

ITEM:		RECOMMENDATION:	APPROVAL
REF NO:	3PL/2018/0663/O	CASE OFFICER	Naomi Minto
LOCATION:	BINTREE Land off Foulsham Road Bintree	APPNTYPE:	Outline
APPLICANT:	Mr R Hendry C/O Parker Planning Services	POLICY:	Out Settlemnt Bndry
AGENT:	Parker Planning Services Ltd Orchard House Hall Lane	ALLOCATION:	N
PROPOSAL:	Erection of 4 no. dwellings	CONS AREA:	N
		LB GRADE:	N
		TPO:	N

REASON FOR COMMITTEE CONSIDERATION

The application is referred to Committee as it is recommended for approval contrary to policy.

KEY ISSUES

Principle of Development
Impact upon the Character and Appearance
Highways Safety
Residential Amenity
Trees and Ecology
Other Issues

DESCRIPTION OF DEVELOPMENT

The application seeks Outline planning permission for the construction of four dwellings. Indicative plans indicate that the dwellings would be detached and served by individual accesses and garages. Only access is being sought at Outline stage, with all other matters reserved.

SITE AND LOCATION

The site is located outside but in close proximity to the defined Settlement Boundary of Bintree and amounts to an area of approximately 0.16 hectares. The site is rectangular in shape, relatively flat grassland. The site contains a dilapidated structure. To the northern and eastern boundary there is a band of mature trees and the southern boundary is adjacent to a site, which benefits from extant planning permission for one replacement dwelling under planning reference 3PL/2012/1160/F, although the dwelling has not yet been constructed. The site is to the north east of the A1067 with the main village to the south west of this road.

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.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
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
SS1	Spatial Strategy

OBLIGATIONS/CIL

Not applicable

CONSULTATIONS

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection, subject to conditions.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

No objection, subject to conditions.

TREE AND COUNTRYSIDE CONSULTANT

No objections, subject to conditions.

CONTAMINATED LAND OFFICER

No objections, subject to conditions.

BINTREE P C

No Comments Received

REPRESENTATIONS

The application was advertised in the local press and a site notice displayed. Six neighbouring residents were consulted and one representation was received raising the following main point;

- It's taken a long time to get this supported and as they have now built on the other side of the road I can see that there can be no objections.

ASSESSMENT NOTES

1.0 Principle of the Development

1.1 This application seeks Outline planning permission with details of access for a small housing scheme of four units, within the site. The site is outside the settlement boundary of Bintree, although in close proximity to it. The proposal therefore conflicts, in principle, with Policies SS1, DC2 and CP14 of the adopted Core Strategy and Development Control Policies Development Plan Document, (2009), which seek to focus new housing within defined Settlement Boundaries.

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

1.4 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.

2.0 Principle of Development - Sustainable Location

2.1 The application site is located in close proximity to the Settlement Boundary of Bintree, separated by the A1067. Bintree is defined as a Rural Settlement and therefore does not represent a sustainable option for significant expansion. Policy SS1 states that rural settlements will provide nominal housing growth during the plan period where local capacity allows. Facilities are very limited and consist of a church and a farm shop. There are two bus services, which pass through the village and connect it with Dereham, Billingford, Bawdeswell, Foulsham, Guist, Fakenham and Norwich. One of those services runs every hour six days per week and stops adjacent to Foulsham Road, in close proximity to the site. The relatively close proximity of the site to the existing bus stops would provide a sustainable transport option for future occupants in terms of commuting to and from work/school.

2.2 The next nearest settlements are Foulsham (approximately 1.8 miles to the north east), Foxley (approximately 1.5 miles to the south east), North Elmham (approximately 4.5 miles to the south west) and Guist (approximately 2.5 miles to the north west). These provide additional facilities including village halls in Foulsham and Foxley, several churches, post offices in Guist and Elmham, primary schools in Foulsham, Bawdeswell and North Elmham, a play group in Foulsham, public houses in Foulsham and North Elmham and a general store and cafe in Guist.

2.3 Paragraph 78 of the revised NPPF encourages housing in rural areas where it will enhance or maintain the vitality of rural communities for example, development in one village may support the services of a nearby village. As discussed above, these villages have a wider range of services and facilities and would require relatively short car trips / bus journeys to access. Furthermore, the NPPF aims to avoid isolated homes in the countryside and recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. The proposed scheme would not result in isolated new homes and provides the potential for rural communities to grow and develop.

2.4 On the aforementioned basis, whilst the proposal is considered to be sustainably located in terms of proximity to available bus services, which serve the local area as well as further afield, it is acknowledged that future residents may opt to rely on the use of the private car for their daily needs.

3.0 Principle of Development - Impact upon Character and Appearance

3.1 The application site is located to the north of the defined settlement of Bintree and has a frontage onto Foulsham Road, a relatively narrow rural lane that branches off the main A1067. Noticeably the majority of the village is to the south of this road and it provides a defined boundary to the settlement. The proposal would introduce development to the north of the A1067, where it is much more sporadic. On the eastern side of the road, the plot would continue an existing short run of houses, the adjacent site to the south benefits from consent (3PL/2012/1160/F) for a replacement dwelling (not yet started). Further to the north and separated by the band of trees is another single dwelling. The site itself would therefore represent an infill plot and if developed sensitively would not appear out of character with its immediate surroundings.

3.2 On the western side of the road, adjacent to the A1067 (and west of the proposed development site), is the former village hall, which benefits from consent for 3 dwellings. This scheme has commenced (3PL/2009/0875/F).

3.3 The site forms a portion of a larger agricultural field and benefits from a roadside hedge and band of trees to the north and east. There is a dilapidated structure on the site. The indicative plans submitted with the application demonstrate that four detached dwellings could fit comfortably on the site and without adverse impact due to the infill nature of the site. Therefore, taking into account the above considerations, the proposal would have negligible impact on the character of the street and wider landscape, if developed sensitively to its surroundings.

4.0 Housing Layout and Density

4.1 The importance of the character and form, height, scale, massing and layout amongst other key design considerations are set out in policy DC16 of the Core Strategy. This states that all design proposals must preserve or enhance the existing character of an area. Particular regard should be given to reinforcing locally distinctive patterns of development, landscape, culture and complimenting existing buildings.

4.2 The proposed density is commensurate with the existing pattern of development and at approximately 25 dph is suitable at a settlement edge. The submitted indicative layout suggests 4 No. detached dwellings served by individual access points, which again would not appear out of place, if the general principle is agreed. Two storey dwellings would be acceptable. Detailed design and layout would be a reserved matter but there are no obvious constraints in terms of designing a one off, self-contained housing scheme.

5.0 Access and Highway Impact

5.1 Norfolk County Council Highways were consulted as part of the application process and following amendments to the plans, raised no objections subject to the inclusion of conditions with any forthcoming permission.

6.0 Impact on Amenity

6.1 There is nothing to suggest that there would be any adverse impacts with regard to loss of daylight/sunlight, overbearing impact or overshadowing on existing residents, or future residents of the scheme.

6.2 The indicative site plan details how the site could be developed which is considered broadly acceptable from a residential amenity viewpoint. Further details would be necessary at reserved matters stage. However, amenity concerns could likely be successfully controlled by condition. The proposal, therefore, is considered to comply with Policy DC1 of the adopted Core Strategy, subject to detailed design reserved for future determination.

7.0 Trees and Landscaping

7.1 The council's Trees and Landscaping Officer has no objection, subject to tree protection conditions. The application can be conditioned accordingly and the scheme accords with policy DC12 of the adopted Core Strategy.

8.0 Other issues

8.1 Ecological assessments have been submitted in support of the application. This outlines how suitable mitigation and enhancements could be put in place. Norfolk County Council advise that any concerns could be addressed with appropriate conditions. This is a suitable way to deal with this aspect of the development and the submitted information ensures accordance with Policy CP10 of the adopted Core Strategy.

8.2 The Contaminated Land Officer is content that this scheme could proceed, as submitted, subject to an unexpected contamination condition. The application could be conditioned accordingly. The scheme therefore accords with CP9 of the adopted Core Strategy.

9.0 Conclusion

9.1 The application does not accord with the adopted Core Strategy as the site falls outside of any defined settlement boundary. However, the Council does not currently have a 5 year land supply as required by the revised NPPF. This development would provide a small contribution towards Breckland's housing supply. On this basis, the other key principle considerations for this proposal must be assessed. These include whether the site is a sustainable location for housing, having regard to access to facilities, services and jobs and the visual impact of the proposal on the countryside.

9.2 Due to the street frontage and existing and permitted residential development on either side of the site, the proposal is considered to represent infill development, therefore avoiding isolated homes in the countryside. The applicant has submitted indicative plans, which show how the site could be developed, without impacting on the existing trees that boarder the site to the north and east and provide a visual barrier, protecting the character and appearance of the wider countryside. It is therefore considered that development of the site complies with Policy CP11 of the adopted Core Strategy.

9.3 In respect of the location of the proposal, whilst the site is not in a sustainable location within walking distance of facilities and jobs, it is well located in respect of existing bus services, one of which runs hourly, six days per week between Norwich and Fakenham, stopping adjacent to Foulsham Road, in close proximity the development site. The proximity of the site to the existing bus stops would provide a sustainable transport option for future occupants in terms of commuting to and from work/school, if based in Norwich or Fakenham or along the current bus route. Furthermore, the proposal, if approved, has the potential to maintain and/or enhance the additional services of neighbouring settlements, such as Foulsham, Foxley, North Elmham and Guist. In this respect, the proposal would comply with paragraph 78 of the NPPF (2018).

9.4 When applying the tilted balance required by paragraph 11 of the NPPF (2018), the small negative harm created by the site's location not within walking distance of facilities, is considered to be outweighed by the provision of four residential dwellings, which would positively contribute towards the housing shortfall in the District. In addition, the infill nature of the development would not lead to harm of the street scene or character and appearance of the wider countryside. In accordance with paragraph 11 of the NPPF (2018), no harm has been identified, which would significantly and demonstrably outweigh the benefits. Therefore, based on the infill nature of the development and its proximity to a regular bus service running between Norwich and Fakenham, grant of Outline planning permission, subject to conditions, is recommended.

RECOMMENDATION

Outline Planning Permission

CONDITIONS

1

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>

2 Outline Time Limit (2 years) Early Delivery

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

Reason for condition:-

As required by section 92 of the Town & Country Planning Act 1990 and in order to ensure the early delivery of housing.

3 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 by the Local Planning Authority and these plans and descriptions shall provide details of the appearance, layout, scale and landscaping of the development.

Reason for condition:-

The details are not included in the current submission.

4 Criterion E - Planning Apps Where Approved

Appeals against planning decisions

If you are aggrieved by the decision of your local planning authority to attach any particular condition/s to this permission, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.planningportal.co.uk

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

5 Number of dwellings only (outline)

The reserved matters referred to above shall relate to the construction of four dwellings only.
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.

6 Standard outline landscaping condition

No development whatsoever shall take place until the plans and descriptions giving details of the reserved matters referred to above shall have been submitted to and approved by the Local Planning Authority and these plans and descriptions shall provide for a landscaping and tree planting scheme, which shall take account of any existing trees or hedges on the site. The landscaping and tree planting shall be carried out in accordance with the scheme as approved during the planting season of the November/March immediately following the commencement of the development, or within such longer period as may be agreed in writing, with the Local Planning Authority, and in accordance with the Council's leaflet "Tree pack" (Landscaping advice for applicants).

Any trees or plants which within a period of 5 (five) years from the completion of the landscaping scheme die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with others of the same size and species unless the Local Planning Authority gives written consent to any variation.

Reason for condition:-

The details are not included in the current submission.

This condition will require to be discharged

7 Slab level to be arranged

No development shall take place until precise details of the slab levels of the dwellings hereby approved have been submitted to and agreed in writing by the Local Planning Authority. 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:-

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

8 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

9

Precise details of surface water disposal

Prior to the commencement of any works above slab level 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 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

10

Precise details of foul water disposal

Prior to the commencement of any works above slab level precise details of the means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority.

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

Boundary treatment/screening to be agreed

Prior to the occupation of the development hereby permitted a plan indicating the positions, design, materials and type of boundary treatment/screening to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment/screening shall be completed before the buildings are first occupied.

Development shall be carried out in its entirety in accordance with the approved details.

Reason for condition:-

In the interests of the satisfactory appearance of the development in accordance with policy DC 16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

This condition will require to be discharged

12

non standard condition

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 BH Trees and Woodlands dated 3rd April 2018. No other operations shall commence on site in connection with the development until the tree protection works and any pre-emptive 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 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:-

For the protection of existing tree, in accordance with Policy DC12 of the adopted Core Strategy.

13 Combined access - configuration

Prior to the first occupation/use of the development hereby permitted the accesses shall be grouped together in pairs as detailed on drawing 003-18-02B and shall be constructed in accordance with a scheme to be agreed in writing with the Local Planning Authority

Reason for condition:-

In the interests of highway safety

14 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.003-18-02B 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

15 Highway improvements off-site B

Prior to the first occupation/use of the development hereby permitted the off-site highway improvement 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.

16 Non-standard condition

Any fencing needs to be wildlife friendly with gaps or tunnels in the bottom panels/gravel boards. This can be achieved, for example, by the provision of gaps at ground level (approximately 10cm²) in fencing which are large enough for small mammals to pass through, but small enough to contain pets.

Reason for condition:

In accordance with the NPPF (2018)

17 Non-standard condition

Any vegetation clearance needs to be subject to a timing constraint. A model condition is provided below.

Reason for condition:

In accordance with the NPPF (2018)

18 Non-standard condition

Enhancement measures need to be incorporated into the site's design as outlined in section 4.4 of the Preliminary Ecological Appraisal report (Parker Planning Services Ltd; April 2018).

Reason for condition:

In accordance with the NPPF (2018)

- 19 Non-standard condition**
- No removal, in full or in part, of the hedgerow or any other suitable nesting vegetation including the ivy on the dilapidated outbuilding 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:
In accordance with the NPPF (2018)
- 20 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 will require to be discharged**
- 21 Asbestos**
- Based on information provided with this application it has become apparent that asbestos containing material may be present within the site. 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.
- 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**
- 25 Discharge of conditions**
- If the formal discharge of any condition is required, it will be necessary for you to submit to the Council all relevant details, together with a completed application for the "Discharge of Conditions" and the fee as appropriate.