

<b>ITEM:</b>		<b>RECOMMENDATION:</b>	APPROVAL	
<b>REF NO:</b>	3PL/2018/0795/F	<b>CASE OFFICER</b>	Naomi Minto	
<b>LOCATION:</b>	NORTH PICKENHAM Land adjacent to The Blue Lion Houghton Lane North Pickenham	<b>APPNTYPE:</b>	Full	
<b>APPLICANT:</b>	Mr Crossley Eccles Care of Agent	<b>POLICY:</b>	Out Settlement Bndry	
<b>AGENT:</b>	EJW Planning Limited Lincoln Barn Norwich Road	<b>ALLOCATION:</b>	N	
<b>PROPOSAL:</b>	Construction of single detached dwelling and access to Houghton Lane		<b>CONS AREA:</b>	N
		<b>LB GRADE:</b>	Adjacent Grade 2	
		<b>TPO:</b>	N	

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

The application is referred to Committee as the site falls outside of the settlement boundary and is therefore contrary to policy.

#### **KEY ISSUES**

- Principle of development
- Design and impact on setting of listed buildings.
- Amenity impact
- Highway safety and parking
- Impact on trees
- Ecology

#### **DESCRIPTION OF DEVELOPMENT**

The application seeks full planning permission for the erection of a detached, two-storey, gable ended four bedroom dwelling with a detached double garage. The proposal also includes the creation of a new access way onto Houghton Lane. Materials proposed to be used include timber panelled doors and timber frame windows, grey slates on the roof and red facing bricks and blue/grey decorative bricks for the walls.

#### **SITE AND LOCATION**

The application site is a plot of overgrown land that is situated outside, although adjacent to the Settlement Boundary of North Pickenham. To the north east of the site is a Grade II\* Listed church and to the west of the site is a Grade II Listed public house.

#### **EIA REQUIRED**

No

**RELEVANT SITE HISTORY**

3PL/2001/1485/O	Refusal	29-01-02	Erection of detached house
3PL/2007/1344/F	Withdrawn	18-12-07	Erection of one 4 bedroom detached dwelling with integrated garage. New vehicular & pedestrian access
3PL/2007/1385/LB	Withdrawn	18-12-07	Four bedroom detached house with integrated garage
3PL/2008/0385/F	Refusal	30-04-08	Erection of 4 bedroom detached dwelling with integral garage
3PL/2008/0391/LB	Refusal	30-04-08	Erection of 4 bedroom detached property with integral garage within the curtilage of listed building
3PL/2012/0593/F	Refusal	23-10-12	Erection of new house with detached double garage and associated external works

**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
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.12	Trees and Landscape
DC.16	Design
DC.17	Historic Environment
DC.19	Parking Provision
LBC	Planning(Listed Building & Conservation Areas) Act 1990
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

**CONSULTATIONS**

**NORTH PICKENHAM P C**

Objection - no change from previous refusal.

**NORFOLK COUNTY COUNCIL HIGHWAYS**

No objection, subject to conditions.

**ECOLOGICAL AND BIODIVERSITY CONSULTANT**

No objection, subject to conditions.

**HISTORIC BUILDINGS CONSULTANT**

No objection, subject to conditions.

**CONTAMINATED LAND OFFICER**

No objection, subject to conditions.

**TREE AND COUNTRYSIDE CONSULTANT**

Objection - The attached drawing shows work within the root protection area (RPA) of retained trees which does not appear to have been addressed within the supplied report. In addition the RPAs have not taken into account rooting conditions. The historic compacted track to the east of the trees is unlikely to be providing favourable conditions for tree roots and therefore the RPA should be adjusted to reflect this. Taking this into account it is likely that the proposed dwelling will have a greater impact than is shown. Trees located on the eastern and northern boundary are likely to cause post development issues, apprehension to future occupiers, leaf drop and shading are all common problems when dwellings are positioned too close to trees. I would consider that there would be future, justifiable pressure from occupants to either heavily prune or remove trees which would be undesirable. It should also be noted that trees outside the site boundary are subject to TPO.

**NATIONAL GRID**

No objection

**HISTORIC ENGLAND**

No objection.

**ENVIRONMENTAL HEALTH OFFICERS**

No objection, subject to conditions.

**REPRESENTATIONS**

A Site Notice was erected on 8 August 2018 and eight neighbours were consulted. Twenty eight representations were received raising the following main points of concern;

- Impact on deliveries at the adjacent public house
- Impact on trade at the adjacent public house
- Impact on the setting of listed buildings (the nearby public house and church)
- Impact on views, including of the church
- Foul water drainage
- Surface water drainage
- Loss of open space in the village / impact on character of the area
- Highway safety, traffic and parking

- Residential amenity
- Unsympathetic design of the proposal.

Comments were also received regarding the need to take archaeology and tree preservation into account.

## **ASSESSMENT NOTES**

### 1.0 Principle of development

1.1 It is recognised that the site lies outside, albeit adjacent to the Settlement Boundary of North Pickenham. For this reason the proposal conflicts with the principle of Policies SS1, DC2, CP1 and CP14 of the adopted Core Strategy.

1.2 Paragraph 11 and footnote 7 of the revised National Planning Policy Framework (NPPF) states that where an authority does not have an up to date five year housing land supply (at present the district has 4.77 years), the relevant development plan policies for the supply of housing should not be considered up to date and therefore housing applications should be considered in the context of the presumption in favour of sustainable development.

1.3 The Government defines sustainable development as having three overarching objectives:-

- economic, in terms of building a strong economy and in particular by ensuring that sufficient land of the right type is available in the right places and at the right time;
- social, by supporting strong, vibrant 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.

1.4 Paragraph 8 of the NPPF stresses that these three overarching objectives are interdependent and need to be pursued in mutually supportive ways. Therefore, a balanced assessment against these three objectives is required.

1.5 In terms of the economic and social criteria, the proposed dwelling would provide one additional dwelling and would, therefore, make a positive, albeit very small, contribution to the housing supply and longer-term economic benefits through the additional household spend within the wider area that would be generated by the provision of one dwelling. North Pickenham has limited facilities (St. Andrew's Church, The Blue Lion Public House and a playing field with equipped children's play area).

1.6 A bus stop is located in close proximity of the site at the junction between The Street and Houghton Lane and is served by West Norfolk Community Transport. It provides a limited service between North Pickenham and Swaffham 6 days per week. The earliest bus leaving North Pickenham midweek is scheduled at 10:49 and the latest available bus leaving Swaffham midweek is scheduled at 14:26. A Saturday service is also offered with the earliest scheduled bus out of North Pickenham at 09:00 and the latest return bus from Swaffham scheduled at 11:34. On that basis, it is considered that the bus service available is unlikely to meet the needs of children travelling to and from school and commuters to and from work. It would appear that the service is geared towards retired people. That said, the service does offer some opportunity for residents to use public transport.

1.7 The next nearest settlement, which provides additional facilities to meet the needs of the local community is Necton (approximately 2.6 miles away) which provides a primary school, shop, post office, public house, village hall and doctor's surgery. In addition, the market town of Swaffham is located under 4 miles away and provides a wider range of facilities and services that could meet day-to-day needs.

1.8 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, Necton and Swaffham 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. Whilst it is acknowledged that future residents would likely rely on the use of private car for their daily needs, it is considered that the proposal would not result in an isolated new home. It would represent infill and provides potential for future occupants to support services and facilities in nearby villages/towns, therefore supporting rural communities to prosper.

1.9 In terms of the environmental objective, the site is located adjacent to the settlement boundary of North Pickenham on a plot of land that previously formed the curtilage of The Blue Lion Public House. Residential development borders the site to the east and south, whilst the public house is located to the west and St. Andrew's Church to the north. It is therefore considered that the site represents an infill plot and if developed sensitively would not appear out of character with the area, having regard to Policy CP11 of the adopted Core Strategy. Therefore, on balance, it is considered acceptable in environmental terms.

1.10 Annex 2: Glossary of the NPPF (2018) states that in order to be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. It is considered appropriate to impose a two year period for commencement of development in order to reaffirm the deliverability of the development. This could be achieved through the inclusion of a suitable condition.

1.11 Notwithstanding that the site lies outside, albeit adjacent to, the defined settlement boundary of North Pickenham, the proposed dwelling would not have an adverse impact on the character and appearance of Houghton Lane as it would be set back from the road. The proposed dwelling could therefore be sited in this location without having a detrimental impact due to the infill nature of the site.

## 2.0 Design and impact on setting of listed buildings.

2.1 The Town and Country Planning (Listed Building and Conservation Areas) Act 1990 requires the determining authority to have special regard to the desirability of preserving a listed building or its setting. The application site is located between St Andrew's Church (grade II\* listed) and the Blue Lion public house (grade II listed). The impact of the proposal on the setting of these two listed buildings, and in particular the church, requires careful consideration.

2.2 The Historic Buildings Consultant was consulted as part of the application process and advised that notwithstanding the Appeal decisions on previous applications relating to development of the site, the existence of trees to the south of the church have provided a screen for a considerable amount of time (since at least 1946, according to historic photographs). Consequently, The Historic Buildings Consultant considers that the site could be developed without having a harmful impact on the setting of the listed church. However, additional screening between the two should be augmented and the design of the proposed dwelling should aim to compliment the existing C.19th group of buildings to the south of the church. In addition, the Historic Buildings Consultant advised that appropriate development of the site would not be harmful to the setting of the Blue Lion public house. A condition relating to proposed boundary treatment

could be added to any forthcoming planning permission to further protect the setting of the two listed buildings.

2.3 Objection was raised by the Historic Buildings Officer to the original design of the dwelling. However, following the submission of an amended design, the Historic Buildings Officer withdrew their objection, subject to the inclusion of a suitably worded condition relating to external materials. On this basis, it is considered that the proposal would not adversely impact upon the setting, appearance or historic fabric of the adjacent listed buildings. Therefore, the proposal is considered to be in accordance with the Town and Country Planning (Listed Building and Conservation Area) Act 1990, as well as the revised NPPF and Policy DC17 of the adopted Core Strategy.

### 3.0 Amenity impact

3.1 Policy DC1 of the adopted Core Strategy seeks to protect residential amenity of existing and future residents. The amended layout plan submitted during the application process shows that a dwelling could fit on the site with sufficient external amenity space, parking provision and vehicle manoeuvrability. In addition, the layout plan has been altered so that windows on the first floor facing the public house (north west elevation) only serve the staircase, bathroom and en-suite to the master bedroom. This will help alleviate the impact of noise transfer resulting from the public house use, which currently opens between Thursday and Sunday each week.

3.2 Given the proximity of the proposed dwelling adjacent to a public house, Environmental Health were consulted as part of the application process and whilst they did not object to the proposal, they acknowledged that future occupants may be adversely affected by legitimate activities of the public house, such as smoking and talking outside and events in the beer garden. On that basis they recommended a condition with any forthcoming planning permission, requiring the applicant to submit a scheme to the Local Planning Authority that includes protection to the amenity of future occupants in respect of the garden areas of the proposed dwelling. Since Environmental Health last commented on the application, a revised layout plan has been submitted. Environmental Health have therefore been re-consulted due to the proposed dwelling being located closer to the existing public house by approximately 1.2 metres.

3.3 In terms of the amenity of existing residents located nearby, it is considered that the relationship of the development to neighbouring dwellings and private open space is such that visual dominance, loss of light, overlooking and overshadowing impacts all fall within acceptable parameters. It is concluded that the proposal will maintain an acceptable level of residential amenity for neighbouring occupants, consistent with Policy DC1 of the adopted Core Strategy.

### 4.0 Highway safety and parking

4.1 Policy DC19 of the adopted Core Strategy requires the provision of car parking to accord with local parking standards. The plans submitted with the application demonstrate that sufficient parking and turning can be provided on site. On this basis, the application accords with Policy DC19.

4.2 As part of the application process Norfolk County Council Highways were consulted and requested the submission of a revised drawing showing widening and extension of the proposed footway. Following receipt of this, no objection was raised, subject to the inclusion of conditions. The application is therefore considered to accord with the requirements of Policy CP4 of the adopted Core Strategy and the revised NPPF.

### 5.0 Impact on trees

5.1 The Tree and Countryside Officer has provided several comments on this application, raising concern in respect of the impact of the dwelling on the Root Protection Area of existing trees, some of which are protected by Tree Preservation Orders (TPOs). The Tree Officer advised that the re-location of the proposed dwelling or reduction in its footprint would reduce the impact on the RPA of existing trees. The applicant has therefore altered the siting of the proposed dwelling to address the Tree and Countryside Consultant's concerns and submitted amended plans. The Tree and Countryside Consultant has been re-consulted and their response is awaited. However, the amended plans indicate that the dwelling will not impact the RPA of existing trees, including those subject to TPOs and therefore the amended proposal would appear to be in accordance with Policy DC12 of the adopted Core Strategy and the requirements of the NPPF (2018).

## 6.0 Ecology

6.1 The Natural Environment Team referenced the supporting Preliminary Ecological Appraisal that has been submitted in support of the application. They noted that a tree identified as T8, which is understood to have bat roost potential, requires removal. On that basis, the Natural Environment Team asked for a further bat survey to be undertaken or a climbed inspection in respect of tree T8 and the findings submitted to the Local Planning Authority, prior to a decision on the application being made. Additional information was received and the Natural Environment Team were re-consulted. No objection was raised, subject to the inclusion of conditions. The application is therefore considered to be in accordance with Policy CP10 of the adopted Core Strategy and the revised NPPF.

## 7.0 Conclusion

7.1 Taking into account the overall planning balance of the scheme and subject to the Tree and Countryside Consultant withdrawing their objection and no objection being raised by Environmental Health, the proposal would represent a sustainable form of development in line with local and national adopted policy. It is therefore recommended for approval, subject to no objection from the Tree and Countryside Consultant and Environmental Health, following receipt of revised plans and a re-consultation.

### RECOMMENDATION

Subject to no adverse comments from the Tree and Countryside Consultant and Environmental Health, following a re-consultation in respect of amended plans, the application is recommended for 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 External materials and samples to be approved**

Prior to the commencement of any works above slab level details and samples of all external materials to be used shall be submitted to and approved in writing by the Local Planning Authority, and this condition shall apply notwithstanding any indication as to these matters which have been given in the current application. 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**

**4**

**Non standard environmental restriction**

Prior to works above slab level of the development, a scheme for protecting the proposed residential development from noise from the adjacent public house shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include protection to amenity and garden areas and should not rely on the requirement to close windows. All works which form part of the scheme shall be completed before the property is occupied.

Reason for condition:- in the interests of the amenity of future occupants of the proposed residential development, in accordance with Policy DC1 of the adopted Core Strategy and the revised NPPF.

**5**

**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**

**6**

**Non-standard condition**

The development works hereby permitted must proceed in accordance with the mitigation measures outlined in section 8 of the Preliminary Ecological Appraisal report (Eco-Check Consultancy Ltd; June 2018) including but not limited to the re-inspection of T7 and T8 prior to any arboricultural works on these trees.

Reasons for condition:-

In accordance with Policy CP10 of the adopted Core Strategy and the revised NPPF.

**7**

**Non-standard condition**

The development works hereby permitted must proceed in accordance with the enhancement measures outlined in section 9 of the Preliminary Ecological Appraisal report



(Eco-Check Consultancy Ltd; June 2018), including at least three bird boxes and three bat boxes.

Reason for condition:-

In accordance with Policy CP10 of the adopted Core Strategy and the revised NPPF.

**8 New access (over verge/ditch/watercourse/footway)**

Prior to the first occupation of the development hereby permitted the vehicular access shall be constructed in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority in accordance with the highways specification TRAD 1 and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.

Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety.

**This condition will require to be discharged**

**9 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 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**

**10 Access - combined, configuration and gates/bollards**

Any access gates/bollard/chain/other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 5 metres from the near channel edge of the adjacent carriageway. Any sidewalls/fences/hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the outside gateposts to the front boundary of the site.

Reason: In the interests of highway safety enabling vehicles to safely draw off the highway before the gates/obstruction is opened.

**This condition will require to be discharged**

**11 Provision of visibility splays - condition/approved plan**

Prior to the first occupation/use of the development hereby permitted a 2.4 metre wide parallel visibility splay (as measured back from the near edge of the adjacent highway carriageway) shall be provided across the whole of the site's roadside frontage. The splay(s) 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 in accordance with the principles of the NPPF.

**This condition will require to be discharged**

**12 Provision of parking and servicing areas**

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 areas, in the interests of satisfactory development and highway safety.

**This condition will require to be discharged**

**13 Highway improvements - off-site**

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.NS-4146-110 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.

**14 Highway improvements - off-site**

Prior to the first occupation/use of the development hereby permitted the off-site highway improvement works referred to in condition 13 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.

**This condition will require to be discharged**

**15 No PD for classes A B C D & E**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification), no extensions, roof alterations, porches or ancillary buildings as defined within Classes A, B, C, D and E of Part 1 of Schedule 2 of that Order shall be erected or brought onto the land unless an appropriate planning application is first submitted to and approved by the Local Planning Authority.

Reason for condition:-

In the interests of the satisfactory appearance of the development and/or the amenities of adjoining residents in accordance with Policy DC1 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.