

<b>ITEM:</b>		<b>RECOMMENDATION:</b>	APPROVAL
<b>REF NO:</b>	3PL/2018/1103/F	<b>CASE OFFICER</b>	Naomi Minto
<b>LOCATION:</b>	SHIPDHAM Land to the east of Pound Green Lane Shipdham	<b>APPNTYPE:</b>	Full
<b>APPLICANT:</b>	Clayland Estates Ltd Lynford Gardens Lynford Road	<b>POLICY:</b>	Out Settlement Bndry
<b>AGENT:</b>	Clayland Architects The Glass House Lynford Gardens	<b>ALLOCATION:</b>	N
<b>PROPOSAL:</b>	Residential development of four dwellings	<b>CONS AREA:</b>	N
		<b>LB GRADE:</b>	N
		<b>TPO:</b>	N

#### **REASON FOR COMMITTEE CONSIDERATION**

The proposal falls outside of the settlement boundary and is therefore contrary to adopted policy. As the proposal is recommended for approval, the application is referred to Committee.

#### **KEY ISSUES**

Principle of development  
Impact on character and appearance of area  
Amenity impact  
Highway safety  
Impact on trees  
Other issues

#### **DESCRIPTION OF DEVELOPMENT**

The application seeks full planning permission for the erection of four detached dwellings on land to the east of Pound Green Lane. Plot one is for the erection of a three bedroom detached bungalow and attached single garage and cart lodge. Plot two is for the erection of a two storey detached four bedroom dwelling with integral single garage and cart lodge. Plot three is for the erection of a two storey detached four bedroom dwelling with integral single garage and cart lodge. Plot four is for the erection of a two storey detached four bedroom dwelling with integral double garage and cart lodge. Access to the proposed site is off Pound Green Lane.

#### **SITE AND LOCATION**

The application site comprises approximately 0.49ha of land to the east of Pound Green Lane, Shipdham. It is located outside but adjacent to the Settlement Boundary of Swaffham. Residential development is located to the north and west of the site, whilst to the east and south is agricultural land and a bowling green. The site is bordered by trees along the south east boundary and much of the north west boundary too.

**EIA REQUIRED**

No

**RELEVANT SITE HISTORY**

3PL/2010/1095/O                      Refusal                                      13-01-11

Erection of 35 dwellings with associated open space, access and infrastructure

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3PL/2011/0382/F                      Withdrawn                                      15-06-11

Erection of 11 dwellings with associated access & infrastructure

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**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.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**

**SHIPDHAM PARISH COUNCIL**

Parishioners raised questions regarding access, especially during school drop off/pick up points, also the

traffic from plant machinery. Condition built in for times of site traffic movement. Concerns raised regarding visibility at access point. Concerns also that the development is boarding the village boundary.

**NORFOLK COUNTY COUNCIL HIGHWAYS**

No objection, subject to conditions.

**TREE AND COUNTRYSIDE CONSULTANT**

No objection, subject to conditions.

**CONTAMINATED LAND OFFICER**

No objection, subject to conditions.

**FIRE OFFICER**

No objections, subject to conditions.

**ENVIRONMENTAL HEALTH OFFICERS**

No Comments Received

**REPRESENTATIONS**

Site notice erected on 10 October 2018 and nine neighbours consulted. Three representations received raising the following main points;

- Applicant has indicated that the development would connect to the mains sewer. However, neighbouring properties use a pumping station.
- Development outside settlement boundary.
- Highway / access concerns, including impact of proposed boundary treatment on Pound Green Lane on ability of heavy vehicles to access neighbouring dwellings.

**ASSESSMENT NOTES**

1.0 Principle of development

1.1 This application seeks full planning permission for the construction of four detached dwellings on land to the east of Pound Green lane, Shipdham. The site sits adjacent to the defined Settlement Boundary of Shipdham. Therefore, the proposal is contrary to Policies SS1, DC2, CP1 and CP14 of the adopted Core Strategy.

1.2 At present the District cannot demonstrate a five year housing land supply. Paragraph 11(d) of the NPPF (2018) 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 (2018) 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 dwellings would be well located to services and facilities (public house, school, shops, doctors surgery, leisure etc) and as such would make a positive contribution in this regard. The village benefits from seven local bus services and one coach service, a number of which pass in close proximity of the site, along Market Street. In addition, Shipdham is identified as a Service Centre Village within the adopted Core Strategy, containing adequate services and facilities to meet the day-to-day requirements of existing residents, many of which would be within walking distance of the site.

1.6 Annex 2 (Glossary) of the NPPF (2018) states that for a site to be considered as deliverable, it 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 by a suitable condition.

1.7 Notwithstanding that the site lies outside the Settlement Boundary, albeit adjacent to it, the scheme is considered to represent a sustainable form of development, which would positively contribute to the shortfall of housing in the District, including making effective use of land adjacent to the defined Settlement Boundary. Therefore, the principle of development is considered to be acceptable.

## 2.0 Impact on character and appearance of 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 development. Policy DC16 of the adopted Core Strategy 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.

2.2 The application proposes four detached dwellings. Three are to be two storey, four bedroom dwellings with integral garages / cart lodge and the fourth is proposed to be a three bedroom bungalow with attached garage and cart lodge. It is noted that there are a mix of house types and styles in the area surrounding the site and the proposed scheme would provide a similar offering. Materials proposed to be used in the construction of the dwellings include red brick, black timber cladding, red pantiles for plots 1, 2 and 4 and black pantiles for plot 3, all of which are considered to be in keeping with the existing dwellings within the locality. Furthermore, it is considered that the scale and form of the proposed dwellings are sympathetic to the area. Whilst it is acknowledged that the proposal will be visible from public and private vantage points, therefore having an impact on the character and appearance of the immediate area, it is considered that the positive attributes of these new dwellings from an economic and social perspective outweigh any environmental harm. The scheme is therefore considered to represent a sustainable form of development.

### 3.0 Amenity impact

3.1 The impact the development would have on the site and its surroundings is considered to fall within acceptable parameters. There would be no direct adverse effects as a result of loss of privacy, light or overbearing impact. Windows have been positioned on the proposed dwellings so as to avoid direct overlooking. It is concluded that the proposal will maintain an acceptable level of residential amenity for existing residents and future occupants of the site, consistent with Policy DC1 of the adopted Core Strategy.

### 4.0 Highway safety

4.1 The NPPF (2018) requires new developments to provide safe and suitable access to the site for all people. Policy CP4 of the adopted Core Strategy seeks to ensure that all access and safety concerns are resolved in new developments. Access to the site would be via Pound Green Lane. Sufficient parking provision and on site vehicle manoeuvrability is provided.

4.2 Concerns have been raised in relation to the proposed boundary treatment along the north west boundary of the site having an adverse impact on the ability of heavy vehicles to access properties opposite the site. However, the access route to these properties is a privately owned single lane track. In addition, concerns were raised in relation to the access off Pound Green Lane and the impact of traffic (particularly plant machinery) during the school run times (dropping off, picking up etc). Norfolk County Council Highways were consulted as part of the application process and raised no objection to the proposal, subject to the inclusion of conditions relating to parking and turning and on site parking for construction workers. Therefore, the application is considered to accord with Policy CP4 of the adopted Core Strategy and the NPPF (2018) in respect of highway safety.

### 5.0 Impact on trees

5.1 The Tree and Countryside Consultant raised no objection to the proposal, subject to conditions, including that the works be carried out in complete accordance with the approved Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) provided by Conservation Arboriculture. Therefore, the proposal accords with policy DC12 of the adopted Core Strategy.

### 6.0 Other issues

6.1 The Contaminated Land Officer raised no objection to the proposal, subject to the inclusion of conditions with any forthcoming planning permission, relating to site investigation / remediation works and unexpected contamination on site.

6.2 Norfolk Fire and Rescue Service were also consulted and raised no objection to the scheme, subject to the inclusion of a condition requiring provision of a fire hydrant on site.

6.3 During the consultation process a representation was received querying the proposed sewage disposal. The application indicates that the dwellings would be connected to the main sewer in the road. However, several properties located nearby utilise a pumping station, which in turn pumps sewage into the main sewer. Clarification was sought from the applicant and it was confirmed that a pumping station will be provided to dispose of foul sewage in the mains sewer on the main road.

## 7.0 Conclusion

7.1 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 (2018).

7.2 The site lies in close proximity of the village of Shipdham and the proposed site layout, its scale and form are considered to compliment the existing character of the area. In addition, the proposal would not compromise neighbour amenity and satisfies highway safety requirements. Accordingly, the application is recommended for approval, subject to conditions.

### RECOMMENDATION

Approval

### 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 without Amendment**  
The Local Planning Authority has acted positively and proactively in determining this application, and 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 subsequently determining to grant planning permission within a timely manner as possible 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 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**

**6 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**

**7 Provision of parking and servicing areas**

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: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development.

**This condition will require to be discharged**

**8 Construction traffic (parking)**

Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason for condition:-

To ensure adequate off-street parking during construction in the interests of highway safety. This needs to be a pre-commencement condition as it deals with the construction period of the development.

**This condition will require to be discharged**

**9**

**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 Conservation Arboriculture. 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 appointed arboriculturalist to confirm that fencing is in place as specified. Monitoring by the appointed arboriculturalist shall be in accordance with section 86 of the report. 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:-

To ensure compliance with the NPPF and Policy DC12 of the adopted Core Strategy.

**10**

**Contaminated Land - 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.

INFORMATIVE:-

Land contamination risk assessment is a step-by-step process. During the course of the risk assessment process set out in the above condition, it may become clear that no further work is necessary to address land contamination risks. Where this is the case the condition may be discharged by the Council without all the steps specified being completed. In all cases written confirmation should be obtained from the Council confirming that the requirements of the condition have been met.

**This condition will require to be discharged**

**11 Contaminated Land - Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with details to be agreed in writing with the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason for condition:-

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

This condition is imposed in accordance with CP9 of the Breckland Adopted Core Strategy.

**This condition will require to be discharged**

**12 Non-standard condition**

Taking into account the location of the existing fire hydrant coverage, Norfolk Fire and Rescue Service will require a hydrant to be installed on no less than a 90mm main. No development shall commence on site until a scheme has been submitted for the provision of the fire hydrant on the development in a location agreed with the Council in consultation with Norfolk Fire and Rescue Service Informative With reference to the condition, the developer will be expected to meet the costs of supplying and installing the fire hydrant.

Reason for Condition:- To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.

**13 Boundary screening to be agreed**

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

Reason for condition:-

To safeguard the interests of the amenities of neighbouring occupiers and to ensure the satisfactory appearance of the development, in accordance with Policy DC1 and DC16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**This condition will require to be discharged**

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**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](http://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.

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**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.