

<b>ITEM:</b>		<b>RECOMMENDATION:</b>	APPROVAL
<b>REF NO:</b>	3PL/2018/0793/O	<b>CASE OFFICER</b>	Natalie Levett
<b>LOCATION:</b>	NORTH PICKENHAM Land Off Houghton Lane North Pickenham	<b>APPNTYPE:</b>	Outline
<b>APPLICANT:</b>	Mr P Stockdale C/O Agent	<b>POLICY:</b>	Out Settlemt Bndry
<b>AGENT:</b>	MWS architectural 89 St Johns Road Ely	<b>ALLOCATION:</b>	N
<b>PROPOSAL:</b>	Erection of four self-build, low impact, energy efficient dwellings and associated works		
		<b>CONS AREA:</b>	N
		<b>LB GRADE:</b>	N
		<b>TPO:</b>	N

#### REASON FOR COMMITTEE CONSIDERATION

The application is reported to Committee because it is recommended for approval contrary to policy.

#### KEY ISSUES

- Principle of Development
- Design and Impact Upon the Character and Appearance of Area
- Amenity Impact
- Highway Impact
- Impact on Trees and Hedges
- Ecological Impact

#### DESCRIPTION OF DEVELOPMENT

This application seeks outline consent with all matters reserved for the erection of four self-build, low impact, energy efficient dwellings (two indicated to be three-bed properties and two to have four or more bedrooms) and associated works. The description of the proposal states that they are to be "self-build, low impact, energy efficient dwellings", although no further details of this has been provided at this stage.

#### SITE AND LOCATION

The application site is 3,985sqm in size, located outside the Settlement Boundary and currently is an open agricultural field (described as a paddock on the application form), which forms part of a larger field with mature trees and hedgerows to the boundaries with a site frontage of approximately 60m. The site is bounded to the east by the highway, to the south and north by residential dwellings and agricultural land, and to the west by further agricultural land.

#### EIA REQUIRED

Not required.

#### **RELEVANT SITE HISTORY**

- 3PL/2017/0962/O: Erect 4 dwellings and associated works - refused

- 3PL/2017/0134/O: Erect 4 dwellings and associated works - refused

#### **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.12	Trees and Landscape
DC.13	Flood Risk
DC.14	Energy Efficiency
DC.15	Renewable Energy
DC.16	Design
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

#### **OBLIGATIONS/CIL**

Given the proposal is for self/custom build dwellings, a legal agreement would need to be entered into to ensure that this is met. The applicant's agent has confirmed that the applicant would enter into such agreement.

#### **CONSULTATIONS**

## **NORTH PICKENHAM P C**

The parish council have no objections to this.

## **NORFOLK COUNTY COUNCIL HIGHWAYS**

The site is located in a village with a school but with limited other services and amenities. It is therefore considered that residents will be dependant on travelling by car to access these on a daily basis. Conditions are recommended if the LPA decides to recommend approval.

## **HOUSING ENABLING OFFICER**

The site area and number of dwellings proposed trigger the thresholds of the Council s affordable housing policy as per DC4 of the Council s Adopted Core Strategy and Development Control Policies Development Plan Document. At present a 40% provision is required on sites capable of accommodating 5 or more dwellings and/or 0.17ha. This is then further split into 65% being made available for rent and 35% for shared ownership, shared equity or any other intermediate product that meets the intermediate definition within NPPF, meets an identified need in the District and is agreed by the Council. However, NPPG states that affordable housing should not be sought on developments of fewer than 11 units with a combined floorspace of less than 1,000sqm. Provided the development is for under 1,000m2 GIA, no affordable housing contribution is required. We would request the standard condition be applied limiting the site to not more than 10no units and not more than 1,000m2 GIA.

## **CONTAMINATED LAND OFFICER**

No objection, subject to conditions and informative.

## **NATIONAL GRID**

No objection to the principle of development.

## **REPRESENTATIONS**

A Site Notice was displayed on 6th August 2018, advertised in the EDP and ten neighbours were directly notified. Seven representations were received - six objections and one in support, raising the following:

Objections:

- No facilities in the village - school closed in summer 2018, but reopened part-time, bus service is not frequent and under review
- Detrimental visual impact upon amenity: loss of views, outlook, open rural character;
- Detrimental impact on existing dwellings and inhabitants by their presence;
- Executive homes are not needed in the village;
- Issues regarding drainage and flooding;
- Low gas flow and intermittent breaks in electricity in the lane;
- Boundary issues - incorrectly demarcated on plans;
- Would spoil the rural area;
- Impact upon infrastructure and facilities;
- Impact upon highways and pedestrian safety (no footpath, heavy farm traffic/machinery on narrow roads);
- Outside the Settlement Boundary; and
- Would set a precedent for further development on the remainder of the filed.

Support:

- Sensible use of land.

## **ASSESSMENT NOTES**

### 1.0 Principle of Development

1.1 This application seeks outline consent with all matters reserved for the erection of four self-build, low impact, energy efficient dwellings and associated works on Grade 3 agricultural land.

1.2 North Pickenham has two Settlement Boundaries. The site is located outside of both North Pickenham Settlement Boundaries, although adjacent to the smaller Settlement Boundary (comprising approximately 15 dwellings). For this reason, the proposal conflicts in principle with Policies DC2 and CP14 of the Core Strategy and Development Control Policies Development Plan Document (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.

1.3 The Statement of Five Year Housing Land Supply as at 31st March 2017 was published in July 2017 and reported to 31st July 2017's Planning Committee. 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) and 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, good design.

1.4 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.

1.5 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.

1.6 In terms of the economic and social criteria, the proposal would provide four new dwellings and would, therefore, make a positive, albeit very small, contribution to the housing supply. The proposal would have limited short-term economic benefits through labour and supply chain demand required during construction, and longer-term economic benefits through the additional household spend within the wider area that would be generated by the provision of four dwellings. However, given the small scale nature of the development, these benefits are not considered to be a significant and definitive overriding matter in this instance.

1.7 The social role of sustainable development seeks to ensure, amongst other matters, the creation of a high quality built environment with accessible local services. North Pickenham is classified as a rural settlement through Policy SS1 (Spatial Strategy) of the adopted Core Strategy and Development Control Policies Development Plan Document. These villages contain limited services and facilities and the spatial strategy states that these villages are not capable of supporting consequential growth as they rely on higher order settlements for the majority of these services and facilities.

1.8 North Pickenham had a primary school until very recently (closed Summer 2018) and a public house has recently opened part-time. The mid-sized market town of Swaffham, that provides a good range of services for their residents' day-to-day needs, is approximately 3km south east of the site and Necton, a Local Service Centre, is approximately 2km from the site. These are not considered to be walking distance and the route is not safe for pedestrians.

1.9 North Pickenham contains very limited services and the public transport connections are not frequent to allow for reliance on to travel to work and/or amenities and, therefore, there would be a high reliance on higher order settlements for everyday needs which would likely result in higher car dependency. For these reasons, occupants of the dwelling would rely on the use of the private car to gain access to local facilities.

1.10 Paragraph 78 of the NPPF (2018) states that housing should be located where it will maintain the viability of rural communities.

1.11 The application states that the proposed four dwellings would be a self-build scheme (this would be under the definition of Self-Build and Custom Housebuilding as the two are not defined separately in legislation). The demand for self and custom build housing is a material planning consideration due to the requirements of the Self Build and Custom Housebuilding Act 2015. That Act requires local planning authorities to establish local registers of those who wish to acquire land to build their own home and to have regard to the demand for such sites in exercising their planning functions.

1.12 Breckland's Register identifies significant demand for such sites and this scheme would provide four, although no draft Legal Agreement has been submitted as part of the application (although the applicant's agent has confirmed that the applicant is agreeable to enter into such an agreement).

1.13 The previous reasons for refusal related to the site being an unsustainable location and the loss of the hedgerow would result in a significant change in the nature and appearance of the land detrimental to the character and visual amenities of the area. As part of this application, the hedgerow is to be retained and additional planting is proposed, and will be conditioned to ensure this is undertaken. In addition, the village pub, located in the same road as this application, has opened part-time and has an application pending for further expansion to provide more community facilities.

1.14 Given that the Council does not have a five-year housing land supply and the dwellings are to be self/custom builds and energy efficient and have the potential to support the public house and public

transport and retaining the existing landscaping, it is considered that these tip the balance in their favour to the previously refused applications and the principle of development is considered acceptable.

## 2.0 Design and Impact on the Character and Appearance of the Surrounding 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 expects that 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.

2.3 Whilst the design is a Reserved Matter, it has been indicated that they would be "low impact and energy efficient". Conditions on outline applications can set the parameters and informatives provide the developer with the requirements for the Reserved Matters application.

2.4 The submitted plan indicates that the proposed dwellings could be set back from the road, similar to other properties along the lane. It is considered that the proposed development could comply with the environmental dimension of sustainable development, if the dwellings were designed to avoid overlooking/detrimental impacts to the adjoining property, that no trees/hedges were felled on the boundaries/additional planting for added screening took place and that the overall design respected the character and appearance of the surrounding area. This latter point has been indicated on the submitted indicative drawing and it is considered that the dwelling on the northern part of the site should be single storey, adjacent to the existing bungalow.

2.5 As a result, due to the revised proposed development, it has the ability to comply with Policy DC16 and the NPPF and will be fully assessed at the Reserved Matters stage.

## 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 In terms of neighbour amenity, the detailed implications would be considered at the Reserved Matters stage should outline permission be granted. It is considered due to the size of the site and the degree of separation from neighbouring dwellings, that appropriately positioned and designed dwellings would not result in overlooking, loss of light, privacy, overshadowing or a dominant form of development.

3.3 The indicative plan states that the road/track to the farm (which the plans state was approved under 3PL/94/1023/F, although that application was a change of use of some barns) would be widened and the hedge cut back to allow for this. This does not form part of the description of development so would have to be considered at a separate stage. The retention of the track could give rise to noise/safety issues from vehicles to and from the farm. However, potential buyers would be aware of this and it would be their choice whether or not to buy.

3.4 As a result, it is considered that subject to suitably designed properties the proposal has the ability to comply with Policy DC1.

#### 4.0 Highways Impact

4.1 The NPPF requires new developments to provide safe and suitable access to the site for all people. Policy CP4 seeks to ensure that all access and safety concerns are resolved in new developments. Policy DC19 sets out the car parking requirements.

4.2 The Highways Authority advised that the site is located in a village with a school (now closed) but with limited other services and amenities. It is, therefore, considered that residents will be dependant on travelling by car to access these on a daily basis. Conditions are recommended if the Local Planning Authority decides to recommend approval.

#### 5.0 Impact on Trees and Hedges

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.

5.2 The Tree Consultant did not comment on this application, although on an earlier application stated that the site appears to be relatively free from arboricultural constraints, although the only concern would be any requirement for hedgerow removal along the site frontage. Visibility requirements for highway safety should be established. The indicative plan states that the hedgerow is to be retained, which would address this concern, in principle.

5.3 The proposal has the ability to comply with Policy DC12.

#### 6.0 Ecological Impact

6.1 Policy CP10 seeks to protect the district's natural environment.

6.2 The ecologist did not comment on this application but on the previous application advised that the application was not supported by any ecological information. A previous application at the same location that was refused (3PL/2017/0134/O) also was not supported by any ecological information.

6.3 In their opinion, the application site is likely to be of low ecological value being primarily an arable field. Any ecological value is likely to be mainly associated with the boundary hedge, which should be retained as much as possible and mitigation included to cover for what will be lost.

6.4 They advised that there are two ponds visible on the OS maps within 250m of the application site, the usual distance that would trigger an assessment for great crested newts. However, one of these is on the opposite side of the road to the application site and the other is in the arable field with very little potential habitat connectivity. As such, they felt that a great crested newt assessment is unnecessary.

6.5 They recommended that any ecological constraints with this application pertain to the likely loss of boundary hedge, which should be addressed through the design process. The hedgerow is indicated to be retained in this submission.

6.6 As a result, the proposal has the ability to comply with Policy CP10 and the NPPF.

## 7.0 Other Matters

7.1 Policy CP9 seeks to ensure that development minimises any unavoidable polluting effects and the development's design should actively seek to minimise or mitigate against all forms of pollution. The Contaminated Land Officer was consulted on this application and recommended approval providing the development proceeds in line with the application details and subject to the imposition of a condition relating to unexpected contamination and an informative relating to extensions to alleviate environmental concerns.

7.2 Cadent Gas (previously National Grid) advised that there is no objection to the principle of the development. With regard to an earlier application they stated that there was an Intermediate pressure gas pipeline located in the carriageway adjacent to this proposed site. The proposal does not affect the pipeline, therefore National Grid did not object to the proposal. They would be consulted on the Reserved Matters application.

7.3 The revised NPPF (2018), at Paragraph 63, advised that affordable housing "should not be sought for residential development that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)". The Council does not have such designated areas. For housing developments, major development is defined in the NPPF as a development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. The site is approximately 0.4 hectares thus below this threshold. As a result, no affordable housing is required.

7.4 Some of the objections raised by local neighbours have been addressed above. With regard to the remaining issues, setting a precedent is a consideration and is a possibility but each application is to be determined on its own merits and gas/drainage would be for the Reserved Matters stage if this were to be approved.

## 8.0 Planning Balance and Conclusion

8.1 In terms of the overall planning balance given that the Council does not have a five-year housing land supply, and the dwellings are to be self/custom builds and energy efficient and have the potential to support the public house and public transport, the existing landscaping is to be retained and that there is a reasonable prospect that the reserved matters could be acceptable, it is considered that these tip the balance in their favour to the previously refused applications.

8.2 As a result, Outline Planning Permission is recommended, subject to conditions and completion of a S106 Legal Agreement.

<b>RECOMMENDATION</b>
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**Outline Planning Permission**

<b>CONDITIONS</b>
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**1**

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

Any application for the Approval of Reserved Matters for each or all plots 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 for that plot.

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; the dwelling to the north, adjacent to Meadow View, shall be of single storey, whilst the remaining three shall be of no more than two storeys in height with no accommodation in the roof.

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 Boundary screening to be agreed**

As part of the submission of the Reserved Matters application, a scheme for the provision of all boundary screening shall be submitted. This scheme shall include the retention of the existing hedgerow along the eastern boundary fronting Houghton Lane and additional boundary planting around the development. Such scheme as may be approved shall be completed prior to the first occupation of the development to the written satisfaction of the Local Planning Authority. The boundary screening shall retain in perpetuity.

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**

**6 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**

**7 Details of the low impact and energy efficient details**

As part of the submission of the Reserved Matters application, details and specifications of the low impact and energy efficient credentials to be used in the construction of the development hereby permitted shall be submitted. The dwellings shall be undertaken 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.

**8 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**

**9 Non-standard condition**

As part of the submission of the Reserved Matters application, details of the number and types of movements using the agricultural access together with mitigation measures to protect the residential development shall be submitted. 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 agricultural use does not have an adverse effect on the amenities of the future occupiers of the development in accordance with Policy DC1 of the adopted Core Strategy and Development Control Policies Development Plan Document (2009).

**10 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**

**11 Submission of highway details**

As part of the Reserved Matters application, the following shall be submitted to and approved in writing:

- The improvement of the existing footway along the entire site frontage to 1.8m;
- Parking in accordance with adopted guidelines;
- Turning facilities;
- Any communal access being a minimum of 4.5m in width.

The development shall be undertaken in accordance with the approved details.

Reason for condition:

The full details are not included in the current submission and to ensure safe highway and pedestrian access and parking facilities in accordance with Policy CP13 and the NPPF.

**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 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**

**14 Note re: S106**

This permission is subject to a legal agreement requiring the four dwellings to comply with the definition of self-build and custom house building.

**20 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.

