

<b>Item No.</b>	<b>Applicant</b>	<b>Parish</b>	<b>Reference No.</b>
1	Mr Nigel Armes	KENNINGHALL	3PL/2014/0998/EU
2	De Merke Estates	SWAFFHAM	3PL/2014/1346/O
3	Swaffham Town Council	SWAFFHAM	3PL/2014/1355/O
4	Emblem Homes Ltd	WEETING	3PL/2014/1361/F
5	A F Machinery Limited	WRETHAM	3PL/2014/1365/F
6	Hopkins Homes Limited	WATTON	3PL/2015/0219/F
7	Mr Tim Wegg	LYNG	3PL/2015/0252/F
8	Mrs Emma Kriehn-Morris	LITTLE DUNHAM	3PL/2015/0329/F
9	Mr Allan Lynn	HARLING	3PL/2015/0394/F
10	Mr & Mrs A & R Buschman	LITCHAM	3PL/2015/0460/F

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

<b>ITEM</b>	<b>1</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2014/0998/EU	<b>CASE OFFICER:</b> Gary Hancox
<b>LOCATION:</b>	KENNINGHALL Green Farm Edge Green Edge Green	<b>APPN TYPE:</b> Cert. Law.Exist.Use <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> No Allocation <b>CONS AREA:</b> N <b>TPO:</b> N <b>LB GRADE:</b> N
<b>APPLICANT:</b>	Mr Nigel Armes Green Farm Edge Green	
<b>AGENT:</b>	Howes Percival LLP The Guildyard 51 Colegate	
<b>PROPOSAL:</b>	Operational Development (Certificate of existing use.)	

### **KEY ISSUES**

The Application seeks a Certificate of Lawfulness in respect of some 44 separate operational developments (set out in the legal submission attached as Appendix 1) on the basis:

- . that the relevant development is permitted by an express planning permission;
- . that the relevant development is permitted by virtue of permitted development rights that were in force at the time that such development took place;
- . that the relevant development was substantially completed over 4 years prior to the date of the Application and thus is immune from enforcement action pursuant to section 171B(1) of the Town and Country Planning Act 1990 ("the 1990 Act"), or;
- that the work did not constitute development pursuant to section 55 of the 1990 Act (or its relevant predecessor) so that no planning permission was required.

### **DESCRIPTION OF DEVELOPMENT**

The applicant, Crown Chicken Limited, has submitted an application for a Certificate of Lawfulness of Existing Use or Development (CLEUD) in relation to an existing feed mill at Green Farm, Kenninghall, Norfolk.

This CLEUD application is a legal process that seeks to regularise the operational development at Green Farm, and assuming that the legal tests are satisfied, the CLEUD must be granted. In support of this application, the applicant has submitted detailed legal justification and two statutory declarations that detail the factual background of the operational development on the site and its history.

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

Although not legally required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 ("Regulations"), the applicants have voluntarily submitted an Environmental Statement ("ES") that assesses the likely significant environmental effects of the operational development already occurred. It is noted that the assessment of effects in the ES is based upon a defined baseline year of 1980, as the operational development prior to this pre-dated the introduction of the EIA regime (and thus EIA considerations are irrelevant) and the majority of which were constructed pursuant to permitted development rights or express permission. The ES therefore assesses those developments constructed over a 30-year period during 1980 - 2010 (the "development").

As part of the assessment of the operational development in the ES, it is noted that the ES also assesses the impacts of the current use of those buildings subject to the application. The applicant has confirmed that a further application will be made following a positive determination of this application to regularise the existing uses of the site.

Whilst the applicant has volunteered an ES (rather than it being legally required), it has nevertheless been treated and considered as if it were legally required under the Regulations.

### **SITE AND LOCATION**

The site lies approximately 0.6 km to the south of Kenninghall and close to a group of dwellings known as Edge Green. To the north of the site are four private properties:

- Bramble Cottage, Edge Green
- Edge Green Farm;
- The Bungalow, Edge Green; and
- Field View, on the north side of Heath Road.

A small tree belt is located to the east of Edge Green Farm. Heath Road itself is bounded by substantial hedgerows and mature trees that limit views across the proposed development site and surrounding fields.

To the east the proposed development site is bounded by a substantial hedgerow with open fields beyond. To the south and west the site is bounded by a small drainage ditch with views over open fields. Approximately 400m to the west is the small village of Kenninghall Heath and Kenninghall Village is located approximately 500m to the north.

### **EIA REQUIRED**

No (although an EIA has been voluntarily submitted)

### **RELEVANT SITE HISTORY**

On 15 November 2011, Crown Chicken Limited submitted an application for a Certificate of Lawfulness of Existing Use or Development in relation to the existing feed mill at Green Farm

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

near Kenninghall (3PL/2011/1263/EU). This application sought a CLEUD for both operational development and current use for the existing buildings at the site. Following detailed discussions with the Council, the CLEUD was issued on 23 July 2012. This decision however, was challenged and the Council subsequently submitted to the quashing of the decision by the High Court and to the re-determination of the application.

This previous CLEUD application (under reference 3PL/2011/1263/EU) was subsequently withdrawn. The applicant re-submitted the current application that seeks a certificate on the basis of operational development up to 2010 only, although has confirmed that a subsequent application will be made in respect of use and other outstanding matters following consideration of this application.

In recent years, several developments have been proposed and/or permitted at the site. This is set out below:-

A proposed renewable energy facility (3PL/2010/1372/F) and Combined Heat and Power (CHP) plant (3PL/2011/0445/F) were both permitted on 9 November 2011. The renewable energy facility would be located on Garboldisham Road and would be connected to the CHP plant at Green Farm, approximately 1.1km away, by a pipeline supplying biogas.

These proposals were subsequently challenged. Whilst the challenge was on-going in the High Court, duplicate planning applications for the renewable energy facility (3PL/2012/0737/F) and CHP plant (3PL/2012/0738/F) were submitted to the Council. On 8 October 2012, due to the level of controversy resulting from these two developments, the Council sought a Screening Direction from the Secretary of State in relation to the two new planning applications, as well as a proposed extension to the hatchery at Green Farm (3PL/2011/1100F).

The Secretary of State responded on 10 December 2012, confirming that an EIA would be required for the three extant planning applications, since (in his opinion) they were all integral parts of an inevitably more substantial development.

Subsequently, Scoping Opinions were requested for the renewable energy facility and CHP plant, which were adopted by the Council on 11 February 2013 (3SO/2013/0002 and 3SO/2013/003/SCO respectively).

In February 2013, EIAs were submitted in relation to the renewable energy facility, the CHP plant and the extension to the hatchery.

On 19 April 2013, the Court of Appeal concluded that the challenge in respect of the proposed renewable energy facility (3PL/2010/1372/F) and CHP plant (3PL/2011/0445/F) should be dismissed.

Subsequently, the duplicate planning applications for the renewable energy facility (3PL/2012/0737/F) and CHP plant (3PL/2012/0738/F) were withdrawn on 18 September 2013.

The planning application for the extension to the hatchery was refused on 1 October 2013, as the Council considered the assessment of cumulative effects contained in the EIA to be insufficient. An appeal to this refusal was lodged with the Planning Inspectorate under Appeal Reference APP/F2605/A/13/2209448 on 10 January 2014, and subsequently allowed by the Inspectorate on 24 September 2014.

On 3 October 2013, the Council also refused planning applications for the solar farm west of

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

Kenninghall (3PL/2012/1088/F) and the poultry farm at Ash Tree Farm (3PL/2012/0876/F). (N.B. These applications were not in respect of the CLEUD application site.) Appeals for each refusal were lodged with the Planning Inspectorate on 10 January 2014.

On 24 September 2014, the Planning Inspectorate issued its decision, allowing the following appeals and granting planning permission for the following:-

Appeal Reference APP/F2605/A/14/2211564 - Ash Tree Farm, Kenninghall

The upgrade of poultry units including demolition of 9 existing poultry sheds, erection of 8 new broiler houses for the rearing of poultry, feed bins and 4 service buildings with associated equipment.

Appeal Reference APP/F2605/A/13/2209448 - Green Farm, Edge Green, Kenninghall

The hatchery extension.

Appeal Reference APP/F2605/A/14/2211560 - Land to the west of Kenninghall

Solar voltaic panels and associated works including inverter housings, security fencing and cameras.

### **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 have also been taken into account, where appropriate

### **CONSULTATIONS**

#### **KENNINGHALL P C -**

Objection

\* Application is not acceptable as it only deals with building works and not use.

\* EIA report is inadequate - fails to deal with emissions - and the EIA is incorrect in stating that the junction has good visibility.

#### **NORFOLK COUNTY COUNCIL HIGHWAYS**

As Highway Authority we have no information to assist the Planning Authority in determining the legitimacy of the applicants CLEUD. If the CLEUD application fails and a formal planning application were to be required, the Highway Authority would expect to raise an objection.

If the applicants wish to pursue matters then they need to provide a full topographical survey, to show (a) How they intend to achieve 120m of visibility without impacting upon third party land (b) road widths; and (c) the location of the existing passing places.

#### **NATURAL ENGLAND**

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

Natural England has no concerns with this Certificate of Lawfulness of Existing Use or Development application in relation to air quality impacts.

### **ECOLOGICAL AND BIODIVERSITY CONSULTANT**

Approximately 70m of hedgerow was removed along the western boundary of site between 1991 and 2005 for the development of a hatchery. Hedgerow is a Biodiversity Habitat of Principal Importance and should therefore be compensated for by planting a new hedgerow comprising native species of local provenance. Any future developments on site should be subject to further ecological assessment prior to site clearance or development. In particular, consideration should be given to the remaining hedgerows on/adjacent site, any buildings on site suitable to support bats and any waterbodies within close proximity to site. For example, the pond 26m west of site has been classified as 'average' under the Habitat Suitability Index (HSI) in relation to its suitability as a breeding location for great crested newts. Therefore, surveys for great crested newts may be required as if they are present on or adjacent to the site, impacts resulting from site activities would need to be avoided and identified in a mitigation strategy.

### **ENVIRONMENTAL HEALTH OFFICERS**

I have been aware of the operation of this site for a number of years and note from our files that we had noise complaints about its use from the year 2000. At that time noise issues were investigated and works to reduce these were carried out to the plant's sieves and included acoustic absorption panels being placed on the cladding around this equipment between 2000 and 2002.

The noise sections of the EIA examine the historical noise implications of the mill however, there were very limited details or data available to the consultants and as such they have only been able to consider the impact of noise using measurements from 2010 onwards. These details were used to compare past activities with the various noise standards that apply to such an operation now. It is questionable as to the purpose of this comparison apart from perhaps to identify that operations on site have occurred for a number of years and as such their noise effects may have been experienced away from the location by local residents to varying levels.

It has been identified that certain parts of the mill, particularly the grinders and sieves are noisy and that works potentially are required to mitigate some of the noise to bring it within the limits of the various standards mentioned within the report. This work is planned under improvements required under the Environment Agency permit that covers the site operations but there is no direct detail as to when these will take place. The report suggests that without these works moderate to major levels of noise disturbance will be experienced away from the site particularly at night.

Mention of road traffic has been made with a suggestion that the change of vehicles from 9 tonne to 20/27 tonne ones will have had a minor change in noise levels of 2-3 decibels. It is questionable as to why this information is included as noise levels will vary considerably between the amount of load placed on the vehicle engines through varying weights, the maintenance of such vehicles, the variation of driver styles and hours of use. Much of this potential disturbance will occur away from the site as vehicles pass along public highway feeder roads; although consideration should be given to the extra noise from vehicles as they pull away from the site entrance under load which is adjacent to several residential properties. The amount of disturbance can be reduced by limiting operating hours particularly vehicle movements to and away from the mill site at night and ensuring that vehicles are properly maintained and driven with

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

care and consideration as to their effects on local residents.

### **CONTAMINATED LAND OFFICER**

I have considered the application and would not raise any contaminated land objections based on both the accuracy of the information provided and the current records of contaminated land issues we hold to date.

### **ENVIRONMENT AGENCY**

No objection.

The site is partially covered by an Environmental Permit and relevant controls on the activities within that boundary are included within the permit. However, the permit cannot place restrictions on the number or timing of vehicles on the site.

If consideration is given to hours of vehicle operation with a view to restricting these to daytime running, this could give a good control over night time intermittent and impulsive noise caused by the larger vehicles.

It should be noted that the night time noise levels referenced in the 2013 IEC noise impact assessment do not include vehicle noise.

### **NORFOLK RIVERS INTERNAL DRAINAGE BOARD**

No comments received

### **ANGLIAN WATER SERVICE**

No comments received

### **REPRESENTATIONS**

10 letters of objection

- Wrong thing, wrong place
- Detrimental impact from noise and smells
- Detrimental impact of increased HGV movements
- Existing access has a junction with poor visibility, contrary to what is stated in the EIA
- Council has allowed the mill to operate unlawfully for the past 4 1/2 years
- Council should consider enforcement action

### **ASSESSMENT NOTES**

1.0 The application is referred to Planning Committee as it raises issues of significant local concern

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

### 2.0 ASSESSMENT (CLEUD)

2.1 The Application seeks a Certificate of Lawfulness in respect of some 44 separate operational developments. These are set out in the legal submissions in support of the application attached as Appendix 1` of the report on the basis:-

- \* that the relevant development is permitted by an express planning permission. This relates to those developments listed at 8, 18, 25, 27 and 39 at Appendix 2;
- \* that the relevant development is permitted as they were constructed pursuant to permitted development rights that were in force at the time that such development took place. This relates to those developments numbered 2, 6, 7, 9 to 13, 14, 16, 17, 19 and 20 at Appendix 2;
- \* that the relevant development was substantially completed over 4 years prior to the date of the application and thus is immune from enforcement action pursuant to section 171B(1) of the Town and Country Planning Act 1990 ("the 1990 Act"). This relates to those developments listed at 1, 4, 15, 21 to 24, 26, 28 to 36, 38 and 40 to 44 at Appendix 2; or
- \* that the work did not constitute development pursuant to section 55 of the Town and Country Planning Act 1990 (or its relevant predecessor) so that no planning permission was required. This relates to those developments listed at 3, 5 and 37 at Appendix 2. Otherwise, such works are immune from enforcement due to substantial completion over 4 years prior to the date of the application.

2.2 Following a thorough review of all the evidence and submissions put forward by the applicant in support of the application, I am satisfied that the legal arguments are properly made out in respect of all of the separate areas of operational development and on the basis that the applicant has applied for them as set out in Appendix 1 of the application. I am also satisfied, in light of the guidance contained in the NPPG (Paragraph: 006 Reference ID: 17c-006-20140306), that the application has been properly made, and on the balance of probability, I have no legitimate reason to doubt the evidence submitted.

### 3.0 ASSESSMENT (EIA)

3.1 An EIA should assess the likely significant environmental effects of the development and the interaction between them. The EIA Directive (as amended) also requires that the effects deriving from the vulnerability of the development to risks of major accidents and/or disasters should be assessed, where relevant.

3.2 The Environmental Statement (ES) submitted by the applicant identifies the following key impacts from the identified development that has occurred between 1980 and 2010:

- \* Employment and economy
- \* Transport
- \* Noise
- \* Drainage
- \* Ecology
- \* Cumulative impact

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

3.2 I note that "Air Quality" and "Landscape Impacts" are not covered separately within the ES, which I consider unusual for a development of the type existing on site. However, the ES has concluded that it was appropriate to scope out such items from the assessment, and I consider that this conclusion is reasonable and satisfactory for the reasons given in the ES.

### 4.0 Operational Development

4.1 In so far as the environmental impact of the lawful operational development on the site is concerned, matters are straightforward. With the exception of ecology, the impacts of the buildings are considered to be neutral. Whilst there has been some degree of harm through the loss of an arable field and approx. 70 metres of hedgerow, the ES has concluded that this harm does not amount to significant harm. Furthermore, by 1980, the majority of the buildings in existence today had already been constructed.

### 5.0 Use

5.1 Although this application is only concerned with the impacts of the operational development on the site, the submitted ES also assesses the likely impacts from the use of the site for that operational development. I have therefore carefully assessed the likely environmental impact in this regard as well, having taken into account relevant consultation responses and representations received.

### 6.0 Employment and Economy

6.1 The applicants indicate that employment related to the development grew from 137 employees in 1980 to 330 employees in 2010; an increase of 141%. Furthermore, this employment was in the agricultural and manufacturing sectors, the workforces of which halved in size in Norfolk and Suffolk over the same period. The ES has assessed this impact to be moderate/minor positive. I have no reason to disagree with this conclusion.

### 7.0 Transport

7.1 The ES concludes that "whilst the proposed development has resulted in an increase in output from the mill, this has not led to an increase in transport movements. This is due to the increased capacity of vehicles used in 2010 (20-29 tonnes) compared with the 1980s (9 tonnes). Consequently, it is concluded in the ES that the adverse effects often associated with development such as severance of communities or reduced amenity, are likely to be negligible due to the proposed development."

7.2 In reaching the above conclusion, the ES has concluded that the sensitivity to this impact as being "low", having regard to magnitude of effects as set out in the Guidelines for Environmental Assessment provided by the Institute of Environmental Assessment (IEA). This assumes less than 100 properties per day affected by the increased traffic flow and there being no discernable change in local conditions or circumstances, based on the number of HGV trips to and from the site having reduced. However, in my view, it could be argued that the increase in the size of the vehicles has brought with it increased impacts in terms of noise and damage to road verges etc. Even taking this into account, I am satisfied with the conclusions in the ES and application material that the transport impacts of the development are likely to be at worst, *¿minor¿* and in no way significant.

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

7.3 NCC: Highways have commented that the existing visibility splays at the junction of the site with the public highway are sub-standard. Only 25% (30 metres) of the required 120 metres visibility in a southerly direction. As a result, any development on the site that requires planning permission will need to deal with this issue, and any subsequent planning application will be dealt on its own merits in regard to this issue.

7.4 However, for the purposes of assessing the highway impact in terms of environmental impact over a 30 year period to 2010; I consider that this makes little difference. Firstly, it should be stated that the provision and impact upon visibility splays are not EIA considerations. In any case, from the application material submitted, it is understood that there have been no reported traffic related accidents attributable to traffic associated with Crown Milling Ltd for the period in question. I do not, therefore, consider that the overall transport impact associated with the development is significant, as concluded in the ES.

### 8.0 Noise

8.1 Understandably, there is limited noise data available for the years 1980 to 2010, however the ES does provide data between the years 2011 to 2013 which allows for a reasonable analysis of the noise impacts from the development. Any required works for the purposes of mitigation (to the extent required) can be undertaken as part of the Environmental Permit and BAT (Best Available Techniques) process.

8.2 I am aware that the EHO does make reference to noise complaints in relation to low frequency "humming" over approximately the last 10 years. Although several complaints have been received, I am advised they were from the same person, and upon investigation, were not substantiated. I also understand that the noise was almost imperceptible during the EHO's investigations and was believed to come from the grinding operations on site. No recent complaints have been received, and it is believed that this coincided with upgrades to the grinding operations on site being implemented.

8.3 The EHO has received no formal complaints in respect of HGV noise. Again, the Environmental Permit process has legislative controls in respect of noise and the use of BAT will ensure that noise impact will be able to be monitored and controlled for current and future operations. The applicant has also entered into a unilateral undertaking that restricts HGV movements between the hours of 23.00 and 7.00 each day and provides additional measures to minimise noise impacts of waiting vehicles entering and leaving the site through the installation of appropriate signage. In conclusion, I am therefore satisfied that the noise impact from the site is negligible, in accordance with those conclusions set out in the ES.

### 9.0 Air Quality

9.1 For the purposes of the development subject to this CLEUD, third parties have considered that it is Ammonia and Nitrogen that is relevant to the issue of Air Quality. Although dust has been mentioned as an issue by a local resident, I have found no other evidence to substantiate this being an issue at the site.

9.2 The applicant maintains, as set out in their supplemental information and through preliminary assessment, that it is not necessary for the ES to assess levels of Ammonia and/or Nitrogen, as such items are not those which are likely to cause significant environmental impacts from the development. For these reasons, such impacts have effectively been scoped out of the ES.

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

Taking into account the fact that neither Natural England nor the EHO have raised any concerns in this regard, I have no reason to differ from this view.

### 10.0 Drainage

10.1 The ES explains that much of the necessary site infrastructure was already in place prior to 1980 and that the amount of hardstanding did not alter significantly up to 2010. As such, the development is unlikely to have had a significant effect on flood risk. Various measures were implemented between 1980 and 2010 to better manage both foul and surface water on the site; particularly the permitted lagoon to the north of the main site. Overall the risk of pollution has been greatly reduced as a result of the development. The ES concludes a negligible adverse impact in terms of flood risk and minor positive in terms of pollution and drainage.

10.2 No objection to the developments on site in respect of drainage and flood risk has been received from the Environmental Agency, and I am satisfied with the conclusion in the ES in this regard.

### 11.0 Ecology

11.1 The ecology assessment suggests that the site itself has little intrinsic ecological value. The hedgerow on the eastern side and the lagoon are the only features of note, but are only considered to be of local value. The ecology assessment considered the presence of protected species on site and concluded that it is unlikely that any would be significantly affected by the development resulting in negligible/neutral effect overall.

11.2 However, it is noted that development since 1980 has resulted in the loss of an arable field and approx. 70 metres of hedgerow. It is difficult for me therefore to conclude that the environmental impact can be neutral. Furthermore, there is no evidence of any ecological enhancements having taken place between 1980 and 2010. I consider that a more appropriate conclusion taking into account the above is that there has been a minor negative impact overall. I do agree however that the ecological impact of the development is not significant, as concluded in the ES.

### 12.0 Cumulative Impact

12.1 The applicant's ES has considered the following issues in the cumulative impacts assessment:

- \* Transport: whether each of the development proposals could result in changes to traffic on the surrounding highway network, particularly HGV traffic.
- \* Noise: whether each of the development proposals could result in some direct noise disturbance to nearby receptors. In addition, there is the potential for the changes to traffic to result in a cumulative change in noise on the highway network.

12.2 The ES also considers that the following groups of receptors are considered to be potentially at risk of cumulative effects:

- \* Bramble Cottage, Field View and Edge Green Farm.
- \* Properties on Heath Road between North Lopham Road and Green Farm;
- \* Properties on Heath Road between Green Farm and East Church Street;

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

- \* Properties on East Church Street, east of Heath Road;
- \* Properties in Kenninghall village defined as East Church Street, west of Heath Road; and, Garboldisham Road between North Lopham Road and East Church Street;
- \* Properties on North Lopham Road, south of Heath Road;
- \* Properties on Garboldisham Road, west of North Lopham Road.

12.3 The ES has concluded that the cumulative effects of the development are negligible. I am satisfied with this assessment, particularly as I note that the development currently on site was considered by the Planning Inspector during the hatchery appeal under reference APP/F2605/A/13/2209448, where he was also satisfied that there was no cumulative impacts arising from the hatchery extension when assessed in connection with the above developments and the current development on site.

### 13.0 CONCLUSION

13.1 I am satisfied that the legal arguments are properly made out in respect of all of the separate areas of operational development that the applicant has applied for as set out above in the "Assessment (CLEUD)" section of this report. I also accept on the balance of probability all the evidence submitted in support of the application. I am therefore satisfied that a Certificate of Lawfulness - as applied for by the applicant - can be issued, and there is no reason to reject the application.

13.2 Whilst I note that the application is not required to be determined under the Regulations, the application has been following a voluntary submission of an ES by the applicant. Having considered the ES, I am satisfied with the conclusions and assessments undertaken, in that the operational development the subject of this application would not give rise to likely significant environmental impacts.

13.3 For the above reasons, I recommend that Members resolve to approve the application.

**RECOMMENDATION**

**Certificate of Lawfulness of Existing Use or Development**

**CONDITIONS**

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

<b>ITEM</b>	<b>2</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2014/1346/O	<b>CASE OFFICER:</b> Gary Hancox
<b>LOCATION:</b>	SWAFFHAM Land off New Sporle Road	<b>APPN TYPE:</b> Outline <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> No Allocation <b>CONS AREA:</b> N <b>TPO:</b> N <b>LB GRADE:</b> N
<b>APPLICANT:</b>	De Merke Estates c/o Howes Percival 3 Osiers Business Par	
<b>AGENT:</b>	Berrys Willow House East Shrewbury Business Park	
<b>PROPOSAL:</b>	Outline application for residential development with access from New Sporle Road	

### **KEY ISSUES**

Principle of the proposal  
Indicative layout and density  
Access and highways  
Planning contributions  
Amenity

### **DESCRIPTION OF DEVELOPMENT**

The proposal relates to an application for outline permission residential development of 92 dwellings on green field land off New Sporle Road, Swaffham. An indicative layout has been provided with all matters reserved apart from access.

This proposal is described as a 'Phase 2' residential development by the applicant. This is because a previous outline application was approved (subject to the completion of S.106 legal agreement) on land adjoining the application site and shall be used to access the development.

The adjoining site included;

- \* 55 dwellings on 2.69ha gross developable area
- \* Access considerations
- \* Public open space and landscaping

The application for this site includes;

- \* 92 dwellings
- \* 40% affordable housing provision (37 dwellings)
- \* Access through the previously approved site
- \* 1.01ha Public open space and landscaping
- \* Overall density of 18.5 dwellings per hectare (23.25 dwellings per hectare for the site area)

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

excluding the public open space)

### **SITE AND LOCATION**

The site is located on the northern edge of Swaffham outside the Settlement Boundary extending to an area of approximately 5.29 hectares.

The site is located on the fringes of the town, directly adjacent to the existing development boundary and bordering onto the A47. The site is bordered by hedgerows. There is existing residential development towards the south west boundary off New Sporle Road and the site is well related to the existing settlement.

It should also be noted that the application site will be a continuation of development approved on land adjoining the west for 55 dwellings.

### **EIA REQUIRED**

No

### **RELEVANT SITE HISTORY**

3PL/2014/0358/O - Land off New Sporle Road, site adjoining the application site was recently approved at Committee, subject to the completion of a Section 106 agreement, for outline permission for 55 dwellings with access.

### **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 have also been taken into account, where appropriate

SS1	Spatial Strategy
CP.01	Housing
CP.04	Infrastructure
CP.05	Developer Obligations
CP.09	Pollution and Waste
CP.10	Natural Environment
CP.12	Energy
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.04	Affordable Housing Principles
DC.11	Open Space
DC.12	Trees and Landscape
DC.13	Flood Risk
DC.14	Energy Efficiency

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

DC.15	Renewable Energy
DC.16	Design
DC.19	Parking Provision
NPPF	With particular regard to paras 14, 47 and 49
NPPG	National Planning Practice Guidance

### **CIL / OBLIGATIONS**

The proposal will provide the following obligations secured through a S106 legal agreement:

- 40% affordable housing at a mix and tenure to be agreed with the Council
- A contribution of £279,588 towards a new classroom at Swaffham Junior school
- A contribution of £5,520 towards enhanced Library provision
- The provision of two bus shelters at the existing bus stops on Castle Acre Road closest to the site.

### **CONSULTATIONS**

#### **SWAFFHAM TOWN COUNCIL -**

No objections

#### **ENVIRONMENT AGENCY**

No objection, subject to appropriate conditions requiring details of surface water drainage to be agreed.

#### **HIGHWAYS AGENCY**

No objection.

#### **HISTORIC ENVIRONMENT OFFICER**

Artefacts of prehistoric, Roman and medieval date have previously been recorded from the area around the proposed development site but the site itself has unknown potential to contain heritage assets with archaeological interest. Consequently there is potential that previously unrecorded heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance will be affected by the proposed development.

A heritage statement has not been submitted with the planning application to address the historic environment implications of the proposed development. Consequently we request that the results of an archaeological evaluation are submitted prior to the determination of the planning application in accordance with National Planning Policy Framework para. 128 so that a fully informed planning decision can be made. In this instance an archaeological desk-based assessment is unlikely to provide any further information about the presence, form, surviving condition and significance of any heritage assets at the proposed development site. The archaeological evaluation should commence with a geophysical survey a brief for which is attached.

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

### **NATURAL ENGLAND**

No objection.

### **PUBLIC RIGHTS OF WAY OFFICER**

Request surface improvements to FP64a to meet the requirements of increased use likely as a result of the development.

### **NORFOLK COUNTY COUNCIL HIGHWAYS**

No objection, subject to highway improvement works to the site frontage of the development where the access joins with New Sporle Road, footway surface improvements to FP64a, the provision of two additional bus shelters to the existing bus stops on Castle Acre Road, and contributions towards local bus services of £150/dwelling. Formal comments on amended plans awaited.

### **OBLIGATIONS OFFICER, NORFOLK COUNTY COUNCIL**

Contributions required in respect of education and library provision.

### **HOUSING ENABLING OFFICER**

The proposal is for 92 homes, with 37 proposed to be affordable, which equates to a policy compliant 40%. The type and mix of homes is to be dealt with at a later stage, assuming outline permission is successful; however it should be noted that the main demand in Breckland is for smaller 1- and 2-bedroom housing at present and we would look for the majority of units to be of this type. To ensure affordability in perpetuity, we would also require the units to be transferred to an RP (Registered provider) at a price which assumes no public subsidy is available.

In the event that outline permission is given, we would welcome the chance to discuss the detailed size and mix of the affordable homes at an early stage before the detailed application is made.

### **ASSET MANAGEMENT**

The proposals include the provision of open space within the development. Asset Management would like to be consulted on the draft S106 Agreement at the appropriate time. I understand that the proposed roads are to be drained via soakaways under the open space the developer should attempt to get these adopted by the appropriate authority as Breckland Council are not the drainage authority and Asset Management would not be prepared to be responsible for any part of the estate's drainage infrastructure, even if it is situated in an adoptable open space.

### **ENVIRONMENTAL HEALTH OFFICERS**

I have looked at the application submitted and, based on the information provided to me at this time, I recommend approval providing the development proceeds in line with the application details and subject to a condition requiring appropriate mitigation in connection with noise associated with the nearby A47 road.

### **CONTAMINATED LAND OFFICER**

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

No objection, subject to conditions dealing with unexpected contamination on site.

### **ECOLOGICAL AND BIODIVERSITY CONSULTANT**

No objection.

### **RAMBLERS ASSOCIATION: NORFOLK AREA**

We applaud the intention to link to the existing public right of way at the east (FP38a) and assume the same will apply to FP64a and RB36 along the western edge.

### **ENVIRONMENTAL PLANNING - No Comments Received**

### **ECONOMIC DEVELOPMENT - No Comments Received**

### **N H S PROPERTY SERVICES LTD - No Comments Received**

## **REPRESENTATIONS**

11 letters of representation have been received raising the following issues:  
Impact on property value; increase in traffic; impact on outlook; inadequate local services and schools; impact on wildlife; impact on turbines; noise and pollution from traffic; flooding - sewers and surface water; cumulative impact of developments

## **ASSESSMENT NOTES**

1.0 The application is referred to Planning Committee as it is a major application and contrary to the development plan.

2.0 Principle of the proposal and site layout

2.1 For decision making purposes, as required by Section 38(6) of the Planning & Compulsory Purchase Act 2004, the Development Plan comprises the Adopted Core Strategy and Development Control Policies Development Plan Document, together with the Site Specific Allocations DPD. Material considerations in respect of national planning policy are the NPPF and the more recently published National Planning Practice Guidance.

2.2 The site is located outside the Settlement Boundary in an area of open countryside (as defined by policies SS1, DC2, CP1, and CP14 of the Core Strategy and Development Control Policies Development Plan Document 2009), where development is heavily restricted. The application is clearly contrary to these policies. Furthermore, the site is not being put forward for 100% affordable housing under the rural exceptions policy DC5. The proposal should therefore be refused unless there are material considerations that dictate otherwise. The lack of a 5-year housing supply within Breckland district carries significant weight in the consideration of the application.

2.3 Paragraphs 47 and 49 of the National Planning Policy Framework (NPPF) state that where

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

an authority does not have an up to date five year housing land supply (at present the District figure is 3.3 years), the relevant local policies for the supply of housing as referred to above should not be considered up-to-date and that housing applications should be considered in the context of the presumption in favour of sustainable development.

2.4 The Government defines sustainable development as having three dimensions. These dimensions give rise to the need for the planning system to perform a number of roles:

- 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;
- 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.

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

2.6 In terms of economic and social sustainability, adopted Core Strategy Policy SS1 identifies Swaffham as a mid sized market town, that provides a range of services for their residents day to day needs, but has limited capacity for expansion in its centre due to the constraints of heritage buildings and Conservation Area. The settlement itself is designated to accommodate 1000 dwellings over the plan period.

2.7 In terms of location there can be little argument that the site is sustainable; however this is subject to the environmental impacts of the proposal being acceptable when balanced against the benefits. Although the NPPF's presumption in favour of sustainable development is a relevant material consideration, paragraph 14 of the NPPF states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the framework taken as a whole; or, specific policies in the Framework indicate that development should be refused. A site needs to be acceptable in terms of highway access, impact on highway infrastructure, flood risk, design, impact on landscape character and ecological impact. These issues are considered later in this report.

2.8 In terms of availability and deliverability, the applicants have stated that there are no significant obstacles to development, and that the site is available now. The Council would normally expect applications being considered in regards to the five year supply to be full applications, as this would help to provide confidence that the site would be delivered within five years. Taking this into account, it would be appropriate that the time limits of any permission be reduced to encourage the delivery of housing within 5 years.

2.9 As no viability information has been submitted and the scheme has not been assessed by the District Valuer there is a degree of uncertainty as to whether the planning obligations and affordable housing will be delivered at the policy amount of 40%. However, the submission of a

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

viability appraisal is not required by development plan or NPPF policy.

### 3.0 Indicative layout

3.1 Although purely indicative, a layout plan has been submitted with the application that shows how a development of up to 92 dwellings could be accommodated within the site, whilst also providing for the required amount of public open space. The layout indicates a density of approx 23 dph, which, although not high, is higher than the adjoining development to the south west. Therefore, the overall density of the scheme will be subject to further assessment at reserved matters stage. Furthermore, the public open space shown on the layout does not appear to be well located to serve the majority of the proposed dwellings, and this is also not approved at this stage and will be a matter for further consideration.

3.2 Whilst the application satisfactorily demonstrates that a policy compliant scheme can be submitted at the reserved matters stage, it is likely that its layout will be distinctly different to that shown on the submitted plan.

### 4.0 Planning Contributions

4.1 The applicants have advised that they will comply with the affordable housing policy requirement of 40%, and provide the other required obligations. Whilst this may be the case and there are no foreseen difficulties that would prohibit the delivery of these obligations, there is no assurance that these obligations will be met.

4.2 Viability is defined by the land value which the landowner is prepared to accept to bring the scheme forward. In this case the applicants are fully aware of the requirement to provide for 40% affordable housing and if planning permission is granted then any subsequent purchaser will be fully aware of that requirement and it will no doubt inform the value of the site. The applicants confirm that before the reserved matters stage the Council's Housing Enabling Team will be involved to assist in discussions with an appropriate Registered Provider.

4.3 Whilst the Council would usually require a viability appraisal and further details of the mix and tenure of properties, the applicant has not provided this information and believes this to be unnecessary at this stage. However, the applicant has given a clear commitment to provide affordable housing and other infrastructure contributions in line with policy, and there is nothing to suggest at this stage that this ambition would be thwarted by the costs of developing the site. It is considered therefore that issues relating to the mix of housing can be addressed at the reserved matters stage.

### 5.0 Access & Highways

5.1 The site is well located in relation to the existing highway network. Vehicular and pedestrian access to the site would be from a new entrance point off New Sporle Road, through the adjoining development site. Further pedestrian access would be available via links to Tumbler Hill. Subject to improvements to the footways the access with New Sporle Road, and the

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

provision of additional bus shelters, the Highway Authority raises no objections to the development.

5.2 Highways England (formerly the Highways Agency) have considered a Transport Assessment submitted with the application and are satisfied that a development of 147 dwellings (including the adjoining site of 55 dwellings) is unlikely to have a detrimental effect on the safety and operation of the A47 and its slip road connections to the A1065 Castle Acre Road.

5.3 The application is therefore considered to accord with paragraph 32 of the NPPF, which states that, 'development should only be refused on transport grounds, where the residual cumulative impacts of development are severe'.

### 6.0 Noise from A47

6.1 The application site is located immediately to the south of the A47 trunk road. The proposed development could therefore be affected by traffic noise. However, the site is set at lower level than the A47 at this point and is screened from the road by a mature tree belt.

6.2 The application is not supported by a noise survey. However, discussions have taken place with the Council's Environment Protection Team about the type of mitigation measures which may be necessary to ensure a good standard of amenity for future residents. On this basis, it is considered that the required measures may include providing a buffer of open space between the A47 and houses, orientating houses to face away from the road, locating main habitable rooms away from the road and other potential measures. Subject to the submission of a noise survey, which could be required by condition, these matters can be addressed at the reserved matters stage.

6.3 On this basis it is considered that the development would not be unduly affected by traffic noise and that an acceptable standard of amenity for future residents can be secured.

### 7.0 Archaeology

7.1 The archaeologist at Norfolk Historic Environment Service (HES) notes that artefacts of prehistoric, Roman and medieval date have previously been recorded from the area around the proposed development site but the site itself has unknown potential to contain heritage assets with archaeological interest. Consequently there is potential that previously unrecorded heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance will be affected by the proposed development.

7.2 A heritage statement has not been submitted with the planning application to address the historic environment implications of the proposed development. The archaeologist recommends that the results of trial trenching be submitted for assessment prior to the determination of the application. The applicants do not agree that this is required at this stage and have asked for a suitably worded condition to be attached to any permission as an alternative.

7.3 Taking into account the requirements of para. 128 of the NPPF, which requires a desk-based assessment and, where necessary, a field evaluation to be submitted where a site has the potential to include heritage assets with archaeological interest, but also having regard to the

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

outline nature of the application, it is suggested that should Members be minded to approve the application, then delegated powers be given to officers to issue a decision once the results of trial trenching have been submitted and assessed by Norfolk HES. The results of this survey will then inform the layout submitted under reserved matters.

### 8.0 Other Matters

8.1 Impact from Wind Turbines - the existing wind turbines within Swaffham are located at a distance where the noise from the turbines will be acceptable. Other properties are also located nearer to the wind turbines and therefore would have been assessed as acceptable in relation to offsite receivers and the ETSU (Energy Technology Support Unit) noise standards required for wind turbine development. Also there would be a 'buyer aware' situation, as the potential occupants viewing the properties would be aware of the situation.

8.2 Shadow flicker can affect properties within 130 degrees of north of a turbine and within a distance equivalent to 10 times its rotor diameter. The existing and proposed turbines in the area are considered to be located at a reasonable distance away as to not cause any significant impact of shadow flicker. It should also be noted that trees and shrubbery and ground heights can further reduce any impact in relation to shadow flicker.

8.3 Drainage - the Environment Agency has requested a number of conditions in order to deal with drainage and contamination, however no objection is raised in respect of flood risk.

8.4 Ecology - the Ecology Consultant raises no objection to the proposal but has suggested that some precautionary conditions and informatives should be attached to any consent. The application has been assessed against the Natural England matrix and no concerns are raised.

8.5 In order to comply with Policy DC.15 a requirement for 10% renewable energy for the development is required. This shall be secured by way of planning condition.

### 9.0 Conclusions

9.1 The proposed development conflicts with local planning policies which seek to prevent housing development outside defined settlement boundaries. However, these policies cannot be considered up-to-date due to the current shortfall in housing land and can therefore be given little weight. The proposal is consistent with the Spatial Strategy and growth proposed for Swaffham. In this situation, the presumption in favour of sustainable development set out in the NPPF means that permission for development should be granted unless any adverse impacts of so doing would demonstrably outweigh the benefits or specific policies in the Framework indicate that development should be restricted.

9.2 The proposed development would be well related to the existing pattern of development and would not result in significant intrusion into the rural setting of the town. The combined cumulative scale of the application site combined with the recently approved adjoining site, is considered suitable given that the site is located on the edge of a town and that Swaffham is an identified location for growth. It would also be within easy reach of a range of local services and facilities. The scheme would add to the mix of housing available in the area, including affordable housing, and make a positive contribution towards the supply of housing in the District. The

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

construction of the development would also contribute to local economy, albeit temporarily. In these terms, it is considered that the proposal represents a sustainable form of development.

9.3 Although no information has been provided to demonstrate the viability of the development at this stage to indicate whether or not it will be able to deliver the 40% affordable housing element, this is not considered to be a reason to refuse the application. A shorter time limit of 2 years for the submission for the reserved matters application and 1 year following the approval of the reserved matters application for the start of development is recommended in order to ensure that the scheme makes an early contribution to the supply of housing in the area.

9.4 It is recommended that outline planning permission is granted subject to conditions and the completion of a legal agreement relating to affordable housing, open space, and education, and the submission of the results of a scheme of archaeological trial trenching.

9.5 Delegated authority is requested for the application to be refused by the Council's Planning Manager if the legal formalities in respect of the Section 106 and archaeological survey are not completed within three months of the date of this decision or that the Planning Manager has the authority to agree another more appropriate time scale for the completion of any such agreement.

### **RECOMMENDATION**

#### **Outline Planning Permission**

### **CONDITIONS**

- 3004** Outline Time Limit (2 years)
- 3058** Standard Outline Condition
- 3046** In accordance with submitted
- 3946** Contaminated Land - Unexpected Contamination
- 3920** Highways Conditions
- 3920** Ecology Conditions
- 3920** EA conditions
- 3920** Env Health Conditions
- 3920** Construction Management Plan
- 3925** Fire Hydrants
- 3941** Renewable Energy
- 3995** NOTE - Section 106 agreement
- 3996** Note - Discharge of Conditions
- 2001** Application Approved Following Revisions
- 2014** Criterion E - Planning Apps Where Approved

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

<b>ITEM</b>	<b>3</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2014/1355/O	<b>CASE OFFICER:</b> Nick Moys
<b>LOCATION:</b>	SWAFFHAM Days Field in New Sporle Road	<b>APPN TYPE:</b> Outline <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> No Allocation <b>CONS AREA:</b> N <b>TPO:</b> N <b>LB GRADE:</b> N
<b>APPLICANT:</b>	Swaffham Town Council Town Hall 4 London Street	
<b>AGENT:</b>	Jeremy Stacey Architects New Farm Barn The Street	
<b>PROPOSAL:</b>	Application for outline planning permission for 51 dwellings including access from New Sporle Road	

### **KEY ISSUES**

Principle of development  
Effects on local character and amenities  
Highway safety

### **DESCRIPTION OF DEVELOPMENT**

Outline planning permission is sought for 51 dwellings on the edge of Swaffham. All matters are reserved for later consideration except access. A new access is proposed onto New Sporle Road. Indicative details submitted with the application show a mixture of semi-detached and terraced houses, together with a central area of open space. The application is also supported by a Design & Access Statement, Flood Risk Assessment, a Visual Impact & Landscape Assessment and a Ground Contamination Report.

### **SITE AND LOCATION**

The application site consists of an area of former allotment land located on the north eastern edge of Swaffham. The site extends to around 2.1 hectares and slopes gently down from east to west. The site is adjoined to the south, east and west by existing residential development and to the north by open land. The land is presently in an overgrown condition, with boundaries delineated by trees and hedges. The site lies outside but immediately adjacent to the Settlement Boundary for Swaffham. At its furthest point the site is around 6 metres from the Settlement Boundary.

Other proposals for housing outside the Settlement Bundry have been submitted on land just to the north and east of the application site. These include a proposal for 55 dwellings (ref 3PL/2014/0358/O), which was approved by Planning Committee in 2014, and a further phase of 92 dwellings (3PL/2014/1346/O) - see agenda item 2.

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

### **EIA REQUIRED**

No

### **RELEVANT SITE HISTORY**

No relevant site history.

### **POLICY CONSIDERATIONS**

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework have also been taken into account, where appropriate

CP.01	Housing
CP.05	Developer Obligations
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.04	Affordable Housing Principles
DC.11	Open Space
DC.13	Flood Risk
DC.14	Energy Efficiency
DC.16	Design
NPPF	With particular regard to paragraphs 6-9, 14, 17, 32, 37, 49, 55, 58 and 109.

NPPG National Planning Practice Guidance

### **CIL / OBLIGATIONS**

A legal agreement is being drafted to secure the provision of affordable housing (40%), public open space and contributions to local schools (?69,864), library provision (£3,060) and transport infrastructure (£22,650).

### **CONSULTATIONS**

#### **SWAFFHAM TOWN COUNCIL -**

No objections

#### **HOUSING ENABLING OFFICER**

Breckland's adopted affordable housing policy DC4 requires an affordable housing contribution of 40% on a site of more than 0.17ha. The proposed 20 units on this site would meet this requirement. The units should be split 70% for rent and 30% for intermediate products. To ensure affordability in perpetuity, the units should be transferred to a Registered Provider at a

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

price which assumes no public subsidy is available.

To meet Breckland's identified housing need, a large majority of the units on site should be smaller, 1- and 2-bed units. Although the D&A statement gives a rough mix for the overall site, it does not split this into market and affordable housing. We would expect all, or almost all, the 1- and 2-bed homes to be allocated to affordable housing if this mix were to be taken forward. We would welcome discussion with the applicant on this matter prior to any application being made for detailed consent.

### **NORFOLK COUNTY COUNCIL HIGHWAYS**

Original comments

\* The Highway Authority have previously been asked to comment on potential development proposals comprising the whole area of land between New Sporle Road and A47. The current site comprises only a small portion of the area that could potentially come forward or development. It is the view of the Highway Authority that the whole area should initially be considered under one comprehensive master plan rather than just allowing piecemeal development.

\* Notwithstanding the above comments should your Authority be minded to support the application then the Highway Authority would advise that a number of detailed issues relating to the design and layout of the proposed access and estate road will need to be addressed.

Further Comments

\* No objection subject to improvements to New Sporle Road, provision of a bus shelter, contributions to the local flexi-bus service, links to local public rights of way and the provision of site access visibility splays.

### **OBLIGATIONS OFFICER, NORFOLK COUNTY COUNCIL**

Education

Swaffham Infant School and Swaffham Junior Schools have accommodation within their existing buildings that could be used as class bases and a desktop exercise indicates the infant school could rise to 3FE, 270 places and the junior school almost to 3FE at 330 places (just one class short of a 3FE school) but would need capital work to convert existing accommodation to class bases.

Nursery, Infant, High School and Sixth Form provisions will not be sought. However, the Junior School is now deemed full, and Norfolk County Council would therefore seek contributions for this development for the Junior School only as shown below: Swaffham Junior School- 6 children x £11,644 = £69,864. The contributions will be used to fund the following projects: Identified projects - Swaffham Junior School- contribute to a new classroom to increase school capacity.

Library provision

A contribution of £60 per dwelling is sought towards Swaffham Library.

Fire Service

Norfolk Fire Services have indicated that the proposed development will require 1 hydrant (on a minimum 90mm main). This could be delivered through a planning condition.

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

### **Green infrastructure**

Provision is made for a possible footpath route through the site from area at the north east, should adjacent land be developed, thereby creating a permeable urban grain to enhance the pedestrian experience. From a green infrastructure perspective it would be more beneficial for this area to be, as suggested, a wildlife area, however without public access for security reasons relating to neighbouring properties. It would be more beneficial for access from the development to be provided to Tumbler Hill and Swaffham FP64a to enable access to the Wider Public Rights of Way network. Any future development adjacent to this site will have to take Public Rights of Way into consideration, and it is likely that these may form "greenways" as part of public open space.

### **HOUSING ENABLING OFFICER**

Breckland's adopted affordable housing policy DC4 requires an affordable housing contribution of 40% on a site of more than 0.17ha. The proposed 20 units on this site would meet this requirement. The units should be split 70% for rent and 30% for intermediate products. To ensure affordability in perpetuity, the units should be transferred to a Registered Provider at a price which assumes no public subsidy is available.

To meet Breckland's identified housing need, a large majority of the units on site should be smaller, 1- and 2-bed units. Although the D&A statement gives a rough mix for the overall site, it does not split this into market and affordable housing. We would expect all, or almost all, the 1- and 2-bed homes to be allocated to affordable housing if this mix were to be taken forward. We would welcome discussion with the applicant on this matter prior to any application being made for detailed consent.

### **CONTAMINATED LAND OFFICER**

No objection subject to a condition requiring further site investigations/remediation.

### **ENVIRONMENT AGENCY**

No objection subject to a condition requiring detailed surface water drainage proposals to be agreed.

### **RAMBLERS ASSOCIATION: NORFOLK AREA**

No objection, but we would propose that access be provided from the north east corner of the site on to Swaffham FP64a and the adjoining RB36.

### **CRIME REDUCTION & ARCHITECTURAL LIAISON OFFICER**

General comments regarding detailed layout

### **HISTORIC ENVIRONMENT OFFICER**

Artefacts of prehistoric, Roman and medieval date have previously been recorded from the area around the proposed development site. The site itself is a relatively large area of unknown archaeological potential. Consequently there is potential that previously unrecorded heritage assets with archaeological interest (buried archaeological remains) will be present at the site and

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

that their significance will be affected by the proposed development. If planning permission is granted, we ask that this be subject to a condition for a programme of archaeological work.

### **FLOOD AND WATER MANAGER - No Comments Received**

### **ENVIRONMENTAL PLANNING - No Comments Received**

#### **REPRESENTATIONS**

#### **ASSESSMENT NOTES**

1.0 This application is referred to Committee as the proposal is contrary to the Development Plan.

#### 2.0 Principle of development

2.1 The site of the proposed development falls outside the Settlement Boundary for Swaffham. Its development for housing would therefore conflict with Core Strategy Policy CP14 which seeks to focus new housing within defined settlement boundaries. However, as the Council cannot currently demonstrate a 5 year supply of housing land, Policy CP14 cannot be considered to be up-to-date insofar as it relates to the supply of housing land.

2.2 In this situation, the presumption in favour of sustainable development set out in the National Planning Policy Framework (NPPF) means that permission for development should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate that development should be restricted.

2.3 Swaffham is identified in the Council's Spatial Strategy as a mid-sized market town which provides a good range of services and is suitable for some future growth. The development of around 1,000 dwellings over the plan period is envisaged. Although outside the defined settlement limit, the proposed development would adjoin the main built up area of the town, and would be close to other housing and within easy reach of local services and facilities. The proposal would not therefore result in an isolated development in the countryside, and would be consistent with the NPPF principles that housing should be located where it will maintain or enhance the vitality of existing communities and minimise the need to travel.

2.4 The proposal would also make a positive contribution to the supply of housing in the area, including affordable housing, and the construction of the development would have some short-term economic benefits. In line with Core Strategy Policy DC4, 40% of the development would be provided as affordable housing. Public open space would be provided on site in line with Policy DC11, and contributions would be made to local schools and transport infrastructure. These elements would be secured by a Section 106 agreement.

2.5 Although the application is in outline form, there is nothing to suggest that there any technical constraints which would prevent the development coming forward in the short term. However, in order to encourage the early delivery of the proposed housing, an eighteen month time limit for

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

the submission of reserved matters is recommended, with a further year to start work.

2.6 The above considerations weigh in favour of the proposal. Although the development would result in some loss of openness to the immediate area, as described below, the harm caused would not be significant and would not demonstrably outweigh the benefits of the development. Accordingly, it is considered that the proposal would represent a sustainable form of development, as defined in paragraphs 6-10 of the NPPF, and is acceptable in principle.

### 3.0 Local character and amenity

3.1 The proposal would extend the built up area of the town into an area of open land and would give the immediate locality a more built up character and appearance. This would result in some harm to the open character of the immediate locality and the semi-rural setting of this part of the town. However, the proposed housing would be seen against the backdrop of existing residential development on New Sporle Road and Tumbler Hill, and would be separated from the wider open countryside to the north by the A47 Swaffham bypass. The removal of the existing road frontage hedge would open up views into the site, but this effect would be temporary as replacement planting is proposed to help assimilate the development into its surroundings. Other boundary hedges would be retained. Consequently, the proposal would not result in significantly harm to the rural landscape or the setting of the town.

3.2 Matters of detailed design and layout are reserved for later consideration. However, it is considered that the indicative plans submitted in support of the application demonstrate satisfactorily that development of the scale proposed could be accommodated on the site without causing significant harm. The indicative layout is considered to be well-conceived with well defined streets and a central open space providing a strong focal point. Whilst the semi-detached and terraced houses shown on the indicative layout would mark a departure from the detached bungalows and chalets that characterise this part of New Sporle Road, given the mix and variety of development in the wider area, it is not considered that this form of development would in itself be significantly harmful to local character.

3.3 In terms of ecology, the site is dominated by tall ruderal plants and areas of scrub and has limited value. The submitted Ecological Survey Report found no evidence of protected species, although some existing habitats could be suitable for reptiles and bats. A number of measures are proposed to enhance the biodiversity of the site, including retaining existing native hedges, where possible, and the creation of habitats suitable for reptiles and amphibians in the north-eastern corner of the site. Subject to these measures, which could be secured by a suitably worded planning condition, the proposal is considered to be acceptable in terms of ecology.

3.4 The application is adjoined by existing residential properties to the south and east on Tumbler Hill, and there are further properties directly opposite on New Sporle Road. The proposal would inevitably result in a change to the outlook from these properties and additional activity would cause some disturbance. However, it is not considered that these effects would exceed those which might normally be expected within a built up area or would be likely to cause significant harm. Increased traffic would be likely to cause some disturbance, but New Sporle Road is already a well used local road and so the impacts would again not be likely to cause significant harm. Issues of potential overlooking, should they arise, could be addressed at the reserved matters stage.

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

3.5 Taking all of these matters into account it is concluded that the proposal would not cause significant harm to the rural landscape, wildlife, the character and appearance of the area or local amenity, and would be consistent with the Core Strategy Policies CP10, CP11, DC1 and DC16, and the guidance set out in paragraphs 58 and 109 of the NPPF.

### 4.0 Traffic

4.1 Concerns have been raised locally about the likely effects of the proposed development on traffic safety and congestion on local roads. However, New Sporle Road is of a reasonable standard, being of sufficient width for two way traffic, with generally good visibility and footway provision on one side. Whilst some improvements to the road are necessary to cater for likely increases in traffic, including some localised widening and additional footway provision, these works could be secured by suitably worded planning conditions. Subject to such improvements being undertaken, it is considered that the local road network would be suitable for the levels of extra traffic likely to be generated. It should be noted that similar improvements to the northern section of New Sporle Road are being sought in connection with other nearby housing proposals.

4.2 Recommendations have been made by the Highway Authority in respect of the design of the site entrance and visibility splays, and planning conditions are recommended to secure these requirements. Issues relating to the detailed design and layout of the proposed estate roads can be addressed at the reserved matters stage.

4.3 The proposed development would benefit from a range of transport options and local services, including local supermarkets and community facilities, and would be readily accessible on foot and by bicycle. Contributions are proposed towards local public transport facilities and the development would have direct links to the local network of public footpaths. On this basis, it is considered that the proposal would be acceptable in transport terms.

### 5.0 Other Matters

5.1 Whilst it is noted that some concerns have been raised by local residents about surface water drainage, the Environment Agency has raised no objection to the application subject to a condition requiring a detailed drainage scheme to be agreed based on the submitted Flood Risk Assessment.

5.2 Norfolk Police have raised a number of concerns, but as these issues relate to the detailed layout of the proposed housing they would be more properly dealt with at the reserved matters stage.

### 6.0 Conclusion

6.1 Although located outside the defined Settlement Boundary for Swaffham, it is considered that the proposal would be well related to the town and would make a positive contribution to the provision of housing in the area, including affordable housing. Only limited harm would be caused to the character of the area and to local amenity, and this would not significantly and demonstrably outweigh the benefits of the scheme. It is concluded therefore that the proposal

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

would represent a sustainable form of development as defined on paragraphs 6-9 of the NPPF.

6.2 It is recommended therefore that outline planning permission is granted subject to conditions and the completion of a Section 106 agreement.

6.3 Delegated authority is requested for the application to be refused by the Council's Planning Manager if the legal formalities in respect of the Section 106 are not completed within three months of the date of this decision of that the Planning Manager has the authority to agree another more appropriate time scale for the completion of any such agreement.

### **RECOMMENDATION**

### **Outline Planning Permission**

### **CONDITIONS**

- 3005** Outline Time Limit (reduced time limit)
- 3058** Standard Outline Condition
- 3060** Standard outline landscaping condition
- AR01** Archaeological work to be agreed
- 3940** Ecological measures
- 3940** Off site highway works
- 3940** Drainage
- HA01** Standard estate road conditions
- HA02** Standard estate road condition
- HA03** Road Surfacing
- A**
- HA50** Link to PROW
- 3944** Contaminated Land - Desk Study/Site Investigation
- 3992** Non-standard note re: S106
- 3996** Note - Discharge of Conditions
- 2000** NOTE: Application Approved Without Amendment
- 2014** Criterion E - Planning Apps Where Approved

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

<b>ITEM</b>	<b>4</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2014/1361/F	<b>CASE OFFICER:</b> Nick Moys
<b>LOCATION:</b>	WEETING Land of Fengate Drove Brandon	<b>APPN TYPE:</b> Full <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> No Allocation <b>CONS AREA:</b> N <b>TPO:</b> N <b>LB GRADE:</b> N
<b>APPLICANT:</b>	Emblem Homes Ltd c/o Agent	
<b>AGENT:</b>	Chaplin Farrant Limited 51 Yarmouth Road Norwich	
<b>PROPOSAL:</b>	Erection of 64 affordable dwellings with associated external works	

### **KEY ISSUES**

Principle of development  
Ecology  
Local character and amenity  
Transport

### **DESCRIPTION OF DEVELOPMENT**

Full planning permission is sought for the erection of 64 affordable dwellings. The development would include 2, 3 and 4 bedroom houses and bungalows and 1 and 2 bedroom flats. Two areas of public open space would be provided. A new access is proposed onto Fengate Drove to serve the development.

Of the 64 dwellings proposed, 8 houses and 13 flats would be wholly within Breckland and several others would straddle the District/County boundary. The remainder of the scheme would fall within Forest Heath. All of the development would be provided as affordable housing; mostly as affordable rented properties, but with some shared ownership units also. The scheme would be delivered by Places for People, a large registered affordable housing provider, and subsequently managed by Cotman Housing Association.

During the course of the application, the layout and design of the development has been amended to reduce the visual impact of parking, to create more usable areas of open space and to address road design and security issues.

The application is supported by a Design & Access Statement, Archaeological Report, Ecological Site Appraisal, Flood Risk Assessment, Contamination Report, Noise & Vibration Assessment and Transport Statement.

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

### **SITE AND LOCATION**

The application site comprises an area of former industrial land on the edge of Brandon. The land is presently open and extends to some 1.5 hectares. The site is located between existing housing on Fengate Drove to the north and the Norwich to Cambridge railway line to the south. The surrounding area includes both residential and commercial development.

The majority of the site falls within the area of Forest Heath District Council, to whom an identical application has been submitted.

### **EIA REQUIRED**

No.

### **RELEVANT SITE HISTORY**

Outline planning permissions were granted on appeal for the erection of 65 dwellings in 2003. Reserved matters approval was granted in 2005, including number of dwellings within Breckland. This permission remains extant as a start was made on the development before the permission expired.

### **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 have also been taken into account, where appropriate

CP.10	Natural Environment
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.04	Affordable Housing Principles
DC.16	Design
NPPF	With particular regard to paragraphs 6-9, 14, 17, 32, 37, 49, 55, 58, 109, 111 and 118.
NPPG	National Planning Practice Guidance

### **CIL / OBLIGATIONS**

A section 106 agreement is being drafted to ensure the provision of affordable housing, public open space and financial contributions towards local schools and enhancements to local green infrastructure. Due to the proximity of the site to Brandon, Norfolk and Suffolk County Councils have agreed that education contributions should be directed to Suffolk schools.

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

### **CONSULTATIONS**

#### **WEETING P C -**

Weeting Parish Council supports this application, though we are concerned about vehicular access into the site from both directions.

#### **NORFOLK COUNTY COUNCIL HIGHWAYS**

No objection subject to minor amendments to the access road layout and the imposition of planning conditions relating to the construction and management of the estate road, visibility splays, off-site highway improvements, construction management and travel plan measures.

#### **OBLIGATIONS OFFICER, NORFOLK COUNTY COUNCIL**

Contributions required towards local education provision.

#### **ENVIRONMENTAL HEALTH OFFICERS**

No objection subject to conditions relating noise mitigations in relation to adjacent railway line.

#### **CONTAMINATED LAND OFFICER**

I have reviewed the Delta-Simons Geoenvironmental Geotechnical Category 1, Ref 14.0083.01, May 2014 report. While this included some limited soil sampling and analysis, the aim of this report was to assess the geotechnical constraints rather than to assess the potential risks from land contamination. There have been a series of land contamination assessments on this site, including some remediation under a previous planning permission and this latest assessment has identified the need for further intrusive site investigation.

In addition the layout of the proposed development has been revised since the last planning permission and therefore the potential exposure pathways will have changed. Therefore I recommend applying the following conditions and informative in respect of a desk study/site investigation and unexpected contamination

#### **ENVIRONMENT AGENCY**

No objection subject to conditions relating to surface water drainage and contamination remediation.

#### **NATURAL ENGLAND**

Original comments:

Objection. Lack of information regarding effects on the SPA.

Subsequent comments

The changes to the landscaping plan appear as discussed and agreed with Natural England earlier this year, and we welcome the proposed contributions to off-site green infrastructure and access. Norfolk County Council has also been in touch about the Breaking New Ground Project, which we consider will be highly beneficial to the area, and is likely to lessen recreational pressure to the designated sites.

Therefore following review of the amended application, Natural England is now able to confirm

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

that, in our view, there is not likely to be a significant effect to Breckland SPA due to the proposal. We are therefore able to remove our objection and advise that in our view an appropriate assessment, which was requested in our advice of 22 December 2015, is not necessary following the amendments.

### **CRIME REDUCTION & ARCHITECTURAL LIAISON OFFICER**

Detailed comments relating to the surveillance of parking spaces, accesses and open spaces.

### **ECOLOGICAL AND BIODIVERSITY CONSULTANT**

Original comments:

It is considered that further information is required regarding: the potential effects the development may have upon the local Breckland SPA incorporating the: Breckland Farmland SSSI, Weeting Heath NNR and SSSI, and Breckland Forest SSSI. The recommendations set out in the Mitigation Recommendations of the Ecological Site Appraisal (Wild Frontier Ecology, December 2013) should be adhered to throughout the development.

Subsequent comments

Having reviewed the documents, including the Supporting Evidence for Appropriate Assessment document, it seems that there may be scope in mitigating for the effects of the construction phase of the works on the integrity of Breckland SPA (less than 700m west of site) and Stone Curlew, however we are tending towards the fact that the long term impacts of a 64 house development and associated recreation cannot be accurately assessed and mitigated for at this stage. Further discussion and liaison with Natural England and RSPB will be required.

Further comments awaited.

### **HISTORIC ENVIRONMENT OFFICER**

The proposed development site lies across the county boundary between Norfolk and Suffolk and we have discussed the requirements for archaeological work with the Archaeology Service at Suffolk County Council. Previous archaeological investigations at the site identified a substantial ditch of unknown date marking the county boundary. Consequently there is potential that further heritage assets with archaeological interest (buried archaeological remains) associated with this feature will be present at site and that their significance will be affected by the proposed development.

In consultation with the Archaeology Service at Suffolk County Council we recommend that conditions are applied to require the implementation of a programme of archaeological work and publication of its findings.

**ENVIRONMENTAL PLANNING - No Comments Received**

**NORFOLK WILDLIFE TRUST - No Comments Received**

**FOREST HEATH DISTRICT COUNCIL - No Comments Received**

**TOWN PLANNING TECHNICIAN SOUTH EAST NETWORK RAIL - No Comments Received**

**H M INSPECTOR OF RAILWAYS OFFICE OF - No Comments Received**

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

### **PRINCIPAL PLANNER MINERAL & WASTE POLICY - No Comments Received**

#### **R S P B - No Comments Received**

#### **REPRESENTATIONS**

None

#### **ASSESSMENT NOTES**

1.0 This application is referred to Committee as a major application.

#### 2.0 Principle of development

2.1 The principle of the development for housing was established by the outline planning permission granted on appeal in 2003. (ref. 3PL/2001/0843/O). Following the subsequent grant of approval of reserved matters, a valid start was made on the development and so the permission remains extant. Although not within a defined settlement boundary, the site is identified in the Council's Core Strategy Proposals Map as land with permission for housing.

2.2 The proposed housing would be close to existing housing development on Fengate Drove and would be well related to the main built area of Brandon. The development would make effective use of a vacant brownfield site and would make a positive contribution to the supply of housing in the area. The development would be close to the railway station and within easy reach of a range of services/facilities and employment opportunities in Brandon and Weeting. The proposal would also be compatible with the character and appearance of the area and would avoid adverse effects on local ecological interests (as set out below).

2.3 Taking all of these matters into account, it is concluded that the proposal would represent an appropriate and sustainable form of development, and is acceptable in principle.

#### 3.0 Ecology

3.1 The application site is located approximately 675 metres from a section of the Breckland Special Protection Area (SPA) notified for the presence of stone curlews and is subject therefore to Core Strategy Policy CP10. This Policy only permits development within 1,500 metres of areas of Breckland SPA which support stone curlews where it is demonstrated that there would be no adverse effect on the integrity of the SPA.

3.2 Stone curlews are considered to be sensitive to impacts from built development and human presence. As the proposal is for new residential development there is the potential in this case for a likely significant effect on the stone curlew population within the SPA. To address this potential impact and in response to initial objections raised by Natural England, an Ecological Survey Report has been submitted. This Report considers in detail the likely effects of the proposed development.

3.3 Key findings of the Report include that there are no records of nesting stone curlews in that part of the SPA closest to the application, with the nearest being some 1,500 metres away. Whilst it is acknowledged that this could change, it is further noted that habitat of those parts of

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

the SPA nearest to the site are generally not well suited to stone curlew nesting. The Report also notes that the site is largely, though not completely, screened from the SPA by intervening buildings, including large commercial buildings. Further screening is provided by existing vegetation, the effects of which could be reinforced by further screen planting on the site itself.

3.4 The proposal could also affect stone curlews due to increased human activity, particularly as Fengate Drove provides direct access from the development to the SPA and could provide a convenient route for dog walkers. In order to mitigate this potential effect a number of measures are proposed, including the provision of a short dog walking circuit around the development and the enhancement of a wider network of footpaths and walking routes within the locality. Following discussions with both Norfolk and Suffolk County Councils a range of schemes to improve existing footpaths and create new routes have been identified and costed. On this basis, a contribution of £93,000 is proposed towards such green infrastructure improvements, to be secured through the proposed Section 106 agreement. Further mitigation of effects on the SPA is proposed through the controls on the timing of construction work and external lighting.

3.5 Although additional formal comments are awaited, Natural England has indicated that it is content with the mitigation measures proposed and that it has no further concerns in terms of effects on the SPA. Accordingly, it is concluded that the proposal would not have any significant adverse effects on the Breckland SPA. An update on further comments received will be provided.

### 4.0 Character and appearance

4.1 The area surrounding the site is characterised by a mixture of industrial and residential development. Despite the site's edge of town location, the area has a rather urban feel due to the presence of the adjacent railway line and nearby commercial activities. The layout and design of the proposal, as amended, would reflect this character and is considered to be well conceived. More or less continuous frontage development is proposed onto Fengate Drove and Brandon Road, which would create well defined street scenes and help to visually integrate existing development on Fengate Drove with the main built up area of the town. The proposed houses would be traditional in form but with bold contemporary detailing, which would help to lift the appearance of the immediate locality. Landscaping and tree planting are also proposed to help to break up and soften the visual impact of car parking areas. The same design approach is proposed within the main body of the site, where the form and layout of the scheme would be varied by the inclusion of single and three storey blocks. Two areas of landscaped open space would provide focal points and enhance the appearance of the development.

4.2 The layout and design of the development are therefore considered to be acceptable. In this respect the proposal would accord with Core Strategy Policy DC16.

### 5.0 Highways

5.1 The proposed new access and estate road have been designed to meet the requirements of Norfolk and Suffolk County Councils and would provide suitable access to the development. To accommodate increased movement in the vicinity of the scheme, Fengate Drove would be widened to 6 metres and a footway provided to the site frontage. Proposed parking provision would also accord with the Highway Authorities' requirements, which have been reduced

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

somewhat to reflect anticipated car ownership levels and the accessible location of the site. This has also helped to allow parking to be better integrated visually into the scheme. The development would enjoy good road and pedestrian/cycling links to nearby facilities, and would benefit from nearby bus and rail services. A number of Travel Plan measures are also proposed to encourage the take up of sustainable transport options. Accordingly, it is considered that the proposal would be acceptable in transport terms.

### 6.0 Amenity

6.1 The proposed development would result in a significant change to the outlook from neighbouring residential properties on Fengate Drive. Additional traffic would result in some disturbance also. However, given the separation distances that would be maintained between existing and proposed dwellings and the general character of the area, it is not considered that any significant harm would be caused to the living conditions of neighbouring residents. For the dwellings adjacent to the railway line, noise mitigation measures are proposed to ensure an acceptable standard of amenity for future residents. These measures could be secured by planning condition.

### 7.0 Conclusion

7.1 For the reasons set out above, it is concluded that the proposal would result in an acceptable form of development. The scheme would make a positive contribution to the supply of affordable housing in the area, would be compatible with the character of the area and secure the redevelopment of a brownfield site in an accessible location. Subject to the proposed mitigation measures, it is considered that the proposal would not have an adverse effect on the Breckland SPA. Approval is recommended subject to conditions and the completion of a section 106 agreement.

7.2 Delegated authority is requested for the application to be refused by the Council's Planning Manager if the legal formalities in respect of the Section 106 are not completed within three months of the date of this decision or that the Planning Manager has the authority to agree another more appropriate time scale for the completion of any such agreement.

#### **RECOMMENDATION**

**Planning Permission**

#### **CONDITIONS**

- TL05** Full permission 2 year time limit
- 3047** In accordance with submitted
- 3104** External materials to be approved
- DE08** Slab level to be arranged
- LS09** Boundary treatment/screening to be agreed
- LS01** Landscaping scheme to be submitted - hard and soft
- 3940** Ecological mitigation

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

- 3940** Noise mitigation
- DE14** Design
- AR01** Archaeological work to be agreed
- 3860** Non-standard drainage condition
- CL01** Site Investigation/ remediation
- CL03** Unexpected Contamination
- ER18** Construction Method Statement
- HA50** Non standard highway condition
- HA01** Standard estate road conditions
- HA02** Standard estate road condition
- HA03** Road Surfacing
- A**
- HA08** New access - construction over verge
- HA12** New access - gradient
- HA19** Provision of visibility splay on approved plan
- HA24** Provision of parking and servicing - when shown on plan
- HA39** Highway improvements-offsite A
- A**
- HA39** Highway improvements off-site B
- B**
- HA29** Construction traffic management and routing/ exceptional wea
- A**
- HA29** Construction traffic management and routing/ exceptional wea
- B**
- 3996** Note - Discharge of Conditions
- 4000** Variation of approved plans
- 3994** Non-standard note
- AN60** NOTE NCC Inf 1 When off-site road improvements are required
- AN61** NOTE NCC Inf 2 When Vehicular access works required
- 2001** Application Approved Following Revisions
- AN99** Criterion E - Planning Apps Where Approved

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

<b>ITEM</b>	<b>5</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2014/1365/F	<b>CASE OFFICER:</b> Viv Bebbington
<b>LOCATION:</b>	WRETHAM Mere Farm Larkshall	<b>APPN TYPE:</b> Full <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> No Allocation <b>CONS AREA:</b> N <b>TPO:</b> N <b>LB GRADE:</b> N
<b>APPLICANT:</b>	A F Machinery Limited The Estate Office Larkshall	
<b>AGENT:</b>	A F Machinery Limited The Estate Office Larkshall	
<b>PROPOSAL:</b>	Demolish 6 sheds & construct 1.25mw biomas fuelled renewable energy plant using home grown biomas	

### **KEY ISSUES**

Principle of development  
Impact on SPA and SSSI  
Impact on visual amenity  
Impact on highway safety  
Impact on residential amenity

### **DESCRIPTION OF DEVELOPMENT**

The proposal is for a 1.25MW renewable energy biomass plant. The main structures which would form the development are:

- 3 storage clamps 65m by 20m, for the storage and processing of silage,
- Anaerobic digester, - 3 pre cast concrete silos (digester, post digester and digestate storage)
- Combined Heat and Power unit
- 2 lined ponds and an infiltration pond
- Flare
- Site office
- Various other smaller buildings and plant including electrical substations, compressors transformers, generator, gas entry facility

The proposal would use the existing vehicular access off the A1075 which currently serves the main agricultural storage buildings as well as the three other separate businesses.

The plant would be fuelled using vegetable waste (potato, sugar beet, onion, carrot and parsnip), silages, including maize and rye and chicken litter. The plant material would be sourced from the applicant's farm. The chicken litter would be from the nearby poultry units on land owned by the applicant.

Bio gas produced from the anaerobic digester (AD) process would be fed to the National Grid

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

pipeline that runs adjacent the proposed plant and electricity produced from the Combined Heat and Power (CHP) unit would be used by the AD plant.

The application is supported by a number of technical documents, including a Design and Access statement, Flood Risk Assessment & surface water drainage strategy, odour assessment.

### **SITE AND LOCATION**

The site consists of 6 large poultry sheds located at Mere Farm, Larkshall, to the south of the village of Wretham and Thetford Road. Larkshall is an established site which includes several commercial and agricultural businesses including a pet food business, recycling, agricultural storage buildings and access to the applicant's agricultural holding and Banham Poultry.

The site is to the south of Larkshall and utilises the existing access which also serves the existing businesses.

To the south and west of the site is woodland. To the north and east is agricultural land farmed by the applicant.

The nearest residential property is 654m to the north west of the site.

### **EIA REQUIRED**

A screening opinion was requested prior to the submission of the application under reference 3SR/2014/0011 and it was concluded that the proposal would not give rise to significant environmental impacts and as such an EIA was not required.

### **RELEVANT SITE HISTORY**

No relevant site history

### **POLICY CONSIDERATIONS**

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework have also been taken into account, where appropriate

CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
DC.13	Flood Risk
DC.15	Renewable Energy
NPPG	National Planning Practice Guidance
NPPF	With regard to paras 97, 98 & 118

### **CIL / OBLIGATIONS**

Not Applicable

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

### **CONSULTATIONS**

#### **WRETHAM P C -**

Objection. The application is likely to impact on the parish from the traffic necessary to keep the proposed digester fully supplied with fuel. The Council doubted that this could all be supplied from the applicant's land, and was concerned about the mention of chicken manure being imported also.

#### **ROUDHAM & LARLING P C -**

No objection.

#### **ENVIRONMENT AGENCY**

No objection subject to conditions regarding surface water drainage, contamination, disposal of surface foul water drainage and unexpected contamination.

#### **HISTORIC ENVIRONMENT OFFICER**

Based on currently available information the proposal does not have any implications for the historic environment and we would not make any recommendations for archaeological work.

#### **RAMBLERS ASSOCIATION: NORFOLK AREA**

Although the Design and Access Statement states that the farm is private with no public access, the site is passed closely by Wretham RB8 and the course of Hereward Way (on Roudham Heath Lane), while the National Trail Peddars Way runs a short way to the east. We would be concerned for the visual amenity of all of these public rights of way, and for any impact of odours from the new operation.

#### **NATURAL ENGLAND**

No objection. The proposal is unlikely to significantly affect the qualifying species of Breckland SPA and Breckland Forest SSSI providing all the proposed mitigation described in the submitted report are included.

#### **NORFOLK WILDLIFE TRUST**

We note the comments of Natural England with regard to this application and support their request for further information. We will comment further once this information has been submitted.

#### **NORFOLK COUNTY COUNCIL HIGHWAYS**

The applicants advise that the proposed new use will generate 650 vehicles bringing product in via A1075 per plus a further 350 removing fertilizer from the site. Given the level of vehicular traffic capable of being generated by the existing use (966 HGVs) this Authority would have difficulty in substantiating a highway objection in principle to the proposal. However experience elsewhere in Norfolk shows that the harvest period for feedstock is usually between September and October and that deliveries are concentrated into this period rather than spread through the year.

Whilst the site is served by a high grade HGV standard access no right turn lane facility exists on A1075 in this location. Again, given the existing use, the provision of such a facility may be

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

considered unreasonable when assessed against the tests set out in NPPF in relation to the imposition of planning conditions. That said, I still consider measures do need to be taken to raise driver awareness of the access and to assist in preventing overtaking manoeuvres in the vicinity of the access.

It would appear the simplest way to achieve this would be by applying ½ metre centreline hatching in the vicinity of the access. I should therefore be obliged if you would obtain a revised drawing indicating this together with a Stage 1 Safety Audit in order that I may provide a full response.

### **ENVIRONMENTAL HEALTH OFFICERS**

No objection subject to conditions regarding odour management, pest control, noise level generation and hours of deliveries.

### **CONTAMINATED LAND OFFICER**

No objection subject to conditions regarding a desk top survey/ site investigation and unexpected contamination.

### **ECOLOGICAL AND BIODIVERSITY CONSULTANT**

No objection subject to condition requiring mitigation measures

### **NATIONAL GRID**

Advice given to applicant

### **PRINCIPAL PLANNER MINERAL & WASTE POLICY - No Comments Received**

#### **REPRESENTATIONS**

None

#### **ASSESSMENT NOTES**

1.0 The application is referred to Planning Committee as it is a 'Major' application.

2.0 Principle of development

2.1 The application is for the development of a 1.25 MW biomass energy plant providing gas to the National Grid. It also includes a 250 kw CHP unit to provide electricity to the site.

2.2 Policy DC 15 of the Council's adopted Core Strategy supports proposals for renewable energy in principle, whilst section 10 of the National Planning Policy Framework (NPPF) sets out the Government's positive policy position towards proposals for renewable and low carbon energy. Paragraph 97 of the NPPF states that local planning authorities should 'have a positive strategy to promote energy from renewable and low carbon sources' and para 98 explains that

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

'when determining planning applications, local planning authorities should approve the application if its impacts are (or can be made) acceptable'. It is considered that the potential impact of the energy plant with regard to the criteria listed by Policy DC 15 (namely landscape, highway safety, local amenity and on sites of conservation importance) is acceptable.

### 3.0 Impact on SPA and SSSI

3.1 The woodland immediately to the west of the site is designated as Breckland Forest SSSI, which forms part of the Breckland SPA. The applicant has submitted a Preliminary Ecological Assessment and a further assessment to examine the potential impacts on the cited species, namely nightjars and woodlark. The report concludes with a recommendation for various precautionary mitigation measures which include pre construction surveys for nightjars to ensure all construction works are undertaken when nightjars are not present, timing of construction works during daylight hours and outside nesting seasons, provision of screen hedge around the site.

3.2 Natural England and the Ecological Consultant have reviewed the submitted information and have concluded that proposed mitigation is appropriate and the proposal is unlikely to significantly affect the qualifying species of SPA and SSSI provided the mitigation measures are undertaken. The Ecological Consultant has recommended that the mitigation should include woodlark as well as nightjar. The mitigation measures outlined in the Ecological Assessments have been recommended as conditions.

3.3 In respect of the potential emissions from the proposal, Natural England has reviewed the submitted information and has raised no objection. The proposal is unlikely to impact on air quality within the SPA and SAC.

3.4 The proposal is considered unlikely to have a significant affect on the SPA and SSSI and as such a Habitat Regulation Assessment is not required in this instance. The proposal is considered in accordance with Policy CP 10 of the Core Strategy and Development Control Policies.

### 4.0 Impact on visual amenity

4.1 The proposal would include a number of substantial structures, most notably the fermentation and digestive storage tanks which would have a height of 13m. The flare would be 9m high and the exhaust stack on the CHP would be 8m high. However, given the relatively isolated location of the proposal and the close proximity to adjacent woodland the proposal is unlikely to be a prominent feature in the landscape and would not detract unacceptably from its rural character and appearance. There is intervening woodland between the site and the public footpaths in the area and therefore any potential views of the site from a public footpath are likely to be limited. The proposal is considered in accordance with Policy CP 11 of the Core Strategy and Development Control Policies.

### 5.0 Impact on highway safety

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

5.1 The applicant has provided detailed information in respect of the vehicular movements associated with the proposal and, in particular, where the crops are produced on the holding and when they are harvested. The applicant has indicated that the plant material for the biomass plant would be produced on the holding and would mainly access the site through internal farm tracks. The crops currently grown on land to the west of the A1075 are harvested and currently brought to the storage units at Larkshall and therefore there would be no increase in vehicular movements using the access onto the A1075. The proposal would not alter the harvest period and therefore not alter the concentration of vehicles at a particular time.

5.2 The applicant has considered the highway request to provide a painted hatching within the centre of the highway, and is not averse to the suggestion but is of the view this should not be a condition of the planning permission. Further comments from the Highway Authority are awaited, however it is considered that as the access is used by 4 other separate businesses and the proposal would not result in an increase in vehicular activity it would be unreasonable to impose such a condition.

### 6.0 Impact on residential amenity

6.1 The site is over 650m from the nearest residential property. The Environmental Health Officer has raised no objection to the proposal subject to conditions requiring the submission of an odour management plan, pest control plan, noise level limit and restriction of hours of deliveries, vehicle movements. It is recommended that these conditions are imposed.

### 7.0 Other issues

7.1 Flood risk and contamination - Following an initial objection from the Environment Agency the applicant has provided an addendum to the submitted Flood Risk Assessment and provided a contamination report desk study. The Environment Agency has withdrawn their objection and has recommended approval subject to conditions requiring the provision of a detailed surface water drainage system and a remediation strategy in respect of contamination to be agreed.

### 8.0 Conclusion

8.1 The proposal would accord with both local and national planning policies which encourage the development of renewable energy projects. Careful consideration has been given to the anticipated environmental impacts, and it has been concluded that the scheme would not result in significant adverse effects. Accordingly the application is recommended for approval subject to conditions.

**RECOMMENDATION**

**Planning Permission**

**CONDITIONS**

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

- 3006** Full Permission Time Limit (3 years)
- 3047** In accordance with submitted
- 3920** Pre construction survey required for woodlark and night jar
- 3920** Construction work during daylight
- 3920** No construction during bird breeding season
- 3402** Boundary screening to be agreed
- 3547** Lighting Pollution
- 3920** Surface water drainage scheme
- 3920** Contamination remediation strategy
- 3920** Unexpected contamination
- 3920** Surface foul water disposal
- 3920** Odour management plan
- 3920** pest control plan
- 3920** Noise level condition
- 3920** Hour restriction for deliveries
- 4000** Variation of approved plans
- 3996** Note - Discharge of Conditions
- 2000** NOTE: Application Approved Without Amendment
- 2014** Criterion E - Planning Apps Where Approved

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

<b>ITEM</b>	<b>6</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2015/0219/F	<b>CASE OFFICER:</b> Gary Hancox
<b>LOCATION:</b>	WATTON Land West of Saham Road Saham Road	<b>APPN TYPE:</b> Full <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> No Allocation <b>CONS AREA:</b> N <b>TPO:</b> N <b>LB GRADE:</b> N
<b>APPLICANT:</b>	Hopkins Homes Limited Melton Park House Scott Lane	
<b>AGENT:</b>	Hopkins Homes Limited Melton Park House Scott Lane	
<b>PROPOSAL:</b>	Residential Development comprising the Erection of 73 Dwellings together with associated Open Space	

### **KEY ISSUES**

It is noted that there has been a significant amount of objection to the proposal from local residents raising a number of issues. Both Saham Toney Parish Council and Watton Town Council also object to the development of the site. Taking these comments into account, the main issues that need to be considered are:

Development plan and material considerations  
Principle of development and deliverability  
Access & highway impact  
Landscaping & ecology  
Impact on the landscape character and appearance of the area  
Amenity  
Drainage & flood risk  
Affordable housing, viability and deliverability  
Archaeology

### **DESCRIPTION OF DEVELOPMENT**

This is a full application for 73 dwellings and associated works, comprising the following:

- 73 residential dwellings, of which 29 (40%) will be affordable
- A new vehicular and pedestrian access into the site is proposed from the Saham Road to the east, providing linkages into the town centre and beyond.
- An area of approximately 6400 sqm of public open space

The application has been submitted with the following accompanying information:

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

- Planning statement
- Statement of Community Involvement
- Flood Risk Assessment
- Design & Access Statement
- Site layout
- Landscape Layout
- Phase 1 Habitat Survey
- Bat Survey
- Reptile Survey
- Arboricultural Constraints Report
- Tree Constraints Report
- Transport Assessment
- Heritage Statement
- A full set of layout and elevation drawings are included as part of the application

The proposals now put forward are revisions to those previously put forward in 2011, for a total of 69 residential dwellings (3PL/2011/0981/F refers). These previous proposals were essentially refused only on the basis that they were considered 'premature' at the time, given the advanced stage that the LDF 'Site Specific Allocations' DPD had then reached.

In terms of open market housing mix, the scheme proposes 29 x 3 bed houses, 1 x 2 bed bungalow, and 14 x 4 bed houses. The affordable dwellings comprise 6 x 3 bed houses, 16 x 2 bed houses, 3 x 1 bed houses and 4 x 1 bed apartments.

### **SITE AND LOCATION**

The application site comprises approximately 3.27 Hectares and lies approximately 250 metres to the north-west of the defined town centre, north-west of the Saham Road, directly adjacent the Settlement Boundary. The site is made up of three broadly rectangular parcels of adjoining land, all currently laid to grass.

The application site borders the rear garden boundaries to existing residential dwellings, together with commercial garage premises to the south, which themselves front onto the B1108 Brandon Road. Other than a more recent two-storey dwelling to the southwest, all of the other dwellings, together with the garage itself, are located some 45 - 50 metres away from this southern site boundary. To the east of the southern portion of the site, which currently forms two grassed parcels of land, lie the rear gardens to predominantly single-storey detached dwellings, which themselves front onto the Saham Road. The majority of dwellings to the east of this boundary are set some 20 - 30 metres away. The largest, northern-most, of the three parcels of land fronts directly onto the Saham Road to the east, with mature deciduous hedging between. To the north, the land borders the existing Richmond Park Golf Club, with a boundary of more mature deciduous hedging and trees. To the west, a short section of this site boundary at the northern end borders an existing equestrian paddock. The remaining western boundary adjoins the curtilage of Greenways. A small length of the site boundary at the far southern end similarly adjoins the boundaries to an undeveloped parcel of land which lies between Greenways and the Swaffham and Brandon Road junction. This adjacent land has previously benefited from outline planning permission for residential development (Breckland DC Ref. 3PL/2007/0227/O) but has not been implemented.

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

The site is wholly outside but adjacent to the Settlement Boundary. The market town of Watton is identified in the adopted Core Strategy as being of mid-size and providing a good range of services for its residents' day-to-day needs but with limited capacity for expansion.

### **EIA REQUIRED**

No

### **RELEVANT SITE HISTORY**

3PL/2011/0981/F - 69 dwellings - Refused Nov 2011 - considered 'premature' at the time, given the advanced stage that the LDF 'Site Specific Allocations' DPD had then reached.

3PL/2010/0639/F - 91 dwellings - Refused - Sep 2010 (dismissed at Appeal in July 2011)

### **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 have also been taken into account, where appropriate

SS1	Spatial Strategy
CP.11	Protection and Enhancement of the Landscape
CP.13	Accessibility
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.04	Affordable Housing Principles
DC.11	Open Space
DC.13	Flood Risk
DC.14	Energy Efficiency
DC.16	Design
NPPF	With particular regard to paras.47, 49, 8, 32, 118, 17
NPPG	National Planning Practice Guidance

### **CIL / OBLIGATIONS**

Any permission granted would be subject to a S106 legal agreement. This would require the following obligations:

Education contribution - £197,948  
Watton Westfield Infant School: £93,152

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

Watton Wayland Academy: £104,796

Library contribution - A development of 73 dwellings would place increased pressure on the existing library service particularly in relation to library stock, such as books and information technology. It has been calculated that a development of this scale would require a total contribution of £4,380 (i.e. £60 per dwelling).

Provision of 40% affordable dwellings.

On-site open space provision

### **CONSULTATIONS**

#### **WATTON TOWN CLERK -**

The Town Council would not be in support of this application and believe it to be no more than a resubmission of a previously refused application. All reasons for refusal of the previous application still stand.

#### **SAHAM TONEY P C -**

Saham Toney Parish Council wish to object to the above proposal on the following grounds:-

1. Left turn to exit this proposal and within 500 metres you enter the village of Saham Toney over a single track off-set bridge that is prone to accidents.
2. This area is categorised as a major floodplain going onto Cley Lane, Chequers Lane and Pages Lane all of which suffer with standing water in extreme weather conditions.
3. There has been no calculations for climate change to this area
4. There are no kerbs, street lights and no pedestrian access to these unclassified roads.
5. All the roads are through routes to other villages/towns and onto the A47.

There is a need for a sensible balance and sustainable development protecting the natural and historic environment, a balanced need for development and infrastructure to support this including transport providers, roads, water resources, health and schooling. Only when these points are addressed should this proposal be considered.

#### **NORFOLK COUNTY COUNCIL HIGHWAYS**

No objection, subject to minor amendments to internal road layout.

#### **ENVIRONMENT AGENCY**

No objection, subject to an appropriate condition requiring full details of the drainage scheme as set out in the FRA.

#### **ANGLIAN WATER SERVICE**

Condition re foul water strategy

#### **HISTORIC ENVIRONMENT SERVICE**

No objection subject to appropriate condition

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

### **NATURAL ENGLAND**

No objection.

### **N H S PROPERTY SERVICES LTD**

Comments awaited. To be updated verbally at committee.

### **OBLIGATIONS OFFICER, NORFOLK COUNTY COUNCIL**

Requests planning obligations to provide financial contributions towards enhanced schools and library facilities.

### **TREE AND COUNTRYSIDE CONSULTANT**

My original concerns regarding the impact of the current proposal on the line of trees running east - west through the centre of the site still remain. Whilst the Oaks have been incorporated into the layout the majority of the Ash coppice have been shown to be removed. I would consider that this strip of trees and out grown hedgerow should be assessed as a whole - as such it has landscape, wildlife and historical importance, being shown as a boundary on both the tithe and enclosure maps supplied in the Design and Access statement. I also have concerns over the areas of road running through the RPA of T024 and T033 and would suggest that, given the maturity of these trees, it would be preferable to locate the road outside the RPA removing the requirement for root pruning which although not likely to have any impact on stability does create a potential for problems associated with fungal pathogens and root decay which if possible should be avoided.

Comments in respect of amended plans will be reported verbally

### **HOUSING ENABLING OFFICER**

The properties offered as affordable housing in the application form appear to meet the requirements of policy DC4 on affordable housing, and the proposed tenure and size mix also appears to be appropriate to the needs of the local area. Details should be provided of how the units will be retained as affordable in perpetuity; this is usually achieved via transfer to a Registered Provider via a S106 agreement.

### **ECOLOGICAL AND BIODIVERSITY CONSULTANT**

No objection, subject to conditions to provide for mitigation in accordance with the submitted Ecological Report.

### **CONTAMINATED LAND OFFICER**

No objection, subject to appropriate condition in respect of unexpected contamination.

### **ENVIRONMENTAL HEALTH OFFICERS**

No objection.

### **HEALTH & SAFETY EXECUTIVE**

Highlights there is a pipeline in the vicinity and advises that developer should contact operator for

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

further advice.

### **ENVIRONMENTAL SERVICES OFFICER**

Regarding the Hopkins Homes proposed development off Saham Road, Watton. There are at least six areas of small cul-de-sacs where residents will need to present their waste and recycling bins to a central collection point rather than just at the end of their property because of access problems.

In the centre of the development, there are a number of existing trees to be retained. However, who will be responsible for their maintenance? It is not clear how big the trees are and how far over the road they may extend. Provision will need to be made for their maintenance else damage could be caused to high vehicles such as the refuse lorries. Although the vehicles themselves are strong, they do have vulnerable and expensive parts such mirrors and beacons that can easily be damaged by overhanging trees.

**NORFOLK RIVERS INTERNAL DRAINAGE BOARD - No Comments Received**

**CRIME REDUCTION & ARCHITECTURAL LIAISON OFFICER - No Comments Received**

**ENVIRONMENTAL PLANNING - No Comments Received**

**AIR QUALITY OFFICER - No Comments Received**

**NATIONAL GRID - No Comments Received**

### **REPRESENTATIONS**

43 letters and a petition have been received raising concerns regarding the following: Previous refusal; too many homes in Watton, lack of infrastructure; impact on services including doctors surgery; increased traffic; highway safety; impact on wildlife and residential amenity; lack of jobs in the area; position of play area in scheme; noise and light pollution

### **ASSESSMENT NOTES**

1.0 The application is referred to Planning Committee as it is a Major development

2.0 Development plan and material considerations

2.1 For decision making purposes, as required by Section 38(6) of the Planning & Compulsory Purchase Act 2004, the Development Plan comprises the Adopted Core Strategy and Development Control Policies Development Plan Document, together with the Site Specific Allocations DPD. Material considerations in respect of national planning policy are the NPPF and the more recently published National Planning Policy Guidance.

2.2 The site is located outside the Settlement Boundary in an area of open countryside (as defined by policies SS1, DC2, CP1, and CP14 of the Core Strategy and Development Control Policies Development Plan Document 2009), where development is heavily restricted. The application is clearly contrary to these policies. Furthermore, the site is not being put forward for

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

100% affordable housing under the rural exceptions policy DC5. The proposal should therefore be refused unless there are material considerations that dictate otherwise. The lack of a 5-year housing supply within Breckland district carries significant weight in the consideration of the application.

2.3 Paragraphs 47 and 49 of the National Planning Policy Framework (NPPF) state that where an authority does not have an up to date five year housing land supply (at present the District figure is 3.3 years), 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.

### 3.0 Principle of development and deliverability

3.1 The Government defines sustainable development as having three dimensions. These dimensions give rise to the need for the planning system to perform a number of roles:

- 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;
- 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.

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

3.3 In terms of economic and social sustainability, the Core Strategy has identified Watton as having a good range of services and facilities with the potential for limited growth. Whilst it is acknowledged that the town has issues with congestion at times, Core Strategy Policy SS1 expects that Watton will deliver 900 dwellings over the plan period (2001- 2026). Taking into account dwellings already built and permitted as at April 2009, a total of 300 dwellings are required to be provided. The following sections of this report deal with the environmental considerations.

3.4 As evidenced from the committee report for application 3PI/2010/0639/F and from the subsequent Inspector's Decision letter, the site was considered to be generally suitable for housing given its close proximity to the existing built form of the town and being within easy reach of the town centre and local facilities and services.

3.5 In terms of location there can be little argument that the site is sustainable; however this is subject to the environmental impacts of the proposal being acceptable when balanced against the benefits. Although the NPPF's presumption in favour of sustainable development is a relevant material consideration, paragraph 14 of the NPPF states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the framework taken as a whole; or, specific policies in the Framework indicate that development should be refused. A site needs to be

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

acceptable in terms of highway access, impact on highway infrastructure, flood risk, design, impact on landscape character and ecological impact. These issues are considered later in this report.

3.6 It is acknowledged that development of the site for housing was considered to be premature by both the Council and an Inspector in considering previous schemes on the site. This was largely due to the advanced stage that the LDF Site Specific Allocations had then reached, and the fact that allowing this site to come forward at that time could prejudice the planned growth in the area. However, the formal adoption of the allocations DPD has not provided the required 5-year land supply of housing land, and therefore the development of this site can no longer be dismissed simply on the grounds of prematurity. Furthermore, paragraph 187 of the NPPF states that

"...decision takers at every level should look to approve applications for sustainable development where possible."

3.7 Paragraph 47 of the NPPF requires new sites for housing development to be deliverable, which is defined as being available now, suitable in terms of location, and be achievable in respect of housing being developed on the site within the next five years. The applicant has indicated that the site is available now, and that Hopkins Homes have a legal option to purchase the land on receipt of planning permission. The application is in full, and development could commence very soon after gaining planning permission. The first occupation of dwellings is likely to occur 9-12 months following implementation of any permission. A condition will be attached to the planning permission, if granted, reducing the time form commencement from 3 years to 2 years.

### 4.0 Access & highway impact

4.1 The site is well located in relation to the existing highway network. Vehicular and pedestrian access to the site would be from a new entrance point off Saham Road. The site was the subject of formal consultations with the Highway Authority in 2010/2011 and the principles of the proposed development taking access off the highway network were approved at that time. Footpath links south of the site towards Norwich Road have recently been upgraded and pedestrians can now walk towards town on a dedicated footpath albeit having to cross Saham Road at a point approximately 70 metres from the site entrance.

4.2 Adequate parking with a minimum of two spaces per dwelling has been provided, and this exceeds the requirement of Core Strategy Policy DC19.

4.3 NCC: Highways have been consulted on the proposal and raise no objection, subject to several minor amendments to the internal layout of the site. The application is therefore considered to accord with paragraph 32 of the NPPF, which states that, 'development should only be refused on transport grounds, where the residual cumulative impacts of development are severe'.

### 5.0 Landscaping & Ecology

5.1 Both Core Strategy Policy CP10 and the NPPF require that development should contribute to

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

a net gain in biodiversity with an emphasis on improving ecological networks and linkages where possible. Furthermore, in order to accord with Section 40 of the 2006 Natural Environment & Rural Communities (NERC) Act, paragraph 118 of the 2012 National Planning Policy Framework (NPPF) and policies CP6, CP8, CP10 and CP11 and of the 2009 Breckland Adopted Core Strategy & Development Control Policies Development Plan, all of which promote the conservation and enhancement of biodiversity through sustainable development, the applicant must do more to ensure that the scheme constitutes sustainable development and that the existing natural features are conserved in a way that guarantees their long-term viability.

5.2 The site comprises semi-improved grassland which is split into three separate fields bounded by scrub and trees. The largest of the fields contains a small conifer plantation. The northern boundary of the site is defined by a hedgerow and dry ditch. The results of a habitat survey, bat and reptile survey have been submitted with the application, which has been assessed by the Ecology Consultant who comments that, provided the working methods and mitigation set out in the reports are adhered to, then the development is unlikely to present any ecological issues.

5.3 Natural England (the Government's advisor on such matters) also has no objection to the scheme, which is considered to accord with the Core Strategy policy CP10 and the relevant requirements of the NPPF.

### 6.0 Impact on the landscape character and appearance of the area

6.1 One of the core planning principles listed in the NPPF says that planning should "take account of the different role and character of different areas, and this includes recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it" (paragraph 17).

6.2 Policy CP11 of the Core Strategy seeks to ensure that the landscape of the District will be protected for the sake of its own intrinsic beauty and its benefit to the rural character. Development within the District is also expected to be of the highest design quality in terms of both architecture and landscape. It should have regard to good practice in urban design and fully consider the context within which it sits. It should embrace opportunities to enhance the character and appearance of an area and contribute to creating a sense of local distinctiveness.

6.3 Clearly, the proposal would represent a significant change in the nature and appearance of the land and the assessment to be made is whether the impact on the land would be significantly harmful to the local area.

6.4 It is considered that whilst the scheme would result in some local harm due to the loss of the present grass fields and conifer plantation, the proposals would not intrude to a significant extent into open countryside given the degree of enclosure of the site by existing natural screening. The Tree and Countryside Consultant does not object to the loss of the Conifer plantation, a non-native species, and this loss would not significantly harm the existing landscape character of the area. He does however express some concern with the impact on the more historic hedgerow running through the centre of the site, and the proximity of the internal access road to the Root Protection Area of some trees. At the time of writing this report, amended plans dealing with these matters are awaited. Subject to the receipt of these amended plans, the application is acceptable in terms of its impact on the landscape, and can accord with Core Strategy Policies

DC01 and DC12.

## 7.0 Design and Layout

7.1 Both Core Strategy Policy DC.11 and Section 7 of the NPPF require high quality design, and great importance is attached to the design of the built environment, with it seen as a key aspect of sustainable development. The Design and Access Statement submitted with the application explains how the scheme has been influenced by a contextual and character appraisal of the site and the surrounding area.

7.2 The scheme achieves a distinct character by arranging the majority of houses in clusters around private roads off the main drive. There is no repetition of the layout which helps the site to feel 'less formal' as well as balancing the need to achieve a coordinated approach and rhythm to house types that unifies the site.

7.3 The layout seeks to avoid being overly road-dominated. Similarly, care has been taken to avoid cluttering the street scene with cars parked on short driveways in front of each house. Generally, cars are to be concealed in gaps between the houses (wide enough for disabled access), or else grouped in small, landscaped, well-lit courtyards subject to extensive surveillance.

7.4 The elevation drawings submitted with this application show a built form of a scale commensurate with local character. Comparisons are drawn between the surrounding buildings and the elevations and form of the dwellings proposed, which confirm that the built form of these dwellings now proposed would sit comfortably within their wider surroundings. The scale, massing, height, site coverage and detailing of the built form proposed has been carefully considered so as to respond positively to the physical characteristics of the site, whilst minimising the impacts on existing amenities enjoyed by the occupants of neighbouring properties.

7.5 The intended appearance of the development combines traditional building forms, detailing and materials based on the local vernacular. To a significant extent, the proposed layout of the site, and relationships of buildings proposed to bordering properties, have determined the scale of the buildings proposed. The majority of the buildings are two storey, of a scale commensurate with the local character. Where appropriate, the scale reduces to single-storey. There are now no three-storey buildings proposed within the scheme. A limited palette of materials is proposed which helps to give the individual buildings a strong character while maintaining continuity across the site. Overall, the design of the house types responds well to the site context and also to their siting and orientation within the development.

7.6 Within the site, the central public open space proposed is large enough for a variety of informal play and recreational activities.

7.7 Overall, the layout of the development proposed would enable the creation of a built form in accordance with and which would compliment the prevailing pattern of townscape.

## 8.0 Amenity

8.1 The direct impact on the amenity of local residents is limited as much of the proposed

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

housing would directly adjoin existing residential development. Where properties do abut the development site, to the south, more than adequate separation distances between dwellings have been achieved.

8.2 There will be a moderate degree of harm to the amenities of local residents in terms of increased traffic, as well as a reduction in the general landscape amenity enjoyed locally. I do not consider the impacts to be severe enough to substantiate a reason to refuse the application.

### 9.0 Affordable Housing, viability & deliverability

9.1 Core Strategy Policy DC4 requires that to meet District housing needs the Council will require 40% of the total number of housing units to be provided and maintained as affordable housing within all new residential development on sites which the Local Planning Authority determines has a capacity for 5 or more dwellings; or comprises an area of 0.17 ha or more. Recent changes to National Planning Practice Guidance (NPPG) now mean that only developments of 11 or more are required to provide affordable housing and tariff based obligations.

9.2 As the application has been put forward based on a lack of 5-year housing supply, and not as an exception scheme for 100% affordable housing, it is appropriate to assess the scheme against the requirements of this policy. The applicants confirm that the residential development proposed will fully comply with the requirements of this Policy. Of the total 73 dwellings proposed, 29 will be affordable, with the size and tenure mix of these 29 affordable dwellings in accordance with the requirements of the Council's Housing Enabling Officer.

9.3 In terms of viability, the applicants confirm that they benefit from a legal option to purchase the application site upon receipt of planning permission for residential development, and have continually promoted the site for this usage throughout the evolution of the Local Development Framework process. The large number of background studies undertaken prior to this application submission indicate no obvious barriers to the availability of this site to deliver residential development. The application is submitted in full, indicating a desire to deliver the development as soon as possible.

### 10.0 Archaeology

10.1 The impact of the proposed development is covered by a desk based assessment and aerial photographic assessment, the results of both accompany the planning application. In brief, the aerial photographic assessment identified a number of cropmarks of probable archaeological origin, extending into the site. The report also notes the unresponsiveness of the soils, and so it is unlikely that these are the sole features on site. The desk based assessment highlights the lack of study of this area, and therefore the unknown potential of the proposed development area.

10.2 The National Planning Policy Framework states unequivocally that the results of archaeological field evaluations should accompany planning applications, so that they may inform the planning decision (paragraph 128). However, Norfolk HES have given previous advice (pre NPPF) that to secure works via an appropriate set of conditions would be acceptable in this case.

Having regard to this, Norfolk HES raise no objection to the development, subject to a condition requiring archaeological investigation to be undertaken prior to any development starting on site.

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

10.3 Subject to the above, the application is capable of according with paragraphs 128 and 141 of the NPPF and Policy DC17 of the Core Strategy.

### 11.0 Drainage and Flood Risk

11.1 The site is located within Flood Zone 1 (low risk), and the Environment Agency raise no objection to the scheme in respect of increased flood risk or surface water drainage issues. Anglian Water have commented in respect of foul drainage, and are content that improvements to the existing foul drainage system in the area can be agreed, and these can be required to be agreed and implemented before the occupation of any dwelling by condition.

11.2 Subject to the above conditions, the application can be undertaken in a sustainable manner without increasing the flood risk to the proposed development, and in accordance with paragraph 9 of the Technical Guide to the NPPF and Core Strategy Policy DC13.

### 12.0 Other matters

12.1 The comments raised by Watton Town Council, Saham Toney Parish Council and local residents have been taken into account in the consideration of the application where applicable.

12.2 It is acknowledged that this proposed development comes on the back of several recently permitted and currently submitted major housing developments within the town, including 110 dwellings (Hopkins) and 180 dwellings (Gladman) to the south of the town. Whilst the cumulative impact of all of these developments has been considered, the impacts on the local infrastructure are not significant enough in themselves to warrant a refusal of permission. The impact is taken into account however in the overall planning balance.

### 13.0 Conclusion

13.1 It is accepted that there is not a five year supply of housing sites within Breckland District. The National Planning Policy Framework (NPPF) is clear and explicit that in such circumstances Local Planning Authorities should consider favourably sustainable development that would address that deficit. The lack of a five year supply and the requirements of the NPPF are a very strong material consideration in favour of this application.

13.2 The benefits of the development can be summarised as follows:

- it is acknowledged that the proposal will provide a significant number of new dwellings that will contribute towards the Council's five-year housing land supply.
- 40% of the dwellings would be affordable
- Job creation during construction phase
- Enhanced local expenditure
- New Homes Bonus
- The scheme will provide a significant amount of open play space

13.3 However, balanced against this are a number of harmful impacts, these can be summarised as follows:

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

- a degree of detrimental landscape impact having regard to the loss of existing green fields and some trees
- An increase in the level of traffic on the local highway network
- increased pressure on local facilities and services.

13.4 The site is located in a sustainable location, within walking distance of schools and a wide range of local services. The pedestrian, cycle and vehicular traffic likely to arise from the scheme can be accommodated on the local highway network without a significantly harmful impact.

13.5 However, there will be an inevitable change to the rural setting of the town due to the loss of the present open aspect of the site to the site. However, it is not within an area of recognised landscape quality and is relatively well enclosed by existing residential development and landscaping and, as such, would not intrude to a significant extent into open countryside.

13.6 For the reasons set out in this report, and summarised above, I have concluded that the site is in a sustainable location for housing development, and that the benefits of the scheme, taking into account the development plan and the policies of the NPPF as a whole, significantly and demonstrably outweigh any identified harm, and there are no material considerations of sufficient weight to justify refusing planning permission.

### **RECOMMENDATION**

**Planning Permission**

### **CONDITIONS**

- TL01** Time Limit (reduced)
- 3047** In accordance with submitted
- 3920** Archaeology
- 3920** Materials
- 3920** Landscaping
- 3920** Tree protection
- 3920** Boundary treatments
- 3920** Foul and surface water drainage
- 3920** Highway conditions
- 3920** Ecology - mitigation
- 3920** Contamination
- 3920** PD restriction re retention of garages
- 3920** Renewable energy
- 3994** Subject to S106
- 4000** Variation of approved plans
- 3996** Note - Discharge of Conditions
- 2000** NOTE: Application Approved Without Amendment
- 2014** Criterion E - Planning Apps Where Approved

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

<b>ITEM</b>	<b>7</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2015/0252/F	<b>CASE OFFICER:</b> Jemima Dean
<b>LOCATION:</b>	LYNG Land adj The Priory View Rectory Road	<b>APPN TYPE:</b> Full <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> No Allocation <b>CONS AREA:</b> N <b>TPO:</b> N <b>LB GRADE:</b> N
<b>APPLICANT:</b>	Mr Tim Wegg The Priory View Rectory Road	
<b>AGENT:</b>	Studio UrbanBlu Ltd 9 Princes Street Norwich	
<b>PROPOSAL:</b>	Erection of 5 bedroom dwelling	

### **KEY ISSUES**

Principle of development  
Character and appearance of the area  
Design/impact on the Conservation Area  
Highway safety  
Flood risk  
Amenity

### **DESCRIPTION OF DEVELOPMENT**

The application seeks full planning permission for the erection of a three storey seven bedroom dwelling and detached garage. The application is submitted under the auspices of paragraph 55 of the National Planning Policy Framework (NPPF) in that the proposal is high quality and of an innovative nature in terms of design.

The proposed dwelling would be constructed from timber cassettes filled with straw bales which would be pre-fabricated off site using, as far as possible local straw and a local flying factory system to make them. The proposed system of construction would utilise excellent thermal insulation, low carbon build and would limit time spent on site. It is considered this alternative method of building is much more economical than traditional brick build properties. The straw cassettes would have a façade of timber. It is proposed that local labour would be used where possible and include training to provide new skills for the future.

The footprint of the proposed dwelling including the garage would be approximately 450 sqm with a gross floor area of 910 sqm. The maximum height to the ridge would be 9.5 metres and the height to the eaves 6 metres. The garage would comprise a flat roof building.

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

The proposed dwelling would be a modular shaped building surrounding a central garden courtyard area. The ground floor of the south west wing would include an indoor swimming pool with a shower and toilet and at first floor level a bedroom and dressing area.

The north west wing at ground floor level would include a second enclosed interior garden with a master bedroom and en-suite, dressing room and its own separate staircase on the first floor. The second floor would have a second master bedroom with a studio. The south west wing would have a lobby and porch area at ground level, a bedroom and dressing area at the first floor and a further bedroom at second floor level.

The north east wing comprises the largest wing and would provide the main living accommodation. At ground floor there would be a large living area with an open plan dining kitchen area, a dog wash room, a utility room and cupboard room. An upstairs living area, two large bedrooms with dressing rooms are proposed at first floor level, with an open plan TV room and play room proposed at second floor level. A large detached double garage with a flat roof is proposed just off the north east wing. Access is proposed directly via Rectory Road.

The dwelling would incorporate two connected living spaces one for the applicant's adult son who suffers from mental illness and remains very much reliant on the support of his family but yet requires independence.

The application is submitted under the auspices of paragraph 55 of the NPPF in that the design of the proposed dwelling is considered to be truly outstanding or innovative.

### **SITE AND LOCATION**

The application site comprises a 0.4 hectare parcel of land approximately 85 metres to the south east of the Settlement Boundary of Lyng. The plot of land is located to the west of Rectory Road, a narrow country lane on the approach to the village, with access directly via the highway. The site lies approximately 50 metres to the south of the Lyng Conservation Area.

The site currently comprises rough grassland. To the north of the site is Priory View, a substantial two storey detached dwelling. The boundary to the application site comprises wooden close board fencing to the north, the east and to the west. The western boundary also includes a number of small trees. The southern boundary comprises semi mature trees and informal hedging. The site is on lower ground to that of the surrounding area and is generally well screened of views from the countryside. The surrounding land use is largely agricultural.

### **EIA REQUIRED**

No

### **RELEVANT SITE HISTORY**

No relevant site history

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

### **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 have also been taken into account, where appropriate

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.17	Historic Environment
NPPF	With particular regard to paragraphs 7, 17, 34 and 55
NPPG	National Planning Practice Guidance

### **CIL / OBLIGATIONS**

Not Applicable

### **CONSULTATIONS**

#### **LYNG P C -**

Lyng Parish Council has determined the following objections to the above application:

1. The erection of the proposed building on this site would in the opinion of the Parish Council be likely to result in an unwarranted intrusion into the rural landscape of the Wensum Valley to the detriment of the character and visual amenities of the area.
2. The site is outside a settlement boundary and the proposal is not connected with agriculture, forestry, organised recreation/ tourist facilities or the expansion of existing institutions.
3. The application site lies within the Fluvial Flood Risk Area for the River Wensum, as shown on the Environment Agency's Indicative Flood Plain Maps. In the absence of a flood risk assessment, and proposals for appropriate flood defence measures, it is considered that the proposal would be at risk of flooding both from the River Wensum and from waters draining from higher ground. In addition development in this area may exacerbate flooding to properties in the immediate area along Rectory Road.
4. The proposed dwelling is so substantive and imposing that it would represent overdevelopment of the site.
5. The proposal is entirely incongruous to its immediate environs, the surrounding countryside and Lyng village.
6. The proposal does not accord with Policies DC1 and DC2 of the Adopted Core Strategies of The Breckland District Council Local Plan.

Lyng Parish Council considers that this development along with others in the locality should be seen as a wake-up call to all the Local Planning Authorities to introduce policy which will protect the Wensum Valley from future intrusive and unwarranted development.

## **NORFOLK COUNTY COUNCIL HIGHWAYS**

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

No objection subject to conditions.

### **ENVIRONMENTAL HEALTH OFFICERS**

No objection subject to conditions

### **CONTAMINATED LAND OFFICER**

No objection subject to unexpected contamination condition.

### **HISTORIC ENVIRONMENT OFFICER**

No objection

### **PRINCIPAL PLANNER MINERAL & WASTE POLICY - No Comments Received**

### **HISTORIC BUILDINGS CONSULTANT - No Comments Received**

## **REPRESENTATIONS**

A number of representations have been received in response to the application which includes six letters in support of the application and two objecting. Letters of support request the application is approved due to the high quality design of the proposed dwelling which is considered to enhance the area and be in keeping with the character of the area. Letters of objection relate to the proposed dwelling being beyond the development boundary, which does not meet the expectations of such a location, and the dwelling being unsuitable in size and design making no worthwhile architectural addition to the landscape. Concern is also raised with regard to additional traffic.

## **ASSESSMENT NOTES**

1.0 The application is referred to Planning Committee as the application site falls beyond the settlement boundary for Lyng and has been called in.

### 2.0 Principle of development

2.1 The application site lies outside the designated Settlement Boundary for Lyng, in an area where special justification is required for allowing dwellings as set out in paragraph 55 of the National Planning Policy Framework (NPPF). This application should pay particular attention to the following part of the aforementioned paragraph in relation to justifying a new dwelling in the countryside:

"The exceptional quality or innovative nature of the design of the dwelling. Such a design should:

- Be truly outstanding or innovative, helping to raise standards of design more generally in rural areas.
- Reflect the highest standards of architecture,
- Significantly enhances its immediate setting and be sensitive to the defining characteristics of the local area".

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

2.2 The design is considered to be innovative in this case, due to the construction methods proposed and in general terms it is interesting and contemporary in its approach and style. It would have strong eco-credentials using straw technology and locally sourced materials where possible. Construction methods would employ local labour and skills where possible and would include training up a local labour force to provide the necessary skills, therefore giving the community new skills that could be used in the future. In this respect it is considered that the proposed development would help to raise awareness and the standards of design in rural areas.

2.3 In terms of architecture the design of the dwelling is bespoke and contemporary. The design form has a strong roof line with a simple pitched roof and although substantial in size is considered sensitive to the local area in its response to the landscape and vernacular architecture. Its simple form is reminiscent of many large agricultural buildings. In this respect it is considered that the proposed dwelling would enhance its immediate setting, providing a statement piece of architecture at one entrance to the village.

2.4 In this regard the proposed development is considered to meet the special circumstances outlined at paragraph 55 of the NPPF and the principle of the proposed development is therefore accepted.

### 3.0 Design

3.1 In addition, Policy DC16 requires proposals to represent a good standard of design and take into consideration the scale, height and mass of development in relation to neighbouring buildings and should not be divorced from its surroundings. The NPPF, paragraph 59, reiterates this need for development to consider neighbouring buildings in terms of the scale, mass and height of proposals.

3.2 Alongside this, development must also be proportionate to the surrounding rural character. Dwellings in the vicinity are predominantly larger detached dwellings including the dwelling to the north of the site. There are two other dwellings in the immediate vicinity located away from the village and the proposed dwelling would therefore not be alone in this respect. In terms of individual properties there are a range of designs, however it is not required that new dwellings entirely match the surrounding properties, although regard must be given to the form of the local landscape. The proposal represents a contemporary design not consistent with the surrounding properties, however the proposed dwelling would not sit immediately adjacent to surrounding properties and given the degree of separation it is considered the contemporary approach is acceptable in this instance. In terms of materials of the proposed dwelling the detail of these would be secured via planning condition.

### 4.0 Neighbour amenity

4.1 The development must also be considered in terms of its impact upon amenity. Policy DC1 of the Adopted Core Strategy requires development to have regard to dominance of a proposal upon residential amenity. In addition, impact upon light amenity and privacy of neighbouring properties needs to be considered.

4.2 The proposal is situated within a largish plot and is screened by vegetation, reducing the impact on neighbour amenity in terms of light amenity and privacy.

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

4.3 Due to the scale and height of the dwelling, neighbours are likely to be able to view the proposal from their properties, particularly during the winter months. However it is not thought this would have an impact upon their amenity in terms of dominance and the proposal is not thought likely to be detrimental to neighbour amenity.

4.4 Due to the above points, it is thought that the proposal is acceptable in terms of neighbour amenity.

### 5.0 Highways Impact

5.1 Access is proposed via Rectory Road and mitigation measures which would include the provision of a passing bay are also proposed. The Highways Authority are satisfied that the proposed access is acceptable, subject to conditions, and raise no objection to the proposal in terms of highway safety.

### 6.0 Other issues

6.1 The Environmental Protection Officer has recommended conditions in respect of contamination risk.

### 7.0 Conclusion

7.1 It is considered that the proposal would meet the requirements and targets set out by the NPPF in particular with regard to paragraph 55 in that it would achieve an exceptional quality or innovatively designed dwelling. Whilst the scale, height and mass of the dwelling is substantial the proposed development is not considered to lead to harm caused to the character of the area. The impact upon neighbour amenity and highway safety is considered to be acceptable, the design is acceptable in terms of its context and the scheme is therefore recommended for approval subject to conditions.

#### **RECOMMENDATION**

**Planning Permission**

#### **CONDITIONS**

- 3006** Full Permission Time Limit (3 years)
- 3047** In accordance with submitted
- 3935** Sustainable construction details
- 3106** External materials and samples to be approved
- 3140** Prior approval of slab level
- 3408** Landscaping - details and implementation
- HA08** New access - construction over verge
- HA13** Access gates - configuration
- HA20** Provision of visibility splays - conditioned

**BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

- HA24** Provision of parking and servicing - when shown on plan
- HA39** Highway improvements-offsite A
- A**
- HA39** Highway improvements off-site B
- B**
- 3804** Precise details of foul water disposal
- 3924** Precautionary Informative Gas Protection Measures
- AN60** NOTE NCC Inf 1 When off-site road improvements are required
- 4000** Variation of approved plans
- 3996** Note - Discharge of Conditions
- 2014** Criterion E - Planning Apps Where Approved

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

<b>ITEM</b>	<b>8</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2015/0329/F	<b>CASE OFFICER:</b> Nick Moys
<b>LOCATION:</b>	LITTLE DUNHAM Willow Acre Cottage Barrows Hole Lane	<b>APPN TYPE:</b> Full <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> No Allocation <b>CONS AREA:</b> N <b>TPO:</b> N <b>LB GRADE:</b> N
<b>APPLICANT:</b>	Mrs Emma Kriehn-Morris Willow Acre Cottage Barrows Hole Lane	
<b>AGENT:</b>	Clayland Architects The Glass House Lynford Gardens	
<b>PROPOSAL:</b>	Erection of 3 dwellings. Plot 1 and 2 will share a new access onto Barrows Hole Lane	

### **KEY ISSUES**

Planning policy  
Local character  
Highway safety

### **DESCRIPTION OF DEVELOPMENT**

Full planning permission is sought for the erection of 3 detached dwellings within the grounds of an existing dwelling. The development would comprise one 3 bedroomed house, one four bedroomed house and a four bedroomed bungalow. New accesses would be provided onto Barrows Hole Lane to serve the development. Some localised widening of Barrows Hole Lane is also proposed. The application is supported by a Design & Access Statement, an Ecological Survey and an Arboricultural Assessment. During the course of the application, revisions have been made to the proposed layout of the development, including access.

### **SITE AND LOCATION**

The application site consists of two small horse paddocks, which form part of the grounds of an adjacent dwelling. The site is located on the southern edge of the village of Little Dunham. The proposed plots are partly adjoined by existing dwellings and elsewhere by open land. The site is mainly laid to grass but includes a number of mature trees. Little Dunham does not have a defined Settlement Boundary.

### **EIA REQUIRED**

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

No.

### **RELEVANT SITE HISTORY**

Planning permission was granted in March 2014 for the erection of 4 dwellings on land immediately to the west of the application site.

### **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 have also been taken into account, where appropriate

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
NPPF	With particular regard to paragraphs 6-9, 14, 17, 32, 37, 49, 55, 58 and 109.
NPPG	National Planning Practice Guidance

### **CIL / OBLIGATIONS**

Not Applicable.

### **CONSULTATIONS**

#### **LITTLE DUNHAM P C -**

The Parish Council would like to make the following observations on this planning application:-

1. Since the Village envelope was removed, thereby making the Village one where no development should take place, Breckland Council has given planning permission for 9 houses, which was presumably not what was intended in the L.D.F., which we understand is still in place. The Parish Council has concerns about the piecemeal development of the Village in this way.
2. The junction at the eastern end of Barrows Hole Lane, where it meets Necton Road, has very limited sight lines and the Parish Council feels that sooner or later there will be an accident at this junction. It is requested that the Highways Department looks carefully at this junction and considers whether it might be prudent to make this Lane one-way, running east to west.
3. If permission is granted, the Parish Council would suggest that, in the interest of appearance and character, the front face of each house should be constructed of brick and flint.

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

### **NORFOLK COUNTY COUNCIL HIGHWAYS**

As you are aware this Authority has consistently objected to any development proposal on Barrows Hole Lane by reason of its restricted width, substandard alignment and poor visibility at its junction with Necton Road. We have also raised concerns about the suitability of the location in transport sustainability terms.

However, the most recent application, 3PL/2013/0888/F for the development of 4 dwellings on land immediately adjacent to this site, was approved contrary to highway recommendation.

My views remain unchanged from those expressed previously namely that any traffic generated by the proposal would be likely to exit Barrows Hole Lane onto Necton Road to either travel south to the A47 or north to the B1145. Given the sites location, remote from local services and public transport provision, the residents of the dwellings would be highly reliant on travelling by car.

Whilst Necton Road is located within the 30mph speed limit my assessment is that vehicles travel in excess of this speed and I would therefore expect visibility splays of 2.4m x 59m to either side of the junction. Actual visibility from Barrows Hole Lane onto Necton Road is in the order of 33m to the North and 40m to the south. It is accepted that this junction already exists and therefore some degree of conflict already occurs but, without doubt, this development will increase the level of vehicular traffic using the junction.

Given the previous approval on the adjacent site if, notwithstanding this advice, your Authority is minded to consider approving the proposal please take into account the following.

Barrows Hole Lane measures around 3.4m near to Plots 1 and 2 but widens to between 4.3m and 4.5m adjacent Willow Acre Cottage. I would therefore require Barrows Hole Lane to achieve a uniform width of 4.5m adjacent to Willow Acre Cottage to enable two vehicles to pass in this location .

The access to Plot 3 is not acceptable due to the substandard visibility to the south which is severely restricted by a neighbours hedge and measures just some 15m from a 2m/2.4m set back (see attached photo). This falls far short of the recommended guidance of 59m. The access currently serves a paddock and, as evidenced by the condition of the grass access, has limited vehicular use. By compassion it is estimated that a dwelling in this location would generate approximately 6 vehicular movements a day. I would therefore recommend that Plot 1 derives access from Barrows Hole Lane close to the boundary with Willow Acre Cottage.

The current proposal would, at least, provide an opportunity to improve visibility to the south (the approaching traffic direction) of the junction of Barrows Hole Lane with Necton Road and such an improvement would need to form part of any permission.

Further formal comments on the amended proposals are awaited.

### **ECOLOGICAL AND BIODIVERSITY CONSULTANT**

Original comments  
Walkover required

Subsequent comments

It is considered that the Ecological Survey Report (Norfolk Wildlife Services, May 2014, Ref 2015/030) sufficiently assesses the site in terms of ecological impact. Conditions should be imposed requiring a scheme to minimise potential impacts on protected species and to require biodiversity enhancements.

### **TREE AND COUNTRYSIDE CONSULTANT**

Original comments

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

The tree survey included does not provide sufficient information to allow a judgement to be made. Drawings should be included to show the proximity of dwellings to retained trees which must show accurate canopy spreads and root protection areas. This should be accompanied by an arboricultural impact assessment, tree protection plan and where necessary method statements. This must be in accordance with BS5837:2012.

Subsequent comments

I am happy with the Tree Survey provided. Appendix 3 refers to the Tree Protection Plan - this does not appear to be provided. Please request a tree protection plan which should show positioning and details of ground protection where it is not possible to locate fencing outside the Root Protection Area.

Tree Protection Plan received  
No further comments

### **CONTAMINATED LAND OFFICER**

No objection subject to a condition requiring further contaminated land investigation.

### **REPRESENTATIONS**

Objections have been received from local residents relating to the effect of the proposal on the spacious character of the area and on highway safety.

### **ASSESSMENT NOTES**

1.0 The application is referred to Planning Committee as a departure from the Development Plan.

2.0 Principle of development

2.1 The application site lies on the southern fringe of Little Dunham, but for the purposes of local planning policy falls within an area of countryside as there is no defined Settlement Boundary for the village. The development of the site for housing would therefore conflict with Core Strategy Policy CP14, which seeks to focus new housing within defined settlement boundaries. However, as the Council cannot currently demonstrate a 5 year supply of housing land, Policy CP14 cannot be considered to be up-to-date insofar as it relates to the supply of housing land and can be given little weight.

2.2 In this situation, the presumption in favour of sustainable development set out in the National Planning Policy Framework (NPPF) means that permission for development should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate that development should be restricted.

2.3 The NPPF indicates that rural housing should be located where it will enhance or maintain the vitality of rural communities and that isolated houses in the countryside should be avoided.

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

Additionally, the Government's Planning Practice Guidance (NPPG) notes that all settlements can play a role in delivering sustainable development and that blanket policies restricting housing in some rural settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.

2.4 Although outside a defined settlement, the proposed dwellings would adjoin the main built up part of the village on its southern edge and would be bounded by existing and proposed housing. The proposal would continue the existing pattern of linear development along Barrows Hole Lane. Further sporadic development continues southwards beyond the site. The proposal would not therefore result in an isolated development in the countryside, but would form a logical addition to existing development on this part of the village.

2.5 Moreover, the proposal would make a positive, albeit modest, contribution towards the provision of housing in the area, and its construction would provide some short term economic benefits. The application is a full application and there is nothing to suggest that the development could not proceed in the short-term. However, in order to encourage the early delivery of the proposed housing, a two year time limit for commencement is recommended. The proposed development would also be within easy reach of local facilities, including the village pub, church and community hall, would avoid harm to the character of the area and would secure some local highway improvements (see below). These considerations weigh in favour of the proposal.

2.6 However, Little Dunham offers few local services and facilities, and bus services are very limited and infrequent. Future occupants of the development would therefore be largely reliant on the private car to access day-to-day requirements including shopping and community facilities. Whilst this consideration weighs against the proposal, given the small scale of the proposal, it is considered that the harm caused to sustainability would be small. It is also acknowledged that a wider range of facilities are available a short trip away in nearby villages, including Necton and Litcham, which would be likely to derive some support from the development. The NPPF recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

2.7 The grant of planning permission for 4 dwellings on land immediately to the west of the application site is also a strong material consideration here, particularly given the recent date of this decision and the fact that the situation of the two sites is directly comparable. The NPPG indicates that, in the context of a planning appeal, not determining similar cases in a consistent manner may give rise to an award of costs against a local planning authority on the grounds of unreasonable behaviour.

2.8 To conclude on this issue it is considered that the balance of arguments is in favour of the proposal. Whilst some harm would be caused due to the need to travel by car to access most local services, this harm would be small and would not significantly and demonstrably outweigh the benefits of the proposal. Accordingly, it is considered that the development is acceptable in principle.

### 3.0 Impact on local character and amenity

3.1 Development in the vicinity of the site comprises mainly detached houses and bungalows set back from the road within good sized plots. This gives the area a spacious and open character. Architectural styles vary, but most properties are of broadly traditional design. The proposed

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

development layout, as amended, would follow the existing building line along Barrows Hole Lane and maintain the established pattern of well spaced detached dwellings. Adequate separation distances would also be maintained from existing trees to ensure their long term retention. Measures to protect trees and hedges and to require supplementary boundary planting could be secured by suitably worded conditions. The design of the proposed houses would reflect the appearance of the dwellings approved on the adjacent land to the west, incorporating traditional design features and materials, including brick and flint work. The design of the proposed bungalow would respect the scale of the neighbouring dwellings on either side, and would be similar in architectural style to the proposed houses.

3.2 Consequently, whilst the proposal would inevitably give this part of Barrows Hole Lane a more built up appearance, it would not appear out of keeping with existing development in the locality. Moreover, due to the location of the site and the screening effects of established boundary hedges and neighbouring properties, the proposal would have a limited impact on the landscape setting of the village and would not intrude into the open countryside. It is concluded therefore that the proposal would be sympathetic to the character of the area and not cause any significant harm to the rural setting of the village, and in these respects would be consistent with Core Strategy Policy DC16.

3.3 Although the site is bounded by existing residential properties, no material effects on the living conditions of neighbours are anticipated given the design and orientation of the new dwellings and the degree of separation from adjacent dwellings. The proposal would not conflict with Core Strategy Policy DC1 in this respect therefore.

### 4.0 Highway safety

4.1 In response to concerns raised by the Highway Authority, the application has been amended to include some localised widening of Barrows Hole Lane adjacent to the site. This would ensure that the road adjacent to the site was wide enough to allow two cars to pass. Improvements to the visibility to the south of the junction of Barrows Hole Lane and Necton are also proposed. These works would not only mitigate the effects of additional traffic generated by the proposals but would also be of benefit to other road users. It is understood that the Highway Authority is content with the proposed access arrangements and various road improvements, all of which could be secured by planning conditions.

### 5.0 Other matters

5.1 The site is considered to generally to be of low ecological value, being comprised of areas of improved grassland using for grazing horses. No evidence of protected species has been found. Trees within the site could provide potential habitat for breeding birds, but the majority would be retained as part of the development. Further enhancement of the wildlife value of the site could be achieved by new native hedge planting and the provision of bird and bat boxes. Such measures could be secured by planning condition.

### 6.0 Conclusion

6.1 The proposal would conflict with Policy CP14 due to its location outside a defined settlement

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

boundary. However this policy can be afforded little weight due to the current shortfall of housing land in the District. The proposal would form a logical addition to the existing built up area of the village, and any harm caused to sustainability and local character would be small and would not demonstrably and significantly outweigh the benefits of development. The application is therefore recommended for approval subject to conditions.

### **RECOMMENDATION**

**Planning Permission**

### **CONDITIONS**

- TL05** Full permission 2 year time limit
- 3047** In accordance with submitted
- 3104** External materials to be approved
- 3140** Prior approval of slab level
- 3414** Fencing protection for existing trees
- 3408** Landscaping - details and implementation
- 3935** Ecological measures
- HA50** Off site highway improvements
- HA50** Visibility splays
- HA08** New access - construction over verge
- HA50** Non standard highway condition
- CL01** Site Investigation/ remediation
- 3996** Note - Discharge of Conditions
- 4000** Variation of approved plans
- 2001** Application Approved Following Revisions

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

<b>ITEM</b>	<b>9</b>	<b>RECOMMENDATION : REFUSAL</b>
<b>REF NO:</b>	3PL/2015/0394/F	<b>CASE OFFICER:</b> Jayne Owen
<b>LOCATION:</b>	HARLING Old Dairy Mews White Hart Street	<b>APPN TYPE:</b> Full <b>POLICY:</b> Part In Set Bndry <b>ALLOCATION:</b> No Allocation <b>CONS AREA:</b> N <b>TPO:</b> N <b>LB GRADE:</b> N
<b>APPLICANT:</b>	Mr Allan Lynn 47A Lakeview Lodge Whitehart Street	
<b>AGENT:</b>	Mr John Wojciechowski The Old Oak Cheese Hill	
<b>PROPOSAL:</b>	Erection of detached cottage and garage (Resubmission)	

### **KEY ISSUES**

Principle  
Historic Environment  
Design  
Amenity  
Highways  
Contaminated Land

### **DESCRIPTION OF DEVELOPMENT**

The application seeks full planning permission to construct a three bedroomed detached one and a half storey cottage and detached double garage on land to the rear of Old Dairy Mews. Proposed materials comprise cream painted and rendered external walls with a red stock clay brick plinth and buff stone lintels and sub-cills with a red/orange clay pantiled pitched roof. The detached garage would accommodate two vehicles and would be constructed in red clay stock brick for the external walls with a clay pantiled roof to match the dwelling. The rear amenity area would comprise a gravel driveway and turning area with rear garden laid to lawn with a paved patio area. New close boarded fencing would be provided to the northern and western boundaries. Parking for existing residents to Old Dairy Mews would be retained and enhanced by the provision of a further two visitor spaces to the shared mews drive.

### **SITE AND LOCATION**

The site lies partly within the Settlement Boundary of the village of Harling and also lies within the Conservation Area. The dwelling would be sited to the rear of Old Dairy Mews. The site is bounded to the east by mature hedging and trees.

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

### **EIA REQUIRED**

No

### **RELEVANT SITE HISTORY**

3PL/2005/1795/F - Conversion of existing bed and breakfast accommodation into two self contained dwellings - Approved

Adjacent Site (Fen Willow Mews)

3PL/2013/0485/F - Extension and part conversion of outbuilding to No 51 White Hart Street to form new dwelling - Approved

3PL/2010/1293/F - Alterations to front elevation of 51 White Hart Street and convert former ham factory at rear of dwelling - Approved

3PL/2005/0255/F - Conversion and extension of storage building to form dwelling - Approved

### **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 have also been taken into account, where appropriate

DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.11	Open Space
DC.12	Trees and Landscape
DC.16	Design
DC.17	Historic Environment
DC.19	Parking Provision
NPPF	With particular regard to paragraphs 6-14, 55, 109, 134
NPPG	National Planning Practice Guidance

### **CIL / OBLIGATIONS**

Not Applicable

### **CONSULTATIONS**

#### **HARLING P C -**

No objections but raise concerns over access to the proposed property, also incorrect site photos have been used.

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

### **HISTORIC BUILDINGS CONSULTANT**

No objection

### **NORFOLK COUNTY COUNCIL HIGHWAYS**

Recommend refusal on the following grounds:

Inadequate visibility splays are provided at the junction of the access with the County highway and this would cause danger and inconvenience to users of the adjoining public highway.

### **ENVIRONMENTAL HEALTH OFFICERS**

No objections.

### **TREE AND COUNTRYSIDE CONSULTANT**

Whilst further submissions have been made by the applicants that the tree is in poor condition, original objection is maintained to the categorisation of the tree (Category U which is defined by the British Standard as a tree that is in such a condition that it cannot realistically be retained as a living tree in the context of the current land use for longer than 10 years). No evidence has been provided to suggest that this is the case. It is recommended that unless it can be demonstrated that the tree is unsafe (i.e. by the submission of results of pulling tests, the results of ground radar examination, movement of root plate), the tree should remain. The tree remains a Category B tree (one of moderate quality with an estimated remaining life expectancy of at least 20 years). It is a significant specimen within the Conservation Area.

### **CONTAMINATED LAND OFFICER**

No objections subject to conditions and informative.

### **ENVIRONMENT AGENCY - No Comments Received**

### **PRINCIPAL PLANNER MINERAL & WASTE POLICY - No Comments Received**

## **REPRESENTATIONS**

Four letters have been received raising no objections to the proposal commenting as follows: Proposal does not affect access or parking in the mews; applicants have access and parking for the rear of Lake View which would be given over to the proposed house

One letter of objection raising the following issues:

The position of proposed cottage appears to be closer to 3 Fen Willow Mews than Lake View Lodge; proposed cottage does not appear to be within the Settlement Boundary; overlooking; loss of privacy; do not agree with comment made by the agent with regard to trees; the trees were not destroyed and are at present in new leaf, no contact was made with any roots when 3 Fen Willow Mews was built; the trees provide good screening both for existing and proposed future occupiers and if they are removed there is only a fence remaining which is much lower than the trees.

**ASSESSMENT NOTES**

1.0 The application is referred to Planning Committee at the request of the Local Ward Representative

2.0 Principle

2.1 Core Strategy Policy DC2 states that development within settlement boundaries as defined on the proposals map will be permitted. The site falls partly within and partly outside the Settlement Boundary of the village of Harling. The development is considered acceptable in principle.

3.0 Design

3.1 The proposed dwelling would be a one and half storey dwelling with cream painted and rendered external walls with a red stock clay brick plinth and buff stone lintels and sub-cills with a red/orange clay pantiled pitched roof with gabled dormer windows. Windows and doors are to be of white painted timber. There would also be a traditional tapered brick external chimney stack to the west elevation. Traditional lead covered prentice boards would form render breaks to the gables at eaves level whilst bargeboards, soffits and fascia boards would be of black stained timber and lead cloaked cappings would be provided to all gable and dormer bargeboards. The detached garage would house two vehicles and is of red clay stock brick walling with a clay pantiled roof to match the house. It is considered that the design and appearance of the proposed dwelling and detached garage is acceptable. The development would be sited to the rear of existing built form and therefore the dwelling would have a negligible impact within the established street scene.

4.0 Historic Environment

4.1 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that with respect to any buildings or other land in a conservation area, that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. In addition, Core Strategy Policy DC17 (Historic Environment) states that new development will be expected to preserve the character, appearance and setting of conservation areas. Whilst no objections have been received by the Historic Buildings Officer, the proposal would result in the loss of an oak tree.

4.2 It is considered that the loss of this tree would result in harm to the character and appearance of the Conservation Area. The proposal would therefore result in harm to the significance of a designated heritage asset (Conservation Area) and this harm is not outweighed by any public benefits. The proposal, if permitted, would therefore conflict with Policy DC17 (Historic Environment) and Paragraph 134 of the National Planning Policy Framework (NPPF).

5.0 Amenity

5.1 There would be a dormer window at first floor level facing the eastern common boundary with 3 Fen Willow Mews. There is also a small window at first floor level which would serve a bedroom. It is considered that if permission were to be granted it would be appropriate to attach

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

a condition that both these windows are obscure glazed. The amenity area associated with the proposed dwelling would comprise a gravelled driveway and turning area together with a rear garden laid to lawn with a paved patio area.

### 6.0 Highways

6.1 The proposal seeks to create an additional dwelling at the far end of Old Dairy Mews, a narrow private drive which currently provides access and parking for four properties, although it is noted that the applicant advises that he also has access to the rear of his property via the Mews.

6.2 Norfolk County Council Highways objected to the previous (withdrawn) application submitted under planning reference 3PL/2014/1171/F on the grounds of the severely inadequate visibility at the junction of Old Dairy Mews and the classified county highway White Hart Street.

6.3 Visibility in both directions is restricted by adjacent boundary walls which directly abut the carriageway since no verge or footway exists in this location. To the west visibility is virtually blind, to the east (the critical direction) what little visibility is available is gained by looking over land owned by the adjacent householder and the applicant would therefore have no control over the installation of any trellis, container planting or other obstruction which the owner may choose to place in this area and which would also render visibility blind in this direction.

6.4 The available visibility, of just a matter of metres, amounts to a fraction of the 2 m x 43 m required on a street which is subject to a 30 mph speed limit. Even if traffic travelled closer to 25 mph then the available visibility would still fall short of the 33 m required.

6.5 The application site lies within the rear garden of Lake View Lodge which has the benefit of a separate vehicular access onto White Hart Street some 30 m to the west of Old Dairy Mews. The applicant's agent acknowledges this as being regarded as the main access to the property.

6.6 The information provided with the current application indicates that the applicant already utilises Old Dairy Mews to park his vehicles and access the rear pedestrian gate of his property and as a consequence, it is stated that the existing right would be given over to the new dwelling and therefore there would be no overall increase in vehicular traffic.

6.7 A question to be considered is whether any resident of Lake View Lodge would choose to leave their vehicles in Old Dairy Mews rather than the parking area which exists within the curtilage of their property and which is accessed via White Hart Street. It should be noted that a high boundary fence currently separates the application site from Old Dairy Mews and whilst a pedestrian gate exists, there is no direct vehicular access from Old Dairy Mews to Lake View Lodge. Vehicles left in this location would therefore be parked outside of the perimeter fence.

6.8 Data derived from TRICS (Trip Rate Computer Services) currently advises an average dwelling generates 6 vehicular movements per day. There is no reason not to believe that any new dwelling in this location would not generate that amount of vehicular traffic and for these to be discounted against any current use, the Highways Authority would need to be satisfied that the applicant currently generates 6 daily movements from this access on a regular basis.

6.9 The applicant advises that he would give up his right to park in the Mews should permission be granted for the new dwelling, however, it is not clear how this could be secured, in particular

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

as a boundary fence would still exist between the Mews and Lake View Lodge where a new pedestrian access could be formed.

6.10 Whilst the Design and Access Statement indicates the property is a self build project for the applicant as a new home, there is no guarantee that once permission is granted the applicant would either develop the site or live there. The current proposal does not contain any elements which would enable the Highway Authority to reconsider the views expressed in relation to the original application.

6.11 The applicant's agent points out that the access to Old Dairy Mews serves less properties than the adjacent Fen Willow Mews and is also further away from the Gallants Lane junction than Fen Willow Mews affording better vision splays for emerging vehicles onto White Hart Street. Given the recent granting of planning permission for a sixth dwelling to Fen Willow Mews, it is considered these factors should be taken into account when determining the application.

6.12 On reviewing the application history with regard to the adjacent development at Fen Willow Mews, planning permission 3PL/2010/1293/F granted permission for alterations to the front elevation of 51 White Hart and the conversion of a former ham factory at the rear to a dwelling.

6.13 In terms of highways comments in relation to that application, it is clear that account was taken of the fact that the proposals sought to convert existing premises which had themselves the potential to generate some degree of vehicle movements. In the case of the butchery this is likely to have generated a mixture of service, delivery and customer vehicles. On balance it was considered that a highways objection would have been difficult to substantiate in these circumstances.

6.14 Permission was granted in 2013 for the extension and conversion of an outbuilding to 51 White Hart Street to form a new dwelling (5 Fen Willows Mews). Whilst the Highway Authority recommended refusal, on balance, account was taken by officers of the previous planning permission granted in 2005, although lapsed, and that this was likely to be the last dwelling to be created within the mews.

6.15 Whilst the applicant's agents comments are noted, each application must be treated on its own merits and it is not considered that the approval of permissions on the adjacent site which are a result of significantly different site circumstances provides sufficient grounds to override the recommendation of Norfolk County Council Highways in this instance.

### 6.0 Trees and Landscaping

6.1 The rear amenity areas would comprise a gravel driveway and turning area and a rear garden would be laid to lawn with a paved patio area. New high level close boarded fencing would be provided to the northern and western boundaries whilst the eastern boundary is already marked by maintained mature hedging and trees alongside the existing ditch.

6.2 The application was submitted with a tree survey. The Tree and Countryside Consultant requested an Arboricultural Impact Assessment, Tree Protection Plan and if required an Arboricultural Method Statement. This should be in accordance with BS5837:2012.

6.3 On reviewing the submitted details, the Tree Consultant was not in agreement with the tree

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

details provided. In particular with regard to the current condition of an oak tree which he considers should be given a higher category and retained as an important landscape feature within the Conservation Area. The proposed development would require the removal of Tree T1 which, if approved, would be contrary to Core Strategy Policy DC12 (Trees and Landscape).

6.4 Whilst further submissions have been made by the applicants that the tree is in poor condition, the Tree and Countryside Consultant maintains his objection to the categorisation of the tree (Category U which is defined by the British Standard as a tree that is in such a condition that it cannot realistically be retained as a living tree in the context of the current land use for longer than 10 years). No evidence has been provided to suggest that this is the case and with the condition of the tree, the Tree Officer disagrees with this assessment. His recommendation remains the same, namely that unless it can be demonstrated that the tree is unsafe (i.e. by the submission of results of pulling tests, the results of ground radar examination, movement of root plate), the tree should remain. In his opinion, the tree remains a Category B tree (one of moderate quality with an estimated remaining life expectancy of at least 20 years). It is a significant specimen within the conservation area.

### 7.0 Contaminated Land

7.1 The Contaminated Land Officer has raised no objections subject to conditions requiring a Desk Study/Site Investigation and in relation to Unexpected Contamination being found together with an informative in relation to extensions.

### 8.0 Conclusion

8.1 Refusal is recommended on the following grounds:

Inadequate visibility splays are provided at the junction of the access with the County highway and this would cause danger and inconvenience to users of the adjoining public highway.

Core Strategy Policy DC12 (Trees and Landscape) states that any development that would result in the loss of, or the deterioration in the quality of an important natural feature, including protected trees and hedgerows will not normally be permitted. The proposed development would result in the loss of an important landscape feature, namely an oak tree protected by virtue of being within a conservation area without justification. The proposal, if permitted, therefore would be contrary to Policy DC12 (Trees and Landscape) and would cause harm to the significance of a designated heritage asset, namely the Conservation Area, which would not be outweighed by public benefits contrary to Policy DC17 (Historic Environment) and Paragraph 134 of the National Planning Policy Framework (NPPF).

#### **RECOMMENDATION**

**Refusal of Planning Permission**

#### **REASON(S) FOR REFUSAL**

**9900** Inadequate visibility splays

**BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

- 9900** Loss of tree, impact on CA
- 3047** Details of submitted plan numbers
- 2009** Criterion E - Planning Apps Where Refused

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

<b>ITEM</b>	<b>10</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2015/0460/F	<b>CASE OFFICER:</b> Jayne Owen
<b>LOCATION:</b>	LITCHAM Adj. Lime Kiln House Back Lane	<b>APPN TYPE:</b> Full <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> No Allocation <b>CONS AREA:</b> N <b>TPO:</b> N <b>LB GRADE:</b> N
<b>APPLICANT:</b>	Mr & Mrs A & R Buschman Paston House Tittleshall Road	
<b>AGENT:</b>	Hunter Architects & Planners 3 Navigation Road Altrincham	
<b>PROPOSAL:</b>	Erection of detached Super Eco house, with associated garage, access and landscaping	

### **KEY ISSUES**

Planning policy  
Impact on local environment  
Highways

### **DESCRIPTION OF DEVELOPMENT**

The application seeks full planning permission to construct a detached super eco house with associated garage, access and landscaping.

The application is submitted with a CSH Pre-Assessment Estimator, Technical Review of Wind Turbines, SAP calculations (energy calculations), Tree Survey, Phase 1 Habitat Report, Land Contamination Report and Planning, Design and Access and Sustainability Statements.

### **SITE AND LOCATION**

The application site is located off Mileham Road on the north eastern edge of the village of Litcham. The application site is a generally flat plot which currently comprises agricultural land. The site is well screened from the main road. There are limited views into and out of the site from the public realm. The immediate surrounding area comprises open countryside. The site lies approximately 150 m to the east of the Settlement Boundary of Litcham.

### **EIA REQUIRED**

No

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

### **RELEVANT SITE HISTORY**

3PL/2014/0731/F - Construct two storey detached zero carbon dwelling and integral garage, outdoor pool and associated landscaping - Withdrawn

### **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 have also been taken into account, where appropriate

CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.16	Design
NPPF	with particular regard to paragraphs 6-14, 55, 109, 141 and 215.
NPPG	National Planning Practice Guidance

### **CIL / OBLIGATIONS**

Not Applicable

### **CONSULTATIONS**

#### **LITCHAM P C -**

The Parish Council considered this application and whilst it is outside the Settlement Boundary has no objection to it. The Parish Council would like to express that it actively supports this application because of its innovative design and that it is unlikely to be visible from the B1145.

#### **NORFOLK COUNTY COUNCIL HIGHWAYS**

No objection subject to conditions and informative.

#### **CONTAMINATED LAND OFFICER**

No objections subject to conditions.

#### **ECOLOGICAL AND BIODIVERSITY CONSULTANT**

No objection subject to conditions.

#### **TREE AND COUNTRYSIDE CONSULTANT**

No objection subject to condition.

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

### **HISTORIC ENVIRONMENT OFFICER**

No objections subject to condition requiring a programme of archaeological work in accordance with National Planning Policy Framework paragraph 141.

### **ENVIRONMENTAL HEALTH OFFICERS**

No objection subject to condition re foul water disposal

### **REPRESENTATIONS**

19 letters of representation have been received in support of the application commenting as follows:

To have the opportunity to build an original building like this is wonderful; beautiful architecture; lovely design which will fit with the landscape, its good that it is eco-friendly; amazing people should look forward to this and build more; good to use local wood for the cladding; we need to move on and not stay the same, forward looking and in keeping with the times; it will be an example to the area and could be used for education; it looks like something from Grand Designs, it is the sort of house you dream of and is a breath of fresh air; its not in an area which would clash with anything; it is imaginative and well thought out; it will use all the latest technology and will be a showcase; a modern eco-friendly, attractive building reflecting light and air and greenery, an opportunity to save fuel by the next generation.

### **ASSESSMENT NOTES**

1.0 This application is referred to Planning Committee as the proposal is contrary to policy.

2.0 Principle of development

2.1 The application site is located within an area of countryside where local planning policies generally seek to limit new development. Core Strategy Policy CP14 seeks to limit new housing outside defined settlement boundaries unless there is an essential need for a rural worker to live near the place of work in the countryside. There is no such need in this case and the proposal would conflict with this policy.

2.2 However, National Planning Policy, as set out in paragraph 55 of the NPPF, also indicates that Local Planning Authorities should avoid isolated new homes in the countryside, but extends the special circumstances that may justify development to include, amongst other things, the exceptional quality or innovative nature of the design of the dwelling. To qualify for favourable consideration, such dwellings should be truly outstanding or innovative, helping to raise standards of design more generally in rural areas; reflect the highest standards in architecture, significantly enhance its immediate setting; and be sensitive to the defining characteristics of the local area. The applicant contends that the proposal would satisfy these criteria.

2.3 In this respect the proposed house would be constructed to achieve a high level of energy performance and sustainable construction equivalent to Code 6 of the now withdrawn Code for Sustainable Construction. A Pre-Assessment Estimator and SAP calculation is included with the

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

application illustrating how the house will achieve the relevant level. Level 6 is the highest rating within the Code for Sustainable Homes and is stated as having net Zero carbon emissions, this includes all CO<sub>2</sub> emissions within the dwelling (including heating, hot water, lighting as well as the emissions associated with appliances and cooking), although it is likely that the dwelling will, in fact be far more sustainable than the minimum requirements of level 6. In summary, the sustainability strategy for the dwelling is to reduce the need for energy through design features that provide passive heating, natural lighting and cooling, to reduce the need for energy through energy efficient features such as improved insulation and glazing and to meet residual energy requirements through the use of low or zero carbon energy generating technologies.

2.4 A condition that prior to commencement of the development, a detailed specification for the construction of the dwelling to be submitted to and approved in writing by the Local Planning Authority is considered appropriate. The specification shall accord broadly with the details set out in the submitted supplementary material, and shall include details of the construction of the external envelope of the building, anticipated energy performance and water use/recycling, the sourcing of materials and details of waste management. The development shall be constructed in accordance with the agreed details to ensure that the dwelling is constructed to an appropriate standard in relation to energy use and sustainable construction techniques.

2.5 In terms of design, the dwelling aims to reflect the existing context, history and previous uses on site. The siting and circular form has been influenced by the historic windmill which has also led to a series of circular forms for the landscaping features, including patio, garage, parking and main garden spaces. Simple linking paths create an overall high quality layout. The use of materials is also influenced by local materials, the unique location and history, namely the use of lime render and timber cladding, windows and doors would be timber and aluminium. The vehicular access and hard standing would comprise stone chippings and permeable paving.

2.6 The design concept has been informed by traditional building forms within the villages and rural areas of Breckland. The history of the site as a working windmill and the current siting of two energy generating wind turbines indicate the site as being useful and suitable for the use of wind power. The existing turbines were installed in January 2013 under planning reference 3PL/2012/0961/F. It is intended to retain the renewable technologies but to integrate this into the overall design of the house rather than being a separate element located on a different part of the site.

2.7 In terms of the effect of the proposal on the character and appearance of the area, the site is secluded in nature and screened from the highway with limited views into and out of the site from the public realm. The site benefits from existing and mature boundary screening and it is generally level. The proposal would not intrude visually into the surrounding open landscape. It is considered appropriate to attach a condition to any planning permission granted requiring full landscaping details to be provided.

2.8 The Tree and Countryside Consultant has raised no objections to the proposals subject to a condition requiring that operations on site take place in accordance with the submitted Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS); that no other operations shall commence 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 and that the tree protective fencing shall be retained in a good and effective condition for the duration of the development and shall not be moved or removed, temporarily or otherwise, until all site works have been completed and

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

all equipment, machinery and surplus materials removed from the site unless the prior written approval of the Local Planning Authority has been sought and obtained.

### 3.0 Impact on the local environment

3.1 The proposed house is surrounded by trees and woodland and as such the visual impact of the proposed new dwelling on the surrounding landscape is minimal. The site will continue to be viewed as an area of woodland, particularly with the use of timber on the elevations. The proposed new wind turbines whilst being located on the roof of the building, would sit lower in the landscape than the existing ones on site.

3.2 The proposal would not result in any significant adverse effects on the amenities of neighbours owing to the ample separation distances maintained and existing boundary screening. A number of representations have been received from nearby residents supporting the proposal.

3.3 The application has been submitted with a Phase 1 Habitat Report. The Consultant Ecologist considered that there are no likely ecological issues provided the recommendations set out in Table 4 of the Arbtech Report (October 2014) are adhered to throughout the development.

3.4 The Contaminated Land Officer raises no objection subject to a condition requiring site investigation and remediation, together with an informative with respect to asbestos.

3.5 The Historic Environment Service initially requested further information in relation to the impact of the development on the historic environment, as the proposed development site is located on, or immediately adjacent to, the site of a windmill. However, following discussion with the applicant and a site visit, they have been able to ascertain that no earthworks associated with the former mill are extant on the development site. However, as originally outlined, it is possible that remains of the mill survive below ground. Reference to foundations just below the surface of the back field are in a currently unknown location and the applicants have not found the mill foundations during minor groundworks on part of the site. Should planning permission be granted this should be subject to a condition requiring a programme of archaeological work in accordance with National Planning Policy Framework, paragraph 141.

### 4.0 Highways

4.1 Norfolk County Council raise no objections to the proposal subject to conditions with respect to widening of the vehicular access; access gates and provision of parking and servicing together with an informative with respect to works within the public highway.

### 5.0 Other Issues

5.1 The Environmental Health Officers raise no objection to the scheme subject to a condition in respect of foul water disposal.

### 6.0 Conclusion

6.1 Whilst the proposal would conflict with Policy CP14, this policy is not entirely consistent with

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 22-06-2015**

the NPPF for the reasons set out above, and can therefore be afforded limited weight.

6.2 It is considered that the proposed dwelling represents a very high quality and innovative design which reflects the highest standards in architecture and would significantly enhance its immediate setting whilst being sensitive to the defining characteristics of the local area. It would therefore satisfactorily accord with the criteria set out in Paragraph 55 of the National Planning Policy Framework.

6.3 In addition, the proposed dwelling incorporates a range of renewable technologies including the integration of wind turbines to the roof providing a striking, innovative and unique feature. It is considered that a condition requiring that the development is carried out in strict accordance with the submitted Planning Statement, Design and Access Statement and Sustainability Statement dated March 2015 by Hunter Architects unless otherwise agreed in writing by the Local Planning Authority would be appropriate.

### **RECOMMENDATION** Planning Permission

### **CONDITIONS**

- 3006** Full Permission Time Limit (3 years)
- 3047** In accordance with submitted
- 3935** Sustainable construction details
- 3106** External materials and samples to be approved
- 3140** Prior approval of slab level
- 3408** Landscaping - details and implementation
- 3920** Vehicular access
- 3920** Access parking and turning
- 3920** Site Investigation
- 3920** Ecology
- 3920** Trees
- 3920** Historic Environment
- 9850** Highways Note
- 9850** Asbestos Note
- 3996** Note - Discharge of Conditions
- 4000** Variation of approved plans
- 2000** NOTE: Application Approved Without Amendment
- 2014** Criterion E - Planning Apps Where Approved
- 3920** Foul water drainage