

ITEM:		RECOMMENDATION:	APPROVAL
REF NO:	3PL/2018/0664/O	CASE OFFICER	Natalie Levett
LOCATION:	FRANSHAM Land adjacent Main Road Little Fransham	APPNTYPE:	Outline
APPLICANT:	Daisley C/O Parker Planning Services	POLICY:	Out Settlemnt Bndry
AGENT:	Parker Planning Services Ltd Orchard House Hall Lane	ALLOCATION:	N
PROPOSAL:	Erection of 4 No. dwellings with associated parking	CONS AREA:	N
		LB GRADE:	N
		TPO:	N

REASON FOR COMMITTEE CONSIDERATION

The application is referred to Planning Committee because the application is contrary to policy.

KEY ISSUES

- Principle of Development
- Design and Impact upon the Character and Appearance of the Area and Amenity
- Impact on Trees and Hedgerows
- Impact on Ecology
- Impact upon Highway Safety

DESCRIPTION OF DEVELOPMENT

Outline planning permission is sought for the construction of four dwellings and associated parking. Whilst permission is only sought at this stage for the principle of the dwelling and access, the application indicates the dwellings would be detached and two would be two-storeys in height and two would be 1.5 storeys. The access would utilise the existing access onto Main Road and create the access into the current field from this.

SITE AND LOCATION

The application site is roughly a rectangular plot of land set to the northern part of a larger field also within the applicant's ownership. The whole field, including the application site, is stated to be vacant redundant pastoral land with the Planning Statement advising that it used to be used for pig rearing.

The application site is located outside of any Settlement Boundary.

EIA REQUIRED

Not required.

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.08	Natural Resources
CP.09	Pollution and Waste
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.04	Affordable Housing Principles
DC.12	Trees and Landscape
DC.13	Flood Risk
DC.16	Design
DC.17	Historic Environment
DC.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

OBLIGATIONS/CIL

Not applicable.

CONSULTATIONS

FRANSHAM P C

Fransham Parish Council recommend approval of this outline scheme.

NORFOLK COUNTY COUNCIL HIGHWAYS

The site is served by A47 Trunk Road for which Highways England are the Highway Authority . I would therefore advise you to consult with that Authority if you have not already done so.

TREE AND COUNTRYSIDE CONSULTANT

No objection to the principal as shown in the outline proposal. A reserved matters application will require an arboricultural impact assessment and tree protection plan based on the final layout design.

CONTAMINATED LAND OFFICER

No objections or comments on the grounds of Environmental Protection, providing the development proceeds in line with the application details.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

No objection, subject to conditions.

HIGHWAYS ENGLAND

No objection, subject to condition.

HISTORIC ENVIRONMENT SERVICE

No objection, subject to conditions.

REPRESENTATIONS

A Site Notice was displayed on 21st June 2018, advertised in the EDP and 4 neighbours were directly notified. No representations were received.

ASSESSMENT NOTES

1. Principle of Development

1.1 This application seeks outline consent for the erection of four dwellings and associated parking with access to be considered. The site is located outside of any Settlement Boundary. For this reason, the proposal conflicts, in principle, with Policies DC2 and CP14 of the Core Strategy and Development Control Policies Development Plan (2009), which seek to focus new housing within defined Settlement Boundaries. However, paragraph 11 of the NPPF (2018) states that where an authority does not have an up-to-date Development Plan or five year housing land supply, the relevant local policies for the supply of housing, as referred to above, should not be considered up-to-date and that housing applications should be considered in the context of the presumption in favour of sustainable development.

1.2 The Statement of Five Year Housing Land Supply as at 31st March 2017 was published in July 2017. This outlined that the District does not benefit from having a five year supply of housing land (it can only demonstrate a 4.6 years housing land supply). In these cases the NPPF makes provision, in principle, for Local Planning Authorities to positively consider sites that are not within defined Settlement Boundaries. This must be balanced against other policy requirements and aims including securing sustainable development, protecting the countryside, and good design.

1.3 The NPPF constitutes guidance for local planning authorities and decision-takers and is a material consideration in the determination of planning applications to achieve sustainable development. The Government outlines three dimensions to sustainable development: economic, social and environmental

(paragraph 8). These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- a social role - supporting strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- an environmental role - contributing to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

1.4 Paragraph 9 states that these roles should not be undertaken in isolation, because they are mutually dependent and that the planning system should play an active role in guiding development to sustainable solutions. A balanced assessment against these roles is, therefore, required.

1.5 Paragraph 78 of the NPPF notes that development in one village may help support the services in a nearby village.

1.6 Further environmental considerations would cover the impact the development would have on the natural and built environment. The proposed development would see the loss of "redundant pastoral land"/former pig rearing unit, for which no evidence or justification has been provided to confirm this.

1.7 However, the Planning Inspectorate, for an appeal (against the refusal of 3PL/2016/1314/F) very close to this application site, in August 2017, concluded that Little Fransham is a sustainable area.

1.8 The Planning Inspector's reasoning was as follows:

"8. A public footpath runs along the road frontage where the occupants would be able to walk to a limited range of local services including a farm shop, public house and a village hall. There are also bus stops close by which afford relatively frequent connections to nearby larger settlements where services and employment can be easily accessed.

9. Thus, whilst the occupants would inevitably require the use of a private car, they would not in my view be entirely dependent on the private car and could undertake some of their journeys through walking or public transport.

10. The occupants of the proposed dwelling might therefore work locally and use local services as part of a wider network of communities. There would be social benefits associated with housing provision and economic benefits in terms of new customers and employees for local businesses and there would also be economic benefits associated with construction.

11. Thus, even if the site is not previously development land and would result in the development of a green field, the proposal would still result in two new dwellings which would be well integrated into an existing village and I find the proposal would result in a small scale enhancement to the vitality of the rural community.

12. On this basis the reduced weight I afford to the conflict with Policies SS1, DC2 and CP14 of the DPD and the only partial dependence on the private car is significantly and demonstrably outweighed by the benefit of the provision of two dwellings and the small scale enhancement to rural community vitality. Consequently, I conclude the proposal would amount to sustainable development and would accord with the aims of the Framework".

1.9 Other sites in the area both to the east and the west of the current application site have subsequently been approved. As a result of the above, in the light of the Planning Inspector's conclusion, it is considered that the principle of development is acceptable.

2.0 Design and Impact upon the Character and Appearance of the Area and Amenity

2.1 Policy DC16 on Design expects all new development should achieve the highest standards of design. All design proposals must preserve or enhance the existing character of an area. Policy CP11 on Protection and Enhancement of the Landscape sets out that the landscape of the District will be protected for the sake of its own intrinsic beauty. Policy DC1 on Protection of Amenity sets out that development will not be permitted where there are unacceptable effects on the amenities of the area.

2.2 Whilst the design is a Reserved Matter, it has been indicated that it is likely to be four detached dwellings (two 2-storey and two 1.5 storey in height) and an indicative site plan has been submitted.

2.3 The indicative plan indicates that four suitably located dwellings could be accommodated within the site and the proposal has the ability to comply with policies DC1, DC16 and CP11.

3.0 Impact on Trees and Hedgerows

3.1 Policy DC12 seeks to protect the district's trees and hedgerows. The Tree and Countryside Consultant has advised that there is no objection to the principle as detailed in the submitted application. However, the Reserved Matters application will require an arboricultural impact assessment and tree protection plan based on the final layout design. As a result, the proposal has the ability to comply with Policy DC12.

4.0 Impact on Ecology

4.1 Policy CP10 seeks the protection of the natural environment.

4.2 The ecologist advised that the Preliminary Ecological Appraisal report (Parker Planning Services Ltd.; May 2018) highlights the proposed development site is not subject to any statutory or non-statutory nature conservation designations. In addition, the site is not located in proximity to any statutory or non-statutory designated site where the development could result in direct impacts to any designated site. There are two trees (T1 a mature ash and T2 a mature oak tree) with potential to support roosting bats, but these are located within the site boundary hedgerows and are not anticipated to be removed. If any arboricultural works (pruning/ bark removal) to these trees are proposed this must be preceded by further survey work to determine presence/ likely absence of roosting bats. Suitable habitat for foraging and commuting bats exists along the boundary hedgerows and hedgerows with trees.

4.3 The report identifies suitable bird nesting habitat exists within the boundary hedgerows and trees, but it is anticipated that the hedgerows will not be lost and can be protected during construction. The grassland habitat within the site is low value for reptiles and there is low potential for the site to be used by foraging great crested newts. Badgers may occasionally use the grassland for foraging, but there is an absence of

any suitable habitat for sett construction.

4.4 The Norfolk Biodiversity Information Service (NBIS) data search returned records for European hedgehog which is a Species of Principal Importance and could on occasion utilise habitats within the site for foraging.

4.5 They support the mitigation measures outlined in section 4.3 of the Preliminary Ecological Appraisal report (Parker Planning Services Ltd.; May 2018) to reduce the impacts of the proposed development to acceptable levels.

4.6 Subject to conditions, the ecologist raises no objection and thus the application would comply with Policy CP10.

5.0 Impact upon Highway Safety

5.1 The site is served by A47 Trunk Road for which Highways England are the Highway Authority for this application. Whilst it was noted that the existing access had relatively good visibility, the traffic using the A47 was at speed and it took a while to egress the site, Highways England has raised no objection, subject to conditions. Given the comments from Highways England, the proposal would accord with Policy CP13 and the NPPF.

6.0 Other matters

6.1 Given the proposed residential use, a pre-determination questionnaire and initial risk assessment for land contamination has been submitted. The Contaminated Land Officer had no objections or comments on the grounds of Environmental Protection. As a result, the proposal would comply with Policy CP9.

6.2 The Historic Environment Team has advised that archaeological surveys undertaken in the 1980s found evidence for settlement activity of medieval and post-medieval date within the present application site. There is potential for heritage assets, buried archaeological remains, to be present within the proposed development area and that the significance would be adversely affected by the proposed development.

6.3 However, they advise that if planning permission is granted, that it be conditioned that it is subject to a programme of archaeological work in accordance with National Planning Policy Framework. In this case the programme of archaeological mitigatory work should commence with informative trial trenching to determine the scope and extent of any further mitigatory work that may be required (e.g. an archaeological excavation or monitoring of groundworks during construction). A brief for the archaeological work can be obtained from Norfolk County Council Environment Service. As a result, given that this can be addressed by condition, the application complies with Policy DC17

7.0 Planning Balance and Conclusion

7.1 The National Planning Policy Framework (NPPF, 2018) is clear and explicit that Local Planning Authorities should consider favourably sustainable development. As noted above, the Planning Inspectorate, in an appeal decision in August 2017, concluded that Little Fransham was a sustainable area and, this, together with other residential developments nearby, it would be difficult to substantiate an objection to the principle of development.

7.2 As a result, it is whether or not there are any other material considerations that would outweigh approval. Given that this is application is in outline with only access to be considered at this stage, the information submitted and comments received indicate that the proposal could be accommodated and conditions could

be imposed to overcome issues of concern.

7.3 In terms of the overall Planning balance of the scheme and the absence of a five year housing land supply, it is considered that the development is acceptable and the application is recommended for conditional approval.

RECOMMENDATION

Outline Planning Permission

CONDITIONS

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

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

Reason for condition:-
As required by section 92 of the Town & Country Planning Act 1990 and in order to ensure the early delivery of housing.
- 2** **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 in writing by the Local Planning Authority and these plans and descriptions shall provide details of the appearance, scale, access and landscaping of the development.

Reason for condition:
The full 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** **Number of dwellings only (outline)**

The reserved matters referred to above shall relate to the construction of four dwellings only comprising of two, two storeys and two one-and-a-half storeys in height.

Reason for condition:-
To ensure that the development is compatible with the form and character of the surrounding area in accordance with policies DC1 & DC16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.
- 5** **Mitigation Measures Ecology**

Mitigation measures outlined in Section 4.3 of the Preliminary Ecological Appraisal report (Parker Planning Services Ltd.; May 2018) shall be implemented including but not limited to a sensitive lighting strategy, the grassland maintained at a short sward height and removal of suitable bird nesting habitat subject to a timing constraint. Full details of which shall be detailed in the Reserved Matters application.

Reason for condition:-
For clarity and protection of biodiversity in accordance with Policy CP10 of the adopted

Breckland Core Strategy and Development Control Policies Development Plan Document and the NPPF (2018).

6 Enhancement Measures Ecology

The enhancement measures outlined in section 4.4 of the Preliminary Ecological Appraisal report (Parker Planning Services Ltd.; May 2018) shall be incorporated into the site's design. Full details of which shall be detailed in the Reserved Matters application.

Reason for condition:-

The details are not included in the current submission and for protection of biodiversity in accordance with Policy CP10 of the adopted Breckland Core Strategy and Development Control Policies Development Plan Document and the NPPF (2018).

7 AIA & TPP to be submitted RM

As part of the submission of the Reserved Matters application, an Arboricultural Impact Assessment and Tree Protection Plan based on the final layout design shall be submitted. The development shall accord with the approved details.

Reason for condition:-

The details are not included in the current submission.

8 Boundary screening to be agreed

As part of the submission of the Reserved Matters application, a scheme for the provision of boundary screening shall be submitted. Such scheme as may be agreed shall be completed prior to the first occupation of the development to the written satisfaction of the Local Planning Authority.

Reason for condition:-

To safeguard the interests of the amenities of neighbouring occupiers and to ensure the satisfactory appearance of the development, in accordance with Policy DC 1 and DC 16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

This condition will require to be discharged

9 External materials to be approved

As part of the submission of the Reserved Matters application, details of the external materials to be used in the construction of the development hereby permitted shall be submitted. The materials to be used in the development shall be in accordance with the approved details.

Reason for condition:-

The details are not included in the current submission and to enable the Local Planning Authority to control the colour, tone, texture and appearance of the materials used to ensure the satisfactory appearance of the development, as required by Policy DC 1 and DC 16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

This condition will require to be discharged

10 Slab level to be arranged

As part of the submission of the Reserved Matters application, precise details of the slab levels of the dwelling hereby approved shall be submitted. Such details shall also provide comparative levels with adjoining properties and details of the levels of any boundary treatments proposed. The development shall be carried out in accordance with the details as approved.

Reason for condition:-

The details are not included in the current submission and to ensure that the development approved does not have an adverse effect on the amenities of local residents or on the character and appearance of the area, as required by policies DC1 & DC16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

This condition will require to be discharged

11 Precise details of surface water disposal

As part of the submission of the Reserved Matters application, precise details of the means of surface water disposal shall be submitted. Only such agreed system or works shall be used in connection with this approval.

Reason for condition:-

The details are required to be submitted prior to the commencement of development to minimise the possibilities of flooding from the outset of the development.

This condition is imposed in accordance with Policies DC 1 and DC 13 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009

This condition will require to be discharged

12 Foul drainage to main sewer

Foul drainage from the proposed development shall be discharged to the main sewer.

Reason for condition:-

To prevent the pollution of the water environment.

13 Archaeological work to be agreed

A) No development shall take place until an archaeological written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation and 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation;

and,

B) No development shall take place other than in accordance with the written scheme of investigation approved under Part (A);

and,

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under Part (A) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured, which shall be to the written satisfaction of the Local Planning Authority.

Reason for condition:-

To ensure the potential archaeological interest of the site is investigated in accordance with Policy DC17 of the adopted Breckland Core Strategy and Development Control Policies

Development Plan Document (2009).

This condition will require to be discharged

14

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 in writing 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.

This condition will require to be discharged

15

Highways England Condition

No part of the development shall be brought into beneficial use or occupation until the access arrangements to and from the A47 have been completed to the written satisfaction of the Local Planning Authority in consultation with the Highways Authority on behalf of the Secretary of State for Transport.

In particular, the access should be provided in line with standards set out in the Design Manual for Roads and Bridges (TD41/95 Vehicular Access to all purpose trunk roads) and requirements of the Specification for Highway Works and agreed to the written satisfaction of the Local Planning Authority in consultation with the Highways Authority on behalf of the Secretary of State for Transport, prior to construction. The access shall be to a minimum width of 5m.

Reason for condition:-

To ensure that the A47 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980, and to satisfy the reasonable requirements of road safety on the A47 and connecting roads.

16

Works to Trees 1 & 2

No works to Trees 1 and 2 assessed as having bat roost potential (Preliminary Ecological Appraisal report; Parker Planning Services Ltd.; May 2018) including removal, pruning or crown reduction shall take place unless a competent ecologist has undertaken further survey work to determine presence/likely absence of roosting bats and provided written confirmation that no bat roosts will be harmed and/or that there are appropriate measures in place to protect bat interest on site. Any such written confirmation shall be submitted to and approved in writing by the Local Planning Authority prior to the works taking place.

Reason for condition:-

For the protection of biodiversity in accordance with Policy CP10 of the adopted Breckland Core Strategy and Development Control Policies Development Plan Document and the

NPPF (2018).

17 Decision Notices Conditions to be discharged prior to work

Conditions 13 and 14 are required to be discharged prior to any works on site being undertaken.

18 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.