

<b>Item No.</b>	<b>Applicant</b>	<b>Parish</b>	<b>Reference No.</b>
1	Mr & Mrs William Morfoot	YAXHAM	3PL/2014/0820/O
2	Thornalley Funeral Services Lt	SCOULTON	3PL/2014/1204/F
3	MMC Norfolk Ltd	CASTON	3PL/2015/0147/F
4	Mr & Mrs David Greenwood	GRESSENHALL	3PL/2015/0386/O
5	Mr David Yaxley	HOLME HALE	3PL/2015/0409/O
6	Mrs Kathy McCarthy	SHIPDHAM	3PL/2015/0433/F
7	Mr K.B. Simington	BESTHORPE	3PL/2015/0446/F
8	Mr Ian McIntosh	STOW BEDON/BRECKLES	3PL/2015/0461/F
9	Mr & Mrs Rob Thomas	YAXHAM	3PL/2015/0528/O
10	Mr & Mrs Russell	SPORLE	3PL/2015/0537/O
11	Mr R Parker & Miss T Newbold	WHINBURGH&WESTFIELD	3PL/2015/0742/O

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 24-08-2015**

<b>ITEM</b>	<b>1</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2014/0820/O	<b>CASE OFFICER:</b> Jemima Dean
<b>LOCATION:</b>	YAXHAM Land off Elm Close	<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>	Mr & Mrs William Morfoot The Elms Norwich Road	
<b>AGENT:</b>	BDM 53-57 St Martins Lane Norwich	
<b>PROPOSAL:</b>	Residential development	

### **KEY ISSUES**

Sustainable development  
Impact on the landscape character and appearance of the area  
Setting of listed building and conservation area  
Public open space  
Access and highway impact  
Impact on amenity  
Planning contributions  
Archaeology  
Drainage and flood risk

### **DESCRIPTION OF DEVELOPMENT**

The application seeks outline permission for residential development on green field land to the south of Elm Close, Yaxham.

The application proposes residential development with all matters reserved apart from access.

Three indicative layouts have been submitted: one for 44 dwellings with 5 allotments and a childrens play area to the west of the application site; a second illustrating a layout for 35 dwellings with 5 allotments and a childrens play area to the west of the application site; and a third illustrating 30 dwellings with 5 allotments to the west of the application site. This assessment is based on the latter indicative layout plan.

The application proposes:

- 40% affordable housing provision;
- Access from Norwich Road via Elm Close;
- Public open space;
- Allotments;

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-Attenuation pond to the south west of the application site.

### **SITE AND LOCATION**

The site is located on the south eastern edge of Yaxham outside the Yaxham Settlement Boundary. The site measures approximately 1.98 hectares in area.

The site is located on the fringe of Yaxham village, directly adjacent to the existing development boundary. The site is bordered to the south, east and west by hedgerows. There is existing residential development beyond the north boundary comprising Elm Close and the site is well related to the existing settlement.

The site is located to the south east of the Yaxham Conservation Area and Grade II Listed Building 'Boronia Cottage' on Norwich Road.

The immediate neighbourhood to the north of the site is characterised by 1960s single storey dwellings. There is a large newly built two storey dwelling to the north east of the site. The land currently comprises rough grassland. Surrounding land use other than residential is largely agricultural. The site and surrounding landscape is generally flat and level.

### **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

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

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DC.13	Flood Risk
DC.14	Energy Efficiency
DC.15	Renewable Energy
DC.16	Design
DC.17	Historic Environment
DC.19	Parking Provision
NPPF	With particular regard to paragraphs 14,47 and 49
NPPG	National Planning Practice Guidance

### **CIL / OBLIGATIONS**

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

- 40% affordable housing - mix to be decided at reserved matters stage.
- Education contributions towards 6th Form provision.
- Norfolk Fire Services has indicated that the proposed development will require one hydrant.
- Contributions towards libraries of £60 per dwelling.
- Contribution of around £200 for cost of supplying and installing PROW signage for pedestrian link across 'Paddock' to the Yaxham Road and onto FP5.
- A minimum of 1 Local Area for Play (LAP) should be provided on site.
- Off site recreational contributions in accordance with the criteria set out in appendix E 'Open Space Contributions'.

Council is awaiting an undertaking for costs and evidence of title before the preparation of the S106 commences.

### **CONSULTATIONS**

#### **YAXHAM P C -**

Yaxham Parish Council do not object to the principle of residential development on this site. The Parish Council do have concerns that the site is outside the Settlement Boundary and would not wish a precedent to be set of building outside the boundary on unsuitable locations. However, in this instance they believe that the site is suitable for development.

The Parish Council wish to see a significant amount of open space within the site when the detailed plans are drawn up.

#### **DEREHAM TOWN COUNCIL -**

Councillors raised concerns on the cumulative effect on traffic in Dereham, particularly Tavern Lane junction.

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

No objection to the development. Conditions recommended and comments made with regard to detailed design.

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### **ENVIRONMENT AGENCY**

No objection subject to conditions.

### **NATURAL ENGLAND**

Natural England raise no objection to the proposal.

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

Comments in terms of design provided.

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

Request contributions towards 6th Form education provision

Norfolk Fire Services has indicated that the proposed development will require 1 hydrant.

Request contributions towards libraries of £60 per dwelling.

Contribution of around £200 for cost of supplying and installing PROW signage for pedestrian link across 'Paddock' to the Yaxham Road and onto FP5.

### **ANGLIAN WATER SERVICE**

Request that the agreed surface water strategy is conditioned in the planning approval.

### **HISTORIC BUILDINGS CONSULTANT**

No further comment.

### **TREE & COUNTRYSIDE CONSULTANT**

No objection in principle. It is noted that there are some trees on the boundaries. It is likely that a proposed layout will have to take these trees into consideration and that a tree survey and tree protection plan in accordance with BS5837:2012 will be required.

### **ENVIRONMENTAL PLANNING**

Comments relating to absence of a five year housing land supply, deliverability of the site, viability, location density, affordable housing, amenity, energy generation and public open space provision.

### **HOUSING ENABLING OFFICER**

The application site is situated outside of the development boundary and therefore should be provided as 100 percent affordable housing. However, if the principle of development is established then Breckland Council's Adopted Core Strategy Policy DC4 requires a contribution to affordable housing on any site consisting of 5 or more units. The units should be transferred to a Registered Provider at a price which assumes no public subsidy is available, and constructed to Homes and Communities Agency standards. Whilst the mix of units is to be decided at

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reserved matters stage, the current need in Breckland is for smaller units, and the Enabling Team would welcome discussion prior to any subsequent detailed application.

### **CONTAMINATED LAND OFFICER**

No objection to the proposal subject to conditions.

### **ENVIRONMENTAL HEALTH OFFICERS**

No objection.

### **ENVIRONMENTAL HEALTH OFFICERS**

I have looked at the application submitted and, based on the information provided to me at this time; my comments remain as stated for the original application.

### **HISTORIC ENVIRONMENT OFFICER**

The submitted report indicates that archaeological features were present at the proposed development site, however features were sparse and of limited archaeological significance. Consequently we will not be recommending any further archaeological work and have no further comments to make on the application.

### **FLOOD & WATER MANAGEMENT TEAM**

As this application falls below our current threshold of 250 dwellings or 5ha in size, is not within the flow path of the updated Flood Map for Surface Water (30yr and 100yr event) or adjacent to or within known flooding locations standing advice will apply.

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

#### **REPRESENTATIONS**

20 letters of representation have been received in response to the application raising the following issues:

Impact on amenity in terms of overlooking, loss of outlook and light; significant expansion in an unsustainable location, leading to 24% increase in the village; disruption during construction works; lack of parking; impact on traffic / safety / road congestion; inadequate infrastructure - schools, doctors etc.; flooding / sewers and surface water; development would be out of character; impact on wildlife; impact on rural village; water resources; access.

(Note: the above is only a summary representation of the key objections to the development from local residents. The full objections can be viewed on the Council's website.)

#### **ASSESSMENT NOTES**

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

### 2.0 Sustainable Development

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 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, Yaxham is identified as a defined settlement in the development plan but it is not identified for a specific level of growth within the settlement hierarchy. Yaxham contains some everyday services and facilities including a public house, village / farm shop, cafe, tourist accommodation, Clint Green primary school and recreation areas.

2.7 Dereham, the nearest service centre is approximately 2.5 miles north of the application site.

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In terms of public transport Yaxham is served by a regular bus service (Number 4) that runs seven days a week (Swanton Morley - Dereham - Yaxham - Norwich). The site is within very easy walking distance, by footpath, of the nearest bus stops. Improvements to pedestrian access between the site and key local services, including bus stops are proposed as part of the application, as discussed in detail at paragraph 5.0. The bus services linking the site to Dereham's local amenities would provide an alternative to the car, consistent with the social and environmental dimensions to sustainable development. These considerations weigh in favour of the proposal.

2.8 Paragraph 55 of the NPPF states housing should be located where it will enhance and maintain the vitality of existing rural communities and help sustain facilities in the surrounding settlements. The site is on a public transport route with bus stops in close proximity to Elm Close. The NPPF states that local planning authorities should avoid new isolated homes in the countryside. The proposed dwellings would form part of the existing settlement and would not be isolated when considered in this context.

2.9 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. Although there are no known barriers to development coming forward relatively quickly on the site, as no financial viability appraisal has been submitted with the application, there is some degree of uncertainty as to the viability of a fully policy compliant scheme, and this counts against the proposal. To ensure the deliverability of the development a planning condition would require a reduced permission time period.

### 3.0 Landscape Character Impact

3.1 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. Policy CP11 requires assessment of new development to have regard to the Breckland Landscape Character Assessment (2007) (LCA).

3.2 The LCA indicates that the site is located within an area known as the 'Settled Tributary Farmland' where landform is distinctly undulating, with field boundary vegetation providing containment and limited inter-visibility with other landscapes. It is a medium scale landscape with landcover predominantly defined by arable agriculture with localised areas of pasture associated with tributary drains and more occasionally freshwater fen. The settlement pattern is characterised by frequent dispersed farmsteads and hamlets and larger villages clustered around the rural road network in both a linear and nucleated settlement pattern. Distinctive vernacular building materials include Norfolk red brick and clay lump. The LCA suggests that any new development should reflect the existing material and stylistic vernacular within the settlements. Development and boundary treatments to the settlement edges should be monitored, resisting any materials and/or species which could have an urbanising influence on the landscape.

3.3 The application site and the immediate landscape surrounding it is generally flat and level with open views across agricultural land toward the site from the south, particularly from the south west whilst travelling northwards along Whinburgh Road and the B1135 to the west of the site. Whilst the southern boundary of the site comprises native hedgerow it provides limited screening in this direction being limited in height to approximately 2 metres.

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3.4 The indicative layout submitted with the application shows a scheme with dwellings located in very close proximity, some less than 2 metres to the southern boundary of the site. Careful attention would be needed at the detailed design stage to ensure an acceptable visual transition at the southern boundary interface is achieved. This would include providing a greater distance between the dwellings and their southern and western boundaries as well as the provision of an extensive landscaping strategy that includes additional buffer planting.

3.5 Although the proposed density of development, as depicted in the indicative layout plan of 30 dwellings (17 dph) would be similar to that of Elm Close, the amount and size of the garages proposed gives the impression of a much denser form of development. Whilst it is appreciated that the layout plan is indicative only it is thought that in terms of density the layout of the eastern half of the site is at odds with neighbouring development. Conversely, the density and layout of the western half of the site is more in keeping with the existing established pattern of development in the village. If the eastern half of the site was laid out like the western half of the site then the resulting density and layout would likely better respond to the character of the area. Such a revised layout would require a reduction in dwelling numbers. Officers are not convinced that the submitted indicative layout represents an acceptable character response. At the reserved matters stage a reduction in dwelling numbers will likely be required before a recommendation of support would be forthcoming.

### 4.0 Setting of Listed Building/Conservation Area

4.1 The site is located just beyond the south east boundary of Yaxham Conservation Area and to the south east of the Grade II Listed Building 'Boronia Cottage' on Norwich Road. Development within the District is expected to preserve and enhance the character and appearance of Conservation Areas and Listed Buildings in accordance with Policy DC17 of the Core Strategy.

4.2 Section 66 the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special regard shall be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

4.3 Mature trees and other established planting to the very north west of the application site provides effective screening of the site from the Conservation Area and the Listed Building. The visual separation between the site and the neighbouring buildings of historic interest is sufficient to ensure no undue harm will be caused to the historic character and appearance of the area.

4.4 With careful consideration at the reserved matters stage, residential development of the site would preserve the character and appearance of the Listed Building and Conservation Area, in accordance with Policy DC.17 of the Core Strategy, the NPPF and sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### 5.0 Public Open Space

5.1 Developments of 25 dwellings or more should provide on-site public open space and to provide for maximum surveillance, areas of open space are best located where they are overlooked by nearby dwellings.

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5.2 Residential development of sites for 25 dwellings and above would require a minimum of one Local Area for Play (LAP) to be provided within the application site. The design and location of on-site provision of children's open space would require careful consideration at the detailed design stage.

5.3 The indicative layout shows two principal areas of public open space; one central to the site and the other adjoining the eastern boundary. Any LAP that is to be provided should be within easy walking distance of all dwellings, be centrally located and afforded passive surveillance by adjacent dwellings.

### 6.0 Access and Highway Safety

6.1 The Highway Authority originally had concerns regarding pedestrian access between the site and key local services such as the local school, village hall and farm shop. Pedestrians leaving Elm Close and wishing to access services to the west of the village have no option but to cross onto the north side of Dereham Road, walk along the existing footway towards Whinburgh Road and then cross back again onto the south side. The applicant has put forward alternative proposals in drawing 689\_03\_001C to offer improvements to pedestrian crossing of Norwich Road / Dereham Road. These would include dropped crossing points and pedestrian refuges along this stretch of the highway.

6.2 Subject to detailed design checking, which can be carried out at the reserved matters stage, the Highway Authority is satisfied the proposal offers acceptable improvements and would have no objection in highways terms to the proposed development. Conditions and informatives as recommended by the Highways Authority are recommended.

### 7.0 Impact on Amenity

7.1 Concerns have been raised locally that the scheme constitutes overdevelopment, would detract from the character of the existing development, cause undue harm to the residential amenities of the occupants of nearby properties and lead to additional traffic noise affecting Elm Close.

7.2 The direct impact on the amenity of local residents is limited to the northern and eastern boundaries of the site where proposed housing would adjoin existing residential development. These boundaries provide limited existing screening with many properties along Elm Close currently having open views into the application site.

7.3 The indicative layout submitted with the application illustrates a scheme with dwellings in close proximity to the northern boundary. The full impact on residential amenity would be assessed at the reserved matters stage. Careful attention would be needed to ensure an acceptable level of amenity is maintained to that of existing and proposed dwellings. It is considered that properties along the northern boundary should be limited to single storey only with greater distances between existing and proposed dwellings. The landscaping strategy should also include additional buffer planting along the north and western boundaries of the site.

### 8.0 Planning Contributions

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8.1 The applicants confirm 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.

8.2 Viability is in part informed by the land value which the landowner is prepared to accept to bring the scheme forward. In this case the applicant is 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. The Council would usually require a viability appraisal as well as further details of the mix and tenure of dwellings. The applicant has not provided this information, although it is considered that issues relating to the mix of housing can be addressed at the reserved matters stage.

8.3 In accordance with Policy DC11, as well as onsite provision of open space new residential development is expected to provide a contribution towards outdoor playing space. For developments of less than 200 dwellings financial contributions for the off-site provision of outdoor sports is required. The level of contribution will be calculated in accordance with the criteria set out in Appendix E 'Open Space Contributions' of the Core Strategy.

8.4 The proposed development provides potential to improve Green Infrastructure and create valuable pedestrian access to the countryside, particularly to the west. A pedestrian link across a field to the Yaxham Road and onto FP5 would open up opportunities for circular village walks, and connect the new development more effectively to the rest of the village while integrating with the existing Public Right of Way (PROW).

8.5 The Norfolk County Council Green Infrastructure and PROW Team request that a pedestrian connection to the existing public footpath network (FP5) be provided as part of the development proposal, and that a contribution is agreed to install corporate PROW signage for the route. This contribution is likely to be around £200 to cover the cost of supplying and installing signage.

8.6 There is currently pressure for places at Dereham 6th Form Centre. Whilst the County Council would not seek education contributions on one bedroom units, £6,956 per multi-bed dwellings will be sought for 6th Form provision.

8.7 Norfolk Fire Services has indicated that the proposed development would require one hydrant for the residential development at a cost of £892.00. A contribution towards library provision would be required at approximately £60 per dwelling to the Dereham Library.

8.8 The application proposes 5 allotments to the west of the application site.

8.9 The requirements above would need to be addressed in order to make the development acceptable in sustainable terms through the delivery of necessary infrastructure. The funding of this infrastructure would be through a S106 Agreement.

8.10 An undertaking for costs and evidence of title to the site has not yet been received and the Council's solicitors have therefore not yet been Instructed on this matter.

9.0 Archaeology

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9.1 The application site lies to the south of the historic settlement of Yaxham in a wider area that has produced artefacts dating from the Mesolithic through to the post medieval period. Consequently there was potential that buried archaeological remains would be present in the area of the proposed development which could be disturbed by the proposed works. It was requested by the Historic Environment Service that an archaeological evaluation be undertaken in order to establish the significance of the site, in accordance with National Planning Policy Framework (2012), (paras 128 and 141).

9.2 The results of the evaluation have been provided by the applicant which, although demonstrated that archaeological features were present at the proposed development site, it showed that features were sparse and of limited archaeological significance. In the light of this no further archaeological work is required and in this regard the proposed development is considered acceptable. The application therefore accords with paragraphs 128 and 141 of the NPPF and Policy DC17 of the Core Strategy.

### 10.0 Drainage and Flood Risk

10.1 The proposed surface water drainage strategy includes an attenuation pond to the south west corner of the application site. The Environment Agency originally objected to the proposed development as the original Flood Risk Assessment (FRA) did not provide a suitable basis for assessment to be made on flood risk.

10.2 A revised FRA (Create Consulting Engineers Ltd referenced CW/HB/P14-689/02 Revision A and dated 20.02.15) has been reviewed by the Environment Agency and is considered acceptable. The Environment Agency consent to the application subject to conditions.

10.3 With regard to foul water drainage, this would be designed to drain toward existing manholes in Elm Close. Anglian Water has confirmed that the flows from the proposed development would be acceptable.

### 11.0 Other Issues

11.1 The Council's Contaminated Land Officer raises no objection to the proposal subject to the imposition of the recommended contamination conditions relating to a remediation scheme. Subject to these conditions it is considered that the scheme would accord with Policy CP9 of the Breckland Core Strategy.

11.2 Environmental Health raises no objection subject to the submission of a construction management plan that includes details of: hours of site operations/deliveries; noise; wheel washing; dust suppression methodology; and method of waste disposal. A condition requiring a construction management plan addressing these matters is recommended.

11.3 In relation to ecology, Natural England raise no objection and state advise that an appropriate assessment by the Local Planning Authority is not required.

11.4 Details of waste and recycling bins can be dealt with at the detailed design stage.

11.5 In accordance with Policy DC14, a condition requires the development to supply at least

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10% of the energy required through on-site and/or decentralised renewable sources.

### 12.0 Conclusion

12.1 Given the current shortfall in the supply of housing land in the District, local planning policies which seek to prevent development outside settlement boundaries can be given little weight. In this situation, the NPPF states permission should be granted unless any adverse effects of so doing would significantly and demonstrably outweigh the benefits.

12.2 The proposal will impact on the amenity of existing residential development to the north and east of the site, and also, to the character of the area due to the loss of openness. This harm can be mitigated by an appropriate siting, layout and design together with a landscaping strategy, the details of which would be carefully considered at the reserved matters stage.

12.3 The proposal would make an important contribution to the supply of housing, including affordable housing; a factor which must be given considerable weight given the thrust of national planning policy regarding housing provision. The development would also be appropriately designed and would not result in any severe residual impacts on the local highway network.

12.4 Taking all matters into consideration it is concluded that the harm likely to be caused by the proposal would not be such that it would significantly and demonstrably outweigh the benefits of the development. In accordance with paragraph 14 of the NPPF, it is therefore recommended that permission is granted subject to conditions and the need to complete a section 106 agreement. However, delegated authority is also requested to refuse the application 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**

**Outline Planning Permission**

### **CONDITIONS**

**3005** Outline Time Limit (2 years)

**3047** In accordance with submitted

**3058** Standard Outline Condition

**HA01** Standard estate road conditions

**HA02** Standard estate road condition

**HA03** Road Surfacing

**A**

**HA28** Construction traffic (parking)

**HA30** Wheel washing facilities- temporary for construction vehicle

**A**

**HA30** Wheel washing facilities- temporary for construction vehicle

**B**

**HA39** Highway improvements-offsite A

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**A**

**HA39** Highway improvements off-site B

**B**

**3802** Precise details of surface water disposal

**3920** Surface water drainage

**3920** Construction Method Statement

**3405** Fencing/walls - details and implementation

**3920** Contamination

**3941** Renewable Energy

**3925** Fire Hydrants

**3992** Non-standard note re: S106

**4000** Variation of approved plans

**3996** Note - Discharge of Conditions

**AN60** NOTE NCC Inf 1 When off-site road improvements are required

**AN66** NOTE NCC Inf 7 Street lighting

**3920** Tree protection

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<b>ITEM</b>	<b>2</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2014/1204/F	<b>CASE OFFICER:</b> James Platt
<b>LOCATION:</b>	SCOULTON Land at Norwich 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>	Thornalley Funeral Services Ltd Austin Street King's Lynn	
<b>AGENT:</b>	Ian H Bix Associates Ltd Sandpiper House Leete Way	
<b>PROPOSAL:</b>	Erect new crematorium, car park, access roads, ancillary buildings & gardens of remembrance	

### **KEY ISSUES**

Principle of development  
Economic benefits  
Impact on the character and appearance of the area  
Trees and landscaping  
Ecology  
Highway safety  
Car parking  
Impact on amenity  
Air quality  
Drainage  
Contaminated Land  
Heritage Milestone

### **DESCRIPTION OF DEVELOPMENT**

Permission is sought for the erection of a crematorium and associated infrastructure. The proposal would comprise of a part single and double storey crematoria building, two ancillary structures forming a workshop and remembrance room, memorial gardens, parking and access. The proposed crematorium building will measure 44m in width, 49m in length and 10m in height. Vehicle access is proposed via Norwich Road, with the introduction of a ghost lane and widening of the highway proposed. The works would result in the removal of a TPO tree to the southwest of the site. The vehicle access includes a wrought iron access gate and associated brick piers set back from the road.

The application is supported by the following technical documentation:

- Design and Access Statement;
- Planning Statement;

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- Arboricultural Assessment;
- Tree Plan; Tree Report;
- Landscaping Scheme;
- Phase I Geo Environmental Desk Study;
- Flood Risk Assessment;
- Biodiversity Report (including two Bat Roost Surveys);
- Air quality assessment.

The application has been subject to revisions, with amendments to the siting of the building, layout and parking arrangement of the site together with alterations to the proposed landscaping and access. The plans that form the basis of this assessment are as follows:

Existing Site and Location Plan drawing no.1870-00A

Proposed Site Plan drawing no.1870-06D

Proposed Elevations drawing no.1870-03C

Proposed Elevations for Remembrance Room, Flower Court and Workshop/Store drawing no.1870-04D

Proposed Floor Plans drawing no.1870-02D

Proposed Landscaping Scheme drawing no.19775-901B

Details of Proposed Right Turn Ghost Island Junction drawing no.238/2014/01 Rev A

Details of Proposed Right Turn Ghost Island Junction drawing no.238/2014/02 Sheet 1 Rev A

Details of Proposed Right Turn Ghost Island Junction drawing no.238/2014/02 Sheet 2 Rev A

Details of Proposed Right Turn Ghost Island Junction drawing no.238/2014/03 Sheet 1 Rev A

Details of Proposed Right Turn Ghost Island Junction drawing no.238/2014/03 Sheet 2 Rev A

Details of Proposed Right Turn Ghost Island Junction drawing no.238/2014/03 Sheet 3 Rev A

### **SITE AND LOCATION**

The site is located within an area of open countryside, approximately 0.5 miles from the village of Scoulton and 1.6 miles from the Town of Hingham. The site area is approximately 0.44 hectares with a frontage of 220 metres to Norwich Road. The land is bounded by agricultural land to the south and east, an area of woodland to the west and the highway to the north. There are a number of mature trees on the northern boundary of the site, with a mature oak located towards the north east corner and north west of the site, that are subject to a TPO. Scoulton Mere, a designated SSSI, is located approximately 400m to the west.

### **EIA REQUIRED**

No

### **RELEVANT SITE HISTORY**

No relevant site history

### **POLICY CONSIDERATIONS**

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 24-08-2015**

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
DC.01	Protection of Amenity
DC.07	Employment Development Outside of General Employment Area
DC.12	Trees and Landscape
DC.16	Design
DC.18	Community facilities, recreation and leisure
NPPF	With particular regard to paras.14, 18, 19, 28, 112
NPPG	National Planning Practice Guidance

### **CIL / OBLIGATIONS**

Not Applicable

### **CONSULTATIONS**

#### **SCOULTON P C -**

Scoulton Parish Council reiterate their comments that they have serious concerns about traffic management and whilst the ghost lane would seem to improve the junction the impact on road safety for the whole stretch of road is still of major concern.

#### **HINGHAM TOWN COUNCIL -**

The site is only just over the border between Hingham and Scoulton and will have a big impact Hingham Town Council have discussed the application and recommended that this be recommended for refusal. The development is in open countryside, is on a green fields site, next to an SSSI and is against your development policy. The need for a crematorium has not been proved and the increased traffic through Hingham could cause additional traffic problems and even more accidents.

There have been many accidents along the B1108 with one of the most recent being a fatal accident (the police signs are still in situ along the road, asking for information). A 40 mph speed limit has only just been agreed for a stretch of the road but traffic following a slow moving funeral cortege may not be very patient and there could be more accidents.

#### **HINGHAM TOWN COUNCIL -**

On considering the amended site plan at the Town Council meeting of 04 August 2015, Hingham Town Council recommend refusal of the planning application. This would be on the grounds previously stated by the Town Council, and reinforcing the concerns regarding safety and the excessive speed of traffic along that stretch of road, (as highlighted in the speed survey - entry date 15/07/15 on Breckland Council's planning portal).

#### **ENVIRONMENT AGENCY**

No objection.

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 24-08-2015**

### **EAST HARLING I D B**

No objection.

### **NATURAL ENGLAND**

No objection.

### **NORFOLK WILDLIFE TRUST**

No decision should be made regarding this application until the ecology survey has been updated to take account of results of the tree survey and any potential impact on bats. The Ecology Survey should also be assessed by the Breckland planning biodiversity officer.

### **NORFOLK COUNTY COUNCIL HIGHWAYS**

No objection subject to conditions.

### **TREE AND COUNTRYSIDE CONSULTANT**

As per my previous comments made on the 24th March the proposed scheme would certainly result in the loss of a BS5837 category A tree which is subject to a Tree Preservation Order and is likely to result in the loss a second TPO tree which is currently shown to be retained if possible subject to agreement with Highways. These are high value tree the removal of which I do not support, particularly as one mature Oak has recently been removed. With reference to the proposed layout changes and supplied landscaping schemes, I agree that the screening provided will reduce the impact of the built structure on the wider landscape and whilst elements of the proposed landscaping are in keeping I do have concerns that some of the planting is more suited to a more urban area and not entirely suitable for a rural/countryside setting. I would be happy to see the Oaks and native hedging along the road frontage but would consider that the Beech will just draw attention to the site as they are not a species currently seen along this section of road. If the proposed development is to go ahead I would like to see a revised planting scheme, using predominately native species which are presently found growing in the area.

### **ENVIRONMENTAL HEALTH OFFICERS**

No objection.

### **CONTAMINATED LAND OFFICER**

No objection subject to condition.

### **AIR QUALITY OFFICER**

No objection.

### **SOUTH NORFOLK DISTRICT COUNCIL**

Wish to highlight those issues which could have implications for South Norfolk District and its residents.

When assessing the proposal please ensure that thorough consideration is given to the traffic

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 24-08-2015**

and highway safety implications of the development, particularly considering the high traffic speeds that occur along this stretch of road, and the likely initial and future traffic generation and vehicle turning movements. I understand that NCC Highways are engaged on this issue. I would also urge a critical assessment of the visual impact of the development in such a conspicuous rural location where parked vehicles, buildings and other structures (flue stack height not shown?) could significantly detract from the character and appearance of the area. Clearly a very high quality landscaping scheme would be required that is appropriate to the rural character of the area, if the development were approved. I note that an Air Quality Report has been submitted which you will no doubt be giving careful scrutiny. I should be grateful if you would take account of these comments when assessing this application.

### **ECOLOGICAL AND BIODIVERSITY CONSULTANT**

No objections with respect to the ecology and bat report and have no comments on the amended plan. We suggest that further data on Great Crested Newts be provided.

### **HISTORIC ENVIRONMENT OFFICER**

No objection subject to conditions.

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

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

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

## **REPRESENTATIONS**

39 objections have been received to the proposed crematorium from third party addresses; the following planning concerns have been raised:

- the proposal would result in an unwanted intrusion into an open rural landscape
- the site is subject to limited natural screening to mitigate the impact of the proposal upon the character of the area
- the site is in an unsustainable location
- highway safety issues resulting from the increased vehicular movements along Norwich Road
- highways safety issues resulting from the unacceptable access
- loss of agricultural land
- loss of trees
- loss of a TPO tree
- noise disturbance
- light pollution
- possible emission of pollutants
- ecological impacts
- insufficient need
- more appropriate brownfield sites

18 representations of support to the proposed crematorium have been received from third party addresses; the following points have been raised:

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 24-08-2015**

- the proposal would provide benefits to the local economy
- the crematorium would address an identified need for such facilities within the district
- for occupants of the district, the proposal would reduce distances of travel to the nearest crematoria facility
- the site is effectively screened, mitigating the impacts of the proposal upon the surrounding area

### **ASSESSMENT NOTES**

1.0 The application is referred to Planning Committee as it has attracted significant community interest.

#### 2.0 Principle

2.1 Policy DC 18 of the Breckland Core Strategy relates to new community facilities, recreation and leisure. The policy sets out that new community facilities in rural settlements will be permitted where: it is demonstrated to meet an identified local need; is of community benefit; it is isolated from other similar facilities; and the development represents the most sustainable option to meet the identified need.

2.2 The proposed crematorium would offer a community facility not currently available in the district, with the closest of such facilities located in Norwich, Kings Lynn and Bury St Edmunds. The applicants supporting Planning Statement indicates that distances of travel from the key service centres in the district to the closest crematoria exceed 30 minutes in some instances. These figures do not take into account the service centre villages and neighbouring rural settlements, which would again in instances exceed 30 minutes in travel time. The Planning Inspectorate in previous appeal decisions has accepted that a funeral party should not have to undergo more than 30 minutes travel time to a crematorium.

2.3 In addition to the issue of travel distance, neighbouring crematoria appear to be operating above capacity, resulting in a lengthy wait for services. These issues have been confirmed by representations received from third parties, which raise the distances of travel and waiting times for services as key issues.

2.4 The number of deaths in the Breckland District totalled 1478 in 2013. As outlined in the supporting Planning Statement, 73.5% of deaths in the UK resulted in cremation in 2011. On the basis of these figures 1086 deaths in the district would likely result in cremation. The applicant contends that 800 cremations per year are required to make the facility viable. On the basis of district figures alone (excluding adjoining districts), the population of the district is sufficient to ensure the viability of the proposal.

2.5 The 2011 census indicated that 25.2% of the Breckland population are over the age of 65. The figure is high when considering the national average, increasing the requirement of the service within a district, as outlined in the recent appeal decision that considered a proposed crematorium at Cromer Cemetery (Ref APP/Y2620/A/14/2227929).

2.6 The above factors demonstrate that the proposal provides a service that will meet a local need, is of community benefit and therefore satisfies Policy DC18 of the Core Strategy.

2.7 The site has been deliberately selected for its central location within the Breckland district. The site is almost sited equidistant from the main centres of Breckland including Dereham,

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 24-08-2015**

Swaffham and Thetford. It is also readily accessible from Watton and Attleborough. The site's location reduces the need to travel long distances to access the proposed service. The site is well served by roads from all directions and the road of which the site is located on is served by a public bus service (Konect Bus Routes 3 and 6).

2.8 Notwithstanding the local bus service, the development by virtue of its location means car dependency will be high. However, the very nature of the proposed development is in its own right very car dependent. Irrespective of where the development would be located the majority of patrons will arrive and leave by car. In light of the nature of the use, high car dependency is considered to be an acceptable feature of the application in this instance.

2.9 The 1902 Cremation Act sets out regulations for proposed crematoria. The legislation requires crematoria to be sited 183m from any dwelling without the consent of the owner, lessee and occupier of such house and positioned at least 46m from the public highway. The proposal meets the requirements of the 1902 Cremation Act.

2.10 The need for the development to be well separated from neighbouring dwellings whilst being accessible to main centres of population offers significant challenges in terms of site selection. Moreover, the nature of the use, which demands tranquillity and serenity, is such that locations near to non-residential urban areas, such as industry, are not considered appropriate. Having regard to the above observations it is concluded that the principle of development at this rural location is acceptable.

### **3.0 Employment and Economic Benefits**

3.1 The proposal would make a positive contribution to the local rural economy, with visitors and staff supporting businesses and services. Furthermore, albeit modest, the development would generate additional job opportunities. This is in accordance with paragraph 28 of the NPPF.

3.2 Policy DC07 of the Breckland Core Strategy relates to employment development outside of the General Employment Areas. The policy sets out that employment uses outside of the General Employment Areas will be permitted where it is demonstrated there are particular reasons for the development being located outside of these areas.

3.3 The requirements of the 1902 Cremation Act with respect to separation distance from neighbouring dwellings and the need for accessibility to main centres of the population justifies the location of the development outside the General Employment Areas. The proposal satisfies Policy DC07.

### **4.0 Character and Appearance of the Area**

4.1 The site comprises open agricultural land. The setting is distinctly rural, with limited built form intrusions in the landscape. The combination of the flat topography and openness of the agricultural land provides relatively open views of the countryside south of the site. The site therefore contributes to the wider, open setting and the appreciation of the rural character of the locality.

4.2 Policy CP11 requires the assessment of new development to have regard to the Council's

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Landscape Character Assessment 2007 (LCA). The area is categorised as the 'Wayland Plateau' in the LCA. The LCA outlines the key visual sensitivities of the character area which includes the views across the arable fields to large, open skylines. The expansive views, relatively low density of woodland cover and consistent landform with only gentle undulation, creates occasional visibility to settlement edges.

4.3 The site itself is well screened from the west. An area of dense woodland bounds the site's western boundary, obscuring views of the site and beyond as one approaches from the west. In addition, a well-established field boundary hedge, interspersed with mature trees offers some degree of screening. Visibility of the site from the road is somewhat limited owing to the natural screening provided by a number of mature trees interspersed with low level deciduous hedging.

4.4 In order to provide the required ghost lane, the proposed landscaping scheme would see the removal of the existing hedgerow and trees to the road frontage. This would, however, be replaced by a compensatory native hedge and trees. In addition to the replacement planting, an additional tree belt forward of the proposed grassed overflow carpark as well as along the eastern boundary is proposed.

4.5 The crematorium building adopts a traditional pitched roof profile and is to be constructed of a variety of traditional materials, including clay pantile, brick and timber. The building is sited sensitively to the western end of the site, taking advantage of the screening provided by the adjacent woodland. The building will be less visible when approaching from the west because of the screening provided by the woodland. The building will be visible against the backdrop of the dense woodland when appreciated in views from the east. However, the height of the proposed building would be below the top of the existing tree cover silhouette, softening the visual impact when approaching from the east. The setback of the building from the road is also considerable, mitigating the visual impact when viewed from the public domain.

4.6 The proposed access gates and associated piers are sufficiently set back from the road frontage to ensure this aspect of the development will not result in an unacceptable streetscape response. The proposed post and rail fence to the road frontage is in keeping with the broader rural setting.

4.7 The proposal would introduce development into the open landscape, altering the character of the area. The visible buildings and car parking would inevitably reduce openness and have an urbanising effect. However, the generous front setback, the buildings proximity to the dense woodland, the massing of the building and the very extensive landscaping scheme (including two tree belts to the road frontage) will soften the visual impact on the character of the area. It is noted that the overflow parking area, which is the closest parking area to the road, is proposed to be grassed, softening significantly the visual impact when viewed from the road. For the aforementioned reasons the proposal is not considered to conflict with the LCA and Policy CP11. The harm to the rural character of the area will not be of such a significant scale that the proposal warrants refusal under the scope of Policies DC01 or DC16.

### 5.0 Trees and Landscaping

5.1 The proposal would result in the loss of existing trees and hedging at the site frontage, including oak trees to the east and west of the site frontage that are subject to a Tree Preservation Order. The proposed landscaping scheme would provide a native hedge and 18

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trees, consisting of 6 Beech, 6 Oaks and 6 Field Maple as a replacement for the lost planting. The proposed scheme will introduce additional planting by way of tree belts to the sites frontage and to the north eastern corner of the site. The tree belts will consist of a variety of species, including Field Maple, Silver Birch, Hazel, Green Beech, Copper Beech, Crab Apple, Native White Cherry, English Oak and Small Leaved Lime. The rear of the site is also subject to ornamental planting of varying species.

5.2 The Tree Consultant does not support the removal of the TPO trees. With reference to the proposed landscaping, the scheme would provide an element of screening that, as noted above, will mitigate the visual impact of the built form on the wider landscape. This said, the Tree Consultant recommends planting to be predominantly of native species to more appropriately respond to the existing landscape character of the locality.

5.3 The loss of the TPO Oak tree and the remainder of the planting to the site frontage would cause harm to the character and appearance of the landscape. However, the landscape impact is ameliorated by the substantial planting proposed by the landscaping scheme. The number and location of trees, on balance, would be of more than commensurate value, providing appropriate replacement and additional planting. The comments raised by the Tree Consultant with respect to Species are noted. It is agreed that Tree Belt A and B (at the road frontage) should consist of strictly native species, reflecting existing planting in the locality, in particular along Norwich Road. Considering the degree of separation from the highway, the ornamental planting central to the site is considered acceptable. A condition requesting an amended landscaping scheme, seeking an appropriate mix of native species, is recommended.

### 6.0 Ecology

6.1 An Ecological Report supports the application. The report concludes that the site currently supports very little in the way of higher plant or faunal diversity and no protected species were identified. Two bat roost surveys of the trees proposed to be removed along the site frontage were undertaken on the 30 January and 21 June 2015. No evidence of roosting bats was found.

6.2 On the information provided, the Ecological and Biodiversity Consultant raises no objection to the proposal. However, some clarification with respect to Great Crested Newt absence surveys has been requested. The applicant is in the process of providing the additional information. Members will be updated at planning committee.

6.3 Scoulton Mere is situated approximately 500m from the proposed site. The Mere is identified as a Site of Special Scientific Interest (SSSI). Natural England raises no objections to the proposal, stating that the development would not damage or destroy the interest or features of the Mere, advising that the SSSI does not represent a constraint in determining the application.

6.4 The Norfolk Wildlife Trust requests the ecology survey be updated to take account of results of the tree survey and any potential impact on bats. The survey information was subsequently provided by the applicant and the Norfolk Wildlife Trust reconsulted. No further comments have been received from the Trust.

### 7.0 Highway Safety

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 24-08-2015**

7.1 The proposal has been subject to amendments in order to address issues raised by the Highways Authority. The proposal introduces a ghost lane and altered access which now provides a suitable visibility splay. The Highways Authority raises no objection regarding the amended scheme. Initial highway safety concerns are therefore considered to be adequately addressed.

7.2 Concerns have been raised locally in respect of highway safety and the increase in vehicular movements along Norwich Road. The section of Norwich Road between the proposal site and Hingham has a history of accidents, including a fatal accident and collisions. These matters have been considered by the Highways Authority in their assessment of the scheme.

7.3 A condition securing pedestrian footways, crossing islands and a bus stop is recommended, as requested by the Highways Authority.

7.4 A Speed Survey has been submitted by a third party. The survey indicated that the 85th percentile speeds of traffic on Norwich Road were higher than suggested, requiring the development to provide a visibility splay of some 236m. The Survey has been reviewed by Norfolk County Council Highways Department, who found that the information does not provide any basis for changing the Highway Authority recommendation

### **8.0 Car Parking Provision**

8.1 The Core Strategy sets out parking standards for proposed development. Crematoria are classified as a 'Sui Generis' use and therefore no parking rate is specified.

8.2 The supporting Planning Statement contends that the average funeral generates 14-16 cars, excluding the funeral directors cortege. The operational demand of the premises would require provision for two congregations at one time, requiring 28-32 spaces on average at any one time.

8.3 The proposed site layout indicates 60 parking spaces will be provided, with an additional 20 spaces provided within the overflow car park and 8 spaces provided for staff parking and deliveries. The proposal based on the average figures, would provide adequate parking provision. The additional spaces would ensure that in the instance of a particularly large congregation visiting the premises, additional parking demand may be met. Reducing the parking provision would result in an enhanced visual outcome by way of less hardstand areas being introduced to the site. However, given the figures provided regarding number of events and likely congregation numbers, it is not considered appropriate that the proposed on-site parking provision is reduced.

8.4 Given the on-site parking provision, it is not considered necessary to restrict the number of events per day or staff present on the site at any one time.

### **9.0 Amenity**

9.1 Owing to the distance of the proposal from the nearest neighbouring dwellings, the development would not give rise to unacceptable amenity impacts, consistent with Policy DC01. Given the site's relative isolation from the nearest neighbouring dwellings, it is not considered necessary or appropriate to restrict the number of events per day.

9.2 Proposed hours of operation are 9am to 5.30pm. The proposed hours of operation will not result in an unacceptable amenity outcome for neighbouring occupiers.

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### 10.0 Air Quality

10.1 the Council's Air Quality Officer raises no concerns. The Officer advises that the operation will require application for an Environmental Permit from the Council. The Environmental Permit is for the cremation of human remains only, must be installed prior to operation commencement and applies controls on emissions to the atmosphere, e.g. smoke and odour. There are limits for emissions to the atmosphere set out in DEFRA Statutory Guidance. As this matter is dealt with under separate legislation it is considered beyond the scope of this assessment.

### 11.0 Drainage

11.1 The applicant has confirmed that there is an existing overflow pipe from the pond which runs to a ditch to the east which carries water away from the site. Therefore there is not a problem in taking additional water to the pond as it naturally overflows through the pipe and away from the site.

### 12.0 Contaminated Land

12.1 The site currently comprises an agricultural field. No other historical uses have been identified in the supporting documents. The Contaminated Land Officer raises no objection to the proposal subject to the imposition of a condition relating to unexpected contamination.

### 13.0 Heritage Milestone

13.1 The proposed development affects a known heritage asset in the form of a nineteenth century milestone located on Norwich Road. The proposed highways works would require the relocation of the milestone. The Historic Environment Service has requested a condition to include details of how and where the milestone will be relocated. The applicant accepts the need for the milestone to be relocated and will provide details of the proposed relocation, in consultation with the Historic Environment Service, if planning permission is granted.

### 14.0 Other Matters

14.1 A recent approval of a crematorium at Cromer is noted. The Cromer crematorium will reduce distances of travel for the residents of the North Norfolk District. Given the distance of the approved facility from Breckland, the development will have a limited effect in terms of meeting the essential need in Breckland.

14.2 An appeal against the refusal of a crematorium facility at land north of Cromer Cemetery, Holt Road, Cromer was dismissed under reference APP/Z3825/A/14/2216102. The proposal was deemed to have a harmful impact upon the character and appearance of the area. The harmful impact of the proposal could not be outweighed in this instance by a quantitative and qualitative need. The context of the application differed to this proposal, as other crematoria were present within the district. The proposal represented a wider choice of facilities, rather than an essential need.

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14.3 Paragraph 112 of the NPPF requires Local Planning Authorities to consider the economic and other benefits of the best and most versatile agricultural land, seeking to use land of poorer quality in preference to that of a higher quality. The site is classified as Grade 3 agricultural land, being of good to moderate quality. The site does not include any Grade 1 or 2 land. The amount of agricultural land that will be lost as a result of the development, in the context of the agricultural land available in the district, is considered negligible.

14.4 An Environmental Impact Assessment Screening Opinion was undertaken, it was concluded that an Environmental Statement was not required.

### 15.0 Conclusion

15.1 The proposal would provide a key service in the district, addressing an identified essential need for such facilities locally. The development would significantly reduce travel times for crematorium users. The development represents a net community benefit in this respect. The proposal would make a positive contribution to the rural economy, in accordance with paragraph 28 of the NPPF. Site selection is in accordance with national crematoria legislation. Due to the visually contained nature of the site, coupled with the extensive landscaping theme and sensitive siting of the main building, the visual impact on the landscape and wider area would be mitigated and is considered acceptable. The net community benefit of the development is considered to outweigh the harm to the character and landscape of the area. The proposed changes to the road network and visibility splay provision will ensure highway safety is maintained. Conditions can adequately address matters including amenity, drainage, contamination and relocation of the heritage milestone. On balance, the application is recommended for approval subject to conditions.

### **RECOMMENDATION**

**Planning Permission**

### **CONDITIONS**

- 3007** Full Permission Time Limit (3 years)
- 3047** In accordance with submitted
- 3536** Hours of Operation
- 3106** External materials and samples to be approved
- 3405** Fencing/walls - details and implementation
- 3408** Landscaping - details and implementation
- 3140** Prior approval of slab level
- 3548** Full details of external lighting
- 3946** Contaminated Land - Unexpected Contamination
- HA24** Provision of parking and servicing - when shown on plan
- HA28** Construction traffic (parking)
- HA30** Wheel washing facilities- temporary for construction vehicle
- A**
- HA30** Wheel washing facilities- temporary for construction vehicle
- B**

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**HA39** Highway improvements-offsite

**A**

**3395** Milestone Method Statement

**3395** In accordance with Milestone Method Statement

**3395** Milestone Reinstatement

**3739** Highway NOTE Inf 1

**3739** Highway NOTE Inf 8

**3972** NOTE: Bats and Owls

**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 - 24-08-2015**

<b>ITEM</b>	<b>3</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2015/0147/F	<b>CASE OFFICER:</b> Gary Hancox
<b>LOCATION:</b>	CASTON Land East of Walnut Tree Cottage Attleborough 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>	MMC Norfolk Ltd Willow Tree Barn Attleborough Road	
<b>AGENT:</b>	Mr Stephen Bush The Corner Lodge 2 Church Lane	
<b>PROPOSAL:</b>	Erection of 3 dwellings (amended from 8 dwellings)	

### **KEY ISSUES**

Principle of development  
Impact on character and appearance of the area  
Amenity  
Highway safety  
Trees and ecology

### **DESCRIPTION OF DEVELOPMENT**

This full application (as amended) proposes the residential development of the site to provide 3 detached dwellings, access and garaging. The proposed dwellings include a 2-storey house and two chalet style bungalows with rooms in the roof. The majority of existing overgrown vegetation on the site is to be removed. The native hedges to the boundaries of the site will be supplemented with additional planting. Access to the site would be via a newly constructed private drive off Attleborough Road.

### **SITE AND LOCATION**

The application site is located at the eastern end of the village outside but adjacent to the defined Settlement Boundary. The site area is approximately 0.3 hectares and comprises paddock/grassland with overgrown shrubs and bushes across the site and more mature trees on its boundaries. Beyond the site to the east is a stream, and as a consequence part of the site lies within Flood Zones 2 and 3.

### **EIA REQUIRED**

No

### **RELEVANT SITE HISTORY**

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3PL/2002/0374/O - Erection of 2 dwellings - Refused June 2002. Appeal dismissed.  
3PL/2006/0018/O - Residential development of 8 dwellings - 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.01	Housing
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.14	Energy Efficiency
DC.16	Design
NPPF	With particular regard to paras. 7, 8, 12, 49, 58, 59 and 64
NPPG	National Planning Practice Guidance

### **CIL / OBLIGATIONS**

N/A

### **CONSULTATIONS**

#### **CASTON P C - OBJECTION**

1. No comment - neighbouring landowner.
2. Caston does not need 8 dwellings on the Eastern side of the village. All of these dwellings are outside the Settlement Boundary.
3. This proposal is well outside the village envelope - Settlement Boundary.  
The density of the development on the Eastern extremity of the main village would do nothing to enhance the appeal or character of the existing village settlement.  
The access to the main highway is less than ideal.
4. I have strong objections to this application.  
It is outside the Settlement Boundary of Caston.  
It is over development of the site.  
Not in keeping with the linear development of the neighbouring properties on entering the village.
5. I object to this proposal.  
This land was not considered in the most LDF recent request for land for building houses. Other land in the village was and because it is outside the Settlement Boundary it was rejected as suitable for building.  
This is outside the Settlement Boundary for Caston and is very wet land not suitable for houses.
6. I object strongly to this proposal.  
The proposed new road connecting to Attleborough Rd is on a bend, it is far from ideal and is a traffic hazard.

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This is backfill development. It is not in keeping with the linear development of the village. It is outside the existing Settlement Boundary. The proposed plans are overdevelopment of the site. There is currently no mains drainage on the site and it is already very wet land and additional domestic waste water will exacerbate the situation.

### **NORFOLK COUNTY COUNCIL HIGHWAYS**

No objection, subject to conditions.

### **TREE AND COUNTRYSIDE CONSULTANT**

The revised layout is an improvement on the previous. Operations on site shall take place in complete accordance with the approved Arboricultural Impact Assessment (AIA), Tree protection Plan (TPP) and Arboricultural Method Statement (AMS). No other operations shall commence on site in connection with the development until the tree protection works and any pre-emptive tree works required by the approved AIA or AMS have been carried out and all tree protection barriers are in place as indicated on the TPP. The 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 all equipment, machinery and surplus materials removed from site, unless the prior written approval of the Local Planning Authority has been sought and obtained.

### **CONTAMINATED LAND OFFICER**

No objection

### **ENVIRONMENT AGENCY**

No Objection, subject to conditions.

### **ENVIRONMENTAL HEALTH OFFICERS**

No objection.

### **ECOLOGICAL AND BIODIVERSITY CONSULTANT**

It is considered that there are no likely ecological issues in regards to the above application, provided the mitigation measures, set out in the Section 6 Recommendations and Ecological Enhancements of the Ecological Appraisal (Aspect Ecology, April 2015), are adhered to.

### **EAST HARLING I D B**

In the absence of sufficient information to review the drainage proposals, and information on the Sequential Test, the Board OBJECTS to the proposed development.

The development is shown as being immediately adjacent to the watercourse, the Boards bylaws prohibit development within 7m of the river bank without the Consent of the Board.

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

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**ANGLIAN WATER SERVICE - No Comments Received**

**HOUSING ENABLING OFFICER - No Comments Received**

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

### **REPRESENTATIONS**

Original Plans

13 letters of objection received

- drainage concerns
- not in keeping
- would set a precedent for additional expansion
- over-development
- un-justified development
- traffic impact
- impact on amenity of adjoining dwelling

Amended plans

To be updated at committee

### **ASSESSMENT NOTES**

This application is referred to Planning Committee as it is contrary to the Development Plan.

#### 1.0 Development Plan

1.1 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.

#### 2.0 Principle of development (Sustainability)

2.1 The application site is located outside the defined Settlement Boundary. For this reason the proposal conflicts in principle with Policies DC2 and CP14 of the Core Strategy and Development Control Policies Development Plan Document (2009), which seek to focus new housing within defined Settlement Boundaries. However, paragraph 49 of the National Planning Policy Framework (NPPF) states that where an authority does not have an up to date five year housing land supply (at present the District 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.

2.2 The Government defines sustainable development as having three 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

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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.

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

2.4 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. 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.

2.5 In terms of the economic and social criteria, the proposal would provide 3 dwellings for market sale. The development of this site would therefore make a positive, albeit modest, contribution to the housing supply shortfall and provide some short-term economic benefits through its construction. With regard to availability and deliverability, the application is in full and the site would appear to be available now, making the development deliverable within 5 years to meet the housing shortfall. It is appropriate that the time limits of any planning permission in the site are reduced and this would be in accordance with other applications in Breckland approved under the five year supply. It is considered appropriate to impose a two year period for commencement of development in order to reaffirm the deliverability of the scheme. These considerations weigh in favour of the proposal.

2.6 The social role of sustainable development seeks to ensure, amongst other matters, the creation of a high quality built environment with accessible local services. Local services in Caston include a school, village hall, church and pub. The applicant advises that the village hall offers a range of facilities including, Coffee Mornings, Dog Training, Gardening Workshops, Art Classes, and Keep Fit. In terms of public transport, Caston is served by a school bus to Wayland Academy and the No 81 which operates four times daily (excluding weekends) from Caston Green (approximately 5 mins walk from the application site). This service connects Watton with Thetford. Local village facilities, including the bus stop, can be accessed on foot via the existing footpath adjacent the site. The village of Rockland is approximately 1.5 miles away, and includes a primary school, community store and post office. Wayland Academy is approximately 3 miles away, and there is a bus service to this school. The bus services linking the site to these local amenities would provide an alternative to the car, consistent with the social and environmental dimensions to sustainable development.

2.7 A further material consideration in respect of sustainability is a recent appeal decision for a development of 3 dwellings in Northacre, Caston. The Inspector concluded that the site (300 metres from the school) was not a sustainable location for housing. However, it would appear that only limited evidence in respect to local facilities and services was before the Inspector, noting the absence of reference to a number of sustainable aspects of the proposal referred above at paragraph 2.6. The current application includes significantly more supporting information in relation to accessible services than that considered by the Inspector regarding Northacre. The appeal site at Northacre does not have the benefit of a footpath connection to the village. Moreover, the Northacre site is set some distance further from the village facilities (other than the

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school) than the subject site. It is clear that the site context, and the sustainability credentials of the two sites, are different. It is concluded that the site represents a sufficiently sustainable location.

### **3.0 Impact on the Character and Appearance of the Area**

3.1 The environmental role of sustainable development seeks to, in part, contribute towards protecting and enhancing the natural, built and historic environment. Consideration of a proposal's impact on the character and appearance of the area within which it is situated is therefore integral to the environmental dimension of sustainable development. The site comprises open grassland and trees which contribute to the rural character of the area and the relatively open setting of this edge of village location. The development of the site would therefore have a degree of negative impact in terms of the loss of open green space that currently provides a soft edge to the existing built form. However the amended scheme of 3 dwellings at the frontage of the site helps to reduce the the amount of protrusion into this open space.

3.2 Core Strategy Policies CP11, DC16 and paragraphs 59 and 63 of the NPPF requires development to be a high quality design that fully considers the context in which it sits, contributes to a sense of local distinctiveness and complement the natural landscape and built form that surrounds it. All proposals should preserve or enhance the existing character of the area. The site is in a prominent location at the entrance to the village, and due to its semi-open nature vegetation to its boundaries, it contributes towards the setting of the village.

3.3 Policy CP11 requires assessment of new development to have regard to the Landscape Character Assessment 2007 (LCA). The LCA identifies the site as being located in the 'Thet Settled Tributary Farmland' area. The identified area comprises a narrow band of gently undulating farmland intersected by tributaries draining southwards into the River Thet. The character area extends from Thompson in the west to Attleborough in the east. The LCA describes the farmland as a medium scale, semi enclosed landscape, defined by the arable agricultural land use. In terms of the impact on the wider landscape character area, the site relates well to the village and would have limited intrusion into the open countryside.

3.4 One of the four 'development considerations' set out in the LCA is to ensure that new development reflects the existing 'material and stylistic vernacular' within settlements and that their individual and separate identities are preserved. The above assessment suggests that the proposed development would be reflective of the existing material and stylistic vernacular of the neighbouring built form and it is therefore concluded that the application is not in conflict with the LCA.

3.5 The development adjacent the application site is characterised by linear development or traditional form and scale. The application (as amended) proposes 3 dwellings in a linear form along the frontage of the site, which is reflective of the existing built form at this edge of village location. The proposed scale, siting, front setbacks and detached nature of development are consistent with neighbouring development.

3.6 The development proposes only one vehicle access with vehicle accommodation located to the rear of the dwellings. The access arrangement limits the extent of hardstanding, driveways etc to the front of dwellings, a preferred streetscene response and one that will make a positive contribution to the character of the village setting.

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3.7 On the basis of the above assessment it is concluded that the proposal will not result in significant harm to the character of the area, responding favourably to Core Strategy Policies CP11, DC01 and DC16 and paragraphs 59 and 63 of the NPPF.

### 4.0 Amenity

4.1 The site is bounded by existing development to the west. The submitted layout shows that the proposed dwellings can be accommodated successfully without significantly harming the amenities of these neighbouring properties. The proposal has adequately demonstrated that the proposal accords with the requirements of Core Strategy Policy DC01.

### 5.0 Highway Safety

5.1 Access to the site is via a newly created access off the Attleborough Road. The junction has been sited to allow for adequate visibility splays and no objection has been raised by the Highway Authority. The scheme is therefore considered acceptable in terms of highway safety.

### 6.0 Trees/Ecology

6.1 A full ecological appraisal has been submitted with the application, along with an Arboricultural Impact Assessment (AIA). Provided that the development is undertaken in accordance with the AIA and the mitigation set out in the Ecological Appraisal, no objection to the development is raised by the Consultant Ecologist or the Tree and Countryside Consultant. The application accords with both Core Strategy policy CP10 and the NPPF in this regard.

### 7.0 Other matters

7.1 The comments of the Parish Council and local residents have been taken into account in the consideration of this application.

7.2 Although part of the site is within Flood Zones 2 and 3, a Flood Risk Assessment has adequately demonstrated that the proposed development would be outside of these areas (in Flood Zone 1). It is noted that the Internal Drainage Board (IDB) have raised an objection to the application on the grounds of there being insufficient information to be able to adequately review the proposal. However, the Environment Agency (the statutory authority dealing with flood risk at the time of the application being submitted) raises no objection to the application, which is considered to accord with paragraph 9 of the Technical Guide to the NPPF, and Core Strategy policy DC13. Conditions will be appended to any permission requiring precise details of foul and surface water drainage.

### 8.0 Conclusion

8.1 The proposed scheme will contribute towards the five-year supply of housing, generate some economic activity and is in a sustainable location adjacent a village with facilities and transport connections to other settlements and facilities. The 3 dwelling development reflects the established linear pattern of development at this edge of village location and would not cause significant harm to the character and appearance of the area. On balance, it is concluded that the adverse impacts of the proposal would not significantly and demonstrably outweigh its benefits. The application accords with Policies CP11, DC16 of the Core Strategy and paragraphs 7, 8, 12,

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49, 58, 59 and 64 of the NPPF. Consequently, the application can be approved.

**RECOMMENDATION** Planning Permission

### **CONDITIONS**

- 3006** Full Permission Time Limit (3 years)
- 3046** In accordance with submitted
- 3106** External materials and samples to be approved
- 3140** Prior approval of slab level
- 3402** Boundary screening to be agreed
- 3408** Landscaping - details and implementation
- 3414** Fencing protection for existing trees
- HA08** New access - construction over verge
- HA20** Provision of visibility splays - conditioned
- HA24** Provision of parking and servicing - when shown on plan
- 3250** In accordance with ecological mitigation
- 3802** Precise details of surface water disposal
- 3804** Precise details of foul water disposal

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<b>ITEM</b>	<b>4</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2015/0386/O	<b>CASE OFFICER:</b> Gary Hancox
<b>LOCATION:</b>	GRESSENHALL Chequers Lane	<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>	Mr & Mrs David Greenwood Westwood Stud Dereham Road	
<b>AGENT:</b>	Fraser Dunchurch 15 Wheeler Gate Nottingham	
<b>PROPOSAL:</b>	Residential development (2 Dwellings)	

### **KEY ISSUES**

Sustainable development  
Character and appearance  
Access and trees  
Precedent  
Amenity  
Landscaping  
Ecology  
Contaminated land

### **DESCRIPTION OF DEVELOPMENT**

The application seeks outline planning permission including access for two dwellings together with a double garage and a single garage. Foul drainage would be discharged to the existing mains sewer in the adjacent highway and surface water from the roads would be self-draining whilst the dwellings would be served by soakaways. Dwellings would be served by individual accesses off Chequers Lane.

### **SITE AND LOCATION**

The site comprises 0.11 hectares of land outside the Settlement Boundary of the village of Gressenhall. It currently comprises overgrown, grassy land surrounded by mature hedgerows along the boundaries and mature trees fronting the highway. There is existing residential development to the south of the site on the opposite side of the highway; the other boundaries are bounded by open fields together with a small farm to the west of the site.

### **EIA REQUIRED**

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No

### **RELEVANT SITE HISTORY**

Previous planning applications have been considered on this site for 3 and 5 dwellings under planning permission references 3PL/2012/01113/O and 3PL/2013/0230/O both of which were refused. In addition, a further application was submitted under planning reference 3PL/2015/0461/O for two dwellings which was refused on the following grounds; unsustainable location in the countryside; unwarranted intrusion into the rural landscape to the detriment of the character and visual amenities of the area and to the setting of the village; insufficient information for the Local Planning Authority to properly determine the impact on mature trees and that the proposal would be likely to create a serious precedent for future proposals of a similar nature in the area.

Planning application 3PL/2015/0461/O was the subject of an appeal and the appeal decision is a material planning consideration relevant to the determination of this application. The appeal was dismissed on access and tree impact grounds. More specifically, the Inspector concluded there was inadequate information regarding these matters before him, and that a safe access could not be demonstrated. The Inspector opined that the site is not in an unsustainable location.

This application is now submitted with an amended access arrangement and additional information and survey work in respect of the impacts of the access on nearby trees.

### **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.09	Pollution and Waste
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.05	Affordable Housing on Exception Sites
DC.11	Open Space
DC.12	Trees and Landscape
DC.16	Design
DC.19	Parking Provision
NPPF	With particular regard to paras.6, 7, 8, 14, 17, 47, 49, 56-64
NPPG	National Planning Practice Guidance

### **CIL / OBLIGATIONS**

Not Applicable

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### **CONSULTATIONS**

#### **GRESSENHALL P C -**

Object on the grounds that it is outside the Settlement Boundary.

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

No objection subject to conditions

#### **CONTAMINATED LAND OFFICER**

No objection subject to condition.

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

The submitted tree survey is acceptable and construction could take place with minimal impact on trees. Concerns are raised over the proximity of the proposed dwellings to large mature trees.

This would lead to significant post development issues relating to shading and apprehension from occupiers which would result in pressure for pruning/removal of trees.

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

It is considered that the Ecology Report sufficiently considers the protected species issues on the site, subject to the development being carried out in accordance with the submitted Ecology Report, in particular the best practice measures set out in Section 2.

#### **ENVIRONMENTAL HEALTH OFFICERS**

No objection subject to a condition requiring precise details of the means of foul water disposal to be submitted to and approved in writing by the Local Planning Authority before works on site commence to minimise the possibilities of pollution.

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

### **REPRESENTATIONS**

Eight letters of objection have been received raising the following issues:

Overdevelopment; site is a pleasant, open, unspoilt rural area which attracts wildlife; impact on open space/natural habitat for wildlife; outside Settlement Boundary with no justification; impact on single lane track from vehicles during construction and from development; highway safety; proposed passing bays emphasise that there is already a traffic flow problem in the very narrow lane; question the validity of the transport data provided, two storey houses would be out of keeping; overlooking; traffic damage to pipeline in road; power lines feeding lane inadequate; impact on utilities; precedent; potential damage to trees owing to proximity of trees to the houses; pressure during building and from future occupiers would result in pressure for pruning and removal of trees; the site remains next to a working farm and the farmer has planning permission for a wind turbine in close proximity; impact on right of way for 9 Chequers Lane and that passing bay may easily become a parking bay further limiting right of way; no access to amenity land which does not form part of plots 1 and 2, without appropriate maintenance this land

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would return to scrubland and detract from the character and appearance of the area.

### **ASSESSMENT NOTES**

1.0 The application is referred to Planning Committee owing to the history of the site.

#### 2.0 Sustainable Development

2.1 The application seeks outline planning permission including access to establish the principle of the erection of two dwellings in this location. Appearance, landscaping, layout and scale would be dealt with at the reserved matters stage should outline planning permission be granted.

2.2 The site is located outside the Gressenhall Settlement Boundary in the rural area and therefore the application is contrary to Policies SS1, DC2, CP1 and CP14 of the Core Strategy and Development Control Policies Development Plan Document 2009. Furthermore, the site is not being put forward for 100% affordable housing under the rural exceptions site Policy DC5. However, the lack of a current 5-year housing supply carries significant weight in the consideration of the application, noting that the aforementioned policies must be considered out of date as per paragraph 49 of the NPPF.

2.3 A recent appeal in respect of a 2 dwelling development on the subject site was dismissed in December 2014 for the reasons set out in the history section of this report. The Inspector noted that the site lies immediately adjacent to the north-eastern boundary of the village Settlement Boundary which runs along Chequers Lane in front of the site. The site is within walking distance from the village centre and close to the adjoining village of Beetley, which is effectively contiguous with Gressenhall. As noted by the Inspector, facilities in Gressenhall include a post office, shop, public house, church, public transport and manufacturing employment. Further facilities in Beetley include a primary school, village hall and recreation ground. The Inspector did not consider the site to be in an unsustainable location.

#### 3.0 Character and Appearance

3.1 The Inspector comments that development of the site would be an advancement of built form in the countryside. However, in view of its location between Ivy House, which is set back some 40m from Chequers Lane and the buildings of Lodge Barn Farm and it being within the existing mature boundaries of the surrounding triangle of grassland, the Inspector concluded it would not appear as an isolated intrusion into open farmland. From within Chequers Lane and from the north it would be seen in the context of the continuous residential development along the south-west side of the lane. Subject to appropriate design, scale and landscaping, which are reserved matters, the effect of the proposed development on the character and appearance of the area or on the setting of the village would be acceptable and in accordance with Policy DC16.

#### 4.0 Access and Trees

4.1 The Highway Authority has raised no objections to the proposal subject to conditions requiring full details of parking provision, turning areas and visibility splays.

4.2 A tree survey submitted with the application has been reviewed by Council's Tree and Countryside Consultant. It is concluded that construction could take place with minimal impact on nearby trees. However, concerns regarding the proximity of dwellings to large mature trees are

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raised, as well as the potential for significant post development issues relating to shading and apprehension from occupiers which could result in pressure for pruning/removal of trees.

4.3 The siting of the dwellings is a reserved matter to be determined should outline planning permission be granted. The details to be submitted can include a detailed shadow analysis, which will accurately determine the effects of shadowing on the site and inform the exact siting of plot 2 (closest to the trees on the NE boundary).

### 5.0 Precedent

5.1 With regard to the setting of an undesirable precedent the Inspector commented that each application and appeal must be determined on its own merits and that had the appeal been allowed it would not have set a precedent.

### 6.0 Amenity

6.1 Amenity impacts are most appropriately considered at the reserved matters stage should outline planning permission be granted. Subject to appropriate design, scale and siting, the submitted indicative layout satisfactorily demonstrates that two dwellings can be accommodated on the site without adversely impacting the residential amenity of nearby property occupiers by way of overlooking, loss of privacy or outlook, visual bulk or overshadowing.

### 7.0 Landscaping

7.1 Landscaping is a reserved matter for future consideration. The submitted Design and Access Statement states that it is intended to retain the existing trees and scrub hedging and provide 1.8 metre timber panel fencing where shown on the submitted drawings. These landscaping initiatives are acceptable in principle.

### 8.0 Ecology

8.1 The Consultant Ecologist considers that the Ecology Report (Ecological Appraisal, Wild Frontier, Ecology, February 2015) sufficiently considers the potential impacts on protected species, subject to the development being carried out in accordance with the submitted Ecology Report. This requirement can be addressed by planning condition.

### 9.0 Contaminated Land

9.1 The Contaminated Land Officer raises no objection subject to a condition in relation to unexpected contamination being imposed on any planning permission granted.

### 10.0 Conclusion

10.1 The recent appeal decision is a material planning consideration in determining this

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application. The Inspector did not consider the site to be in an unsustainable location or that the effect of the proposed development on the character and appearance of the area or on the setting of the village would be such as would warrant dismissal of the appeal. Previously, it had not been demonstrated that safe and suitable access to the proposed development could be achieved or that such provision could be achieved without either the loss of, or harm to, nearby trees. In terms of this application, a tree survey was submitted and the Tree Consultant has confirmed that construction could take place with minimal impact on trees. Whilst, he has raised concerns over the proximity of dwellings to large mature trees in relation to post development issues relating to shading and future pressure for pruning/removal of trees, the precise siting of dwellings is a reserved matter to be determined at the details stage should outline planning permission be granted.

10.2 The Highways Authority, the Consultant Ecologist and the Contaminated Land Officer have raised no objections to the proposal subject to conditions. Subject to appropriate detailed design the indicative layout satisfactorily demonstrates that two dwellings can be accommodated on the site without adversely impacting existing residential amenity. Approval is therefore recommended subject to conditions.

### **RECOMMENDATION**

**Outline Planning Permission**

### **CONDITIONS**

- 3003** Early delivery of Housing Time limit
- 3058** Standard Outline Condition
- 3060** Standard outline landscaping condition
- 3920** Detailed Shade analysis
- HA05** Standard outline highways condition
- HA19** Provision of visibility splay on approved plan
- HA39** Highway improvements-offsite A
- A**
- HA39** Highway improvements off-site B
- B**
- DE08** Slab level to be arranged
- 3402** Boundary screening to be agreed
- 3450** In accordance with ecological mitigation
- 3920** Means of foul water disposal
- AN30** When off-site road improvements are required
- 3996** Note - Discharge of Conditions
- 4000** Variation of approved plans
- 2000** NOTE: Application Approved Without Amendment
- 2014** Criterion E - Planning Apps Where Approved

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<b>ITEM</b>	<b>5</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2015/0409/O	<b>CASE OFFICER:</b> Hamish Lampp
<b>LOCATION:</b>	HOLME HALE Crossways Farm Cook Road	<b>APPN TYPE:</b> Outline <b>POLICY:</b> Out Settlement Bndry <b>ALLOCATION:</b> No Allocation <b>CONS AREA:</b> N <b>TPO:</b> N <b>LB GRADE:</b> N
<b>APPLICANT:</b>	Mr David Yaxley Orchards End Cook Road	
<b>AGENT:</b>	Sketcher Partnership Ltd First House Quebec Street	
<b>PROPOSAL:</b>	Erection of 2 new dwellings	

### **KEY ISSUES**

Sustainable development  
Amenity impact  
Highway safety

### **DESCRIPTION OF DEVELOPMENT**

Outline planning permission (with appearance, landscaping, layout and scale being reserved matters) is sought for the erection of two dwellings on land located on the western side of Cook Road, Holme Hale. Vehicle access from Cook Road is proposed at the northern boundary of the plot. The application is supported by a Design & Access Statement and indicative site plan and streetscape elevation. The indicative site plan shows two, two storey dwellings with a central shared access to detached garages located at the rear of the dwellings.

### **SITE AND LOCATION**

The application site comprises the southern side garden of Crossways Farm. The site is located centrally within the village of Holme Hale. The village does not have a settlement boundary. The site is bounded on both sides by dwellings, with a further dwelling located opposite the site on the eastern side of Cook Road.

### **EIA REQUIRED**

No.

### **RELEVANT SITE HISTORY**

Planning permission 3PL/2008/0175/F was approved in March 2008 for an extension to the dwelling to form self contained annex and erection of detached garages.

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### **POLICY CONSIDERATIONS**

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

CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.16	Design
NPPG	National Planning Practice Guidance
NPPF	With particular regard to paras. 14, 47, 49

### **CIL / OBLIGATIONS**

Not Applicable.

### **CONSULTATIONS**

#### **HOLME HALE P C -**

The Parish Council reviewed the application at its meeting of 18/5/15 and raised the following objections to the applicant's proposals:

- the density of the planned housing on such a small site is not in keeping with this village
- the close proximity of this intensive development to other properties in St Andrews Close
- the location of the access onto Cook Road for a potentially large number of vehicles raises concerns for highway safety
- query whether emergency vehicles would have ready access to plot 2.

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

No objection subject to conditions.

#### **CONTAMINATED LAND OFFICER**

No objection subject to standard unexpected contamination condition.

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

The site appears to be a managed garden surrounded by roads and buildings, based on accessible aerial imagery, therefore the likelihood of protected species issues on site appears relatively low.

In line with the National Planning Policy Framework (NPPF) in aiming to achieve sustainable development and the obligations on public bodies to conserve and enhance biodiversity as required by the Natural Environment and Rural Communities (NERC) Act 2006, it is advised that the following recommendations are considered:

- Nesting bird and roosting bat opportunities incorporated into the new buildings or attached to suitable trees on site, e.g. with bat/bird boxes.

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- Native planting of trees, hedgerows, shrubs and grassland species on site.

### **REPRESENTATIONS**

One objection received in response to consultation. The objector is concerned with loss of privacy, loss of light, loss of view, property devaluation, construction noise impact and two storey development not in keeping with neighbouring development. The objector recommends the development should be limited to single storey.

### **ASSESSMENT NOTES**

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

2.0 Sustainable development

2.1 The application site lies outside of any defined Settlement Boundary. 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 As per paragraph 7 of the NPPF, there are three dimensions to sustainable development: economic, social and environmental. The NPPF states that these roles should not be undertaken in isolation, because they are mutually dependent.

2.4 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. 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.

2.5 The social role of sustainable development seeks to ensure, amongst other matters, the creation of a high quality built environment with accessible local services. Holme Hale does not have the benefit of being afforded a good range of local services. The site is however within relatively convenient reach (less than two miles) of a good range of amenities provided in Necton, a Local Service Village as identified in the Council's Spatial Strategy (Policy SS1). Necton offers shopping, employment and education services that benefit the communities outside of the Local Service Village. Holme Hale is also served by regular bus services that run seven days a week via two routes, the number 11 (Dereham - Shipdham - Watton) and number 1 (Watton - Swaffham - King's Lynn). The site is within very easy walking distance of the nearest bus stops

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which are accessible via an established footpath network and it is noted that there is on-street lighting. The bus services linking the site to Necton's local amenities would provide an alternative to the car, consistent with the social and environmental dimensions to sustainable development. These considerations weigh in favour of the proposal.

2.6 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. With regard to availability and deliverability, whilst this is an outline application, the site is within the applicant's ownership and available now, making the development deliverable within 5 years to meet the housing shortfall. It is appropriate that the time limits are reduced and this would be in accordance with other applications in Breckland approved under the five year supply. It is considered appropriate to impose a two year period for commencement of development in order to reaffirm the deliverability of the scheme. The above observations confirm the proposal supports the economic dimension to sustainable development. Again, these considerations weigh in favour of the proposal.

2.7 The environmental role of sustainable development seeks to, in part, contribute to protecting and enhancing the natural, built and historic environment. Consideration of a proposal's impact on the character and appearance of the area within which it is situated is therefore integral to the environmental dimension of sustainable development. Although outside of a settlement boundary, the plot is bounded on both sides by existing housing and reads as relatively enclosed. The plot forms part of a well defined and established linear corridor of residential development. Given the relationship of the site to this corridor of development, the plot very much presents as an infill development site. In light of this site-specific context, it is concluded that the development will not appear visually intrusive and would not result in an isolated development in the countryside.

2.8 In terms of design, layout, scale and appearance, these matters are reserved for future consideration should outline planning permission be granted. However, it is considered that the site is large enough to accommodate two dwellings whilst providing adequate amenity space for future residents as well as associated car parking. It is noted that the indicative plan demonstrates that the plot is large enough to accommodate dwellings with parking to the rear, an acceptable and preferred streetscape response. It is concluded that two dwellings would not result in a cramped form of development having regard to the layout of neighbouring development and the built form character of this part of the village.

2.9 Objector concerns are noted regarding the single storey scale of development to the south and the potential character impact of two storey development at this location. A two storey development would result in a one storey transition at the southern interface, such a transition is commonplace in many of Breckland's villages and is not out of character with the surrounding area, noting the presence of two storey dwellings in the village including those opposite the site. The plot is sufficiently proportioned to ensure the introduction of two dwellings at this location could be undertaken in a manner that responds favourably to Core Strategy Policy DC16.

2.10 The proposed vehicle access is well separated from neighbouring vehicle accesses to ensure a meaningful visual break is provided. One additional vehicle access at this location, given the context of the ribbon development and number of existing neighbouring accesses, will not give rise to an unacceptable streetscape impact. For these reasons the proposed access arrangement is consistent with Core Strategy Policy DC16.

### 3.0 Amenity Impact

3.1 Impact upon amenity is a reserved matter which would be considered at the detailed planning stage should outline planning permission be granted. However, it is considered that the indicative site plan satisfactorily demonstrates that dwellings, private open space and associated car parking can be accommodated without giving rise to significant overlooking, overshadowing, loss of light, or privacy with respect to adjacent dwellings. There is sufficient scope to site and treat windows in a manner that would satisfactorily mitigate any undue overlooking impact. Boundary walls can be avoided or if where necessary wall heights can be adequately controlled. Through careful siting of buildings, overshadowing and loss of light impacts can be appropriately mitigated.

### 4.0 Highway safety

4.1 The Highway Authority raises no objection subject to standard planning conditions being imposed regarding visibility splays, access details etc. The proposal includes a 1.5m footpath that will extend across the full property frontage and complement the existing footpath network, consistent with the Highway Authority recommendation.

### 5.0 Conclusion

5.1 The proposal would conflict with Policy CP14 due to its location outside a defined settlement boundary. However this policy can be afforded little weight due to the present shortfall of housing land in the District. In social and environmental terms it is acknowledged that Holme Hale does not have the local services that would otherwise characterise the settlement as being a sustainable location in its own right. However, there is a good range of local services accessible by public transport within two miles of the site at Necton, a Local Service Village. In economic terms the development supports growth and the local economy albeit in a modest manner. The proposal constitutes an infill development that will result in an acceptable character response having regard to the well developed nature of the surrounding area, consistent with the environmental dimension of sustainable development. The balance of consideration therefore lies in support of the application and it is recommended for approval subject to conditions.

#### **RECOMMENDATION**

**Outline Planning Permission**

#### **CONDITIONS**

- 3005** Outline Time Limit (reduced time limit)
- 3058** Standard Outline Condition
- 3946** Contaminated Land - Unexpected Contamination
- HA05** Standard outline highways condition
- HA08** New access - construction over verge
- HA20** Provision of visibility splays - conditioned
- HA39** Highway improvements-offsite A

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**A**

**HA39** Highway improvements off-site B

**B**

**AN60** NOTE NCC Inf 1 When off-site road improvements are required

**2014** Criterion E - Planning Apps Where Approved

**3996** Note - Discharge of Conditions

**4000** Variation of approved plans

**2000** NOTE: Application Approved Without Amendment

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 24-08-2015**

<b>ITEM</b>	<b>6</b>	<b>RECOMMENDATION : REFUSAL</b>
<b>REF NO:</b>	3PL/2015/0433/F	<b>CASE OFFICER:</b> Hamish Lampp
<b>LOCATION:</b>	SHIPDHAM Dusty Meadow Crows Hill Watton 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>	Mrs Kathy McCarthy 10 Crown Road Dereham	
<b>AGENT:</b>	Stephen A C Bush The Corner Lodge 2 Church Lane	
<b>PROPOSAL:</b>	Erection of detached dwelling	

### **KEY ISSUES**

Sustainable development  
Amenity impact  
Highway safety

### **DESCRIPTION OF DEVELOPMENT**

The application proposes the construction of a single storey, two bedroom dwelling on land located on the western side of Watton Road, Shipdham. Vehicle access is proposed via the existing access arrangement. A hardstanding to the front of the dwelling will be used for vehicle parking as no garaging is proposed. Finishing materials of the dwelling include brick, roof tiles and uPVC windows. The dwelling is to be sited to the front of the plot, set back approximately 10m from the road. No hedgerows or vegetation require removal to facilitate the development.

### **SITE AND LOCATION**

The application site is located on the western side of Watton Road, Shipdham. The site measures approximately 9000sqm in area. The site is occupied by several outbuildings including stables, pig sties and poly tunnels. The site is located 80m south of the Shipdham Settlement Boundary. Allotments and an open field abut the northern site boundary. Open countryside comprising arable fields and vegetated fence lines are located to the west, south and east of the site.

### **EIA REQUIRED**

No.

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### **RELEVANT SITE HISTORY**

3PL/2010/0246/F - Temporary mobile home withdrawn May 2010.

3PL/2011/0913/F - Temporary mobile home refused in November 2011. Appeal dismissed in September 2012.

### **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
NPPF	With particular regard to paras.7, 8, 11, 14, 49, 55, 56,
NPPG	National Planning Practice Guidance

### **CIL / OBLIGATIONS**

Not Applicable.

### **CONSULTATIONS**

#### **SHIPDHAM P C -**

Recommend refusal because this development would be outside the village boundary.

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

I am aware that this Authority has previously raised concerns about a dwelling on this site(3PL/2011/0913- dismissed at Appeal ref APP/F2605/A/12/2174134) without the access, and visibility, first being improved.

The site is accessed off the A1075 Watton Road, a Principal County Highway which generates high volumes of vehicular traffic, including HGVs, and has the primary function of carrying traffic freely and safely between centres of population. A 40mph speed restriction is in force adjacent to the access.

The level of visibility available to the south of the access is limited to some 15m and falls significantly short of the recommended guidance of 120m achieving only 12% of the standard. The current proposal differs from the previous in that the original application was for a mobile home for the applicants own use in connection with the management of the smallholding. The Planning Statement supporting the current application states that the house is intended for a family and that the applicant will continue to maintain the smallholding. It further advises that village amenities are all within walking distance of the site however I would point out that the site around 125m from the nearest footway and no satisfactory , safe, pedestrian refuge exists in the intervening length.

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The creation of an independent dwelling in this location would not only unacceptably intensify slowing stopping and turning traffic but would also potentially introduce pedestrian movements in the unlit carriageway of the Principal County Highway A1075 which carries high volumes of traffic including HGVs. Whilst I accept the applicant visits the site on a daily basis, and therefore a degree of interference to the free flow of traffic on Watton Road already occurs at this location, any increase in that interference would be resisted by this Authority. I would however view the proposal more favourably if any permission was tied to the use of the adjacent smallholding. My concerns regarding substandard visibility are compounded by the alignment of the access which is not perpendicular to the carriageway and would need to be redesigned to achieve this. In summary, for this Authority to view the application in a favourable manner I will require a revised drawing clearly indicating the effect of a 2.4m x 120m visibility splay to the south of the access together with the redesign of the access so that it meets the highway at a right angle. You should be aware the latter of these improvements is likely to require substantial earthworks and have visual and landscaping implications as well. Further I would require any permission to be tied to the use of the smallholding.

### **ENVIRONMENTAL HEALTH OFFICERS**

I have looked at the application submitted and, based on the information provided to me at this time; there are no objections or comments on the grounds of Environmental Protection, providing the development proceeds in line with the application details and that the occupancy of the house remains connected to the ownership/usage of the small holding activities on the adjacent fields.

### **CONTAMINATED LAND OFFICER**

No objection and recommend applying the following condition: Unexpected contamination.

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

No comment.

### **ECOLOGICAL AND BIODIVERSITY CONSULTANT**

Owing to the rural location of the application site and the presence of allotments to the northwest of the site, it is considered that an initial ecological walkover survey should be conducted. The survey should assess all habitats on site for the potential to support protected species and should include an extended phase 1 habitat survey and initial bat roost assessment of any buildings or trees to be affected by the development. Local protected species records should be obtained where deemed appropriate.

### **TREE AND COUNTRYSIDE CONSULTANT**

No objections.

### **CLLR. LYNDA TURNER**

This proposed dwelling is outside the development guide lines, and can show no special circumstances why it should be allowed. In addition the ingress and exit to the site is on a very dangerous bend, and would require substantial highways amendments to make it safe.

## **REPRESENTATIONS**

Two objections have been received in response to consultation on the grounds of the site being outside the Settlement Boundary and highway safety concerns. An objector raised concern regarding the site notice not being located adjacent the site frontage. Following this concern the site notice was relocated to the site frontage and displayed in accordance with the relevant regulations.

## **ASSESSMENT NOTES**

1.0 The application is referred to Planning Committee having regard to planning history and the site's location outside the Settlement Boundary

2.0 Sustainable development

2.1 The application site lies outside of any defined Settlement Boundary. 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 As per paragraph 7 of the NPPF, there are three dimensions to sustainable development: economic, social and environmental. The NPPF states that these roles should not be undertaken in isolation, because they are mutually dependent.

2.4 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. 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.

2.5 The social role of sustainable development seeks to ensure, amongst other matters, the creation of a high quality built environment with accessible local services. The site is located in proximity of Shipdham, a Service Centre Village as identified in Policy SS 1 of the Core Strategy. Although in walking distance of the services offered in Shipdham, the nature of the route is such that walking and cycling will be an unlikely mode of adopted transport. Watton Road at this location is a busy, unlit carriageway. There is regular, fast moving traffic along this stretch of road. With no footway or suitable grass verges on which to walk for some distance, it would not be conducive for easy or safe pedestrian access, particularly for young children or with a pushchair. The nearest footpath is some 125m from the site. The nearest bus stop is located in Shipdham and therefore the same issues arise concerning pedestrian access to the bus stop as they do to the services in Shipdham. For these reasons the proposal does not further the social and environmental dimensions of sustainable development. This consideration weighs against the proposal.

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2.6 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. With regard to availability and deliverability, the site is within the applicant's ownership and available now, making the development deliverable within 5 years to meet the housing shortfall. It is appropriate that the time limits are reduced and this would be in accordance with other applications in Breckland approved under the five year supply. It is considered appropriate to impose a two year period for commencement of development in order to reaffirm the deliverability of the scheme. The above observations confirm the proposal supports the economic dimension to sustainable development. This aspect of the proposal weighs in its favour.

2.7 The environmental role of sustainable development seeks to, in part, contribute to protecting and enhancing the natural, built and historic environment. Consideration of a development's impact on the character and appearance of the area within which it is situated is therefore integral to the environmental dimension of sustainable development. The site forms part of an open field currently used for agricultural purposes. The open field contributes to the broader rural setting and countryside character. The site is visually separated from the nearest development in the village and therefore does not present as forming part of the built up character of the village. The dwelling is sited prominently at the front of the site a mere 10m from the road frontage. The proposed building's location is also elevated above the existing road level. Notwithstanding the vegetation along the site frontage, the dwelling will therefore be visible in views from Watton Road particularly on departure from the village heading west. The development will present as a relatively isolated dwelling in an otherwise unspoilt rural setting, contrary to Core Strategy Policy DC 16. This aspect of the development fails to accord with the environmental dimension of sustainable development.

2.8 In terms of detailed design, the dwelling is modestly proportioned and of traditional form and appearance. The design of the dwelling itself gives no rise to any undue impact on the character of the area. The design, when considered in isolation of its location in the open countryside, does not conflict with Policy DC 16.

2.9 The site is located in the 'Central Breckland Plateau' area as identified in the Landscape Character Assessment 2007 (LCA). The overall landscape strategy for the Central Breckland Plateau is to conserve the remaining blocks of ancient woodland and veteran hedgerow/field trees. The proposal does not impact on any woodland and the existing hedgerows are unaffected by the development, consistent with the Central Breckland Plateau landscape strategy.

2.10 As there is no change to the existing access arrangement there is no undue streetcape impact arising from the access arrangement, consistent with Core Strategy Policy DC16.

### 3.0 Amenity Impact

3.1 The separation distances of the proposed dwelling from neighbouring properties is such that there will be no unreasonable impacts on the amenity of neighbouring occupants. Overlooking, overshadowing, visual bulk, and loss of light all fall within acceptable parameters, consistent with Policy DC 01.

### 4.0 Highway safety

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4.1 The Highway Authority is of the view that the creation of a dwelling at this location would not only unacceptably intensify slowing, stopping and turning traffic but would also potentially introduce pedestrian movements in the unlit carriageway of the Principal County Highway A1075 which carries high volumes of traffic including HGVs. Whilst the Authority accepts the applicant visits the site on a daily basis, and therefore a degree of interference to the free flow of traffic on Watton Road already occurs at this location, any increase in that interference would not be acceptable. The Authority advises that it would view the proposal more favourably if any permission was tied to the use of the adjacent smallholding. Officers are not convinced that tying the dwelling to the smallholding would address the aforementioned highways issues and result in an acceptable highway safety outcome.

4.2 The Authority considers the alignment of the access must be redesigned so it is perpendicular to the carriageway. These improvements would likely require substantial earthworks and have visual and landscaping implications. Given the scale of works involved and the conclusion that the development does not represent sustainable development, these changes have not been requested from the applicant. It is concluded that the development as proposed raises significant highway safety implications and constitutes a reason for refusal in its own right.

### 5.0 Conclusion

5.1 The proposal conflicts with Policy CP14 due to its location outside a defined settlement boundary. However this policy can be afforded little weight due to the present shortfall of housing land in the District. Although there is a good range of local services in nearby Shipdham, the services are not easily accessed via transport options other than by vehicle. The development will appear as an isolated dwelling in the countryside owing to the particular site context within which it is to be located. These aspects of the proposal are not consistent with the environmental and social dimensions of sustainable development. Moreover, the development will result in an unacceptable highway safety outcome. The overall balance of consideration is such that refusal of the application is recommended for the following reasons:

The site is located outside a Settlement

Boundary and is not considered a sustainable location given the inconvenient access to nearby local services. The proposal will result in an isolated dwelling in the countryside and as such does not represent sustainable development, contrary to Paragraph 55 of the National Planning Policy Framework.

The proposed development, by virtue of its location and siting, would result in an unacceptable visual intrusion into the rural landscape and as such would be detrimental to the character and visual amenity of the area, contrary to Policy DC 16 of the adopted Core Strategy.

The proposed development would, by virtue of the increase in intensity of the use of the site and the layout of the existing vehicle access arrangement, result in an unacceptable highway safety outcome.

### **RECOMMENDATION**

**Refusal of Planning Permission**

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**REASON(S) FOR REFUSAL**

- 9044** Policy not met outside settlement
- 9130** Unwarranted intrusion into landscape
- 9455** Impact on highway safety

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<b>ITEM</b>	<b>7</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2015/0446/F	<b>CASE OFFICER:</b> Heather Burlingham
<b>LOCATION:</b>	BESTHORPE Compass Garage Bunwell Road	<b>APPN TYPE:</b> Full <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> Sites with PP 4 HSG <b>CONS AREA:</b> N <b>TPO:</b> N <b>LB GRADE:</b> N
<b>APPLICANT:</b>	Mr K.B. Simington Compass Garage Bunwell Road	
<b>AGENT:</b>	Nigel Hurrell N H Building Design 18 Plassett Drive	
<b>PROPOSAL:</b>	Proposed new residential development consisting of 4 dwellings & garages, demolish existing workshop	

### **KEY ISSUES**

Sustainable development  
Impact on landscape  
Impact on amenity  
Highways  
Contaminated land

### **DESCRIPTION OF DEVELOPMENT**

This full application relates to the erection of four detached one and a half storey dwellings, one with an attached garage, and three detached garages on the site of a car workshop and car sales business off Bunwell Road. The dwellings are sited in tandem, two close to the front boundary and two to the rear of the site with all properties and associated garages served by a single point of access onto a private drive to the side and rear of plots 1 and 2 and forward of Plots 3 and 4. Materials are brickwork to walls and tiles to roofs; full details to be required by condition. All dwellings are of similar scale and form with dormer windows to first floor accommodation.

Boundary screening is shown as 1.83m high close boarded fences to site boundaries to the south and east, 1.83m high walls to the rear boundaries of plots 1 and 2 and 450m high post and rail fences to the highway boundary to Nos. 1 and 2 and front boundaries of Plots 3 and 4. The layout plan indicates hedges and trees to some boundaries and within the site.

It is noted that the proposed development is the same as that which benefitted from a previous planning permission that lapsed in 2009 (see site history)

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### **SITE AND LOCATION**

The site is occupied by a commercial building, located to the rear of the site, and currently used as a car workshop. An extensive hardstanding area forward of the building is used for parking and display of cars for sale. The existing buildings will be demolished and the current use will cease should planning permission be granted.

A bungalow, set back from Bunwell Road, stands on land to the west with existing buildings standing on the shared boundary to the site. Access to the bungalow is immediately adjacent that proposed to serve the new development. Two 2 storey dwellings lie to the east. Compass House stands on the corner of Bunwell Road and Long Lane with its principal elevation to Bunwell Road. Compass Cottage lies to the east of Plot 4 facing Long Lane. Both properties have outbuildings within their curtilage which stand on the shared boundary of the site.

### **EIA REQUIRED**

No

### **RELEVANT SITE HISTORY**

3PL/1990/1252/F - Two new workshop units - Approved subject to conditions regarding use  
3PL/2006/0200/O - Residential development - Outline permission 23/8/2006  
3PL/2006/1904/D - Erection of 4 dwellings and garages - Approval of Reserved Matters issued on 27/2/2007. The reserved matters were not implemented and the permission expired in 2009.

### **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.09	Pollution and Waste
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 paras.7, 8, 11, 14, 49, 55, 56, 120, 123
NPPG	National Planning Practice Guidance

### **CIL / OBLIGATIONS**

Not Applicable

### **CONSULTATIONS**

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### **BESTHORPE P C -**

The Parish Council has no objection to this application.

### **CONTAMINATED LAND OFFICER**

Further information/assessment required that can be secured by appropriate conditions

### **ENVIRONMENTAL HEALTH OFFICERS**

No objection subject to conditions regarding foul water drainage, working hours

### **NORFOLK COUNTY COUNCIL HIGHWAYS**

No objections subject to conditions.

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

Comments in relation to Secure By Design standards.

### **ENVIRONMENT AGENCY**

No objection subject to conditions in respect of pollution of groundwater and advisory comments.

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

#### **REPRESENTATIONS**

The occupiers of Compass House have raised concerns in respect of overlooking, the proximity of new development to a workshop on the shared boundary, civil issues in relation to an outflow pipe which extends from their septic tank into the site, contaminated land from past uses, loss of outlook and increased noise and disturbance.

Breckland Astronomical Society, which has an observatory at Great Ellingham, seek lighting design to CPRE guidelines to avoid light pollution.

#### **ASSESSMENT NOTES**

1.0 The application is referred to Planning Committee as the development is contrary to Policies CP14 and DC2 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

1.1 Outline planning permission and approval of reserved matters have previously been granted for development of this site although those permissions have now lapsed. The principle of development of the site has previously been approved and this carries some weight in the determination of the application.

2.0 Sustainable development

2.1 The application site lies outside of any defined Settlement Boundary. The development of the site for housing would therefore conflict with Core Strategy Policy CP14, which seeks to focus

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 24-08-2015**

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 As per paragraph 7 of the NPPF, there are three dimensions to sustainable development: economic, social and environmental. The NPPF states that these roles should not be undertaken in isolation, because they are mutually dependent.

2.4 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. 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.

2.5 In terms of the economic role, the scheme would make a positive, albeit relatively modest, contribution towards the provision of housing in the area. Its construction would provide some short term economic benefits. Whilst redevelopment of the site could result in the loss of a small local business (car workshop and sales), allocated sites within Attleborough could offer alternative premises which could secure its future and retain jobs if the applicant wished to re-locate.

2.6 With regard to availability and deliverability, this is a full application, the site is within the applicant's ownership and available now, making the development deliverable within 5 years to meet the housing shortfall. It is appropriate that the time limits are reduced and this would be in accordance with other applications in Breckland approved under the five year supply. It is considered appropriate to impose a two year period for commencement of development in order to reaffirm the deliverability of the scheme. The above observations confirm the proposal supports the economic dimension to sustainable development. These considerations weigh in favour of the proposal.

2.7 The social role of sustainable development seeks to ensure, amongst other matters, the creation of a high quality built environment with accessible local services. Whilst the site is in the parish of Besthorpe, it lies within 360m of the Settlement Boundary of Attleborough which is identified in the Core Strategy as a market town having potential for substantial growth. It has a comprehensive range of services able to serve the day to day needs of local residents including shopping, education and employment.

2.8 The site lies off Bunwell Road which has no footpath or street lighting up to the point it crosses the railway. This may deter pedestrians leaving the site to access services in Attleborough. However, car or cycle journeys would be short.

2.9 The above observations confirm the proposal supports the social dimension to sustainable development. These considerations weigh in favour of the proposal.

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2.10 The environmental role of sustainable development seeks to, in part, contribute to protecting and enhancing the natural, built and historic environment. Consideration of a proposal's impact on the character and appearance of the area within which it is situated is therefore integral to the environmental dimension of sustainable development.

2.11 Although outside a settlement boundary, the site lies within a small established group of dwellings around the junction of Bunwell Road with Long Lane. The site itself and a building to the rear boundary are currently used as a car workshop and for car/van sales and, as such, would fall within the definition of 'brownfield land'. Paragraph 11 of the NPPF encourages the effective use of land by re-using land that has previously been developed provided that it is not of high environmental value. The re-development of the site would accord with this requirement and provide some benefits in removing a use which could impact on the residential amenities of adjacent properties. A condition would require the existing use to cease and the buildings to be removed.

2.12 The layout of the site to accommodate four one and a half storey dwellings set off a private access road is considered an appropriate level of development for this rural site. The proposal would not result in overdevelopment of the site and the scale and design of the dwellings is appropriate to its context, lying adjacent a bungalow to the west, a traditional two storey dwelling and a thatched cottage to the east. Whilst dwellings on Plots 1 and 2 lie close to the frontage of the site, this arrangement reinforces the current built form around the junction of Bunwell Road and Long Lane creating a cohesive group.

2.13 The redevelopment of this brownfield site set within a group of dwellings would not create isolated dwellings in the countryside or intrude into the wider rural landscape.

2.14 Open farmland lies between the site and the built up areas of Attleborough and Besthorpe, beyond the railway to the north west. Whilst new development can be accommodated on this commercial site, between other dwellings, without intrusion into the countryside, further development on land either side of Bunwell Road would have a significant detrimental impact on the rural character of the area and would be unlikely to satisfy sustainability criteria in respect of the environmental dimension. The redevelopment of this brownfield site would not create a precedent for further development along Bunwell Road.

### 3.0 Scale, design and materials

3.1 The layout of the site and design of dwellings is as previously approved under a reserved matters application. The one and half storey scale of dwellings is considered appropriate to the context of this small group of properties which includes a bungalow, a two storey traditional dwelling and a thatched property off Long Lane. A condition would require details of external materials to be agreed, prior to the commencement of works.

3.2 The scheme is considered to comply with Policy DC16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

### 4.0 Impact on landscape

4.1 As outlined above, the dwellings would not intrude into the wider rural landscape being sited

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on previously developed land surrounded by existing built form. The scheme for boundary treatments includes hedge planting between the new access and that serving the adjacent bungalow as well as to some boundaries of the plots within the site. A condition will require details of further landscaping to the site in order to integrate the development into its setting.

4.2 The scheme is considered to comply with Policy DC12 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

### 5.0 Impact on amenity

5.1 In terms of visual amenity, the introduction of built form close to the highway boundary on open land would change the character of the area. However, new dwellings would be well related to the adjacent property, Compass House which stands on the edge of the highway to the east. The two frontage dwellings are staggered and do not create a hard edge to Bunwell Road. The single point of access to serve all four dwellings avoids creating large areas of hard surfacing, representing a significant improvement on the site's current streetscape presentation. Plots 3 and 4 lie to the rear and would not impact on the rural street scene. Planting and landscaping will soften the impact of new development on the area.

5.2 In terms of residential amenity, concerns have been raised by the occupiers of Compass House to the east in relation to overlooking and loss of privacy from first floor windows at Plots 2 and 4. Concerns are also raised regarding outlook and increased activity impacting on the tranquillity of the area.

5.3 The area of curtilage of Compass House adjacent Plot 2 is largely used for parking. Private areas serving Compass House are partially screened by an existing single storey building standing on the shared boundary. Whilst the dwellings would be seen from Compass House, having regard to siting and distances between properties, the development will not significantly harm the outlook currently enjoyed by Compass House occupants.

5.4 Whilst the nature of the use of the site will change, it must be acknowledged that there is general activity at the current business premises and the proposal will result in a change of use from commercial to domestic purposes. On that basis, and having regard to the relationship between existing dwellings and their associated curtilages and the proposed domestic use of the site, it would be difficult to substantiate a reason for refusal on the basis of noise or disturbance.

5.5 The rear boundary of Compass Cottage includes significant screening in the form of established trees to the shared boundary. A large conifer hedge stands between the site and the adjacent bungalow.

5.6 Having regard to the orientation of the dwellings, the separation distances to existing properties and the boundary screening, the proposal is not considered likely to have a significant impact on the amenities of adjacent properties in respect of overdominance, loss of light or privacy or overshadowing.

5.7 The scheme is considered to comply with Policy DC1 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

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### 6.0 Highways

6.1 The scheme provides for a single point of access to serve the four dwellings. Each property has a garage and at least one parking space. Being set around a private road, further space for parking is available within the layout without causing obstruction. Subject to conditions in respect of visibility splays, layout of parking/turning and restrictions on gates at the access, no objections have been raised by the Highway Authority having regard to the current use on site and highway safety.

6.2 A condition of any permission would require the garages to be retained for parking and not to be converted to any other ancillary residential use, in order to secure adequate parking.

### 7.0 Contaminated land

7.1 Having regard to past uses on the site, a desk study to identify any possible contamination of the land is required. This could be secured through an appropriate condition as recommended by the Contaminated Land Officer..

7.2 The Environment Agency comments reiterate issues with regard to contamination of the site and its possible impact on groundwater. Conditions would require details of foul and surface water drainage systems to be approved.

### 8.0 Other issues

8.1 Representations from the occupiers of Compass House, adjacent to the site, raise concerns in respect of maintenance of their building which stands directly on the shared boundary with the site. This is a civil matter which should be considered in terms of the Party Wall Act. A note on any planning permission would highlight the applicant's responsibilities in respect of the Party Wall Act.

8.2 The owners of the adjacent property also highlight the existence of an outflow pipe from a septic tank which serves their property which would lie within the site of Plot 2. This is a civil matter between landowners.

### 9.0 Conclusion

9.1 The proposal would conflict with Policy CP14 due to its location outside a defined settlement boundary. However this policy can be afforded little weight due to the present shortfall of housing land in the District.

9.2 In economic terms, the proposal would contribute to the shortfall of housing land supply and provide some benefits through its construction. In social and environmental terms, the proposal would provide for appropriate re-use of brownfield land on an infill site with good access to services available in Attleborough, which is recognised as having a good range of services and potential for significant growth. The site is within walking and cycling distance of the centre of Attleborough, albeit on a country road for part of that journey. Where a car journey is essential, this would be short.

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9.3 In environmental terms, the proposal involves redevelopment of previously used land, within the context of a small group of dwellings and without intrusion into the wider rural landscape or significant impacts on amenity.

9.4 The proposal is considered to constitute a sustainable form of development well related to local services and capable of being developed without significant impact on the wider landscape or local amenity.

### **RECOMMENDATION**

**Planning Permission**

### **CONDITIONS**

- TL01** Reduced Time Limit
- 3047** In accordance with submitted
- MT03** External wall and roof materials to be agreed
- MT04** Clay pantiles
- 3999** Site investigation re: contamination
- 3943** Contamination found during development
- 3920** Surface water disposal
- 3920** Penetrative methods
- 3804** Precise details of foul water drainage
- 3403** Screen fencing &/or walling to be built
- 3920** Existing buildings removed, business to cease
- HA20** Provision of visibility splays - conditioned
- HA21** Provision of parallel visibility splay
- HA24** Provision of parking and servicing - when shown on plan
- 3920** No gates at access
- HA08** New access - construction over verge
- PD09** No alterations to garage
- 3994** External lighting
- 3408** Landscaping - details and implementation
- PD07** No PD for classes A B C D & E
- 3920** Working hours during construction
- 3920** Foul water drainage
- 4000** Variation of approved plans
- 3996** Note - Discharge of Conditions
- 2000** NOTE: Application Approved Without Amendment
- 2014** Criterion E - Planning Apps Where Approved
- 3994** Highways note
- 3994** Note: EA advice
- 3994** Party Wall Act

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<b>ITEM</b>	<b>8</b>	<b>RECOMMENDATION : REFUSAL</b>
<b>REF NO:</b>	3PL/2015/0461/F	<b>CASE OFFICER:</b> Hamish Lamm
<b>LOCATION:</b>	STOW BEDON/BRECKLES Land forming a part of the Sandwade Estate	<b>APPN TYPE:</b> Full <b>POLICY:</b> Out Settlement Bndry <b>ALLOCATION:</b> No Allocation <b>CONS AREA:</b> N <b>TPO:</b> N <b>LB GRADE:</b> N
<b>APPLICANT:</b>	Mr Ian McIntosh Sandwade Mere Road	
<b>AGENT:</b>	Cowen Consulting chiara Mere Road Stow Bedon	
<b>PROPOSAL:</b>	Construction of a 2 storey dwelling, ancillary external works & detached Cart Lodge & integral store	

### **KEY ISSUES**

Sustainable development  
Amenity impact  
Highway safety  
Tree impact  
Ecology impact

### **DESCRIPTION OF DEVELOPMENT**

The application proposes the construction of a contemporary styled dwelling and double bay detached garage on land located on the southern side of Mere Road, Holme Hale. Vehicle access from Mere Road is proposed via the existing access arrangement. The dwelling is three storeys and includes a semi-basement. Owing to the semi-basement level of the lower ground floor, the dwelling will present essentially as a two storey development in views from neighbouring roads (albeit the basement projects slightly beyond the existing natural ground level). A first floor roof terrace is proposed to the eastern elevation. Finishing materials of the dwelling include horizontal timber cladding, painted render and green wall (to the east elevation). The detached garage is proposed to be set to the eastern side of the dwelling positioned behind the dwelling's rear building line.

The proposed site plan shows an indicative 'potential future plot'. This aspect of the proposal does not form part of the application and is not considered further in this report. Any development on this 'potential future plot' would be the subject of a separate planning application that would be assessed on its merits at the time of the application being made.

### **SITE AND LOCATION**

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The application site is located on the southern side of Mere Road on the western fringe of the village of Stow Bedon. The site abuts the Settlement Boundary noting the revised site boundary extends eastward and, as a result, the orchard now forms part of the application site. The site is bounded on the eastern side by a small orchard with dwellings located further to the east. Immediately to the west is an open field. Opposite the site is an existing dwelling. The site is used for agricultural purposes (small piggery) with a collection of fences, huts, irrigation equipment and an outbuilding present on the site. The frontage of the site is well vegetated with a hedgerow and trees. A mature woodland abuts the rear southern boundary of the site.

### **EIA REQUIRED**

No.

### **RELEVANT SITE HISTORY**

None relevant

### **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 paras.7, 8, 11, 14, 55, 56, 58, 109
NPPG	National Planning Practice Guidance

### **CIL / OBLIGATIONS**

Not Applicable.

### **CONSULTATIONS**

#### **STOW BEDON & BRECKLES P C -**

My Council objects to this application on the grounds that this site was put forward for potential development during the LDF process, and rejected as being Unreasonable . This was confirmed in the Stow Bedon Adopted Plan 2012, which shows it being outside the Settlement Boundary, and no extenuating circumstances have been put forward to justify this deviation from Policy. The application appears to be for two properties rather than one, as it specifically includes mention of a potential future plot , and if these two were to be permitted, a request for infill development on the orchard between this site and Beech House would surely follow. The proposed dwelling is at

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the entrance to the village, but completely out of character. Whilst Mere Road contains a varied mix of developments (including 1, 1 and 2 story buildings) there are none that remotely resemble this proposed design. The Council feels that the application is disingenuous, as it refers to a two-story dwelling, when it is in fact three stories, the ground floor being only partly buried in an excavation. Doubtless this is why a flat roof is proposed (which would be unique among the pitched roofs of the rest of the village), to keep the overall height nearer (but not close) to that of other dwellings. Finally, my Council feels that if permission for this dwelling to be constructed outside the Settlement Boundary, there would be no shortage of other applications to do the same thing.

### **NORFOLK COUNTY COUNCIL HIGHWAYS**

The site is located some distance from local services and amenities and the residents will therefore be reliant on travelling by car.

Since the site lies within a settlement of other dwellings I consider it would be difficult to sustain a highway objection on transport sustainability grounds but would wish for the following standard conditions to be imposed. I would advise that the visibility condition will require the existing hedge line to be cut back but will not affect adjacent trees. Recommends conditions

### **ECOLOGICAL AND BIODIVERSITY CONSULTANT**

It is considered that the Ecology Report (Phase 1 Habitat and Protected Species Survey for Proposed New Dwelling at Land off Mere Road, Stow Bedon; Eco-Check, April 2014) sufficiently considers protected species issues on/around the site and provides suitable measures to mitigate for the impacts of the development on protected species.

The Ecology Report (Eco-Check, April 2014) details the main site as having low ecological value but the boundary features and adjacent habitats as having moderate potential to support a number of protected species. The mitigation measures from page 29 to page 32 should be adhered to throughout the development process. In addition, following the strimming of vegetation, hand searching of the site and confirmation of likely absence of herpetofauna, it is suggested that (upon confirmation of suitability by the ecologist) the boundary be fenced with reptile/amphibian fencing as a precaution to stop any reptiles and amphibians, which may be present within the site boundaries and in the wider area, from entering the site.

In line with the National Planning Policy Framework (NPPF) in aiming to achieve sustainable development and the obligations on public bodies to conserve and enhance biodiversity as required by the Natural Environment and Rural Communities (NERC) Act 2006, it is advised that the recommendations on page 32 are also adhered to. If protected species are found on site at any time, works should temporarily cease and the advice of a suitably qualified ecologist should be sought.

### **TREE AND COUNTRYSIDE CONSULTANT**

No objection to the proposals. Please request details of alterations to existing access to include arboricultural impact assessment. This should include any details of tree removal/pruning required (if any) for visibility.

### **ENVIRONMENTAL HEALTH OFFICERS**

I have looked at the application submitted and, based on the information provided to me at this

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time; there are no objections or comments on the grounds of Environmental Protection, providing the development proceeds in line with the application details.

### **NORFOLK WILDLIFE TRUST**

We note that an ecology survey has been included with the proposal and we have now been able to visit the area and view the site from the road.

The meadow, in which the application is partly located is part of a larger County Wildlife Site (CWS 835) and is currently grazed. Although, this meadow is not species rich, it currently appears to have a traditional grazing management and forms an important part of a mosaic of habitats that make up this and the adjacent CWS. Whilst the current proposal only encroaches on a relatively small part of the meadow, we are concerned that it would lead to greater encroachment into the meadow through development of associated areas of land, as a garden and potential future housing plots (a future plot is marked on the application map). If this future plot were to be developed a larger area of the CWS would be lost and is likely to make the remainder of the paddock unviable as a grazed meadow.

As a result, although it is difficult to argue that the current proposal would have a significant adverse impact on the CWS, when considered as a whole; in our view the application should only be approved if there are enforceable conditions to protect the remainder of the meadow outside of the red line, as a grazed meadow, along with additional conditions to mitigate for impacts on adjacent habitats and protected species, as set out in the ecological report and within comments by Breckland Biodiversity Consultant.

### **NATURAL ENGLAND**

Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species.

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

#### **REPRESENTATIONS**

Three objections have been received in response to consultation. Grounds of objection are summarised as follows: outside of Settlement Boundary; unsustainable location with no local services; misleading proposal description; no site level therefore unable to assess visual impact; flooding; no bat survey or arboricultural survey; out of character design; impact on wildlife; limited mains gas and drainage; no screening details, no site notice.

**ASSESSMENT NOTES**

1.0 The application is referred to Planning Committee at the request of the Ward Representative having regard to the site's location outside a Settlement Boundary.

2.0 Sustainable development

2.1 The application site lies outside of any defined settlement boundary. 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 As per paragraph 7 of the NPPF, there are three dimensions to sustainable development: economic, social and environmental. The NPPF states that these roles should not be undertaken in isolation, because they are mutually dependent.

2.4 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. 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.

2.5 The social role of sustainable development seeks to ensure, amongst other matters, the creation of a high quality built environment with accessible local services. Although it has a Settlement Boundary, Stow Bedon does not benefit from any local amenities. The nearest neighbouring towns are the small villages of Caston, Thompson, Griston and Rocklands. None of these villages benefit from an extensive range of local services albeit Caston does include a number of services including school, pub and church. The nearest town that offers services that has the potential to meet all everyday needs, including shopping, employment and education is in Watton, a mid-sized market town. Watton however is located some four plus miles to the north and the site connects with the town via only one designated bus service route CS81. This service connects Watton with Thetford and operates two hourly. The service does not operate in the evenings or at weekends. The 'Flexibus' service operated by Norfolk County Council is an additional public transport option which offers a 'ring and ride' service that follows a route set by pre-booked requests and which can pick up and drop off at pre-determined locations. This service operates Monday to Friday 9am - 4.30pm only. The bus stop nearest to the site is located at the corner of Mere Road and Stow Bedon Road. Whilst within walking distance along Mere Road, it is noted that Mere Road does not have footpaths along this section nor is there any street lighting. Even with grass verges either side of the road, the arrangement would not be conducive for easy or safe pedestrian access, particularly for young children or with a pushchair. Notwithstanding the two bus services, car dependency is likely to be high given the distances, travel time involved and frequency of service, inconsistent with the social and environmental dimensions of sustainable development. This consideration weighs against the proposal.

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2.6 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. With regard to availability and deliverability, the site is within the applicant's ownership and available now, making the development deliverable within 5 years to meet the housing shortfall. It is appropriate that the time limits are reduced and this would be in accordance with other applications in Breckland approved under the five year supply. It is considered appropriate to impose a two year period for commencement of development in order to reaffirm the deliverability of the scheme. The above observations confirm the proposal supports the economic dimension to sustainable development. This aspect of the proposal weights in its favour.

2.7 The environmental role of sustainable development seeks to, in part, contribute to protecting and enhancing the natural, built and historic environment. Consideration of a development's impact on the character and appearance of the area within which it is situated is therefore integral to the environmental dimension of sustainable development. The site forms part of an open field currently used for agricultural purposes. Although there are dwellings to the east, they are separated from the proposed building location by a small orchard. The presence of the orchard means that the building site will not read as forming, in a visual sense, part of the village to the east. Notwithstanding the vegetation along the site frontage and the two storey dwelling opposite, the two storey scale of the development together with its siting, proud of natural ground level, will mean it will be prominent in views from Mere Road.

2.8 Owing to the layout of the road network, the dwelling will also appear in views east from Stow Bedon Road particularly when approaching from the A1075. Currently much of the built form of the village is not discernible in views from Stow Bedon Road owing to the intervening vegetation including the mature woodland to the rear of the site. This vegetation provides a very pleasing verdant backdrop which itself contributes to the landscape character of the location. In this context the introduction of built form would result in a significant change in the landscape and one that would not maintain the sense of open countryside. The development will present as a relatively isolated dwelling in an otherwise unspoilt rural setting, contrary to Core Strategy Policy DC 16. This aspect of the development fails to accord with the environmental dimension of sustainable development.

2.9 In terms of detailed design, the dwelling is deliberately contemporary in appearance. The flat roof design, fenestration pattern and material finishing starkly contrast with the more traditional form and appearance of development in the village. It is noted that, along with resident objectors, the Stow Bedon and Breckles Parish Council is concerned that the dwelling is out of character with its surrounds. Whilst such a stark contrast can be appropriate in the right context, given the visual effect on the countryside described above, it is considered in this instance that the contemporary appearance will only serve to exacerbate the visual impact, drawing one's eye to the development. Rather than sitting comfortably in its context, the contemporary finishing will accentuate the prominence of the dwelling in the countryside. Unlike the dwelling, the proposed garage is of more traditional form and detailing incorporating a pitched pantile clad roof. The visual relationship between the modern and the traditional may not appear as well resolved as it might otherwise if both buildings adopted the same design approach. These observations suggest that, again, the proposal does not find support in the context of sustainable development and more particularly the environmental dimension.

2.10 Policy CP11 requires regard to be had to the Council's Landscape Character Assessment (2007) (LCA). The site is located in the 'Thet Settled Tributary Farmland' area as identified in the LCA. The identified area comprises a narrow band of gently undulating farmland intersected by

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tributaries draining southwards into the River Thet. The character area extends from Thompson in the west to Attleborough in the east. The LCA describes the farmland as a medium scale, semi enclosed landscape, defined by the arable agricultural land use. One of the four 'development considerations' is to ensure that new development reflects the existing 'material and stylistic vernacular' within the settlements and that their individual and separate identities are preserved. The above assessment suggests that the proposed development will not be reflective of the existing material and stylistic vernacular of the neighbouring village and it is therefore concluded that the application conflicts with the LCA.

2.11 As there is no change to the existing access arrangement there is no undue streetcape impact arising from the access arrangement, consistent with Core Strategy Policy DC16.

### 3.0 Amenity Impact

3.1 The separation distances of the proposed dwelling from neighbouring properties is such that there will be no unreasonable impacts on the amenity of neighbouring occupants. Overlooking, overshadowing, visual bulk, and loss of light all fall within acceptable parameters, consistent with Policy DC 01.

### 4.0 Highway safety

4.1 The application seeks to utilise the existing access arrangement. The Highway Authority raises no objection subject to standard planning conditions being imposed regarding visibility splays, access details etc. If approval of the application was recommended these matters could be adequately dealt with via conditions.

### 5.0 Tree Impact

5.1 The proposal will not result in an unacceptable loss of trees that would be detrimental to the landscape character of the locality. Works required to trees to facilitate the required visibility splay are considered minor and within acceptable limits.

### 6.0 Ecology Impact

6.1 Council's Ecology Consultant has reviewed the submitted Protected Species Survey and Report and is satisfied that, providing the mitigation measures on pages 29 to 32 are implemented, the proposal will not have an acceptable impact on the ecology of the area. If approval of the application was recommended these matters could be adequately dealt with via conditions.

### 7.0 Other

7.1 In response to a number of concerns raised not already considered above, the following is provided:

- A site notice was erected and displayed in accordance with relevant regulations;

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- Drainage and surface water management is most appropriately determined through building regulations at the detailed building permit stage of the development process;
- A cross section was subsequently submitted and has been considered as part of the assessment of the visual impact of the development on the character of the area.

### 8.0 Conclusion

8.1 The proposal conflicts with Policy CP14 due to its location outside a defined Settlement Boundary. However this policy can be afforded little weight due to the present shortfall of housing land in the District. The village of Stow Bedon does not contain accessible local services nor do any of the nearest villages. The nearest full range of services is located in Watton and, with an infrequent bus service, car dependency will be high. The development will appear as an isolated dwelling in the countryside owing to the particular site context within which it is to be located. These aspects of the proposal are not consistent with the environmental dimension of sustainable development. Although there are favourable aspects, including limited highways, ecology and tree impacts, the overall balance of consideration is such that refusal of the application is recommended as the proposal does not represent sustainable development.

#### Grounds of refusal

The proposed development, by virtue of its siting, design and appearance, would result in an unacceptable visual intrusion into the rural landscape and as such would be detrimental to the character and visual amenity of the area, contrary to Policies DC 01 and DC 16 of the adopted Core Strategy, the adopted Landscape Character Assessment 2007 and paragraph 58 of the National Planning Policy Framework.

The site is located outside a Settlement Boundary and is not considered a sustainable location given the remoteness to local services. The proposal will result in an isolated dwelling in the countryside and as such does not represent sustainable development, contrary to Paragraph 55 of the National Planning Policy Framework.

#### **RECOMMENDATION**

**Refusal of Planning Permission**

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

- 9130** Unwarranted intrusion into landscape
- 9044** Policy not met outside settlement

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<b>ITEM</b>	<b>9</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2015/0528/O	<b>CASE OFFICER:</b> Jemima Dean
<b>LOCATION:</b>	YAXHAM Fieldings Drive	<b>APPN TYPE:</b> Outline <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 & Mrs Rob Thomas c/o Agent	
<b>AGENT:</b>	Icon (uk) Consulting Hethel Engineering Centre Chapman Way	
<b>PROPOSAL:</b>	Residential Development	

### **KEY ISSUES**

Principle of development  
Amenity Impact  
Highway safety  
Ecology

### **DESCRIPTION OF DEVELOPMENT**

In October 2012 outline planning permission for 4 dwellings on the site (or a greater part of it) was refused under planning reference 3PL/2012/0814/O. Reasons for refusal related to an unsustainable location and highway safety. In the consequent appeal (APP/F2605/A/13/2197373), which was dismissed, the Inspector concluded that the appeal site was in a sustainable location, although agreed that the proposed access to the highway was materially substandard.

This application seeks outline planning permission (with appearance, landscaping, layout and scale being reserved matters) for the erection of six dwellings on land off Fieldings Drive (a larger parcel of land but including the previous appeal site). An indicative site layout plan details the provision of 2 bungalows and 4 two storey dwellings.

The proposed access provides increased visibility splays at the junction of Station Road via Fieldings Drive than that proposed in the previous application. This has been made possible by the acquisition of 'Garden Cottage', a house immediately to the south of 'The Fieldings'.

### **SITE AND LOCATION**

The application site comprises approximately 0.58 hectare of land to the west of Fieldings Drive, Station Road. The site is located to the west of the village of Yaxham with the majority of the site

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falling beyond the Settlement Boundary. The site is located approximately 2.5 miles to the south of Dereham. The site is bounded to the east and south by a mixture of single and two storey dwellings and to the north and west by well-established hedgerows and trees. More specifically the site is located to the west of 1, 3, 5 and 6 Fieldings Drive and to the north of dwellings known as 'The Beeches', 'The Curtilage' and 'Field House' on Station Road.

The area around Station Road has been the subject of a number of recent housing developments including Fieldings Drive, Prior's Grove and Stranton Avenue. The site lies to the west of a small recently-built housing development and includes the access road (Fieldings Drive) from Station Road.

### **EIA REQUIRED**

No

### **RELEVANT SITE HISTORY**

3PL/2012/0814/O - Proposed residential development (4 plots) - Dismissed on Appeal

### **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.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.12	Trees and Landscape
DC.13	Flood Risk
DC.16	Design
DC.19	Parking Provision
NPPF	With particular regard to paragraphs 14, 47 and 49
NPPG	National Planning Practice Guidance

### **CIL / OBLIGATIONS**

Not Applicable

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 24-08-2015**

### **CONSULTATIONS**

#### **WHINBURGH & WESTFIELD P C - No Comments Received**

#### **YAXHAM P C -**

Yaxham Parish Council objects to this application because it is outside the Settlement Boundary and a development of this size should have some associated public open space.

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

No objection - comments relating to design.

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

No objection subject to conditions and a Private Road S106 Agreement to be completed to ensure that the road is privately maintained.

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

No objection.

#### **CONTAMINATED LAND OFFICER**

No objection subject to standard contamination condition.

#### **MID NORFOLK RAILWAY PRESERVATION TRUST**

Please ensure that no surface water drainage from the development is directed towards the railway line. Also, supplementary fencing should be provided alongside the railway boundary to avoid / deter trespass onto the railway by property occupiers and others. This is in the interests of railway safety.

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

If vegetation cover and structures on site are still present, we recommend that an initial ecological walkover survey is conducted.

#### **NATIONAL GRID**

Identifies apparatus in the area and highlights requirements

#### **ENVIRONMENTAL HEALTH OFFICERS - No Comments Received**

#### **NORFOLK WILDLIFE TRUST - No Comments Received**

#### **H M INSPECTOR OF RAILWAYS OFFICE OF RAIL REGULATION - No Comments Received**

### **REPRESENTATIONS**

None

### **ASSESSMENT NOTES**

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 24-08-2015**

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 seeks outline planning permission with all matters reserved apart from access for residential development on land to the west of Fieldings Drive, Yaxham. The site currently comprises overgrown grassland. Part of the land falls within the Settlement Boundary for the village with the majority falling outside.

2.2 Insofar as it relates to development outside the Settlement Boundary, the proposal would 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.

2.3 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.

2.4 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. 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.

2.5 Although largely outside of the Settlement Boundary, the proposed development would adjoin the main built up area of the village and would be bounded to the west and south by existing residential development. Given the relationship of the site to the existing settlement, the site does not comprise open countryside. In light of this site-specific context, the proposed development would not appear visually intrusive in the countryside.

2.6 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. With regard to availability and deliverability, whilst this is an outline application, the site is within the applicant's ownership and available now, making the development deliverable within 5 years to meet the housing shortfall. It is appropriate that the time limits are reduced and this would be in accordance with other applications in Breckland approved under the five year supply. It is considered appropriate to impose a two year period for commencement of development in order to reaffirm the deliverability of the scheme.

2.7 In terms of economic and social sustainability, Yaxham is identified as a defined settlement in the development plan but it is not identified for a specific level of growth within the settlement hierarchy. Yaxham contains some everyday services and facilities including a public house, village / farm shop, café, tourist accommodation, Clint Green Primary School and recreation areas.

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 24-08-2015**

2.8 Dereham, approximately 2.5 miles to the north of the application site, has a comprehensive range of retail, employment, education and service uses including convenience and comparison shopping, industry, entertainment, schools and other community facilities. Whilst not located in Yaxham itself, these facilities would be accessible from the development by regular bus service from Yaxham or by short car journey.

2.9 In terms of public transport Yaxham is served by a regular bus service that runs seven days a week, the number 4 (Swanton Morley - Dereham - Yaxham - Norwich). The site is within very easy walking distance of the nearest bus stops. The bus services linking the site to Dereham's local amenities would provide an alternative to the car, consistent with the social and environmental dimensions to sustainable development. The proposal would not therefore result in an isolated development in the countryside.

2.10 The above conclusion is considered in the context of a recent appeal decision (APP/F2605/A/13/2197373) concerning the application site (albeit larger than the appeal site). The Inspector determined that the site is in a sustainable location and that residential development would not conflict with the sustainable development objectives of Paragraph 55 of the NPPF.

2.11 To conclude on this issue it is considered that whilst some harm would be caused due to the need to travel by car to access most local services in Dereham, this harm would be small given the short distance and the availability of public transport in proximity of the site.

### 3.0 Amenity Impact

3.1 In terms of design, layout, scale and appearance, these matters are reserved for future consideration should outline planning permission be granted. However, it is considered that the site is large enough to accommodate six dwellings whilst providing adequate amenity space for future occupants, and would not result in a cramped form of development having regard to the layout of neighbouring development.

3.2 An indicative site layout has been provided which shows plots 1 and 2 as bungalows and plots 3 to 6 as two storey dwellings. It is considered such a design in this location may be considered acceptable subject to impacts on the amenity of neighbouring residents. Amenity impacts would need careful consideration at the reserved matters stage. It is considered that the application site is sufficiently proportioned to ensure the introduction of dwellings at this location could be undertaken in a manner that responds favourably to Core Strategy Policy DC16.

### 4.0 Highway safety

4.1 Since the previous planning application that was refused (3PL/2014/0431/O), the applicant has acquired 'Garden Cottage', Station Road. They also own 'The Fieldings'. A satisfactory level of visibility onto Station Road can therefore now be achieved. The Highway Authority considers that the opportunity to secure visibility onto Station Road outweighs the harm caused by the lack of footway between the site and the nearest footway. The Authority therefore raises no objection in principle to the proposed development subject to conditions.

4.2 The existing access already serves 9 dwellings and the Highway Authority recommends a

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Private Road S106 Agreement be completed to ensure that the road is privately maintained and not offered for adoption at some point in the future. Conditions would also be requested. The applicant has indicated he would be happy to enter into such an Agreement.

### 5.0 Ecological

5.1 The application site comprises vacant land largely overgrown with thistles. The Ecological and Biodiversity Consultant recommends that an initial ecological walkover survey is conducted if vegetation cover and structures are present on the site. Due to the current condition of the application land it is not considered necessary to carry out the recommended survey work.

### 6.0 Other Matters

6.1 The Mid Norfolk Railway Preservation Trust has requested that no surface water drainage from the development is directed towards the railway line and that supplementary fencing should be provided alongside the railway boundary to avoid / deter trespass onto the railway by property occupiers and others. This matter can be secured via planning condition in the interests of railway safety.

### 7.0 Conclusion

7.1 Given the current shortfall in the supply of housing land in the District, local planning policies which seek to prevent development outside settlement boundaries can be given little weight. It has already been established in the recent appeal decision that the application site is in a sustainable location and the issues surrounding highway safety have been satisfactorily addressed. Impact on the character and appearance of the area will not be unacceptable given the site's visual relationship with the adjoining village. Any harm caused would not demonstrably and significantly outweigh the benefits of the development and the application is therefore recommended for approval subject to conditions.

#### **RECOMMENDATION**

**Outline Planning Permission**

#### **CONDITIONS**

- 3005** Outline Time Limit (2 years)
- 3058** Standard Outline Condition
- 3946** Contaminated Land - Unexpected Contamination
- HA05** Standard outline highways condition
- HA19** Provision of visibility splay on approved plan
- DE08** Slab level to be arranged
- 3802** Precise details of surface water disposal
- 3402** Boundary screening to be agreed
- 4000** Variation of approved plans
- 3992** Non-standard note re: S106

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- 3996** Note - Discharge of Conditions
- 2000** NOTE: Application Approved Without Amendment
- 2014** Criterion E - Planning Apps Where Approved
- 3994** Note re National Grid

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 24-08-2015**

<b>ITEM</b>	<b>10</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2015/0537/O	<b>CASE OFFICER:</b> James Platt
<b>LOCATION:</b>	SPORLE Rear of Thatched Cottage Too 29 The Street	<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>	Mr & Mrs Russell Thatched Cottage Too 29 The Street	
<b>AGENT:</b>	Parsons & Whittlely Ltd 1 London Street Swaffham	
<b>PROPOSAL:</b>	Proposed Single Storey dwelling	

### **KEY ISSUES**

Sustainable development  
Impact on amenity  
Impact on the character and appearance of the area  
Highway safety

### **DESCRIPTION OF DEVELOPMENT**

The application seeks outline planning permission for the erection of a single storey dwelling at land to the rear of 'Thatched Cottage Too', The Street, Sporle. Approval is also being sought for the reserved matters of access. The proposed vehicle access is to be located between 29 and 29A The Street.

### **SITE AND LOCATION**

The proposed site forms part of the existing rear residential amenity space of 'Thatched Cottage Too'. The proposal is located outside of the defined Sporle Settlement Boundary. The surrounding area is characterised by residential development, with access gained to the proposed site via The Street. The site is bounded by residential development to the north, south and east and agricultural land to the west.

### **EIA REQUIRED**

No

### **RELEVANT SITE HISTORY**

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 24-08-2015**

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

DC.01	Protection of Amenity
DC.02	Principles of New Housing
NPPG	National Planning Practice Guidance
NPPF	With particular regard to paragraphs 7 and 14

### **CIL / OBLIGATIONS**

Not Applicable

### **CONSULTATIONS**

#### **SPORLE P C -**

It is the view of the members of the Parish Council that this is not a suitable site for development. It is not an in-fill site, it would require another access bridge to be built and the supply pole would most likely have to be moved. The proposed site requires the removal of several established trees. Due to its elevated location any property sited here would overlook its closest neighbours who currently enjoy the privacy of their garden.

All members of the Council object to this application for a proposed building plot. It is understood that previous occupiers of this property made a similar application several years ago and it was turned down as being an unsuitable site for development.

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

No objection subject to conditions.

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

No objection.

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

No objection.

#### **CONTAMINATED LAND OFFICER - No Comments Received**

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

### **REPRESENTATIONS**

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Four letters of objection were received from neighbouring parties, based on the following grounds:

- Overlooking
- Loss of light
- Dominance
- Poor access

### **ASSESSMENT NOTES**

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

#### 2.0 Sustainable development

2.1 The application site lies outside of any defined Settlement Boundary. 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 As per paragraph 7 of the NPPF, there are three dimensions to sustainable development: economic, social and environmental. The NPPF states that these roles should not be undertaken in isolation, because they are mutually dependent.

2.4 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. 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.

2.5 The social role of sustainable development seeks to ensure, amongst other matters, the creation of a high quality built environment with accessible local services. Local services in Sporle include a Public House, shop, village hall, church and a school. The nearest town that offers services that has the potential to meet all everyday needs, including shopping, employment and education is in Swaffham, a mid-sized market town. Swaffham is located 2.5 miles to the west and the site connects with the town via a designated bus service route. This service connects Watton with Kings Lynn and operates hourly, although noting services from Sporle do not operate from 1:00pm onwards. In addition, services operate two hourly on a Saturday. The 'Flexibus' service operated by Norfolk County Council is an additional public transport option which offers a 'ring and ride' service that follows a route set by pre-booked requests and which can pick up and drop off at pre-determined locations. This service operates Monday to Friday 9am - 4.30pm only. The bus stop nearest to the site is located opposite the Three Ways Store, only 100m from the site. It is noted that The Street has a public footpath that connects the site

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not only to the bus stop but also to services in the village. The bus services linking the site to Swaffham's local amenities would provide an alternative to the car, consistent with the social and environmental dimensions to sustainable development. These considerations weigh in favour of the proposal.

2.6 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. With regard to availability and deliverability, whilst this is an outline application, the site is within the applicant's ownership and available now, making the development deliverable within 5 years to meet the housing shortfall. It is appropriate that the time limits are reduced and this would be in accordance with other applications in Breckland approved under the five year supply. It is considered appropriate to impose a two year period for commencement of development in order to reaffirm the deliverability of the scheme. The above observations confirm the proposal supports the economic dimension to sustainable development. Again, these considerations weigh in favour of the proposal.

2.7 The environmental role of sustainable development seeks to, in part, contribute to protecting and enhancing the natural, built and historic environment. Consideration of a proposal's impact on the character and appearance of the area within which it is situated is therefore integral to the environmental dimension of sustainable development. The plot abuts the Settlement Boundary and is bounded by housing to the north, south and east. The plot lies behind a defined and established linear corridor of residential development. Given the relationship of the site to this corridor of development, the plot very much presents as a backland development site. The surrounding area is however subject to similar forms of backland development, including development at 'Down Hill Drive', 'Black Smiths Yard' and 'Cider Yard'. The proposed dwelling would be set behind the existing properties at 29a and 31 The Street, obscuring views of the development from the streetscene. In light of this site-specific context, it is concluded that the development will not appear visually intrusive and would not result in an isolated development in the countryside.

2.8 In terms of design, layout, scale and appearance, these matters are reserved for future consideration should outline planning permission be granted. However, it is considered that the site is large enough to accommodate a dwelling whilst providing adequate amenity space for future residents as well as associated car parking. The indicative plan demonstrates that the plot is large enough to accommodate a dwelling with parking to the front, an acceptable design response given parked vehicles will be largely concealed from street view. It is concluded that a single dwelling would not result in a cramped form of development having regard to the layout of neighbouring development and the built form character of this part of the village. The plot is sufficiently proportioned to ensure the introduction a dwelling at this location could be undertaken in a manner that responds favourably to Core Strategy Policy DC16.

2.9 The proposed vehicle access will sit adjacent an existing driveway. Landscaping along the proposed driveway will soften the visual impact of the driveway on the streetscape.

2.10 Objector concerns are noted regarding the levels of the site and the potential character impact of residential development at this location. Although the site is somewhat elevated a single storey dwelling would not visually dominate the surrounding area, noting it would be largely obscured from street view. As shown in the submitted cross section, the ridgeline of a single storey dwelling would only marginally project beyond the ridgeline of the dwelling at number 29A.

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### 3.0 Amenity Impact

3.1 It is noted that an objection from the Parish Council and neighbouring parties has been received with respect to overlooking and the subsequent loss of privacy.

3.2 Impact upon amenity is a reserved matter which would be considered at the detailed planning stage should outline planning permission be granted. However, it is considered that the indicative site plan satisfactorily demonstrates that a single storey dwelling, private open space and associated car parking can be accommodated without giving rise to significant overlooking, overshadowing, loss of light, or privacy with respect to adjacent dwellings. There is sufficient scope to site and treat windows and provide appropriate boundary screening in a manner that would satisfactorily mitigate any undue overlooking impact. Through careful siting of buildings, overshadowing and loss of light impacts can be appropriately mitigated. The plot is sufficiently proportioned to ensure the introduction of a dwelling at this location could be undertaken in a manner that responds favourably to Core Strategy Policy DC01.

3.3 The existing hedge along the eastern boundary that sits within the application site provides a visual buffer between the site and neighbouring rear gardens. A condition is recommended that seeks to retain this hedge to provide an appropriate amenity interface between the site and adjoining properties.

### 4.0 Highway Safety and Access

4.1 The Highway Authority raises no objection subject to standard planning conditions being imposed regarding visibility splays, access details etc. A power pole at the site frontage requires removal. If planning permission is granted the applicant will pursue this matter separately with the relevant electricity service provider.

### 5.0 Trees and Landscaping

5.1 The proposed access will necessitate the removal of trees at the property frontage. Additional trees central to the site are also proposed to be removed. The Tree Consultant has reviewed the submitted arboricultural information and does not object to the proposed removal of the trees. Landscaping of the site is proposed that will adequately offset the visual impact that will result from the proposed tree removal.

### 6.0 Ecology

6.1 The Ecological and Biodiversity Consultant raises no objection to the proposal.

### 7.0 Conclusion

7.1 The proposal would conflict with Policy CP14 due to its location outside a defined Settlement Boundary. However this policy can be afforded little weight due to the present shortfall of housing land in the District. In social and environmental terms Sporle has accessible local services which are supplemented by a good range of local services accessible by public transport

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within 2.5 miles of the site at Swaffham, a mid-sized market town. In economic terms the development supports growth and the local economy albeit in a modest manner. The proposal constitutes a development that will result in an acceptable character response having regard to the form and character of the surrounding area, consistent with the environmental dimension of sustainable development. The balance of consideration therefore lies in support of the application and it is recommended for approval subject to conditions.

### **RECOMMENDATION**

**Outline Planning Permission**

### **CONDITIONS**

- 3005** Outline Reduced Time Limit
- 3047** In accordance with submitted
- 3058** Standard Outline Condition
- 3412** Trees/hedges to be retained
- HA08** New access - construction over verge
- HA20** Provision of visibility splays - conditioned
- 3946** Contaminated Land - Unexpected Contamination
- HA05** Standard outline highways condition
- 3988** NOTE: Single Storey Dwelling
- 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 - 24-08-2015**

<b>ITEM</b>	<b>11</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2015/0742/O	<b>CASE OFFICER:</b> Jemima Dean
<b>LOCATION:</b>	WHINBURGH&WESTFIELD Land adjacent Sundance Shop Street	<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>	Mr R Parker & Miss T Newbold Sundance Shop Street	
<b>AGENT:</b>	Jonathan W Burton 12 Park Road Dereham	
<b>PROPOSAL:</b>	Erection of one & a half storey dwelling with detached garage	

### **KEY ISSUES**

Sustainable development  
Local character impact  
Amenity impact  
Highway safety  
Ecology

### **DESCRIPTION OF DEVELOPMENT**

Outline planning permission (with appearance, landscaping, layout and scale being reserved matters) is sought for the erection of a dwelling on land located on the western side of Shop Street, Whinburgh. The site is located to the south of 'Sundance' currently comprising garden land with a workshop located to the rear of the site. The plot measures approximately 16.5m wide with a depth of 41m. Vehicle access to the site is proposed directly from Shop Street at the eastern boundary of the plot. The application is supported by a Design and Access Statement.

### **SITE AND LOCATION**

The application site comprises the side garden of 'Sundance', a residential property that is located outside of any defined Settlement Boundary. It is bordered to the north and south by residential dwellings, to the east by the highway and beyond by residential dwellings. To the west is agricultural land. The site is an area of open land bounded by mature hedgerows and trees. The surrounding area is characterised by detached dwellings. The proposed site is located off Shop Street, Whinburgh which is approximately 2.5 miles to the south east of Dereham. Shop Street leads from the B1135 Dereham Road to the east with Church Road to the south of the site.

### **EIA REQUIRED**

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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.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
DC.19	Parking Provision
NPPF	With particular regard to paragraphs 14, 47 and 49
NPPG	With particular regard to paragraph 6 to 17

### **CIL / OBLIGATIONS**

Not Applicable

### **CONSULTATIONS**

#### **WHINBURGH & WESTFIELD P C -**

No objection.

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

The revised access location detailed on drawing 0626/01 A is acceptable. No highway objection raised subject to conditions.

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

Seek no objection comment

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

An initial ecological walkover survey should be conducted prior to determination to assess all habitats on site for the potential to support protected species and should include an initial bat roost assessment of any buildings or trees to be affected by the development, including the shed which is proposed for demolition.

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### **CONTAMINATED LAND OFFICER**

No objection subject to condition.

#### **REPRESENTATIONS**

None

#### **ASSESSMENT NOTES**

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

#### 2.0 Sustainable development

2.1 The application site lies outside of the defined Settlement Boundary of Whinburgh. 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. 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 The social role of sustainable development seeks to ensure, amongst other matters, the creation of a high quality built environment with accessible local services. Although there are relatively limited amenities in Whinburgh, which include a pub / restaurant, village green and a church, the proposed development would be within reach of the full range of comprehensive services provided in nearby Dereham, a Local Service Centre as identified in the Council's Spatial Strategy (Policy SS1). Dereham provides extensive shopping, education and employment opportunities. Albeit limited in frequency the number 17 bus service provides an irregular bus service to Dereham (West Bradenham-Whinburgh-Dereham). Whilst some harm would be caused due to the need to travel by car to access most local services in Dereham, this harm would be small given the short distance involved. It is concluded that the proposal responds appropriately to the environmental dimension of sustainable development. These considerations weigh in favour of the proposal.

2.5 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. With regard to availability and deliverability, whilst this is an outline application, the site is within the

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 24-08-2015**

applicant's ownership and available now, making the development deliverable within 5 years to meet the housing shortfall. It is appropriate that the time limits are reduced and this would be in accordance with other applications in Breckland approved under the five year supply. It is considered appropriate to impose a two year period for commencement of development in order to reaffirm the deliverability of the scheme.

### 3.0 Character Impact

3.1 Although outside of the Whinburgh Settlement Boundary, the plot is bounded on both sides by existing housing and reads as relatively enclosed. Unlike the eastern side of Shop Street at this location, the plot forms part of a well defined and established linear corridor of residential development. Given the relationship of the site to this corridor of development, the plot very much presents as an infill development site. Again, unlike much of the land fronting the eastern side of Shop Street, the plot does not present as open countryside. In light of this site-specific context, it is concluded that the dwelling will not appear visually intrusive and would not result in an isolated development in the countryside.

3.2 Design, layout, scale and appearance are matters reserved for future consideration should outline planning permission be granted. Notwithstanding the submitted indicative layout plan it is considered that the site is large enough to accommodate a dwelling whilst providing adequate amenity space for future residents and would not result in a cramped form of development having regard to the layout of neighbouring development.

3.3 The plot is sufficiently proportioned to ensure the introduction of a dwelling at this location could be undertaken in a manner that responds favourably to Core Strategy Policy DC16.

### 4.0 Amenity Impact

4.1 Impact upon amenity is a reserved matter which would be considered at the detailed reserved matters stage should outline planning permission be granted. An indicative site layout has been provided which shows a proposed one and a half storey dwelling. This is further informed by the submitted Design and Access Statement.

4.2 Whilst it is thought that such a design in the position shown would not be acceptable in terms of its potential impacts on the amenity of neighbouring residents to the south, it is considered that with careful consideration at the detailed design stage a dwelling of the scale proposed could be satisfactorily accommodated without giving rise to significant overlooking, overshadowing, loss of light or privacy impacts. It is likely that the siting of the dwelling as shown on the indicative layout will require amending in order to provide a more site responsive design in respect to the southern amenity interface.

### 5.0 Highway Impact

5.1 The revised plan 0626/01/A (as requested by the Highway Authority) has satisfactorily addressed concerns regarding highway visibility. The Highway Authority recommend conditions relating to vehicular access, visibility splay, on-site car parking/turning and an informative relating to works within the public highway. The proposal is acceptable in terms of highway safety.

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### 6.0 Ecology

6.1 The Ecology Consultant has requested that an initial walkover survey is carried out prior to determination of the application. However, the site comprises a well manicured garden and the shed referred to is relatively new, comprising corrugated tin construction. Trees and hedges on site are largely coniferous. Given the domestic context it is considered very unlikely that the shed or vegetation on the site has the potential to support protected species. On this basis a walkover survey is not considered necessary in this instance.

### 7.0 Conclusion

7.1 The proposal would conflict with Policy CP14 due to its location outside a defined settlement boundary. However this policy can be afforded little weight due to the current shortfall of housing land in the District. Any harm caused to sustainability, local character, amenity, highway safety and ecology would not demonstrably and significantly outweigh the benefits of development. The application is therefore recommended for approval subject to conditions.

7.2 Given the size of the application site and proximity to neighbours it may be appropriate, in the interests of character and amenity impacts, for certain permitted development rights to be restricted. This will be considered further at the consequent reserved matters stage should outline permission be granted.

#### **RECOMMENDATION**

**Outline Planning Permission**

#### **CONDITIONS**

- 3005** Outline Time Limit (2 years)
- 3058** Standard Outline Condition
- 3946** Contaminated Land - Unexpected Contamination
- HA08** New access - construction over verge
- HA19** Provision of visibility splay on approved plan
- HA05** Standard outline highways condition
- 4000** Variation of approved plans
- AN61** NOTE NCC Inf 2 When Vehicular access works required
- 3996** Note - Discharge of Conditions
- 2000** NOTE: Application Approved Without Amendment
- 2014** Criterion E - Planning Apps Where Approved