

<b>ITEM:</b>		<b>RECOMMENDATION:</b>	APPROVAL	
<b>REF NO:</b>	3PL/2018/0861/F	<b>CASE OFFICER</b>	Lisa ODonovan	
<b>LOCATION:</b>	MATTISHALL Walnut Tree Farm, West End, Mill Road Mattishall	<b>APPNTYPE:</b>	Full	
<b>APPLICANT:</b>	Mr Tom Eames 1 Grange Road Wendling	<b>POLICY:</b>	Out Settlement Bndry	
<b>AGENT:</b>	Clayland Architects The Glass House Lynford Gardens	<b>ALLOCATION:</b>	N	
<b>PROPOSAL:</b>	New dwelling house, change of use from agricultural to residential		<b>CONS AREA:</b>	N
		<b>LB GRADE:</b>	N	
		<b>TPO:</b>	N	

#### REASON FOR COMMITTEE CONSIDERATION

The application is brought to Planning Committee as the recommendation is contrary to Policy.

#### KEY ISSUES

Principle  
Impact on character and appearance of the area  
Amenity impact  
Highway safety  
Impact on trees  
Ecological Implications

#### DESCRIPTION OF DEVELOPMENT

The application seeks permission for the erection of a single, two-storey dwelling on land adj. Walnut Tree House, currently used as garden. The dwelling will comprise of 3 bedrooms. An existing outbuilding will be retained and solar panels mounted on the western roof slope with the aim of producing 50% of the dwellings power needs.

#### SITE AND LOCATION

The land is currently garden/agricultural land associated with Walnut Tree House and sits between this dwelling and Sunnydown to the west which is a one and half storey dwelling approximately 16 metres away, side flank to side flank.

There is an open frontage and the site rises slightly from the road to the north. The existing access is proposed for use in connection with this development.

**EIA REQUIRED**

No

**RELEVANT SITE HISTORY**

3PL/2008/1576/F - The Barn at Walnut Tree Farm - Proposed conversion of barn to dwelling - Permission

**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.04	Infrastructure
CP.10	Natural Environment
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.12	Trees and Landscape
DC.16	Design
DC.19	Parking Provision
NP	Neighbourhood Plan
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

**OBLIGATIONS/CIL**

Not Applicable

**CONSULTATIONS**

**NORFOLK COUNTY COUNCIL HIGHWAYS**

No objection subject to conditions.

**CONTAMINATED LAND OFFICER**

No objection subject to conditions.

**TREE AND COUNTRYSIDE CONSULTANT**

No objection subject to condition.

**ECOLOGICAL AND BIODIVERSITY CONSULTANT**

No objection subject to conditions.

**ENVIRONMENTAL HEALTH OFFICERS**

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

**NORFOLK RIVERS INTERNAL DRAINAGE BOARD** No Comments Received

**MATTISHALL P C** No Comments Received

**REPRESENTATIONS**

Site notice erected: 30-07-2018

Consultations issued: 23-07-2018

Four letters of support received.

**ASSESSMENT NOTES**

1.0 Principle of development

1.1 The site is located outside the Mattishall Settlement Boundary and therefore the application is contrary to Policies SS1, DC2 and CP14 of the Core Strategy and Development Control Policies Development Plan Document 2009. The principle of the proposal is therefore not accepted.

1.2 Paragraph 10 of the NPPF states that at the heart of the Framework is a presumption in favour of sustainable development. Paragraph 11 further states that proposed development that accords with an up-to-date Local Plan should be approved without delay, and where there are no relevant development plan policies, or the policies which are most important for determining applications are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

1.3 The Council cannot demonstrate a current 5 year housing land supply and therefore the Core Strategy and Development Control Policies Document are not considered up-to-date and therefore the material considerations are assessed in line with the sustainable development roles within paragraph 8 of the NPPF:

- economic, to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types 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;
- social, to support 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
- environmental, to contribute 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 Economic - The proposal would provide one new dwelling and would therefore make a positive, albeit

small, contribution to the housing supply. The proposal would provide limited short-term economic benefits through labour and supply chain demand required during construction.

1.5 Social - Mattishall is designated a Service Centre Village in both the existing local plan and the emerging local plan. The site is approximately 0.6 miles away from the main settlement boundary and key facilities. Mattishall benefits from a school, a shop, post office, butchers, pharmacy and a tea room. This distance is not considered significant and is a short cycle ride away. Dereham, the nearest Market Town is approximately 4.5 miles away to the west. It is acknowledged that the NPPF supports housing where it will maintain the vitality of rural communities (paragraph 78). It is considered that the site is close enough to a thriving rural village, further economic support of an additional household is considered to be a benefit.

1.6 In light of the above, the application is considered to meet the economic and social objective of sustainable development as well as Policy HOU6 of the Mattishall Neighbourhood Plan.

## 2.0 Impact on the character and appearance of the area

2.1 The environmental role of sustainable development seeks to, in part, contribute to protecting and enhancing the natural, built and historic environment. Consideration of a development's impact on the character and appearance of the area within which it is situated is, therefore, integral to the environmental dimension of sustainable design, as is its design.

2.2 Policy DC16 requires all new development to achieve the highest standard of design. As part of this, all design proposals must preserve or enhance the existing character of an area. Consideration will also be given to the density of buildings in a particular area and the landscape/townscape effect of any increased density. Policies HOU1 and HOU4 of the Mattishall Neighbourhood Plan seeks to provide appropriate, well-designed dwellings in keeping with the character of the village.

2.3 The application proposes a two storey dwelling which is in keeping with the traditional pitched roof form, road facing development in the area. There is a varied mix of materials in the locality, therefore the brick construction proposed is considered acceptable. The layout provides a spacious form of development and the land already relates almost as garden to the that of Walnut Tree Farm, the development of this plot therefore does not spoil any important streetscene gaps or views.

2.4 The proposal also seeks to utilise an existing outbuilding by incorporating solar panels to provide up to 50% of the dwellings power.

2.5 In light of these factors, the proposal is considered to meet the environmental role of sustainable development as well as having due regard to the design policies within the local plan and the neighbourhood plan.

## 3.0 Amenity impact

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

3.2 The proposal seeks permission for a two-storey dwelling on land adjacent an existing two storey dwelling/farmhouse. Another dwelling is situated approximately 16m to the west, whilst this dwelling is one and half storeys, the separation distance is considered sufficient so as to reduce any over bearing impact or overlooking.

3.3 The existing barn (to be retained) will separate the new dwelling to the existing (Walnut Tree Farm), but again there is a distance of approximately 45m nearest side element to the side of the new dwelling. In light of these distances and also the orientation of the site, the proposal is unlikely to cause any significant loss of light or overshadowing. The proposal also provides the dwelling with a generous amount of private amenity space for any future occupiers. In light of these factors, the proposal is considered to accord with policy DC1.

#### 4.0 Highway safety

4.1 Policy CP4 of the Core strategy seeks to ensure that all access and safety concerns are resolved in new developments. Policy DC19 requires sufficient parking for all new development.

4.2 The proposal seeks to utilise an existing access and provides sufficient parking and turning within the site, an amended plan was provided which illustrates road widening opposite the site, within the highway boundary. The Highway Authority was consulted and advised that the applicant intends using the land as a smallholding for which he does not require planning permission.

4.3 On that basis the site could already be capable of generating a number of vehicular movements however, as of the present time, the land would generate limited traffic and the proposal is considered on the basis of the additional movements generated by a dwelling.

4.4 The site is served by a highway which, in the main, is single track with limited passing provision.

4.5 The applicant proposes mitigating the effect of the additional traffic movements by the provision of localised widening to achieve a 4.8m carriageway width in an area related to the dwelling and where the carriageway width falls well below this.

4.6 In light of this proposed improvement, which would be of benefit to all road users, the Highway Authority considers it would be difficult to substantiate an objection subject to conditions.

#### 5.0 Impact on trees

5.1 Policy DC12 seeks to preserve the District's trees, hedgerows and other natural features and secure appropriate landscaping schemes to mitigate the impact of, and complement, new development. None of the trees within the applicant's ownership are covered by a TPO.

5.2 The application was supported by a Tree Survey Report and Arboricultural Impact Assessment by Adonis Ecology which concluded that no trees will require removal and the risk to retained trees will be negligible. The Tree and Countryside Officer raised no objection to the scheme subject to work on site taking place in accordance with the measures within this report.

#### 6.0 Ecological implications

6.1 Policy CP10 seeks the enhancement of biodiversity and geodiversity in the district. Policy ENV7 of the Mattishall Neighbourhood Plan seeks to maintain and enhance biodiversity, ecological networks and habitat connectivity. Proposals need to ensure that the ecological network and protected species are not harmed or detrimentally impacted and mitigation measures are put in place where appropriate.

6.2 The application is supported by an Ecological Assessment (Adonis Ecology Ltd.; November 2017). The

report highlights a low risk of indirect disturbance to roosting, foraging and/or commuting bats, very low risk of harm to individual badgers and common toads during site clearance works, very low risk to individual sheltering, foraging and/or commuting great crested newts during site clearance works. The mitigation measures outlined in paragraph 5.2.2, 5.2.3, 5.2.4, 5.2.5 of the Ecological Assessment (Adonis Ecology Ltd.; November 2017) to reduce the likelihood of impacts to acceptable levels are supported.

6.3 Although the site falls within the Impact Risk Zones of the two closest, and other nearby SSSIs, there was no requirement to consult Natural England of the type of development planned for the site. It is agreed that given the low value of the habitats on the site for local wildlife, the likelihood of the works impacting upon the interest features of any nearby statutory wildlife sites is considered negligible.

6.4 It is recommended that some enhancement measures in-line with the NPPF is conditioned.

6.5 In light of the above, the application is considered to have due regard to Policy CP10 (Core Strategy), Policy EN7 (Neighbourhood Plan) and paragraph 170 of the NPPF.

## 7.0 Planning Balance

7.1 The application site is situated in a relative close proximity to the Mattishall Settlement Boundary which is designated as a Service Centre village. The site itself is situated in between existing development and does not form an important streetscene gap, as a result there is considered to be minimal character impact. The dwelling proposed is of a form and design in keeping with the traditional Norfolk style and the scheme also proposes to utilise solar energy. In terms of the overall planning balance and taking these factors into consideration against the Council's lack of 5 year housing land supply, the application is, on balance, considered acceptable and is recommended for approval with a reduced time limit to encourage delivery.

### RECOMMENDATION

**Planning Permission**

### CONDITIONS

- 1 Full Permission Time Limit (2 years)**

The development must be begun not later than the expiration of TWO YEARS beginning with the date of this permission.  
Reason for condition:-  
As required by section 91 of the Town & Country Planning Act 1990 (as amended) and to ensure the deliverability of the scheme to contribute to the five year housing land supply.
- 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 External wall and roof materials to be agreed**

No development beyond slab level shall take place until precise details, (including samples where required), of the materials used in the construction of the external walls and roof(s) of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. This condition shall apply notwithstanding any indication as to these matters that have been given in the current application. The materials to be used in

the development shall be in accordance with the approved details.

Reason for condition:-

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**

**4**

**Contaminated Land - Site Investigation/Remediation**

Unless otherwise agreed in writing, the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved:

**A. Site Investigation**

A site investigation and risk assessment to determine the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s).

**B. Remediation Scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

**C. Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

The above must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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.

**INFORMATIVE:-**

Land contamination risk assessment is a step-by-step process. During the course of the risk assessment process set out in the above condition, it may become clear that no further work

is necessary to address land contamination risks. Where this is the case the condition may be discharged by the Council without all the steps specified being completed. In all cases written confirmation should be obtained from the Council confirming that the requirements of the condition have been met.

**This condition will require to be discharged**

**5 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**

**6 Tree protection condition - in accordance with AIA**

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) provided by Adonis Ecology. No other operations shall commence on site in connection with the development until the tree protection works and any preemptive 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. Works shall not commence until written confirmation has been obtained from the appointed arboriculturalist to confirm that fencing is in place as specified. The protective fencing shall be retained in a good and effective condition for the duration of the construction 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:-

In order to safeguard the protection of trees from the outset of the development, in accordance with Policy DC 12 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**7 Ecology - mitigation measures to be adhered to**

The mitigation measures outlined in paragraph 5.2.2, 5.2.3, 5.2.4, 5.2.5 of the Ecological Assessment (Adonis Ecology Ltd.; November 2017) shall be implemented and maintained throughout construction and development of the site.

Reason for condition:-

To ensure the development is not detrimental to Protected Species and in order to protect the wildlife value of the site in accordance with Policy CP10 of the Adopted Core Strategy

and Development Control Policies Development Plan Document 2009 and the National Planning Policy Framework.

**8 Ecology - enhancements**

Prior to the first occupation of the dwelling hereby approved, the enhancement measures shall be incorporated into the site's design as outlined in section 5.3 of the Ecological Assessment (Adonis Ecology Ltd.; November 2017). Details and evidence shall be submitted to and agreed by the Local Planning Authority.

Reason for condition:-

To ensure the development is not detrimental to Protected Species and in order to protect and enhance the wildlife value of the site in accordance with Policy CP10 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009 and the National Planning Policy Framework.

**9 Private access road - width**

Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order (2015), (or any Order revoking, amending or re-enacting that Order) no gates/bollard/chain/other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason for condition:-

In the interest of highway safety and traffic movement.

**10 Access One way system**

Prior to the first occupation/use of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan. The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.6metres above the level of the adjacent highway carriageway.

Reason for condition:-

In the interests of highway safety in accordance with the principles of the NPPF.

**This condition will require to be discharged**

**11 Provision of visibility splays - conditioned**

Prior to the first occupation of the development hereby permitted the proposed 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 for condition:-

To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.

**This condition will require to be discharged**

**12 Off site highway works**

Notwithstanding the details indicated on the submitted drawings no works above slab level shall commence on site unless otherwise agreed in writing until detailed drawings for the off-site highway improvement works as indicated on Drawing No.1664/04 Rev C has/have been submitted to and approved in writing by the Local Planning Authority.

Reason for condition:-

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

**This condition will require to be discharged**

**13 Off site highway works - second part**

Prior to the first occupation of the development hereby permitted the off-site highway improvement works referred to in condition 12 of this permission shall be completed to the written satisfaction of the Local Planning Authority.

Reason for condition:-

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

**This condition will require to be discharged**

**17 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.