

ITEM:		RECOMMENDATION:	APPROVAL
REF NO:	3PL/2018/0338/F	CASE OFFICER	Naomi Minto
LOCATION:	FOULDEN Tallon Street FoulDen	APPNTYPE:	Full
APPLICANT:	Mr & Mrs Leech Tallon House Tallon Street	POLICY:	Out Settlemnt Bndry
AGENT:	Clayland Architects The Glass House Lynford Gardens	ALLOCATION:	N
PROPOSAL:	New residential dwelling	CONS AREA:	N
		LB GRADE:	N
		TPO:	N

REASON FOR COMMITTEE CONSIDERATION

The application is referred to Planning Committee as it is outside of any defined settlement boundary and therefore contrary to Policy.

KEY ISSUES

Principle of development
Impact on amenity
Design
Impact on highways
Impact on trees

DESCRIPTION OF DEVELOPMENT

The proposal is for a one and a half storey, three bedroom detached dwelling, with integral single storey garage on land used as amenity space for Tallon House. Access to the proposed dwelling would be via Tallon Street.

The proposed dwelling would be constructed using red pantiles, black timber cladding and dark grey aluminium windows.

SITE AND LOCATION

The site is located outside of the Settlement Boundary of FoulDen, although within close proximity to it. It is located at the end of Tallon Street, which is a relatively narrow road without a footpath. The site currently contains a block outbuilding to the north and a larger block outbuilding to the south. The land is used as amenity space for Tallon House, which is located on the opposite side of Tallon Street, to the north east of the site. To the east is residential development, whilst the south, west and north is characterised by open agricultural land.

EIA REQUIRED

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.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
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 conditions.

FOULDEN P C

In the 'Sustainability Report' the Architect states that there is a bus stop nearby providing a bus service to Kings Lynn. It should be noted that there is ONE bus PER WEEK, which runs each Tuesday, leaving the village at approximately 9:30am returning from Kings Lynn early afternoon. This would hardly be sufficient for any prospective buyer who was depending upon a daily bus service.

REPRESENTATIONS

A site notice was posted on 23 May 2018 and two neighbours were directly notified of the proposal. No representations were received.

ASSESSMENT NOTES

1. Principle of development

1.1 The application seeks planning permission for the development of a dwelling and associated garage. The application site is not within a defined Settlement Boundary. The proposal therefore conflicts in principle with Policies DC2 and CP14 of the adopted Core Strategy, which seeks to focus new housing within defined Settlement Boundaries.

1.2 However, the district cannot currently demonstrate a five year housing land supply. Paragraph 11(d) of the NPPF states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted. This includes applications involving the provision of housing, where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites. However, planning permission should not be granted where policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. In addition, planning permission should not be granted where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

1.3 The NPPF constitutes guidance for LPAs and decision takers and is a material consideration in the determination of planning applications to achieve sustainable development. The government outlines three objectives to sustainable development: economic, social and environmental (paragraph 8). These objectives give rise to the need for the planning system to perform a number of roles:

- an economic objective - 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 objective - 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 objective - 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 objectives should be delivered through the preparation and implementation of plans and the application of the policies in the NPPF. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

1.5 In terms of the economic and social criteria, the proposed dwelling would provide one additional dwelling

and would, therefore, make a positive, albeit very small, contribution to the housing supply and longer-term economic benefits through the additional household spend within the wider area that would be generated by the provision of one dwelling. Although only limited facilities are available in Foulden (one public house, a church, a village hall and playing field), additional services and facilities can be found in higher order settlements, such as Mundford (approximately 5 miles away), Stoke Ferry (approximately 6 miles away) and Swaffham (approximately 8 miles away). A bus service operates between Foulden and Mundford, Stoke Ferry and King's Lynn, once a day on weekdays. This would provide some limited service for any potential occupiers.

1.6 In terms of the environmental objective, it is not considered that the siting of a dwelling in this location would result in any significant adverse impact on the openness or character and appearance of the landscape having regard to Policy CP11 and on balance is considered acceptable in environmental terms.

1.7 Annex 2: Glossary states that in order to be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. It is considered appropriate to impose a two year period for commencement of development in order to reaffirm the deliverability of the development. This could be achieved through the inclusion of a suitable condition.

1.8 Notwithstanding that the site lies outside of the settlement boundary, albeit in very close proximity to it, at the edge of the existing settlement, the scheme is considered to represent a sustainable form of development, which would positively contribute to the shortfall of housing within the District.

2. Impact on amenity

2.1 Policy DC1 sets out that for all new development, consideration will need to be given to the impact upon amenity. Development will not be permitted where there are unacceptable effects on the amenities of the area or the residential amenity of neighbouring occupants, or future occupants of the development site.

2.2 The proposed dwelling would be sited so as not to result in any issues with regards to over dominance, overshadowing or affect on privacy of neighbours having regard to Policy DC1. An adequate sized garden area would also be provided for the amenities of future occupiers of the proposed dwelling. Overall, the proposal is considered acceptable in terms of amenity.

3. Design

3.1 Foulden features buildings of varying design. Materials, styles and scales differ throughout the village. Properties within larger plots often have outbuildings.

3.2 The proposed dwelling would be constructed using black timber cladding, red pantiles and red brick plinth. The dwelling would be one and a half storey in height with a pitched roof and would be a similar height to neighbouring properties on Tallon Street. The proposed single storey element would comprise an integral garage, utility room, WC and entrance hall with a pitched roof. The proposed dwelling, garage and parking area would sit comfortably within the large plot.

3.3 Although outside of the Settlement Boundary, the proposed development is located within very close proximity to it, at the end of Tallon Street, an established residential street. The proposal would not affect the openness of landscape or represent an unsuitable development pattern. The proposed dwelling and garage are considered acceptable in terms of design and the proposal is in accordance with Policy DC16 of the adopted Core Strategy.

4. Impact on highways

4.1 The site is served by Tallon Street, a narrow dead end street. The applicant has provided off street parking and turning facilities to reduce the impact of the development on the existing highway. In addition, following consultation with Norfolk County Council Highways, the applicant has amended their plans to include a formal size 3 turning head. Following re-submission of the amended plan, Norfolk County Council Highways raised no objection, subject to the provision of conditions with any forthcoming planning permission. Accordingly the proposal is considered to be in accordance with policies CP4 and DC19 of the adopted Core Strategy.

5. Impact on trees

5.1 The Tree and Countryside Consultatnt noted that as there is a tree within a 15m radius of the application site, a tree survey, arboricultural impact assessment and tree protection plan would be required to ensure no harm to the tree.

5.2 An Arboricultural Implications Assessment and Preliminary Method Statement was provided by the applicant. The Assessment sets out that the proposal would require the removal of one tree on the site to accommodate the new access and planned landscaping. The tree is assessed as being of low quality. The assessment concludes that there would be no impact on the tree within 15m of the application site. On this basis there would be no tree protection plan requirements.

5.3 The Tree and Countryside Consultant does not object to the findings of the Arboricultural Implications Assessment. The proposal is in accordance with policy DC12 on Trees and Landscape.

8. Conclusions

8.1 In terms of the overall planning balance of the scheme, the proposal is considered to represent a sustainable form of development and is acceptable taking into account the Council's lack of a five year supply of housing land, having regard to the NPPF.

8.2 In addition, the site lies in very close proximity to the settlement boundary of Foulden and the proposed layout of the dwelling, its scale and form are considered to reflect the existing character of the area. Furthermore, the proposal would not compromise neighbour amenity and satisfies highway safety requirements. Accordingly, the application is recommended for approval.

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 Application Approved Following Revision

The Local Planning Authority has acted positively and proactively in determining this application by assessing the application against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal within the statutory timeframe, 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>

4 External materials as approved

The development hereby permitted shall be constructed using the materials specified on the planning application form and / or submitted drawings.

Reason for condition:-

To enable the Local Planning Authority to ensure the satisfactory appearance of the development, as required by policies DC 1 & DC 16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

5 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

6 Highway improvements-offsite A

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.1750 02Rev B 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

7 Highway improvements off-site B

Prior to the first occupation/use of the development hereby permitted the off-site highway improvement works (including Public Rights of Way works) referred to in Part A of this condition 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.

8

Asbestos

The removal of asbestos materials must be carried out in accordance with appropriate guidance and legislation including compliance with waste management requirements. Accordingly any works should be managed to avoid damage to any asbestos containing material such as to prevent the release or spreading of asbestos within the site or on to any neighbouring land. Failure to comply with this may result in the matter being investigated by the Health and Safety enforcing authority and the development not being fit for the proposed use. In addition, you may incur further costs and a time delay while ensuring the matter is correctly resolved.

Reason for the condition:-

To ensure the risks from contamination to future users of the land are minimised in accordance with policy CP9 of the Adopted Core strategy and Development Control Policies Development Plan Document 2009

This condition will require to be discharged

9

"No dig" construction through RPA

Where proposed access roads, drives or footways pass through the 'Root Protection Area' of trees (RPA) on or adjacent to the site and which are specified to be retained, detailed plans for 'no -dig' construction shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed, the RPA shall be taken to be a circle of radius 12 X the stem diameter measures at 1.5m. Any construction works within the Root Protection Areas shall be in accordance with the approved scheme.

Reason for condition:-

To protect the rooting area of trees in accordance with policy DC12 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

This condition will require to be discharged

10

Fencing protection for existing trees

Prior to the commencement of any work on the site, all existing trees shall be protected by the erection of Tree Protection Fencing. This fencing shall be retained throughout the period of the development and at all times when works (as defined below) are being carried out on the site.

For the purposes of this condition "work" shall include the storage of plant, materials, site huts or the use of any machinery either for preparatory site work or construction itself.

"Trees" shall refer to all trees both on and adjacent to the site.

Protective fencing shall be constructed and maintained in accordance with BS5837:2012 and the Council's document Practice Note: Construction and Maintenance of Tree Protection Fencing, which is available to download from the Council's website.

Reason for condition:-

The works are required to be undertaken prior to the commencement of work on the site 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.

This condition will require to be discharged