

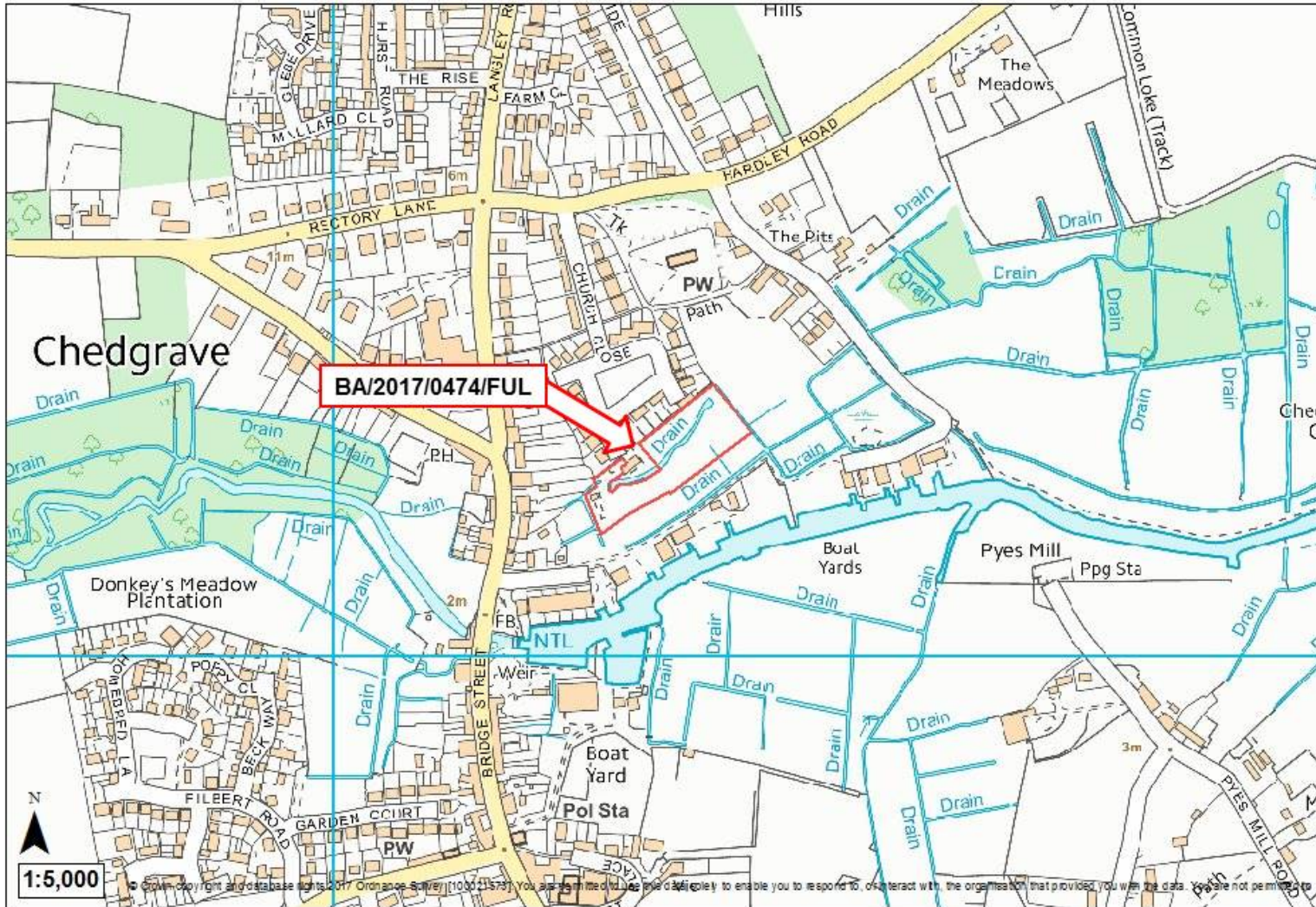
Reference:

BA/2017/0474/FUL

Location

21A Church Close, Chedgrave

BA/2017/0474/FUL - 21A Church Close Chedgrave



1:5,000

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Application for Determination
Report by Planning Officer

Target Date	1 February 2018
Parish:	Chedgrave Parish Council
Reference:	BA/2017/0474/FUL
Location:	Land at 21A Church Close, Chedgrave
Proposal:	Construction of Two New Dwellings and Associated Hard and Soft Landscaping
Applicant:	Brian Sabberton Limited
Recommendation:	Refuse
Reason for referral to Committee:	Representations Received

1 Description of Site and Proposals

- 1.1 The site subject of this application is located immediately east of the dwelling at 21A Church Close, Chedgrave. It covers an area of 0.25ha. The site currently forms part of the garden of the existing house on the property and comprises mown grass, trees protected by Tree Preservation Orders and a pond. The north-western boundary of the site is defined by a 5m high conifer hedge. The southern boundary of the site, marking the end of the private gardens and the start of the open-air boat storage area, is demarcated by scrubby hedge and tree growth, which provides screening between the two sites.
- 1.2 The line of houses situated at the south-eastern end of Church Close, abut the north-western site boundary separated from the site by the existing conifer hedge. Greenway Marine boatyard adjoins the site to the south. The land to the west is characterised by residential use, whilst the land to the east is remnant grazing marsh and scrub woodland.

- 1.3 The site itself sits on two levels. The northern part of the site is on higher ground. This area of the site is flat and laid to grass and is domestic in appearance. The southern part of the site slopes sharply down to a shallow dyke which separates the lawned area from a rougher, less domesticated area.
- 1.4 The house currently situated on the site is a two storey dwelling constructed of red brick with a tiled roof and dark brown joinery.
- 1.5 The site is situated outside the Development Boundary and adjacent to the Loddon and Chedgrave Conservation Area.
- 1.6 The site is situated in Flood Risk Zone 1 on the Strategic Flood Risk Assessment.
- 1.7 The development for which planning permission is sought is for the construction of two x one-and-a-half storey houses situated towards the northern end of the plot, in line with the existing dwelling at 21A Church Close, adjacent to the northwestern boundary of the site. The houses would be constructed from a palette of materials including brick, timber cladding and timber fenestration. The proposed new dwellings would be accessed via the existing residential driveway serving the plot, with the existing, informal route across the site upgraded to a gravel driveway. The proposal includes a full landscaping scheme for the site comprising of hard and soft landscaping, the retention of all the existing trees and new planting to reinforce the character of the site.
- 1.8 Planning permission is being sought for these two dwellings on the basis that one would be a 'self-build' property and the second would be developed as a 'custom build' property.

2 Site History

- 2.1 BA/1995/7139/HISTAP - Extension to kitchen to form dining room – Approved subject to Conditions

BA/2015/0123/FUL - 3 Residential dwellings - Withdrawn

3 Consultations

- 3.1 Consultations received

Highways

No objection subject to the imposition of conditions and informative note.

Parish Council

Cllrs were unanimous in their agreement that they object to the application on the grounds that it is outside the development area and will have a detrimental affect on neighbouring amenities.

3.2 Representations received

Nine representations to this application have been received. One of the representations, whilst not objecting to the scheme, is concerned about the effect the proposal would have on drainage in the area.

The eight remaining representations received are all from residents of Church Close who are objecting to the proposed development. The reasons given for their objections can be summarised as follows:

- The site is situated outside the Development Boundary;
- Only one of the proposed houses qualifies as 'self-build';
- There is no need for these houses in terms of identified housing need;
- Conflict with the new houses and the boatyard activities in the adjacent boatyard;
- Detrimental impact on drainage in the area;
- Detrimental impact on wildlife and plants in the local area;
- Lack of sustainable access to the site as the additional traffic will travel through Church Close which is narrow with tight corners and the proposed access through the site would not be able to sustain the level and type of traffic anticipated;
- Given the length of the proposed drive there would be issues with refuse collection;
- The design of the proposed dwellings is not appropriate to the character of the area in terms of size or materials. The design proposed is not of a suitably high standard appropriate to the location of the site within the Broads area;
- Adverse impact on the residential amenity of the houses on Church Close which back onto the site by virtue of: the houses being too close to the boundary; noise; increased traffic; visual disturbance from car lights; overlooking; loss of privacy; and overlooking;
- The existing conifer hedge would not survive with the drainage and construction work being carried out so close to its roots.

4 Policies

- 4.1 The following Policies have been assessed for consistency with the National Planning Policy Framework (NPPF) and have been found to be consistent and can therefore be afforded full weight in the consideration and determination of this application.

[NPPF](#)

Core Strategy

[Core Strategy Adopted September 2007.pdf](#)

CS1 Landscape Protection and Enhancement

CS4 Creation of New Resources

CS24 Residential Development and the Local Community

Development Management Policies DPD
[Development-Management-DPD2011](#)

DP1 Natural Environment
DP2 Landscape and Trees
DP4 Design
DP11 Access

- 4.2. The following Policies have been assessed for consistency with the NPPF and have found to lack full consistency with the NPPF and therefore those aspects of the NPPF may need to be given some weight in the consideration and determination of this application.

Core Strategy
CS18 Rural Sustainability

Development Management Policies DPD
DP22 Residential Development within Defined Development Boundaries
DP28 Amenity

- 4.3 Neighbourhood Plan

There is no Neighbourhood Plan applicable to this site

- 4.4 Material considerations – NPPF [NPPF](#)

- 4.5 Self Build Register

Your Officers have had regard to the self-build and custom housebuilding register and the demand. It is acknowledged that the planning application for the two dwellings proposed have been submitted on the basis that one dwelling qualifies as 'self-build' and one dwelling qualifies as 'custom – build'. This is assessed in more detail in the body of the report.

5 **Assessment**

- 5.1 In terms of the assessment of this application the main issues to be considered are: the principle of the development; design and materials; highways impact; impact on landscape and trees; ecological impact; impact on residential amenity.

Principle of Development

- 5.2 Under the current Development Plan for the Broads area, this site is situated outside the development boundary and as such any new residential development on this site would be contrary to Policies CS24 of the Core Strategy and DP22 of the Development Management Policies DPD. On this

basis the development could not be supported and there is sound policy-based justification for a recommendation of refusal of planning permission.

5.3. This application, however, has been submitted on the basis one of the houses qualifies as 'self-build' and the second house qualifies as 'custom-build' and that planning permission should therefore be granted. In making this argument, the applicant's agent is seeking to take advantage of the recent legislative provisions which seek to increase the proportion of new dwellings constructed by individuals by making it easier to get planning permission for individual plots which would be developed by those individuals. In determining this application it is necessary to look in some detail at the provisions around 'self-build' and 'custom-build' and ascertain to what extent they apply here.

5.4 The definition of 'self-build' and 'custom-build' given in the Housing and Planning Act 2016 (to be read as part of the Self-Build and Custom Housebuilding Act 2015) states:

“(A1) In this Act 'self-build and custom housebuilding' means the building or completion by –

(a) individuals

(b) association of individuals, or

(c) persons working with or for individuals or associations of individuals,

of houses to be occupied as homes by those individuals.

(A2) But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person.”

5.5 It has been confirmed in the application that one of the dwellings is to be constructed by a local builder on behalf of the applicant, who has been actively involved in the design, layout and specification of the house. It is therefore accepted that under the legal definition of 'self-build' this house would qualify as 'self-build'. However, whilst a prospective buyer has been identified for the second house, they have not been involved in the process of designing their own house to be constructed on the site. On this basis, this second house cannot be considered to qualify as 'self-build' or 'custom-build' so it is concluded that only one of the proposed houses qualifies as 'custom-build' or 'self-build'.

5.6 Under the Self-Build and Custom Housebuilding Act 2015 the Local Planning Authority (LPA) is required to keep a register of those wishing to be build their own homes. The LPA then has a duty to give suitable development planning permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in each base period and has 3 years from the end of a base period to permit the number of self-build permissions arising from that particular base period. So for base period 1 (which was the first base period under the new legislation) the 3 year period is from 31 October 2016 to 30 October 2019.

- 5.7 The number of people on the Broads Authority register for base period 1 is 49. As at November 2017, 13 to 29 permissions have been granted for development which could be considered to be 'self-build', meaning a 'shortfall' of 20 – 36 'self-build' dwellings. It should be noted that the range reflects the fact that 16 dwellings are on the same site and comprise 6 market dwellings (which could be 'self-build') and 10 holiday homes. However even if the lower figure of 13 'self-build' dwellings currently permitted is used the Authority still has two years to permit 36 dwellings. In recent appeal decisions Inspectors have taken into account the length of time LPAs have in which to comply with the requirement, and whether or not it is achievable, in determining whether or not to grant planning permission for residential development. It is considered that on the basis of these figures there is not such an urgent need for planning permission to be granted for the submitted proposal, which would deliver one 'self-build' unit, as to warrant a departure from adopted planning policies. There is no legislation or Government Policy stating that 'self-build' or 'custom-build' plots should not meet the requirements of Local Plan Policies or that the need to meet the requirements of the Self-Build and Custom Housebuilding Act 2015 over-rides all other considerations.
- 5.8 It should also be noted that there is provision within the legislation for LPAs in certain circumstances to apply for an exemption from the requirements, including where 'self-build' would comprise a disproportionality high percentage of their housing numbers. The Broads meets the criteria for an exemption and has applied to DCLG, with a decision awaited.
- 5.9 The need for 'self-build' and custom-build' dwellings is considered as an integral part of the Objectively Assessed Need (OAN) for housing, not as a separate requirement to be met by LPAs. Within the Central Norfolk Housing Market Area, in which Chedgrave is located, the summation of total commitments since 2015 (permissions and completions) and allocations in the emerging Broads Local Plan result in the OAN having been exceeded by 12.9% already, with a further 18 years left in the Plan Period. The fact that there is no need for additional housing to be planned for as the identified need for housing within the Plan Period has already been exceeded is a strong material consideration.
- 5.10 In the preparation of the emerging Local Plan consideration was given to this site and its potential for residential development and whether or not it was appropriate for the development boundary to be extended around the subject site, thereby making any new residential development on this site Policy compliant. There is no Broads Authority development boundary in Chedgrave. The Settlement Study assessed Chedgrave as having some services and facilities. The Development Boundary Topic Paper concluded for Chedgrave that '*In the Site Allocations and Development Policies Local Plan, South Norfolk allocate a site in Loddon for around 200 dwellings and both Chedgrave and Loddon have development boundaries so the settlement as a whole is accommodating some growth in a more appropriate location than the Broads part of the settlement.*' It is not usual practice to draw a development boundary around an individual site as these tend to be drawn around an area.

If a development boundary was drawn around 21a Church Close, it is usual practice to not have a property's entire garden in the development boundary. LPAs draw development boundaries in this way as garden land is specifically excluded from the definition of Previously Developed Land in the NPPF and it is necessary to avoid areas where development would not be in keeping with the form and character of the settlement and to avoid back land development. This approach can be seen on the South Norfolk Policy Map relating to Chedgrave where the gardens of the properties to the west of Church Close are not within the development boundary. So if 21a Church Close was part of the South Norfolk Local Planning Authority Area, it is likely that the garden would still not be in the development boundary. Therefore for the above reasons, the garden of 21a Church Close has not been included in a development boundary in the emerging Local Plan and therefore any further residential development on this property would not be in accordance with emerging Policies relating to the location of new residential development.

- 5.11 The application states that the site is in a sustainable location and that it is therefore appropriate for further residential development to be favourably considered, as set out by the NPPF. It is not disputed that the site is immediately adjacent to established residential development, and is not therefore in an isolated location, and that Chedgrave has some services and facilities. However, whilst being a material consideration, it is not a sufficient argument on its own to justify granting planning permission contrary to Policy, particularly where there is no need for additional dwellings within the Broads area. The matter was considered in detail through the Local Plan process when considering development boundaries and, as has been set out above, there are significant and substantial Policy reasons why planning permission would not be forthcoming for the construction of the two dwellings proposed within the garden of 21a Church Close.
- 5.12 Therefore based on the above reasoning it is concluded that the development proposed is contrary to both current and emerging Development Plan Policies and that there is no need for the houses proposed. The development cannot therefore be supported in principle.

Design and Materials

- 5.13 It is proposed to construct two almost identical houses on this site, comprising one-and-a-half storeys of accommodation. The houses would be constructed using a palette of materials including brick and timber cladding with a clay tile roof and timber composite joinery. A number of the representations received cite poor design as a reason for objecting to the application.
- 5.14 Whilst the houses to be constructed have quite large footprints it is considered that the site is large enough to accommodate the two houses, together with their associated amenity space, without resulting in over development of the site. The proposed design of the dwellings takes reference from the Broads vernacular with dominant roofs and low eaves and this, and the proposed palette of materials, are considered acceptable. If planning permission was to be granted it would be expected that conditions would be imposed requiring

the use of high quality materials. Given the location and characteristics of the site in terms of screening it is not considered that the proposed development would have an adverse effect on the character of the nearby Conservation Area. It is therefore concluded that the submitted scheme is in accordance with Policy DP4 of the Development Management Policies DPD.

Highways Impact

- 5.15 21A Church Close has legal access from the south off Bridge Street via a private road and, alternatively, from Church Close via the existing site access. The previous application, which was withdrawn, proposed to use the southern access off Bridge Street. This was objected to by the Highway Authority as the visibility splays at the junction between the private road and Bridge Street were substandard. The current scheme has therefore been modified to utilise the existing site access off Church Close. A number of the representations received object on the basis that Church Close could not safely accommodate the construction traffic or the anticipated additional traffic generated by the two additional dwellings. However the Highway Authority has confirmed that, with the imposition of a number of recommended conditions requiring the correct construction of the entrance and the proposed driveway, they have no objection to the scheme as submitted. The proposal is therefore considered to be in accordance with Policy DP11 of the Development Management Policies.

Impact on Landscape and Trees

- 5.16 The site currently has a number of trees protected by an area Tree Protection Order on it. The application has therefore been supported by a full Arboricultural Impact Assessment. This Assessment confirms that none of the trees would need to be felled to accommodate this development although it would be crucial that the tree protection works set out in the report are fully complied with to ensure that there would be no damage to any of the trees during construction. The application has been reviewed by the Authority's Arboricultural Consultant who has indicated that he is broadly satisfied with the proposed development. He required a slight modification to the route of the access and driveways to achieve sufficient clearance from the base of the trees to allow the construction of the proposed 'no-dig' sections of the access. This modification has therefore been made to the overall site layout.
- 5.17 The proposal lies to the western extent of the Chet Valley landscape character area. The Broads Landscape Character Assessment (LCA) 2016 outlines that skylines and horizons of the Broads area often lie outside of the Broads Authority Executive Area. This is true at this location, with the boundary of the Broads Administrative Area to the north of the proposed site, and the skyline beyond. The LCA also highlights that areas of settlement inevitably create pressure on the neighbouring less developed areas, and that it is important that any changes to land use close to the settled area are appropriate and designed to enhance the landscape character. Whilst the proposal would effectively result in a development spread into the national park area, it is considered that the low density nature of the development and proposed native southern boundary planting scheme would provide sufficient mitigation

to intercept views towards the development and naturalise the existing development edge, currently Leylandii hedgerow. It is considered that the development would sit on the valley side and in combination with proposed landscaping would be unlikely to have negative effect on the horizon. The eastern elevation of property 2 would likely appear most prominent in the wider landscape due to the sloping nature of the site in this location. Therefore if planning permission were to be granted for this development additional tree planting on the eastern boundary would be required to enhance the existing provision and intercept views towards the more dominant property 2.

- 5.18 It is therefore concluded that the proposed scheme would not have a detrimental effect on the health and future vitality of the protected trees on this site and that the impact on the wider landscape is acceptable. The scheme is therefore considered to be in accordance with Policies CS1 of the Core Strategy and DP2 of the Development Management Policies DPD and paragraph 115 of the NPPF.

Ecological Impact

- 5.19 A number of representations received cite the fact that the proposed development would have an adverse effect on the wildlife value of the site as a reason for objecting to the scheme. The application was supported by a Protected Species Report that was originally produced to support the previously withdrawn application. An updated addendum to this report confirms that having resurveyed the site the conclusions of the previous report are still valid and that the construction of the two dwellings proposed would cause no significant biodiversity impacts. This view is supported by the Broads Authority's Ecologist. If planning permission were to be granted for this development it may be necessary to include various conditions to ensure the protection of protected species during the construction of the houses and to secure a variety of biodiversity enhancements. Overall the proposed development is not considered to be contrary to Policy DP1 of the Development Plan Policies DPD.

Impact on Residential Amenity

- 5.20 Adverse impacts on the residential amenity of all the residential properties adjoining the site to the northwest, arising as a result of the proposed development, have been included in the majority of the representations received which object to the scheme. The concerns include over dominance, overlooking and loss of privacy and increased noise and disturbance.
- 5.21 However it is considered that the dwellings, as proposed could be accommodated on the site without any detrimental impact on the residential amenity of the adjoining properties. The proposed houses have been designed to be one-and-a-half storeys high with accommodation to be provided in the roof. This would ensure that the overall ridge height of the dwellings is kept as low as possible, at 6.5m above ground level adjacent to the northwestern boundary of the site. Furthermore the 5m high conifer hedge, running along the northwestern boundary of the site, is located within

the application site and therefore under the control of the applicant and subsequent owner of one of the houses and it is proposed that this is retained as an integral part of the landscaping scheme for the site to provide a substantial screen to the development. A cross section of the scheme has been submitted which confirms that just over 1m of the roof would be visible from the residential properties situated along Church Close. Furthermore the houses have been orientated on the site so that the main windows and views and outdoor amenity space are facing south over the remainder of the site. Views from and into the adjacent boatyard would be screened by the existing protected trees along the southern boundary of the site. It is therefore considered that the development as proposed would not result in over dominance or loss of privacy for the adjacent dwellings.

5.22 In terms of noise or other disturbance that would be generated as a result of the use of the two additional houses on the subject site, it is not considered that there would be an unacceptable effect on neighbouring properties as the level of noise and activity generated would be no different to that already generated by existing houses in Church Close.

5.23 It is therefore concluded that the construction of the two dwellings as proposed would not give rise to unacceptable adverse impacts on the residential amenity of adjoining dwellings and that the scheme is not contrary to Policy DP28 of the Development Management Policies DPD.

6 Conclusion

6.1 In conclusion then, whilst the current scheme has satisfactorily addressed a number of the objections to the previous scheme, in terms of achieving adequate site access and ensuring that any adverse landscape impact or impact on the protected trees on the site is avoided or mitigated, there is still the fundamental objection to the principle of permitting further residential development on this site. The site is outside the development boundary and therefore contrary to current Policy DP22 of the Development Management Policies DPD. Furthermore it is considered to be contrary to the emerging Local Plan as this site is not proposed to be allocated as a residential site in the new Local Plan or included in an amended development boundary. Whilst it is not disputed that the site can be considered to be in a sustainable location it has been proven that there is no need for the housing proposed, in terms either of 'self-build' or 'custom-build' or open market housing, which could justify planning permission being granted contrary to Development Plan Policy.

7 Recommendation

That planning permission be refused for the following reasons:

In the opinion of the Local Planning Authority the proposed development is contrary to both current and emerging Local Plan Policies and that in this instance there are no material considerations justifying granting planning permission contrary to Development Plan Policies.

The site is situated outside the development boundary and therefore any residential development on this site would be contrary to Policy DP22 of the Development Management Policies DPD and Policy CS24 of the Core Strategy.

Based on the figures available in the current Objectively Assessed Need for the Central Norfolk Housing Market Area there is no need for additional open market housing within the current Local Plan period 2015 to 2036 within the Central Norfolk Housing Market Area.

It is considered that only one of the proposed dwellings accords with the definition of 'self-build' or 'custom-build' as defined in the Housing and Planning Act 2016. It is the Local Planning Authority's opinion that on the basis of the figures available relating to the requirement for, and delivery of, 'self-build' and 'custom-build' units within the Broads Authority's Executive Area that there is not an urgent need for planning permission to be granted which would deliver one 'self-build' unit, such as to warrant granting planning permission contrary to Development Plan Policies. There is no legislation or Government Policy stating that 'self-build' or 'custom-build' plots should not meet the requirements of Local Plan Policies. The Local Planning Authority considers that it has, and will, satisfactorily comply with the requirements and responsibilities conveyed by the Self-Build and Custom Housebuilding Act 2015 in securing the adequate delivery of 'self-build' and 'custom-build' housing within its area within the required base period.

Whilst it is not disputed that the site can be considered to be in a sustainable location it has been proven that there is no need for the housing proposed, in terms either of 'self-build' or 'custom-build' or open market housing, which could justify planning permission being granted contrary to Development Plan Policy.

Background papers:	BA/2017/0474/FUL
Author:	Alison Cornish
Date of report:	19 January 2018
Appendices:	Appendix 1 – Map

APPENDIX 1

BA/2017/0474/FUL - 21A Church Close Chedgrave

