

ITEM:		RECOMMENDATION:	APPROVAL
REF NO:	3PL/2018/1282/O	CASE OFFICER	Naomi Minto
LOCATION:	DEREHAM Orchard View Dumpling Green Dereham	APPNTYPE:	Outline
APPLICANT:	Mr & Mrs R Hewson c/o Agent	POLICY:	Out Settlemnt Bndry
AGENT:	Icon Consulting Hethel Engineering Centre Chapman Way	ALLOCATION:	N
PROPOSAL:	A new single detached 1.5-storey dwelling	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 adopted policy.

KEY ISSUES

- Principle of development
- Impact upon amenity
- Highway safety
- Impact upon trees
- Other issues

DESCRIPTION OF DEVELOPMENT

The application seeks Outline planning permission for the construction of one detached one and a half storey dwelling with parking provision for three vehicles and amenity space. An indicative plan submitted in support of the application shows how the proposed dwelling could fit on the site. 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 Dereham and amounts to an area of approximately 575 sq.m. The site is rectangular in shape and currently forms part of the garden belonging to Orchard View. There are a number of trees present on the site, including seven with Tree Protection Orders. The site is characterised by agricultural land to the north, residential development to the east, Dumpling Green (an un-adopted track) to the south with residential development beyond that and to the west is the host dwelling, Orchard View. Access to the site would be via a new access off Dumpling Green.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2018/0285/O - A new single detached dwelling including attached garage - withdrawn 4/7/18.

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.09	Pollution and Waste
CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
CP.13	Accessibility
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

DEREHAM T C

No objection.

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection, subject to condition.

TREE AND COUNTRYSIDE CONSULTANT

No objection, subject to conditions.

CONTAMINATED LAND OFFICER

No objection, subject to conditions.

PUBLIC RIGHTS OF WAY OFFICER

No Comments Received

REPRESENTATIONS

A site notice was erected on 19 November 2018 and five neighbours consulted. Two objections were received, raising the following main points of concern;

- Unadopted lane - awkward to navigate, poor condition, deep potholes, lane too narrow in places for vehicles to pass
- Surface water / flooding concerns
- Will not enhance area
- No agricultural need for development
- Back land building of executive style homes, not affordable

ASSESSMENT NOTES

1.0 Principle of development

1.1 This application seeks Outline planning permission with details of access for a new detached one and a half storey dwelling, on garden land used in conjunction with Orchard View. The site is outside the settlement boundary of Dereham, 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 (2019) 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.

1.6 In terms of the economic and social criteria, the proposal would provide one additional dwelling and would, therefore, make a positive, albeit very small, contribution to economic activity through its construction and delivery. The delivery of housing to meet local needs would also bring social benefits in meeting the needs of local residents, and providing further footfall to the service provision within Dereham and further afield.

1.7 Whilst Dereham is a suitable location for housing growth, this site is separated from the town and located on a private unadopted lane, outside of the defined settlement boundary of Dereham. However, the proposal would not be considered isolated when viewed within the surrounding residential context. In addition, although outside Dereham's settlement boundary, it is in close proximity of it and therefore in relatively close proximity to its extensive range of services and facilities (employment, public houses, schools, shops, dentists, doctors surgeries etc) and as such, it would make a positive contribution in this regard. In addition, the town benefits from 20 bus and coach services, which link Dereham to Swaffham, Watton, Fakenham, Kings Lynn, Norwich, Peterborough and further afield. These services could potentially be supported by future occupants of the proposed development, and would therefore enable future occupants to be less reliant on the private car to meet their day-to-day needs.

1.8 In terms of the environmental role of sustainable development, the site is located on a plot of land that forms part of the residential amenity space connected with The Willows. It is 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.

1.9 Annex 2 (Glossery) of the NPPF (2019) 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 suitably worded condition.

1.10 Notwithstanding that the site lies outside of the defined settlement boundary of Dereham, the proposed dwelling is considered to represent a sustainable form of development, which would positively contribute to the shortfall of the District's housing requirement. In addition, it is considered that a one and a half storey dwelling could fit on site without having an adverse impact on the character and appearance of the area.

Therefore, the principle of development is considered acceptable.

2.0 Impact upon amenity

2.1 Policy DC1 of the adopted Core Strategy 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.

2.2 The relationship of the proposal to neighbouring dwellings and private open space is such that visual dominance, loss of light, overlooking and overshadowing impacts all fall within acceptable parameters. In addition, the small scale nature of the development will ensure the proposal does not give rise to any undue noise, odour or other form of disturbance. It is concluded that the proposal will maintain an acceptable level of residential amenity for existing and future occupants, consistent with Policy DC1.

3.0 Highway safety

3.1 Norfolk County Council Highways advised that the application is served by Dumpling Green, a private road, which coincides with a public right of way (Dereham FP26). The Highway Authority consider that the visibility from Dumpling Green onto Yaxham Road is acceptable and there is adequate space at this junction to enable two vehicles to pass. The Highway Officer stressed that Dumpling Green will remain private and will not be adopted.

3.2 No objection to the proposal was raised, subject to the inclusion of an informative note, in relation to the landowner being responsible for repairing any damage to the public right of way caused during construction and for undertaking routine maintenance when required. Additionally, the public right of way must remain available for use by the public throughout the course of the works and once the development is complete. The proposal is therefore considered acceptable, having regard to highway safety. The proposed Highway Authority note will be added to any subsequent permission.

4.0 Impact upon trees

4.1 Initially, the Tree and Countryside Officer required amended plans to show correct measurements of trees in order to enable an accurate assessment of the constraints with regards to root protection areas and in turn help inform the Officer of the actual area, which is suitable for excavation. Amended plans were subsequently submitted and the Tree and Countryside Officer provided further comment on the application advising that the Arboricultural Impact Assessment submitted in support of the application is a fair representation of the trees on site and details methods whereby construction can take place with minimal impact on the arboricultural features associated with the site. Albeit, the proposal, in terms of siting, is a reserved matter.

4.2 However, the Tree and Countryside Officer did stress that the long term successful retention of trees is questionable due to future occupants suffering long periods of shade, leaf drop and other nuisance factors, which would invariably lead to future pressure for heavy pruning or tree removal. In addition, the Tree and Countryside Officer considered that removal of well-established fruit/garden trees will be required to facilitate the proposal and whilst they are not covered by a Tree Protection Order, they do provide habitat and contribute to the rural nature of the lane. That said, no objection was raised, subject to the inclusion of a condition requiring the development to proceed in strict accordance with the latest report supplied by Ligma Consultancy. Therefore, whilst it is recognised that there may be future pressure to remove trees, on balance the proposal is considered to be in accordance with Policy DC12 of the adopted Core Strategy.

5.0 Other issues

5.1 Policy CP9 of the adopted Core Strategy seeks to ensure that development minimises any unavoidable polluting effects and the development's design should actively seek to minimise or mitigate against all forms of pollution. Whilst it is acknowledged that this application is in Outline only, with all matters reserved except access, Contaminated Land raised no objection to the proposal, subject to it proceeding inline with the application details. The application is therefore considered to be in accordance with Policy CP9 of the adopted Core Strategy.

6.0 Conclusion

6.1 Taking into account the overall planning balance of the scheme, the proposal represents a sustainable form of development and is acceptable when considering the Council's lack of a 5 year supply of housing land and having regard of the NPPF (2019). The application is therefore recommended for approval.

RECOMMENDATION

Grant Planning Permission subject to conditions

CONDITIONS

- 1 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.
- 2 Standard Outline Condition**

No development whatsoever shall take place until the plans and descriptions giving details of the reserved matters referred to above shall have been submitted to and approved by the Local Planning Authority and these plans and descriptions shall provide details of the appearance, layout, scale, access and landscaping of the development.

Reason for condition:-
The details are not included in the current submission.
- 3 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

4 1 1/2 storey dwelling only

The development hereby approved shall not exceed one-and-a-half storeys.

Reason for condition:-

To ensure a form of development compatible in scale and massing with the adjacent buildings and in the interests of the visual amenities of the area, in accordance with Policies DC1 and DC16 of the adopted Core Strategy.

5 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.

6 Non-standard condition

The development hereby permitted, must be carried out in strict accordance with the Arboricultural Impact Assessment (dated 10 October 2018), Arboricultural Site Plan (proposed - dated 31 January 2019) and the Tree Protection Plan (dated 31 January 2019), unless otherwise agreed in writing by the Local Planning Authority.

Reason for condition:-

In accordance with the requirements of Policy DC12 of the adopted Core Strategy.