

ITEM:		RECOMMENDATION:	APPROVAL
REF NO:	3PL/2018/0859/F	CASE OFFICER	Tom Donnelly
LOCATION:	NECTON Development At Damson CottageNecton Road Necton	APPNTYPE:	Full
		POLICY:	In Settlemnt Bndry
APPLICANT:	Mr & Mrs Smith Damson Cottage, Necton Road Holme Hale	ALLOCATION:	N
AGENT:	Clayland Architects The Glass House Lynford Gardens	CONS AREA:	N
		LB GRADE:	N
		TPO:	N
PROPOSAL:	Proposed residential development of two houses on land adjacent Damson Cottage		

REASON FOR COMMITTEE CONSIDERATION

The application is referred to Planning Committee as the recommendation is contrary to Policy

KEY ISSUES

Principle of Development
Design and appearance
Impact on amenities
Highway Safety impact
Protection of trees and landscaping

DESCRIPTION OF DEVELOPMENT

The proposal seeks full planning permission for the erection of two detached dwellings on land adjoining Damson Cottage. The proposed dwellings are one and a half storey in nature together with garaging provision . The proposed palette of materials include red pantiles, red facing brick, flint detailing & black timber cladding.

SITE AND LOCATION

The application site is located outside of any defined Settlement Boundary and is bounded to the north and east by agricultural land, to the south east by the existing dwelling, (Damson Cottage), beyond which lies a small woodland and to the south and south west by the highway, beyond which are a pair of cottages and agricultural land. The site currently is grassed with fencing and hedging to the boundary adjoining the highway and mature hedgerows adjoining the agricultural land.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2016/0772/O	Refusal	31-08-16
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Erect two dwellings

3PL/2016/1158/O	Permission	18-11-16
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Erect two dwellings (Re-submission)

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.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.16	Design
DC.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection subject to conditions

CONTAMINATED LAND OFFICER

No objection subject to conditions

TREE AND COUNTRYSIDE CONSULTANT

No objection subject to conditions

NECTON PARISH COUNCIL

No Comments Received

REPRESENTATIONS

5 neighbours were consulted on the application with the 21 days expiring on 23-07-18.

A site notice and press notice were posted which expired on 24-08-18 and 20-08-18 respectively.

No responses were received.

ASSESSMENT NOTES

1.0 Introduction

1.1 The application is referred to the Planning Committee as the recommendation is contrary to Policy due to the site being outside any defined Settlement Boundary.

1.2 However, site currently benefits from outline permission for 2 dwellings under reference number 3PL/2016/1158/O this consent is still extant and therefore the principle of development has already been established.

1.3 The National Planning Policy Framework, (NPPF) and associated Guidance, (NPPG), advises that the Government's policy is that there is a presumption in favour of sustainable development, although applications for Planning permission are to be determined against the Development Plan, unless material considerations indicate otherwise. The main issue of consideration is whether or not the development is acceptable, in particular, in terms of the principle, design, impact on amenities and highways.

2.0 Principle of development

2.1 The application site lies outside of any defined Settlement Boundary. For this reason the proposal conflicts in principle with Policies DC02 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 49 of the National Planning Policy Framework (NPPF) states that where an authority does not have an up to date 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.

2.2 The NPPF identifies three dimensions of sustainable development:

- Economic, in terms of building a strong economy and in particular by ensuring that sufficient land is of the right type and is available in the right places.
- Social, by supporting, strong and healthy communities by providing the supply of housing required to meet future need in a high quality environment with accessible local services and
- Environmental, through the protection and enhancement of the natural, built and historic environment.

2.3 Paragraph 8 of the NPPF also stresses that these roles should not be undertaken in isolation because they are mutually dependent; therefore a balanced assessment against these three roles is required.

2.4 In terms of the economic and social criteria, the proposal would provide two new residential dwellings for market sale and would, therefore, make a positive, albeit 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 two 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.

2.5 The social role of sustainable development seeks to ensure, amongst other matters, the creation of a high quality built environment with accessible local services. The application site falls within the Parish of Necton, although it also lies adjacent to the Parish of Holme Hale. Necton is identified as a local Service Centre. The centre of Necton is approximately one mile to the northwest of the site. It is defined by Policy SS1 as a Service Centre Village, defined as having adequate services and facilities to meet day-to-day requirements of the existing residents.

2.6 The application site is located approximately 0.4 miles from the nearest edge of the Settlement Boundary of Necton to the north of the site. Necton contains some local services and facilities including a Post Office. However, this site is approximately 0.7 miles away from this with no continuous footpath or street lighting linking the site to these facilities and, therefore, the facilities contained within Necton are not easily or safely accessible from the site. Occupants of any new dwelling would be largely reliant on the car to undertake shopping trips for their daily needs and to access services and facilities. The nearest town that offers services that has the potential to meet all everyday needs, including shopping and employment, is Swaffham which is located approximately five miles away from the site.

2.7 However, an important material consideration with this application is the previous outline permission granted on site which has already established the principle of residential development on site and is extant. When these factors are weighed up against the material consideration of the previous Outline approval granted by the Planning Committee, it is considered on balance that the proposal constitutes a form of sustainable development.

3.0 Impact on character and appearance

3.1 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.

3.2 Policy DC16 requires all new development to achieve the highest standard of design. As part of this, all design proposals must preserve or enhance the existing character of an area. Consideration will also be given to the density of buildings in a particular area and the landscape/townscape effect of any increased density.

3.3 Environmentally, although outside of a Settlement Boundary, the site is not isolated from other residential development. Whilst the introduction of two new dwellings here will result in some loss of character, the harm would be limited given the following factors:

- the visual containment of the site by existing development and established boundary hedging;

- the site will maintain a spacious character;
- the proposal would not intrude into the open countryside and would not be isolated; and,

3.4 The combination of all of these environmental factors together and not in isolation result in the proposal satisfying the environmental role of sustainable development.

4.0 Impact on amenity

4.1 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.

4.2 The site is spacious and can comfortably accommodate two dwellings of this size with both dwellings still able to benefit from substantial private amenity space. Given the layout and proposed window positioning overlooking will not be an adverse issue and the scale of development at one unit, will ensure that noise and disturbance is also minimal. In addition, the proposal provides the future occupiers with a good degree of private amenity space. In light of the above, the application is considered to have due regard to Policy DC01.

5.0 Highway impact

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

5.2 The Highways Authority have considered the proposal and concluded that the proposal would provide sufficient on site parking so as not to compromise highway safety due to road side parking. In addition, they have not deemed that the creation of two access points on to the public highway would compromise highway safety subject to conditions being imposed on any permission granted to ensure sufficient visibility is achieved from the access.

6.0 Protection of trees and landscaping

6.1 The original proposal included development within the RPA of two trees adjacent to the site. The Tree and Countryside Officer objected to the proposal on this basis. The scheme has since been supported by an AIA report and had the layout amended so that no development takes place within the RPA of any trees.

6.2 Following the previously mentioned amendments, the Tree and Countryside Officer has withdrawn his objection to the proposal and is satisfied for conditions to be imposed in order for the development to be acceptable in terms of the impact on trees.

6.3 The proposal is considered to have appropriate regard to Policy DC12 in terms of the impact on Trees and the Landscape and is acceptable following the imposition of appropriate conditions.

7.0 Planning Balance

7.1 The application does not accord with the adopted development plan as the site falls out any settlement boundary. However, the Council does not currently have a 5 year land supply as required by the NPPF and this development would provide a small contribution towards Breckland's Housing supply. There is the additional material consideration of the previously granted outline approval which has already established the principle. On this basis, the other key principle considerations for this proposal must be assessed and are whether the site is a sustainable location for housing and the visual impact on the countryside.

7.2 When applying the tilted balance required by paragraph 14 of the NPPF, the small negative harm created by the site's location away from services and facilities for a single dwelling, is considered to be outweighed by the positive contribution towards housing in the district and the nature of residential development in close proximity to the site prevents any harm to the street scene or character and appearance of the countryside.

7.3 In accordance with paragraph 14 of the NPPF, no harm has been identified which would significantly and demonstrably outweigh the benefits, and therefore, approval of planning permission is recommended subject to conditions.

RECOMMENDATION

Planning Permission

CONDITIONS

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

The development must be begun not later than the expiration of TWO YEARS beginning with the date of this permission.
Reason for condition:-
As required by section 91 of the Town & Country Planning Act 1990 (as amended) and to ensure the deliverability of the scheme to contribute to the five year housing land supply.
- 2 In accordance with submitted plans NEW 2017**

The development must be carried out in strict accordance with the application form, and approved documents and drawings as set out in the table at the end of this notice.
Reason for condition:-
To ensure the satisfactory development of the site.
- 3 External 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.
- 4 Site Investigation/ remediation**

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

A. Site Investigation

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

B. Remediation Scheme

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

C. Implementation of Approved Remediation Scheme

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

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

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

Reason for condition:-

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

This condition is imposed in accordance with CP 9 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009 and Planning Policy Statement No 23.

This condition will require to be discharged

5

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 CP 9 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009 and Planning Policy Statement No 23.

6

Access to be provided and retained

Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan drawing

number in accordance with the highway specification Dwg. No. TRAD 4 attached.
Arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason for condition:-

To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.

This condition will require to be discharged

7 Removal of PD rights

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

In the interests of highway safety.

8 Provision of visibility splay

Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4x 120. metres shall be provided to each side of each access where they meet the highway and such splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.

Reason for condition:-

In the interests of highway safety.

This condition will require to be discharged

9 Parking and turning to be provided and retained

Prior to the first occupation of the development hereby permitted the proposed access 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 area, in the interests of highway safety.

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 the development 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

11 NOTE NCC Inf 2 When Vehicular access works required

This development involves works within the public highway that can only be carried out by Norfolk County Council as Highway Authority unless otherwise agreed in writing. It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the Applicants' responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Advice on this matter can be obtained from the County Council's Highway Development Management Group.

Please contact Kay Gordon 01362 656211.

If required, street furniture will need to be repositioned at the Applicants own expense. Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.

Please be aware it is the applicants responsibility to clarify the boundary with the public highway. Private structures such as fences or walls will not be permitted on highway land. The highway boundary may not match the applicants title plan. Please contact the highway research team at highway.boundaries@norfolk.gov.uk for further details.

13 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.