of the development, a detailed specification for the construction of the dwelling to be submitted to and approved in writing by the Local Planning Authority is considered appropriate. The specification shall accord broadly with the details set out in the submitted supplementary material, and shall include details of the construction of the external envelope of the building, anticipated energy performance and water use/recycling, the sourcing of materials and details of waste management. The development shall be constructed in accordance with the agreed details to ensure that the dwelling is constructed to an appropriate standard in relation to energy use and sustainable construction techniques.

2.14 In terms of design, the dwelling aims to reflect the existing context, history and previous uses on site. In line with the consented schemes, this application proposes a distinctive dwelling. The proposed dwelling repeats the general form and appearance of a converted agricultural out-building but introduces many contemporary components and features, which overall is considered to reflect local character and appearance of the site and locality. The use of materials is also influenced by local materials, the unique location and history. The vehicular access and hard standing would comprise permeable paving. The drawings submitted illustrate a dwelling which utilises traditional materials set against vernacular and contemporary detailing in a form which is designed to maximise thermal efficiency and energy preservation.

2.15 In terms of the effect of the proposal on the character and appearance of the area, the site is secluded in nature and screened from the highway with limited views into and out of the site from the public realm. The site benefits from existing and mature boundary screening and it is generally level. The proposal would not intrude visually into the surrounding open landscape. It is considered appropriate to attach a condition to any planning permission granted requiring full landscaping details to be provided.

2.16 The Tree and Countryside Consultant has raised no objections to the proposals subject to a condition requiring that operations on site take place in accordance with the submitted Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) supplied by Arbtech; that no other operations shall commence until the tree protection works and any pre-emptive tree works required by the approved AIA or AMS have been carried out and all tree protection barriers are in place as indicated on the TPP and that the tree protective fencing shall be retained in a good and effective condition for the duration of the development and shall not be moved or removed, temporarily or otherwise, until all site works have been completed and all equipment, machinery and surplus materials removed from the site unless the prior written approval of the Local Planning Authority has been sought and obtained.

2.17 Finally, two previous applications, reference 3PL/2014/0731/F and 3PL/2015/0460/F, gained approval for a new large dwelling of individual design on this site. The permissions granted consent for a two-storey building with garage and included 'eco' credentials. Therefore, these consents confirmed that the principle of development on this site is acceptable.

2.18 Having regard to the above it is considered that the introduction of an eco-dwelling in this location would be appropriate to its context and therefore the principle of development on this site is considered acceptable.

3. Impact on the local environment - Landscape, Character and Appearance

3.1 The proposed house is surrounded by trees and woodland and as such the visual impact of the proposed new dwelling on the surrounding landscape is minimal. The site will continue to be viewed as an area of woodland, particularly with the use of the proposed materials.

3.2 The proposal would not result in any significant adverse effects on the amenities of neighbours owing to the ample separation distances maintained and existing, mature boundary screening. A number of representations have been received from neighbouring and nearby residents supporting the proposal.

3.3 The application has been submitted with a preliminary ecological assessment by PEA, Arbtech, dated August 2017. The Consultant Ecologist considered that there are no likely ecological issues provided mitigation is carried out during construction for reptiles as described in the PEA (p.13) and this could be secured by way of a planning condition, in addition to this, it is recommended that a condition on breeding birds is used, compensation for the (theoretical) loss of broadleaved trees is provided within the landscape design, no removal, in full or in part, of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

4. Highways

4.1 Norfolk County Council raise no objections to the proposal subject to conditions with respect to widening of the vehicular access; access parking and turning area and servicing together with an informative with respect to works within the public highway.

5. Conclusion

5.1 It is considered that the proposed dwelling represents a very high quality and innovative design which reflects the highest standards in architecture and would significantly enhance its immediate setting whilst being sensitive to the defining characteristics of the local area. It would therefore satisfactorily accord with the criteria set out in Paragraph 55 of the National Planning Policy Framework.

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

RECOMMENDATION

Planning Permission

CONDITIONS

3106 External materials and samples to be approved
Prior to the commencement of the construction of the external walls of the dwelling hereby permitted, details and samples of all external materials to be used shall be submitted to and approved in writing by the Local Planning Authority, and this condition shall apply

notwithstanding any indication as to these matters which have been given in the current application. Only such agreed materials shall be used in connection with this approval.

Reason for condition:-

In the interests of a satisfactory appearance of the development.

This condition is imposed in accordance with Policies DC1 and DC16 of the Breckland Adopted Core Strategy.

This condition will require to be discharged

3140 Prior approval of slab level

Precise details of the slab levels of the dwellings/building hereby approved shall be submitted to and approved in writing by the Local Planning Authority, prior to the construction of the external walls of the dwelling hereby permitted. Such levels as may be agreed shall be used in connection with the development.

Reason for condition:-

In the interests of the satisfactory appearance of the development.

This condition is imposed in accordance with Policy DC1 of the Breckland Adopted Core Strategy.

This condition will require to be discharged

3408 Landscaping - details and implementation

Before the occupation of the dwelling hereby permitted, a scheme of landscaping which shall take account of any existing trees or hedges on the site, shall be submitted to and approved in writing by the Local Planning Authority. Compensation for the (theoretical) loss of broadleaved trees shall be provided within the landscape design. The approved scheme shall be carried out during the planting season 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. The details shall take account of 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:-

In the interests of visual amenity and to ensure a satisfactory form of development.

This condition is imposed in accordance with Policy DC12 of the Breckland Adopted Core Strategy.

This condition will require to be discharged

3006 Full Permission Time Limit (3 years)

The development must be begun not later than the expiration of THREE YEARS beginning with the date of this permission.

Reason for condition:-

As required by section 91 of the Town & Country Planning Act 1990.

3047 In accordance with submitted

The development must be carried out in strict accordance with the application form, and approved documents and drawings as set out below:

Drawing numbers 2403 01/04, 2403 01/02, 2403 01/06, 2403 01/08, 2403 01/05, 2403 01/07, 2403 01/03, Design & Access Statement (Rev A), PV16 Solar Photovoltaic Panels Document by Clearline Fusion, PUAZ-(H)W50-140VHA(2)/ YHA2(-BS) Ecodan Monobloc Air Source Heat Pumps Document, Local List Validation Assessment, Contamination Assessment, Tree Survey (by A Buschman dated 5 September 2014), Arboricultural Method Statement (30 August 2017), Preliminary Ecological Appraisal (22/08/2017), Arbtech AIA 01, Arbtech TPP 01.

Reason for condition:-

To ensure the satisfactory development of the site.

3935

Sustainable construction details

Prior to the commencement of the construction of the external walls of the dwelling hereby permitted, a detailed specification for the construction of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The specification shall accord broadly with the details set out in the submitted Supplementary Material, and shall include details of the construction of the external envelope of the building, anticipated energy performance and water use/recycling, the sourcing of materials and details of waste management. The development shall be constructed in accordance with the agreed details.

Reason for condition:-

To ensure that the dwelling is constructed to an appropriate standard in relation to energy use and sustainable construction techniques.

3920

Vehicular access

Prior to the commencement of the use hereby permitted the vehicular access shall be widened to a minimum width of 4.2 metres for the first 10 metres as measured back from the near channel edge of the adjacent carriageway. Additionally the first 5 metres shall be constructed in accordance with the Norfolk County Council residential construction specification Trad 4 attached Arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway. Reason: In the interest of highway safety and traffic movement.

Reason: The details are required prior to commencement in the interests of highway safety and traffic movement.

3920

Access gates

Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking, amending or re-enacting that Order) no gates, bollard, chain or 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: In the interests of highway safety.

3920

Access parking and turning

Prior to the first occupation of the development hereby permitted the proposed access parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.

- 3920 Ecology**
Mitigation during construction for reptiles shall be carried out as described in the PEA (p.13).

Reason for condition:

In order to ensure that appropriate measures are taken to protect wildlife and promote biodiversity in accordance with Policy CP10 of the Adopted Core Strategy and Development Control Policies Development Control Document 2009.

- 3935 Non-standard condition**
No removal, in full or in part, of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason for condition:

In order to ensure that appropriate measures are taken to protect wildlife and promote biodiversity in accordance with Policy CP10 of the Adopted Core Strategy and Development Control Policies Development Control Document 2009.

- 3920 Non-standard condition**
No removal, in full or in part, of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason for condition:

In order to ensure that appropriate measures are taken to protect wildlife and promote biodiversity in accordance with Policy CP10 of the Adopted Core Strategy and Development Control Policies Development Control Document 2009.

- 3920 Trees**
Operations on site shall take place in complete accordance with the approved Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) supplied by Arbtech. No other operations shall commence on site in connection with the development until the tree protection works and any pre-emptive tree works required by the approved AIA or AMS have been carried out and all tree protection barriers are in place as indicated on the TPP. The protective fencing shall be retained in a good and effective condition for the duration of the development and shall not be moved or removed, temporarily or otherwise, until all site works have been completed and all equipment, machinery and surplus materials removed from site, unless the prior written approval of the local planning authority has been sought and obtained.

Reason for condition:

To protect the longevity of the trees in accordance with Policy DC12 of the Adopted Core Strategy and Development Control Policies Development Control Document 2009.

3920 Foul water drainage

Precise details of the means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority before works on site commence.

Reason for condition:

The details are required prior to commencement to ensure that the possibilities of pollution are minimised in accordance with Core Strategy Policy CP9 (Pollution and Waste) of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

PD05 No PD for extensions or roof alterations.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification), no extensions or roof alterations as defined within Classes A, B, C and D of Part 1 of Schedule 2 of that Order shall be carried out on the land unless an appropriate planning application is first submitted to and approved by the Local Planning Authority.

Reason for condition:-

In the interests of the satisfactory appearance of the development and/or the amenities of adjoining residents in accordance with Policy DC1 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

9850 Highways Note

NOTES 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 Councils 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.

3996 Note - Discharge of Conditions

If the formal discharge of any condition is required, it will be necessary for you to submit to the Council all relevant details, together with a completed application for the "Discharge of Conditions" and the fee as appropriate.

4000 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 planning application.

- 2000** **NOTE: Application Approved Without Amendment**
- 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 subsequently determining to grant planning permission 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>
- 2014** **Criterion E - Planning Apps Where Approved**
- Appeals against planning decisions
- If you are aggrieved by the decision of your local planning authority to attach any particular condition/s to this permission, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.planningportal.gov.uk/pcs.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.