

ITEM:		RECOMMENDATION:	APPROVAL
REF NO:	3PL/2018/0422/O	CASE OFFICER	Mark Springthorpe
LOCATION:	YAXHAM Land to the north of Homefield,Dereham Road Yaxham	APPNTYPE:	Outline
		POLICY:	Out Settlemnt Bndry
APPLICANT:	Mr N Gale Lothlorien Mattishall, Road	ALLOCATION:	N
AGENT:	Landmark Associates 2 Muir Drive Hingham	CONS AREA:	N
		LB GRADE:	N
		TPO:	N
PROPOSAL:	Outline permission for the erection of 6no dwellings with all matters reserved		

REASON FOR COMMITTEE CONSIDERATION

The application site sits outside of any defined settlement boundary. By consequence the proposal is considered to be contrary to policies CP14 and DC02 of the Adopted Core Strategy and Development Control Policies Development Plan Document (2009).

KEY ISSUES

Principle of Sustainable Development
Character and appearance
Amenity
Accessibility
Ecology
Other matters
Conclusion

DESCRIPTION OF DEVELOPMENT

The applicant seeks outline planning permission with all matters reserved for the erection of 6no. market residential dwellings to the north east of Dereham Road, Yaxham.

SITE AND LOCATION

The site constitutes a grassed paddock surrounded by hedged boundaries and is located in a prodominantly rural location to the east of Dereham Road and south of Cut Throat Lane, on the north side of Yaxham. The site extends to 0.80 hectares and sits outside of, though adjacent to, the boundary of the defined settlement

EIA REQUIRED

No.

RELEVANT SITE HISTORY

No relevant site history.

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

CP.01	Housing
CP.04	Infrastructure
CP.08	Natural Resources
CP.09	Pollution and Waste
CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
CP.13	Accessibility
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.12	Trees and Landscape
DC.13	Flood Risk
DC.16	Design
DC.17	Historic Environment
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

YAXHAM P C

Yaxham Parish Council on the following grounds:
- Outside the settlement boundary

- Narrows the green gap between Yaxham and Dereham
- Detriment to this important gateway entrance to the village
- Would exacerbate groundwater flood risk, particularly running off into Cutthroat Lane which sits below the level of the site
- There is no mains foul sewerage for this road. The closest Anglian water connection point is at the Dereham Road/Station Road junction
- Safety of extra vehicle movements
- Loss of hedgerow
- Proposed footpath to bus-stop cannot be delivered as it goes across the front-gardens of two neighbouring privately-owned properties and in any case, does not lead anywhere else. For residents of this development to use the wider footpath network they will have to cross the busy B1135.

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection subject to the reserved matters application including visibility splays, accessibility, parking provision, turning areas and footway provision.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

No objection subject to conditions.

CONTAMINATED LAND OFFICER

No objection subject to conditions.

TREE AND COUNTRYSIDE CONSULTANT

No objection following confirmation the hedgerow is not protected - subject to condition

COUNCILLOR PABLO DIMOGLU

Cllr Dimoglou recognises the position with regard to policies relating to the supply of housing and as such, supports the application in principle. There is concern as to the details of the proposed access point and that it does not lead to further development to the rear of the site

NATURAL ENGLAND

No objection subject to conditions.

REPRESENTATIONS

In addition to the above consultee responses five letters of objection were received raising the main points:

- Principle of development/sustainability of settlement
- Erosion of green space between Yaxham and Dereham
- Loss of hedgerow
- Loss of views across the paddock
- Further future development of the paddock
- Road safety/risk of accidents
- Foul sewage connection
- Surface water flooding
- Impact on neighbouring amenity
- School capacity
- Construction management

ASSESSMENT NOTES

1.0 Principle of sustainable development

1.1 The presumption in favour of sustainable development is set out in paragraphs 7 and 14 of the National Planning Policy Framework (NPPF). Paragraph 7 states there are three dimensions to sustainable development: environmental, economic, social. Paragraph 8 reiterates that these dimensions cannot be undertaken in isolation, as they are mutually dependant.

1.2 Paragraph 49 of the National Planning Policy Framework states housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

1.3 The Yaxham Neighbourhood Plan (the YNP) was made on 22 June 2017 and forms part of the development plan. A Written Ministerial Statement (WMS) sets out how planning applications and appeals should be determined in circumstances where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, yet there is a neighbourhood plan in force. The WMS applies three criteria and where all are met, a neighbourhood plan should not be considered out-of-date, despite the Council's five year housing land supply position. However, as the YNP does not allocate sites for housing, it would not comply with all three criteria as required by the WMS and although only made in June 2017, its policies for the supply of housing are deemed to be out-of-date in accordance with paragraph 49 of the Framework.

1.4 Yaxham would be considered a rural settlement as defined by policy SS1 of the Adopted Local Plan (2009). These settlements are not capable of sustaining consequential growth as many are completely reliant on higher order settlements for services and facilities.

1.5 The site is located outside the settlement boundary of Yaxham in an area of open countryside to the north of the village 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 residential development would be contrary to the development plan. However, it sits immediately adjacent to that boundary - bound to the north and south by existing dwellings - and benefits from a footpath along the opposing side of the carriageway into the heart of the village.

1.6 The broader Yaxham does benefit from a primary school, shop, community facilities and some employment opportunities. Dereham, is also located in close proximity to the application site. Yaxham is served by a regular bus service that runs seven days a week. Furthermore, from an economic and social perspective, the development of the site would contribute modestly to the overall housing land supply within the District, alongside providing some additional footfall for existing services and facilities within Yaxham village and would provide short term construction employment.

1.7 A recent appeal decision (APP/F2605/W/18/3194045) considered a similar site to the west of the village (proposing 25no dwellings) to be acceptable in terms of location, size, character and appearance. This decision constitutes a material consideration.

1.8 On the basis of the above therefore, the proposal is considered acceptable in principle in accordance with paragraphs 7 and 14 of the NPPF.

2.0 Character and appearance

2.1 In accordance with Policy DC16 of the Adopted Local Plan (2009), all new development should achieve

the highest standards of design and in assessing any proposal those criteria will be taken into account.

2.2 The layout and design of the dwellings are to be assessed at the reserved matters stage. However, as shown on the indicative site layout, the applicant is proposing 6no market dwellings in a linear formation not dissimilar to that already established along Dereham Road and continuing along Norwich Road. The site will also be book-ended by existing dwellings, such as to give the impression of being integrated into the existing settlement.

2.3 Whilst there is limited development to the eastern boundary of Dereham Road, to the south, Norwich Road benefits from a variety of different dwelling styles and densities with dwellings both having road frontage and being set back from the road.

2.4 The site is a rectangular parcel of land. It is considered a development of 6no dwellings of an acceptable density and size could be accommodated on site and provide ample amenity space both to the rear and frontage of each plot in accordance with policy DC1 of the Adopted Local Plan (2009).

3.0 Accessibility

3.1 Although it remains one of the reserved matters, Norfolk County Council Highways reviewed the proposal and stated it would be preferable that the site be served by a single point of access being a minimum of 4.8m in width and provided with a size 3 turning area. This would assist in the prevention of visiting vehicles waiting in Dereham Road obstructing the highway.

3.2 The access needs to be positioned appropriately to achieve visibility of 2.4m x 59m to either side. In addition, forward visibility of 59m will be required to provide drivers on the B1135 with sufficient warning of a stationary vehicle waiting to turn into the access. This will need to be clearly demonstrated in any Reserved Matters application.

3.3 The site is located in close proximity to bus stops which have a regular day time service between Norwich and Dereham and the indicative plan includes proposals to provide a footway across the site frontage. A suitable dropped kerb crossing point will be required on the opposite side of the road.

3.4 NCC Highways have no objection to the proposal subject to any reserved matters application including detail in respect of visibility splays, access, parking provision, turning areas and a footway provided that would extend as far as the existing bus stop.

4.0 Ecology

4.1 Norfolk County Council Ecology were consulted on the proposal. They stated the site has a low potential for commuting and foraging reptiles for example grass snake along the boundary hedgerow were identified. The likelihood of reptiles being present within the site was considered low. Mitigation measures are therefore advised to avoid impacts on reptiles.

4.2 Furthermore, it was considered there was low suitable habitat for foraging and commuting badger within the site. Mitigation measures are therefore advised to avoid impacts on badgers.

4.3 NCC had no objection to the proposal subject to appropriate conditions in respect of an Ecological Management Plan and enhancement for biodiversity on site.

4.4 Natural England were also consulted with regard to the potential impact on the Badley Moor SSSI and

Norfolk Valley Fen SAC. Following a review of the submission documents, no objection was sustained - subject to conditions requiring the approval of measures to discharge of foul and surface water.

5.0 Drainage & Flood Risk

5.1 The Parish Council and others have raised concern over the potential for the development to exacerbate existing flooding to local properties caused by surface water. The scheme proposes the use of SuDS for the attenuation and discharge of surface water on site. It is considered to be achievable in-principle, subject to condition.

5.2 It was also raised that the existing foul water sewage network does not extend to the site. It is proposed to deliver the necessary infrastructure to enable a connection to be made. Details and implementation will be secured by way of condition.

6.0 Other Matters

6.1 The Tree and Countryside Officer was consulted on the proposal. Following confirmation that the hedgerow fronting Dereham Road - proposed to be removed in part to facilitate the development - was not protected by the Hedgerow Regulations 1997, no objection to the proposal was advanced.

6.2 The Contaminated Land Officer was consulted and had no objection to the proposal subject to conditions.

7.0 Conclusions

7.1 In terms of the overall planning balance the site is considered to be in a sustainable location in accordance with paragraphs 7 and 14 of the National Planning Policy Framework and therefore acceptable in-principle for bringing forward for residential development.

7.2 The size and shape of the site is considered acceptable to accommodate 6no dwellings at the proposed density in an appropriate layout which would meet the expectations of Policies DC1 and DC16 of the Adopted Local Plan (2009) - subject to all matters being reserved.

RECOMMENDATION

Outline Planning Permission

CONDITIONS

- 1** **Outline Time Limit (3 years)**
Application for Approval of Reserved Matters must be made not later than the expiration of THREE 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.
- 2** **Standard Outline Condition**
No development whatsoever shall take place until the plans and descriptions giving details of the reserved matters 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.

3 External materials to be approved

Prior to the commencement of any works above slab level precise details of the colour of the external materials shall be submitted to and approved in writing by the Local Planning Authority. Only such agreed materials shall be used in connection with this approval.

Reason for condition:-

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

4 Prior approval of slab level

Prior to the commencement of the development 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. Such levels as may be agreed shall be used in connection with the development.

Reason for condition:-

The details are required to be submitted prior to the commencement of the development to safeguard the interests of the amenities of neighbouring occupiers and to ensure the satisfactory appearance of the development from its outset, 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

5 Non standard design condition

An ecological management plan (EMP) shall be submitted to, and approved in writing by the LPA prior to commencement of development. The content of the EMP shall include the following (incorporating measures as laid out under Para 6.4.2 of the approved Ecology Survey by Norfolk Wildlife Services dated December 2016):

- a) Description and evaluation of features to be managed,
- b) Ecological constraints on site that might influence management
- c) Aims and objectives of management
- d) Appropriate management options for achieving aims and objectives including mitigation and enhancement detailed in the Ecological Survey report submitted with the application namely that for
 - Farmland birds
 - Protection and enhancement of bat feeding and commuting corridors,
 - Protection and enhancement of hedgerows
 - Provision of a minimum of 12no bat boxes
 - Provision of a minimum of 6no nest boxes for birds
- e) Prescriptions for management actions
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
- g) Details of the body or organisation responsible for implementation of the plan
- h) On-going monitoring and remedial measures

The EMP shall also include details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured by the developer. The plan shall also set out (where the results of monitoring show that conservation aims and objectives of the EMP are not being met) how remedial action will be identified, agreed and implemented so the development still delivers the fully function biodiversity objectives of the originally approved scheme."

Reason for condition:-

To mitigate the impact on the existing biodiversity and enhance the ecological network in accordance with Policy DC 10 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009

6

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:-

To mitigate the impact on the existing biodiversity and ecological network in accordance with Policy DC 10 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009

7

Boundary screening to be agreed

Prior to the occupation of the development hereby approved, a scheme for the provision of boundary screening, shall be submitted to the Local Planning Authority for approval. Such scheme as may be agreed shall be completed prior to the occupation of the development which the screening adjoins to the 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

8

Hardlandscaping - details and completion

Prior to the occupation of the development hereby permitted details of any hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. Such approved works shall be completed in all respects before the occupation of the development hereby permitted and thereafter retained.

Reason for condition:-

To ensure the satisfactory appearance of the development, in accordance with Policy DC01 and DC16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

This condition will require to be discharged

10

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

12 Landscaping - details and implementation

Prior to the occupation of the development 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. 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:-

To ensure the satisfactory appearance of the development, in accordance with Policy DC 12 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

This condition will require to be discharged

13 Details of roads, footways etc.

Prior to the commencement of any works, detailed plans of the means of access, turning areas, parking provision and footways shall be submitted to and agreed in writing by the Local Planning Authority. Such approved works shall be completed in all respects before the occupation of the development hereby permitted and thereafter retained.

Reason for condition:-

To ensure the satisfactory development of the site and in the interests of the amenities of future and neighbouring occupiers and safe operation of the highway, in accordance with Policy CP4, CP13, DC1, DC16 and DC19 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

This condition will require to be discharged

14 Precise details of surface water disposal

Prior to the commencement of any works precise details of the means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. 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 and potential damage to the natural environment - including Badley Moor SSSI and Norfolk Valley Fen SAC - in accordance with Policies CP6, CP8, CP10, CP11, 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

15

Precise details of foul water disposal

Prior to the commencement of any works precise details of the means of foul water infrastructure and disposal shall be submitted to and approved in writing by the Local Planning Authority. 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 and potential damage to the natural environment - including Badley Moor SSSI and Norfolk Valley Fen SAC - in accordance with Policies CP6, CP8, CP10, CP11, 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