

<b>Item No.</b>	<b>Applicant</b>	<b>Parish</b>	<b>Reference No.</b>
1	Mr & Mrs Worledge	DEREHAM	3OB/2016/0006/OB
2	Mr C W Garrod	STOW BEDON/BRECKLES	3PL/2012/0707/F
3	Mr C W Garrod	STOW BEDON/BRECKLES	3PL/2012/0708/F
4	Mr C W Garrod	STOW BEDON/BRECKLES	3PL/2012/0709/F
5	Mr C W Garrod	STOW BEDON/BRECKLES	3PL/2012/0710/F
6	Mr C W Garrod	STOW BEDON/BRECKLES	3PL/2012/0715/F
7	John Hilditch Builders	BEETLEY	3PL/2015/0826/O
8	Mr & Mrs Granville Mark	NORTH ELMHAM	3PL/2015/0919/O
9	Mr Dave Greenwood	WHINBURGH&WESTFIELD	3PL/2015/1264/F
10	Sovereign Group Limited	BAWDESWELL	3PL/2015/1424/F
11	Mr Jon Pennells	NORTH ELMHAM	3PL/2015/1459/F
12	RSLC Ltd	GRISTON	3PL/2016/0050/F
13	Mr Simon Ball	ICKBURGH	3PL/2016/0108/F
14	Mr P Potter	OLD BUCKENHAM	3PL/2016/0194/O
15	Mr & Mrs Simon Rogers	BESTHORPE	3PL/2016/0271/O
16	Mr D Ulrych	GRISTON	3PL/2016/0297/O
17	Mr & Mrs Peter Mills	STOW BEDON/BRECKLES	3PL/2016/0371/F
18	Ms Sara Large	SWANTON MORLEY	3PL/2016/0454/O
19	Dudley Business Services	NECTON	3PL/2016/0491/F
20	Mr Stacey Beesley	MATTISHALL	3PL/2016/0651/F
21	Mr K Bell	NARBOROUGH	3PL/2016/0005/VAR

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

<b>ITEM</b>	<b>1</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3OB/2016/0006/OB	<b>CASE OFFICER:</b> Richard Laws
<b>LOCATION:</b>	DEREHAM Mill Vue Farm Badley Moor	<b>APPN TYPE:</b> Planning Obligation <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> <b>CONS AREA:</b> N <b>LB GRADE:</b> N <b>TPO:</b> N
<b>APPLICANT:</b>	Mr & Mrs Worledge C/O Agent	
<b>AGENT:</b>	David Futter Associates Ltd Arkitech House 35 Whiffler Road	
<b>PROPOSAL:</b>	Remove covenants 5.1, 5.3 & 5.4 on 3PL/2006/1067/O (re occupancy restriction)	

### **REASON FOR COMMITTEE CONSIDERATION**

The application is called in to Planning Committee at the request of Cllr William Richmond.

### **KEY ISSUES**

Acceptability of modification of Section 106 Agreement dated 11th July 2007 attached to Planning Permission 3PL/2006/1067/0 to remove clauses 5.1, 5.3 and 5.4.

Planning History

Personal circumstances

Acceptability of unrestricted occupancy condition

### **DESCRIPTION OF DEVELOPMENT**

The application seeks to remove clauses 5.1, 5.2 and 5.3 of the Section 106 Agreement dated 11th January 2007 attached to Planning Ref: 3PL/2006/1067/0. Clause 5.1 states, "The occupation of the dwelling shall be limited to a person solely or mainly occupied in the day to day business together with / if applicable the partner or spouse of such person and to any resident dependants in either case living with the said person or persons as a single household and to a widow or widower of any such person". Clause 5.3 states, "The dwelling is not to be used for any purpose other than as ancillary accommodation to the business". Clause 5.4 states, "The dwelling shall not be sold, let or otherwise disposed of independently from the business but shall remain part of and related to the business at all times in the future".

### **SITE AND LOCATION**

The site consists of a large parcel of land in a rural location outside of any defined settlement boundary and is accessed via a long track which adjoins the Matishall Road to the north of the site. The site contains an existing mobile home which the applicants live, outbuildings and the foundation of the new dwelling.

### **EIA REQUIRED**

No.

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

### **RELEVANT SITE HISTORY**

3PL/2015/0868/CU- Variation of conditions 4 & 7 of 3PL/1992/0570/CU (Use and Occupancy)- Granted.

30B/2014/0006/0B- Modify Section 106 Agreement on 3PL/2006/1067/0 with regard to occupational restriction - Refused.

30B/2013/0002/0B- Revocation of covenants on 3PL/2006/1067/0 relating to occupation restriction - Refused.

3PL/2007/0222/F - Erection of a dwelling approved subject to a S106 agreement. This is still extant and binds the site.

3PL/2006/1067/0-3PL/2006/1067/0- Erection of dwelling ancillary to agricultural engineers premises together with Section 106 Agreement dated 11th January 2007, to ensure that the dwelling shall be occupied solely in connection with the adjacent engineers premises.

3PL/1992/0570/CU - Change of use of fish farm and sales to agricultural engineer's premises including use of building as workshop and stores - Approved 9/7/92.

### **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.02	Principles of New Housing
NPPG	National Planning Practice Guidance
NPPF	With particular regard to paras 8, 49 & 55.

### **CIL / OBLIGATIONS**

Not Applicable.

### **CONSULTATIONS**

#### **DEREHAM T C**

No objection but request that officers check that the business is viable in the long term.

### **REPRESENTATIONS**

Site Notice displayed 27/4/16 - No responses received.

### **ASSESSMENT NOTES**

1.1 There is a long complex planning history associated with the site, which also includes a dwelling approved on the site under References 3PL/2006/1067/0 and 3PL/2007/0222/F. The permission Ref: 3PL/2007/0222/F, with the foundations having been laid, although things have

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

not progressed further with this. There is also a Section 106 Agreement dated 6th July 2007, which binds this permission and is drafted as being supplementary to the agreement dated 11th July 2007 associated with permission 3PL/2006/1067/0, but does clarify that the covenants in that Section 106 Agreement are binding on permission 3PI/2007/0022/F. This tied the occupation of the dwelling to a person or persons solely occupied in the day to day management of the business, (Agricultural Engineering Business) and also that the dwelling is not used for any purposes other than ancillary accommodation to the business and shall not be disposed of independently from the business and shall remain part of an related to the business at all time.

1.2 Two previous applications to modify the occupancy conditions of the Section 106 Agreement have been refused under Planning Ref:3OB/2013/0002/0B and 3OB/2014/0006/0B. The applicants agent have submitted in a report to support the revocations of the relevant covenants 5.1, 5.3 and 5.4 of the Section 106 Agreement. Since work commenced on the property and the foundations were laid in 2009 the applicants have experienced difficulties in securing a mortgage to fund the project due to the occupancy restrictions in place as part of the approval, these difficulties having being brought about by the economic crisis. The applicants have continued to try an obtain a mortgage to fund the construction works but as to date have still been unsuccessful due to the occupancy restriction.

1.3 The applicants need to continue their successful agricultural engineering business and live on site although are unable able to build the new property without the assistance from a mortgage lender, which will not finance the construction with the occupancy restrictions as imposed by the existing consent. The applicants have also attempted to market the property but no buyer has been forthcoming. The applicants have been living in a caravan on site since 2005 as part of a series of temporary consent permission.

1.4 If the clauses as referred to are revoked, the dwelling would become an unrestricted dwelling in the countryside. This would contrary to the provisions of Policy DC02 and CP14 of the Core Strategy and Development Control Policies Development Plan Document 2009, which seeks 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, the relevant local policies for the supply of housing referred to above should not be considered up to date and that housing applications should be granted unless any adverse impacts would significantly outweigh the benefits. As a result consent should be granted unless any adverse effects in doing so would significantly and demonstrably outweigh the benefits.

1.5 The NPPF identifies three dimensions of sustainable development:

- 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.

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

1.6 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.

1.7 Further, paragraph 55 states that to promote development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local Planning Authorities should avoid isolated homes in the countryside unless there are special circumstances. The applicants run a successful rural agricultural engineering business from the site which can be argued does help to maintain the vitality of the rural community and its retention should be encouraged and this weighs in favour of the proposal in this instance.

1.8 In terms of impact on the countryside the site enjoys an extant consent for a dwelling, a dwelling could therefore, be physically constructed and as such there would be no further intrusion into the countryside whether there are occupancy restrictions or not.

1.9 The site is also within relatively close proximity to market town of Dereham approx. 2.5 miles which provides a wide range of services and facilities and can be argued to support the social dimension of sustainability.

### 2.0 Conclusion

2.1 In conclusion this is a very finely balanced case in particular given the protracted planning history associated with the site. The applicants run a successful agricultural engineering business from the site, which they wish to continue doing so, but with the occupancy restriction are unable to construct the dwelling on which a start has already been made. Whilst the removal of the specific covenants would allow an unrestricted dwelling in the countryside, for the reasons set out above in this specific instance it is considered on balance sustainable against the criteria of the NPPF. Accordingly, it is recommended that clauses 5.1, 5.3 and 5.4 of the Section 106 Agreement Dated 11 January 2007 be removed.

**RECOMMENDATION**

**Planning Permission**

**CONDITIONS**

**BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

<b>ITEM</b>	<b>2</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2012/0707/F	<b>CASE OFFICER:</b> Viv Bebbington
<b>LOCATION:</b>	STOW BEDON/BRECKLES Watering Farm (Building 1) Woodcock Road	<b>APPN TYPE:</b> Full <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> No Allocation <b>CONS AREA:</b> N <b>LB GRADE:</b> N <b>TPO:</b> N
<b>APPLICANT:</b>	Mr C W Garrod The Willows Sandy Lane	
<b>AGENT:</b>	Adrian Morley Architectural Design Kingsfold Watton Road	
<b>PROPOSAL:</b>	Demolition of existing duck rearing buildings & erection of pig rear building - Building 1 (Retrospective)	

**REASON FOR COMMITTEE CONSIDERATION**

See attached report

**RECOMMENDATION**

Planning Permission

**BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

<b>ITEM</b>	<b>3</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2012/0708/F	<b>CASE OFFICER:</b> Viv Bebbington
<b>LOCATION:</b>	STOW BEDON/BRECKLES Watering Farm (Building No. 2) Woodcock Road	<b>APPN TYPE:</b> Full <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> No Allocation <b>CONS AREA:</b> N <b>LB GRADE:</b> N <b>TPO:</b> N
<b>APPLICANT:</b>	Mr C W Garrod The Willows Sandy Lane	
<b>AGENT:</b>	Adrian Morley Architectural Design Kingsfold Watton Road	
<b>PROPOSAL:</b>	Demolition of existing duck rearing buildings & erection of pig rear building- Building 2 (Retrospective)	

**REASON FOR COMMITTEE CONSIDERATION**

See attached report

**RECOMMENDATION**

Planning Permission

**BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

<b>ITEM</b>	<b>4</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2012/0709/F	<b>CASE OFFICER:</b> Viv Bebbington
<b>LOCATION:</b>	STOW BEDON/BRECKLES Watering Farm (Building 3) Woodcock Road	<b>APPN TYPE:</b> Full <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> No Allocation <b>CONS AREA:</b> N <b>LB GRADE:</b> N <b>TPO:</b> N
<b>APPLICANT:</b>	Mr C W Garrod The Willows Sandy Lane	
<b>AGENT:</b>	Adrian Morley Architectural Design Kingsfold Watton Road	
<b>PROPOSAL:</b>	Demolition of existing duck rearing buildings & erection of pig rear building - Building 3 (Retrospective)	

**REASON FOR COMMITTEE CONSIDERATION**

See attached report

**RECOMMENDATION**

Planning Permission

<b>ITEM</b>	<b>5</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2012/0710/F	<b>CASE OFFICER:</b> Viv Bebbington
<b>LOCATION:</b>	STOW BEDON/BRECKLES Watering Farm (Building 4) Woodcock Road	<b>APPN TYPE:</b> Full <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> No Allocation <b>CONS AREA:</b> N <b>LB GRADE:</b> N <b>TPO:</b> N
<b>APPLICANT:</b>	Mr C W Garrod The Willows Sandy Lane	
<b>AGENT:</b>	Adrian Morley Architectural Design Kingsfold Watton Road	
<b>PROPOSAL:</b>	Demolition of existing duck rearing buildings & erection of pig rear building - Building 4 (Retrospective)	

**REASON FOR COMMITTEE CONSIDERATION**

See attached report

**RECOMMENDATION**

**Planning Permission**

**BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

<b>ITEM</b>	<b>6</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2012/0715/F	<b>CASE OFFICER:</b> Viv Bebbington
<b>LOCATION:</b>	STOW BEDON/BRECKLES Watering Farm (Barn 2) Woodcock Road	<b>APPN TYPE:</b> Full <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> No Allocation <b>CONS AREA:</b> N <b>LB GRADE:</b> N <b>TPO:</b> N
<b>APPLICANT:</b>	Mr C W Garrod The Willows Sandy Lane	
<b>AGENT:</b>	Adrian Morley Architectural Design Kingsfold Watton Road	
<b>PROPOSAL:</b>	Demolish bldg & extension Barn 2 convert bldg to pig rearing, remove portacabin & erect new office/toilet (Retrospective)	

**REASON FOR COMMITTEE CONSIDERATION**

See attached report

**RECOMMENDATION**

Planning Permission

## **BRECKLAND COUNCIL**

### **PLANNING COMMITTEE- 25<sup>TH</sup> JULY 2016**

#### **REPORT OF THE DIRECTOR OF COMMISSIONING**

(Author Viv Bebbington, Senior Planner)

#### **STOW BEDON: Watering Farm**

**3PL/2012/0707/F - Demolition of duck rearing building and erection of pig rearing building number 1. (Retrospective)**

**3PL/2012/0708/F - Demolition of duck rearing building and erection of pig rearing building number 2. (Retrospective)**

**3PL/2012/0709/F - Demolition of duck rearing building and erection of pig rearing building number 3. (Retrospective)**

**3PL/2012/0710/F - Demolition of duck rearing building and erection of pig rearing building number 4. (Retrospective)**

**3PL/2012/0715/F - Extension to building and erection of office / shower building (Retrospective)**

**Applicant: C. W. Garrod**

#### **INTRODUCTION**

This report covers five separate retrospective applications for the demolition of duck rearing buildings and the erection of four pig rearing buildings, the extension of an existing building for pig rearing and the erection of an office / shower building. A separate application has been submitted for each individual pig buildings.

The issues relating to each of the buildings are identical and the sites all adjoin each other and form part of one farming unit, therefore the applicant has submitted one Environmental Impact Assessment, Planning Statement and Traffic Statement to cover all the development which has occurred on the holding, including the use of existing buildings which have been retained and used for the rearing of indoor pigs.

In addition to the indoor pigs, the applicant rears pigs outside in mobile tents on adjoining agricultural land to the north of the site. The land extends to some 70 acres, (28 ha). Whilst the use of the land and the mobile tents does not require planning permission, the use of the land clearly has an impact in terms of traffic generation and ecological impacts. The rearing of outdoor pigs has been considered as part of the EIA in terms of its cumulative effect on the local environment.

A total of 7500 pigs are currently being reared on the site indoors. 4600 pigs are accommodated in the new buildings which form part of the applications and 2900 pigs are reared within original buildings. The use of the original buildings for pig rearing rather than ducks does not require planning permission as it falls within an agricultural use and therefore does not form part of the proposal.

As part of mitigation for the development the applicant has offered to remove the existing outdoor pigs and limit the number of indoor pigs to 7,000. This would be secured by a Legal Agreement.

A total of 9000 pigs are currently reared on the site outdoors, however, this figure has been significantly higher. The applicant has stated that the land has the capacity to raise 20,000 outdoor pigs.

## **KEY ISSUES**

Principle  
Ecological Impact  
Landscape and visual impact  
Access and recreation  
Land contamination and Water Quality  
Pollution Control - Ammonia, Manure, Effluent discharge, Dust, Odour, Noise  
Cumulative and in-combination effects

## **DESCRIPTION OF THE DEVELOPMENT**

Building No's 1-4 are 30 m long, 16m wide and 6.5 m in height and have a floor area of 480sq m. The roofs are clad using natural coloured profile sheeting. The walls are a combination of green profile sheeting, green curtain screening and concrete grain walling. These four new buildings are sited on the footprint of the original buildings. Each individual building is 143.74 square meters larger than the original building. These buildings are positioned immediately to the south of the site facing onto the track.

Building No 5 is an extension to an original building. The existing building was 22.5m long, 5.1m high and 27.5 m wide. The building has been extended by a further 18.5 m in length. The building is to the rear of the farm managers dwelling and behind buildings numbers 1-4.

The applicant has indicated that the rebuilding of the buildings with an increased floor area has resulted in an additional 1,118 pigs being accommodated indoors.

Included within application 3PL/2012/0715/F is a shower / office building. The building is 7.65m long by 3.250m wide and 2.7m in height. It has a shallow mono pitch profile sheeting roof with block work walls. The building is positioned to the south of the site immediately adjacent to the access track forward of buildings 1-4.

## **SITE AND LOCATION**

The site is in an isolated location to the west of the A1075 Watton to Thetford Road and to the east of Peddars Way, adjacent to the STANTA training area.

The site is in close proximity to Norfolk Valley Fens Special Area of Conservation (SAC), Breckland SAC and Breckland Special Protection Area, (SPA). It is also close to Thompson Water, Carr and Common SSSI, Breckland Farmland SSSI, Stanford Training Area SSSI, Cranberry Rough, Hockham SSSI and Breckland Forest SSSI.

The site is, in part, accessed via Peddars Way. This is designated as a 'soft road' and also forms part of a national trail which is popular for walkers, cyclists and horse riders. The main access route is from the south of the site via an unclassified road,

Great Hockham Road and then Peddars Way. The site is to the east of Peddars Way along a private track.

Immediately to the west of the site is a farm managers dwelling which is occupied in connection with Watering Farm and to the east a dwelling which is in separate ownership.

The site is a former duck farm which was purchased by the applicant in 2011. The replacement buildings / extension which form part of the applications were erected in late 2011.

## **EIA REQUIRED**

The application was submitted in 2012 without an Environmental Impact Assessment. The proposal falls within Schedule 2 of the Environmental Impact Regulations. The required EIA was submitted in June 2014.

The EIA deals with the following environmental impacts from the development:

Ecological Impact

Landscape and visual impact

Access and recreation

Land contamination and Water Quality

Pollution Control - Ammonia, Manure, Effluent discharge, Dust, Odour, Noise

Cumulative and in-combination effects

## **Relevant History**

To the south of the site is a recently established Poultry Farm known as Breckles Farm which is also accessed via Peddars Way. The site was the subject of retrospective applications and appeal against the refusal of planning permission for the retention of polytunnels and poultry arcs. In dismissing the appeal the Planning Inspector concluded the additional traffic generation had materially contributed to the erosion of verges along the un-classified road and Peddars Way serving the site to the detrimental character of the area, contrary to policy CP11. He also noted that the proposals also detract from the enjoyment of the Peddars Way and local roads by walkers, cyclists and horseriders. Following the appeal decision the scale of the development was reduced to fall within permitted development limits and thus outside the scope of planning permission.

## **POLICY CONSIDERATIONS**

CP09 Pollution and Waste

CP10 Natural Environment

CP11 Protection and Enhancement of the Landscape

CP13 Accessibility

CP14 Sustainable Rural Communities

DC01 Residential Amenity

DC07 Employment Development Outside General Employment Area

DC13 Flood Risk

DC16 Design

NPPF With particular regard to paras 28, 109, 113, 118

NPPG

## **CONSULTATIONS**

### **WRETHAM PARISH COUNCIL**

Strong Objection:

Retrospective nature of the proposal, lack of information, increase in traffic on unsuitable roads, damage to Peddars Way.

No evidence to substantiate pre development vehicle movements, or flora and fauna. Peddars Way has deteriorated.

### **STOW BEDON & BRECKLES PARISH COUNCIL**

Strong objection:

Retrospective nature of the proposal, lack of information about what has been demolished, concern re asbestos, loss of hedges and trees, treatment of slurry, filling in of ponds, use of land for outdoor pigs, damage to Peddars Way, lack of information regarding previous traffic movements

No confirmation received re disposal of asbestos or new borehole.

Comparison with duck farm irrelevant, EIA should have been undertaken before development started, TNP cannot be blamed for all the damage to Peddars Way, number of out door pigs has been higher than stated. No evidence re duck business ammonia levels.

Should permission be granted Peddars Way should be returned to former condition and ammonia levels should be reduced.

The Planning Inspector has dismissed the appeal for TNP taking into account traffic generation, visual character and amenity of recreational users, highway safety and impact on the Breckland SPA and SAC. This endorses the concerns of the Parish Council about the importance of Peddars Way and the incompatible use by Watering Farm.

### **GREAT HOCKHAM PARISH COUNCIL**

Strong objection:

Inadequate access, damage to road surfaces, conflict with walkers, damage to bridge, damage to Peddars Way, impact on wildlife and conservation.

### **NATURAL ENGLAND**

No objection subject to conditions requiring the removal of the existing out door pigs, and the creation of grass buffer strips adjacent to Thompson Water SSSI and any ditches and drains flowing into the SSSI.

Natural England does not disagree with the Habitats Regulations Assessment (HRA) undertaken by the Council's Ecological Consultant but maintains a stance of no objection.

## **ENVIRONMENT AGENCY**

No objection subject to conditions

- Remediation strategy to be submitted and approved
- Surface water disposal system to be submitted and approved
- Foul water to be submitted and approved

## **NORFOLK WILDLIFE TRUST**

Objection:

Major concern relates to ammonia concentrations and nitrogen deposition at Thompson Common SSSI. Levels from the new pig unit considered in isolation alone are unacceptable. The cumulative impacts of all the development including the nearby poultry unit are the most severe. The removal of the outdoor pigs would remove a major contributor to nitrogen pollution but this still leaves an unacceptable deposition rate. Concern is raised that it is not possible to deliver the mitigation scenario through planning conditions.

Local Habitat - concern that damage may have occurred to existing pingos and therefore there should be some element of compensation.

## **RSPB**

Objection due to significant impact on designated sites from air pollution.

The ammonia concentrations and nitrogen deposition rates from the pig unit in isolation and cumulatively with other local sources is considered unacceptable and the proposed mitigation falls short of addressing the issues.

## **ECOLOGICAL CONSULTANT**

Refusal - Proposal impacts on a number of protected species and designated wild life species.

Impact on protected Species

loss of 25 ha of broad leaved woodland

loss of 0.82ha of suitable Great Crested Newt Habitat

No bat survey undertaken before buildings demolished

No nesting bird survey, or reptile survey undertaken prior to development or methods of working or mitigation in place prior to development

Impact on protected sites

increase in traffic and heavy vehicle use may increase noise pollution

increase in ammonia and nitrogen deposition from change of use to pig farm.

## **Habitat Regulation Assessment**

The development will have had, and continue to have, detrimental impacts on the features of the designated sites. Natural England should be re-consulted and asked for statutory advice on the whether the application will result in likely significant effects. Despite not raising a formal objection the Environment Agency has issues in relation to air pollution and water contamination which have not been addressed. Unless measures are included within the development to satisfy these proposed

conditions, and sufficient mitigation is included to reduce the impacts to acceptable levels, the application is not suitable as it stands.

The Ecological Consultant acknowledges the stance of Natural England and the fall back position and accepts the proposal would result in less impact on the designated sites than the use of the land for outdoor pigs.

#### **ENVIRONMENTAL PROTECTION OFFICER**

Objection - the development would cause significant environmental concern in terms of odour and noise.

The EIA has identified that the odour at the nearest residential property would be significant. The adoption of an Odour Management Plan and removal of outdoor pigs would reduce the odour impact.

Noise levels associated with the mucking out and cleaning of the sheds (up to two weeks per cycle 3.6 cycles per year).

#### **AIR QUALITY OFFICER**

No objection - No air quality objectives are likely to be breached.

#### **NORFOLK COUNTY COUNCIL HIGHWAY AUTHORITY**

No objection subject to the applicant entering into a legal agreement to secure the cessation of the outdoor pig rearing and restrict the maximum number of pigs on site to no more than 7,500.

#### **RAMBLERS ASSOCIATION**

Objection to any operation which would increase pot holes, damage the surface of the Peddars Way or create dust clouds.

#### **HISTORIC BUILDINGS CONSULTANT**

No objection.

#### **CIlr COWEN**

The current operations do not bear any resemblance to the activities that used to be undertaken on the site whether as a small non intensive pig rearing operation or the duck farm. The present unlawful use has resulted in the destruction of Peddars Way and surrounding forest highways to the frustration of the parishioners and local parish councils.

The Inspector's ruling in the matter of TNP and his analysis of the incompatibility of traffic with the use of Peddars Way, as a long distance internationally recognised tourist trail, should be used as a material consideration in evaluating this application as the traffic generated is significantly greater and more frequent than that of TNP.

## **REPRESENTATIONS**

The following is summary of representations received:-

Unacceptable odour

Increase in noise from vehicles, constant movement of traffic

No comparison from traffic between duck farm and current operation

Impact on Thompson Water and water contamination

Detrimental impact on Peddars Way, noise increase in traffic, conflict with pedestrians, cyclists, horse riders, loss of peace and tranquillity, damage to verges and road surface, inaccessible by car, excessive speed of tractors

Unsuitable access, not appropriate for HGV and large vehicles

Loss of wildlife due to noise and disturbance

Loss of hedges and trees

Impact on traffic on Railway Bridge

Visual impact of outdoor tents

## **ASSESSMENT**

1.0 The applications are referred to Planning Committee as they are locally sensitive.

2.0 Principle

2.1 The site is located within an existing agricultural enterprise, in this case the site has previously been used for the rearing of ducks and recently the rearing of pigs. The expansion of this business accords with Core Strategy DC07 and is also supported by paragraph 28 of the NPPF which requires policies and decision making to support the sustainable growth and expansion of businesses in rural areas and promote and support the development of agricultural businesses in general and as such the principle of the proposal is consistent with policy.

3.0 Ecological Impact

3.1 An ecological assessment forms part of the EIA submitted with the application. This ecological assessment identifies the close proximity of the site to international, national and locally protected sites and assesses the impact the development would have on the flora, fauna and wildlife, both on the application site and to the surrounding designated sensitive sites. The assessment concludes that the impact of the construction phase is estimated as short term and low. The new development will result in an increase in ammonia and nitrogen deposition which is likely to have a moderate impact on the surrounding ecology of the environmentally sensitive sites. However the combined, (cumulative), impact which takes into account the existing outdoor pigs and the poultry farm could have a significant negative effect on the surrounding designated wildlife sites to give an overall critical significance impact.

3.2 The assessment concludes that the removal of the outdoor mobile pig units and the implementation of a series of habitat mitigation measures would benefit the surrounding sites resulting in positive impact for semi-improved grassland and reptiles and a neutral impact on Stone curlew, nightjar, woodlark and bats.

3.3 A Habitat Regulation Assessment has been undertaken by the Council's Ecological Consultant. It concludes that the development would have detrimental impacts on the features of the designated sites due to ammonia and nitrogen deposition and noise and disturbance to protected species and recommends refusal. Natural England does not disagree with the findings of the HRA but maintain a stance of no objection. Whilst they have serious concerns regarding the impact of ammonia and nitrogen deposition upon Thompson Water, Carr and Common SSSI, the air quality assessment identifies the largest process contribution is from the outdoor pigs, as they are larger animals and located closest to the boundary of Thompson Water. The keeping of outdoor pigs does not require planning permission. The removal of the outdoor pigs and the limit of indoor pigs to 7,000 would still represent a potential threat to the nearest SSSI, however, the overall impact would nonetheless be very substantially less than is currently the case. There would also be small reduction in the scale of impacts to the Breckland SAC and to the Breckland Forest SPA and the risk of ground water contamination to Thompson Water would be eliminated.

3.4 The Council's Ecologist has acknowledged that the continued use of the land for the raising of outdoor pigs would cause greater damage to the protected sites.

#### 4.0 Landscape and Visual Impact

4.1 The site falls within the landscape character area D2 Stanta Heath, as defined within the Council's Landscape Character Assessment. Key characteristic of the local landscape include arable fields interspersed with blocks of mixed plantation woodland and areas of heathland and grassland. The site is surrounded on three sides by woodland but open to the north towards Thompson Water. This results in there being very limited long distant views of the site. Public vantage points would be limited to short distance views into the site from the access road to the south of the buildings. The proposal is located within an existing developed site and the EIA concludes that the impact would be negligible and not significant.

4.2 The design and appearance of the buildings are considered acceptable and are of a type which would normally be associated with the countryside. They relate well to existing buildings and are not out of keeping with the local area and therefore it is agreed that the proposal is unlikely to have a significant effect on the landscape.

4.3 The EIA considered the interaction on Peddars Way between farm traffic and pedestrians. The assessment took into account recent resurfacing of the surface with hard core and concluded there is already an interaction between users of the public right of way and the existing military and farm vehicles and the impact of the recent resurfacing would be temporary and would rapidly blend in with the surrounding ground and vegetation. The EIA considers the cumulative impact of the poultry unit at Breckles Heath and the development and concludes that landscape and visual impacts are not significant.

4.4 It is evident from a visual inspection and comments received from residents and the Parish Council's that over the last four years there has been a marked visual deterioration of Peddars Way. The increase in traffic using Peddars Way has changed the nature and visual appearance of the road. The surface has deteriorated

and the verges/ banks have been eroded resulting in the surface becoming wider than it previously was.

4.5 It is acknowledged that Watering Farm is not the only agricultural unit accessed by Peddars Way and may not have solely contributed to its recent deterioration. Breckles Farm to the south of the site also uses Peddars Way as does military traffic. It should also be recognised that part of the indoor pig breeding and outdoor pig breeding at Watering Farm fall outside the scope of the current application. Details have been provided to demonstrate that the traffic generation would be significantly reduced if the outdoor pig rearing ceased.

## 5.0 Access and Recreation

5.1 A transport assessment forms part of the EIA submitted with the application. The statement compares the historic duck traffic movements with the indoor and outdoor traffic movements. The assessment concludes that the impact on Peddars Way would be slightly increased due to slight increases in traffic movement but this is not considered to be significant.

5.2 Revised Traffic figures were produced in 2015 to demonstrate that should the application be refused the rearing of outdoor pigs in greater numbers than indoor pigs would result in an increase in traffic. The applicant has demonstrated that the 72 acre farm could support 20,000 outdoor reared pigs and 2900 pigs could continue to be reared in the original duck buildings.

5.3 The statement concludes that the combination of the indoor and outdoor pig rearing has resulted in considerable additional movements and the voluntary removal of the outdoor pigs would result in a significant net reduction in traffic movements.

5.4 The site is accessed from the A1075 in part by Great Hockham Road and Peddars Way. Both are unclassified and are limited in width and insufficient to allow a car and HGV to pass. The use of the buildings and the land has intensified the use of the site and this has resulted in the significant deterioration of the verges and damage to the carriageway and edges. However it has been argued that this is a result of the increase in traffic associated with both the outdoor pigs and the indoor pigs.

5.5 The Highway Authority has raised no objection to the proposal subject to conditions requiring the cessation in the use of the land for the rearing of outdoor pigs and the maximum indoor pigs to be limited to no more than 7,500. It is considered that the applicant has satisfactorily demonstrated that the level of traffic generated by the current retrospective development could equally be generated by rearing pigs outdoors which does not require planning permission and that the development, in isolation would not result in an increase in traffic volume.

5.6 The Highway Authority has considered the need to require a financial contribution towards the maintenance of Peddars Way but are of the opinion that such a planning condition would fail the tests set out in the NPPF as the nature of the

traffic is the same as they can legitimately produce anyway and the development would not increase traffic volume over and above the legitimate use.

5.7 The Highway Authority has stated that if the applicants are causing abnormal damage to a public highway, then the Highway Authority has the ability to prosecute under the Highways Act 1980 and seek damages providing they can demonstrate that the applicant is responsible for the damage.

5.8 Notwithstanding the Highway Authorities stance the applicant has been asked if he would be prepared to make a voluntary financial contribution however the request has been declined. This cannot be insisted upon given the position of the Highway authority. The applicant has recently, at his own expense, filled the potholes and resurfaced Peddars Way. The surface is currently in a good state of repair and readily accessible by car.

## 6.0 Land Contamination and Water Quality

6.1 A land contamination and water quality survey to assess the potential for contaminants to exist on the land from previous uses and the likelihood of contamination occurring from the new development was submitted as part of the EIA.

6.2 The EIA states that no significant levels of contaminants have been recorded within the abstraction boreholes and therefore there is no significant risk to groundwater abstraction points supplying public drinking water. The assessment concludes that previous duck/pig and current pig rearing activities and surrounding land use for outdoor rearing are not considered to have any impact on controlled waters. Measures have been installed to contain all dirty site drainage and the continual removal by tanker off site would ensure that there is no discharge to land, surface water or ground water, providing a positive benefit compared with the previous operations on the site.

6.3 The Environment Agency has requested a condition requiring a Preliminary Risk Assessment of the site to protect and prevent the pollution of controlled waters.

## 7.0 Pollution Control - Ammonia, Manure, Effluent discharge, Dust, Odour, Noise

### 7.1 Ammonia

7.2 The impact of ammonia emissions from the application site have been assessed in isolation as well as in consideration with the outdoor pigs and the poultry site contributions.

7.3 The EIA states that the ammonia concentrations and nitrogen deposition rates at the nearby designated sites have been identified as potentially unacceptable, (significant). It states that the poultry unit is a contributor and the largest contributor is the outdoor pig unit. In comparison the new development at Watering Farm contributes less. The EIA concludes that the removal of the outdoor pig unit will have a large reduction in emissions by up to 93% at sites closest to the outdoor pigs and would provide a net positive benefit resulting in an overall acceptable level.

7.4 Natural England whilst raising concerns maintains a stance of no objection for the reasons set out on section 3.3.

## 8.0 Manure, effluent discharge

8.1 The unit produces a straw bound farm yard manure which is stored on a concrete hard standing until it is removed off site. It is re-used on neighbouring arable farms for fertiliser or the applicants land for arable cropping proposes. No slurry is produced. All dirty water is held in reception pits for removal off site. There is no dirty water discharge to land, surface water or ground water on or off site. The EIA concludes that the proposal provides for an improved pollution control system which reduces the impact of contamination on the ground and surface waters system and produces a positive environmental impact.

8.2 The Environment Agency has requested conditions requiring the submission of details in respect of surface water and foul water drainage.

## 9.0 Dust, odour and noise

9.1 The impact of dust emissions from the application site have been assessed in isolation as well as in consideration with the outdoor pigs and the poultry site contributions. The EIA states that pig rearing enterprises are considered to be a lower risk of dust impacts than other livestock installations such as poultry rearing. The neighbouring dwelling is down wind of the prevailing wind and therefore dust would be expected to affect this property. However the EIA concludes that any impact experienced would be no worse than when the site was a duck farm. The removal of the outdoor pigs would further reduce dust emissions so that the environmental impact would be low. Significant cumulative impacts are considered to be unlikely due to distance, wind direction and stocking density.

9.2 An odour assessment forms part of the EIA to consider the likely significant effects that odour from the development would have on nearby residents and local amenity. The EIA concludes that some significant impact would be expected at the neighbouring property but the adoption of an odour management plan and good codes of practice would minimise odours and the removal of the outdoor pigs would reduce further the odour impact.

9.3 The Environmental Health Officer has raised an objection to the proposal on the grounds that the proposal is likely to cause significant concern in terms of odour.

9.4 A noise assessment forms part of the EIA to assess the likely significant effects that noise from the development would have on nearby residents. The EIA has concluded that the impact from the automatic feeding operations and noise impact from increased road traffic is not likely to result in any significant effect. The cumulative noise impact of HGVs associated with the outdoor pig units would be moderate until they are removed from the land. The EIA identifies the loading of the feed hoppers to be the noisiest activity and therefore a 3m barrier is required around the closest feed silo to the neighbouring property. The EIA states a noise mitigation strategy should be adopted to control hours of operation for deliveries, catching of

pigs and mucking out/ cleaning operations as well as the control of reversing alarms and loading and unloading at the western side of the site.

9.5 The Environmental Health Officer has raised an objection to the development due to low frequency noise which occurs during mucking out of the sheds.

9.6 In addition to conditions stated in the noise mitigation strategy (as set out in in para 7.3.4) conditions requiring the implementation of an odour management plan, pest control scheme, fly monitoring, and the control of additional generators or compressors etc. should be imposed.

## 10.0 Cumulative and in-combination effects

10.1 The EIA has assessed the cumulative and in-combination impacts of the application site together with the impacts from the adjoining outdoor pig rearing and Breckles poultry site in terms of ecology, ammonia, dust, odour and noise. Mitigation measures have been recommended to reduce or enhance the identified significant impact, to reduce the overall environmental impact and further significant effects would be achieved by the removal of the outdoor pigs. The EIA concludes that without the removal of the outdoor pigs the combined impact of all impacts indicates an overall low-moderate negative but not significant negative impact. The removal of the outdoor pigs would result in the development at Watering Farm having a combined low impact on the environment.

## 11.0 CONCLUSIONS

11.1 It is clear that the pig rearing business currently operating at Watering Farm has significant impacts in terms of ecology, ammonia and nitrogen deposition and the visual appearance of Peddars Way and is likely to result in an increase in odour and noise during mucking out and cleaning. The proposal is therefore in conflict with Policy CP10 and DC01.

11.2 However, this has to be carefully balanced against the accepted and likely fall back position. That is what could continue on the site without the need for planning permission. Should planning permission be refused the applicant could continue to rear 2,900 indoor pigs, (which represents some 39% of the total indoor enterprise in the existing buildings), which do not form part of the application and continue to rear upto 20,000 outdoor pigs, and the impacts to the designated sites and Peddars Way would therefore continue unabated.

11.3 Natural England and the Environment Agency have accepted this position and adopted a position of no objection. They consider that the proposed retrospective development with the mitigation measures, (the permanent removal of the outdoor pigs), represents a net improvement to the existing situation and the fall back position. The removal of the outdoor pigs would be likely to result in substantial reductions in ammonia and nitrogen deposition both in the area of Thompson Water, Carr and Common SSSI which is subject to excessive levels of ammonia and nitrogen deposition and in the severity of the impacts within the affected areas. These reductions would be significantly greater than those which would occur should the retrospective development be refused.

11.4 The Highway Authority has also considered the accepted and likely fall back position in terms of highway safety. It is considered the level of traffic generated by the current retrospective indoor pig breeding could equally be generated by the breeding of outdoor pigs.

11.5 It should be noted that the EIA has been modelled on the basis of 9,000 outdoor pigs. It has been indicated during protracted discussions between the applicant and the Highway Authority the number of outdoor pigs on the land has fluctuated and at times has been significantly higher. It has been demonstrated that outdoor land has the capacity to accommodate some 20,000. This clearly would have greater implications in the fall back situation, in both terms of the environmental impacts on the designated sites and traffic generation.

11.6 Consideration has been had to the Planning Inspectors decision regarding the agricultural development at Breckles Farm, in particular his comments in respect of the erosion of the verges and the interaction with walkers and cyclists etc. However, the planning appeal presented a different set of circumstances and issues to the current planning application and each application must be determined on its own individual merits. In this instance the fall back position is a significant material consideration which was not applicable at Breckles Farm.

11.7 The agricultural buildings in themselves are acceptable. It is the concentrated use of the land which is the main concern and therefore the removal of the outdoor pig unit would significantly reduce the impacts and benefit the environment.

11.8 The removal of the outdoor pigs could be secured through a S106 agreement to ensure the permanent removal of the pigs off the land in perpetuity. It is also recommended that the agreement should be extended cover other all forms of livestock.

11.9 Other mitigation measures include the provision of grassland habitats, hedgerow planting, construction of an acoustic barrier around a feed silo adoption of noise, odour management systems.

11.10 Whilst it is accepted that there is recognisable harm associated with the development, the removal of the outdoor pigs and the implementation of other mitigation measures together with the imposition of appropriate conditions would significantly reduce the impacts and benefit the land when compared with the identified fall back position and therefore it is concluded that the conflict with policy is outweighed by the benefits associated by the removal of the outdoor pig rearing business.

## **12. RECOMMENDATION**

12.1 Approval subject to conditions and a S106 Legal Agreement.

<b>ITEM</b>	<b>7</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2015/0826/O	<b>CASE OFFICER:</b> Jemima Dean
<b>LOCATION:</b>	BEETLEY land at rear of The Paddocks	<b>APPN TYPE:</b> Outline <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> No Allocation <b>CONS AREA:</b> N <b>LB GRADE:</b> N <b>TPO:</b> Y
<b>APPLICANT:</b>	John Hilditch Builders Plantation Park Plantation Moat	
<b>AGENT:</b>	Peter Codling Architects 7 The Old Church St Matthews Road	
<b>PROPOSAL:</b>	Erection of 4 dwellings with detached garages	

**REASON FOR COMMITTEE CONSIDERATION**

This application is referred to the Planning Committee as it contrary to the development plan.

**KEY ISSUES**

Principle of development  
Character and appearance of area  
Neighbour amenity  
Highway safety impact  
Trees  
Ecology

**DESCRIPTION OF DEVELOPMENT**

This application seeks outline planning permission, (with appearance, landscaping, and scale reserved matters), for the erection of four dwellings on land to the rear of The Paddocks cul-de-sac, Beetley. An indicative plan has been provided showing the access and layout for the proposed site. Access would be via The Paddocks to the east of the site.

**SITE AND LOCATION**

The application site comprises a 0.5 hectare parcel of open land with woodland to the north west and west, agricultural land to the north and north east and residential development to the south and south east. Trees in the adjacent woodland are subject to TPO's. The site is located outside but adjacent to Beetley Settlement Boundary. Access is via The Paddocks from Elmham Road.

**EIA REQUIRED**

No.

**RELEVANT SITE HISTORY**

3PL/2002/0342/O - Erection of seven dwellings - dismissed on appeal.

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

### **POLICY CONSIDERATIONS**

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

CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.04	Affordable Housing Principles
DC.12	Trees and Landscape
DC.13	Flood Risk
DC.16	Design
DC.19	Parking Provision
NPPF	With particular regard to pars 17 & 109.
NPPG	National Planning Practice Guidance

### **CIL / OBLIGATIONS**

Not Applicable.

### **CONSULTATIONS**

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

Comments relating to design.

#### **BRECKLAND ASTRONOMICAL SOCIETY**

Comments with regard to lighting.

#### **BEETLEY P C**

The Parish Council objects to this application. The site is outside the settlement boundary which was designed to protect the parish from development to the rear of the properties along Elmham Road. This application is similar to that of 2002 which was refused permission and the Parish Council can see no reasons to alter this refusal. The Parish Council is not against development within the parish but feels that this should be on sites that have road frontage and not to the rear of other properties. There are several sites within the parish that meet this criteria which the Parish Council would support. If permission is granted for this site it would appear that the Local Plan is being pre-determined prior to any consultation on proposed sites or development within the parish. This consultation is due to commence shortly and therefore this application should be refused until the consultation has been completed and the new Local plan is in force. Any future development within Beetley should be decided at this consultation time to ensure that if there is to be development then this ought to be on the most suitable sites. The Parish Council does not believe that this is a suitable site for additional housing. At present Beetley is not a village for any major development. This site is not an extension of an existing but by its size is a new substantial development. Permission for this site could well lead to further development on land to the rear of Elmham Road. The Parish Council took note of the objections of neighbouring

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

residents who had raised objections to Breckland Council and who attended the Parish Council meeting. Considerable concern was raised about the traffic issues which would result from this development accessing Elmham Road through the Paddocks. The members felt that this would lead to the loss of privacy and amenity to the residents. In 2002 it was suggested that this site had been developed in the past but the Planning Inspector found no evidence of permanent structures on this site. The Parish Council therefore feels that for all these reasons this application should be refused.

### **NORFOLK COUNTY COUNCIL HIGHWAYS**

The scheme has been amended and therefore I would raise no objections subject to conditions relating to access, parking, turning, construction traffic management plan, off-site highway improvement works and an informative relating to works within the public highway.

### **NATURAL ENGLAND**

No objection.

### **ECOLOGICAL AND BIODIVERSITY CONSULTANT**

No objection subject to conditions.

### **TREE AND COUNTRYSIDE CONSULTANT**

No objection subject to conditions.

### **CONTAMINATED LAND OFFICER**

No objection subject to conditions.

### **PRINCIPAL PLANNER MINERAL & WASTE POLICY**

No objection.

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

## **REPRESENTATIONS**

Representations were received raising concerns relating to: application site outside the Settlement Boundary; set a precedent for further development; lack of services and facilities within Beetley; lack of footways within the village; impact upon trees, including TPO's and wildlife; impact upon existing road and traffic; impact upon amenity in terms of outlook, noise and disturbance, privacy, loss of light; no need for the proposed type of housing; no capacity at school; previous similar application refused so should do the same; impact upon power lines which currently run across the site; and no details regarding proposed sewer connection.

## **ASSESSMENT NOTES**

### 1.0 Sustainable Development

1.1 The application site lies outside of the defined settlement boundary of Beetley. 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 can not currently demonstrate a five 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.

1.2 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.

1.3 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.

1.4 In terms of economic and social criteria, the proposal would provide four dwellings, which would make a limited contribution to the housing supply shortfall and provide some short term benefits to the local economy through its construction. 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 five 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 and therefore a two year period would be imposed for commencement of development in order to reaffirm the deliverability of the scheme. These aspects of the proposal weigh in its favour.

1.5 The social role of sustainable development seeks to ensure, amongst other matters, the creation of a high quality built environment with accessible local services. Beetley is classified as a rural settlement through Policy SS1, (Spatial Strategy), of the Adopted Core Strategy and Development Control Policies Development Plan Document. These villages contain limited services and facilities and the spatial strategy states that these villages are not capable of supporting consequential growth, as they rely on higher order settlements for the majority of these services and facilities.

1.6 Beetley has a limited number of facilities a restaurant, hairdressers, a primary school and a bus service. Gressenhall contains a shop and a post office, which are located approximately one mile away. However, it is noted that there is no continuous footpath linking the site to these facilities within Gressenhall. The nearest town that offers services that has the potential to meet all everyday needs, including shopping and employment is Dereham which is located approximately three miles away. The application site is approximately 400 metres from a bus stop providing a bus service connecting Fakenham and Dereham, a relatively frequent service, (five / six services a day in each direction), providing future occupants of the proposed dwellings an alternative form of transport to the car.

1.7 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 adjoins the settlement boundary of Beetley with residential dwellings to the south and the east. The NPPF states that local planning authorities should avoid new isolated homes in the countryside. The proposed dwellings would join part of the existing settlement and would not be isolated when considered in this context.

## 2.0 Landscape Character and Appearance of the Area

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

2.1 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. Development within the District is also expected to be of the highest design quality in terms of both architecture and landscape. It should have regard to good practice in urban design and fully consider the context within which it sits. It should embrace opportunities to enhance the character and appearance of an area and contribute to creating a sense of local distinctiveness.

2.2 The proposal would represent a significant change in the nature and appearance of the land to which the application relates and the assessment to be made is whether the impact on the land would be significantly harmful to the local area. The site is however closely related in a visual sense to the village as it abuts the edge of existing residential development. The residential development demonstrated in the submitted plans would fit in well with the existing layout pattern in this location.

2.3 The Breckland Landscape Character Assessment, (2007), indicates that the site is located largely within an area known as the 'River Wensum and Tud Tributary Farmland' representing a gently undulating arable farmland landscape interspersed with tributaries. The boundaries of the character area are determined by river valleys, (River Tud and River Wensum) and surrounding arable plateau character areas.

2.4 Attention should be paid to ensure that new development within settlements reflects the existing use of local materials and that the individual and separate identities of settlements are preserved. Precise materials of the proposed development would be considered as part of the reserved matters application.

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

2.6 The application site is generally enclosed in the landscape, screened from the north and west by woodland and established hedging to the east. The proposed development would not appear incongruous in its setting and it is thought that in terms of the layout the proposed dwellings would fit in well with the existing pattern of development. The site has the potential to accommodate residential development of this scale without detriment to the character and appearance of the surrounding area and the proposal would meet the requirement of Policy CP11 of the Core Strategy and Paragraphs 17 and 109 of the NPPF.

2.7 In terms of design, appearance and scale, these matters are reserved for future consideration should outline planning permission be granted. However, a plan is provide in regards to layout and highlights how four detached dwellings would be accommodated within the site.

### 3.0 Neighbour Amenity

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

3.1 Impact upon amenity will be fully considered at the detailed planning stage should outline planning permission be granted. However, it is considered that the layout plan satisfactorily demonstrates that four dwellings can be accommodated without giving rise to significant overlooking, overshadowing, loss of light, or privacy with respect to adjacent dwellings.

### 4.0 Impact on Trees

4.1 The Tree Consultant initially raised concerns regarding the relationship between dwellings and adjacent woodland trees which are subject to TPO. The scheme was reduced from seven dwellings to four. The Tree Consultant provided further comments requesting an updated tree protection plan / implication assessment which has been provided by the applicant. The Tree Consultant is happy with the proposed dwellings subject to conditions relating to tree protection.

### 5.0 Ecology

5.1 A reptile presence / likely absence survey has been conducted and details submitted to address material considerations in relation to protected species. A layout plan has also been submitted to illustrate a buffer zone for slow worms and reptiles between the woodland and the proposed development. This would be secured by planning condition. A condition of the planning permission would also be that a detailed method statement will be submitted for approval prior to commencement of development. Natural England raises no objection. The proposal falls in accordance with policy CP10 of the Core Strategy and Development Control Policies Document, (Adopted 2009), which seeks to protect and enhance biodiversity in new developments.

### 6.0 Other Matters

6.1 The Highway Authority recommends the imposition of conditions relating to access, parking, turning, Construction Traffic Management Plan, off-site highway improvements, and an informative relating to works within the public highway.

6.2 The Architectural Liaison / Crime Prevention Officer has provided comments in regards to how to achieve a safe and secure environment for residents and visitors as part of the design process of the scheme. A note would be attached if approved drawing the applicant's attention to these comments.

6.3 The Breckland Astronomical Society states Beetley is in the vicinity of their astronomical observatory and therefore recommend lighting follows CPRE guidelines, to avoid unnecessary light pollution as well as energy consumption. If approved a note would be attached drawing the applicants attention to these comments.

6.5 The Contaminated Land Officer recommends the imposition of a condition relating to the submission of a desk study, site investigation, remediation scheme and implementation of approved remediation scheme.

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. In this situation, the NPPF states permission should be granted unless any adverse effects of so doing would significantly and demonstrably outweigh the benefits.

7.2 The proposal would have minimal impact on the amenity of existing residential development to the north and south of the site and not to any detrimental level. There would be minimal impact on the character of the area due to the existing woodland to the north west of the site.

7.3 The proposal would make some contribution to the supply of housing, a factor which must be given considerable weight given the thrust of national planning policy regarding housing provision. The layout of development proposed would form a logical extension to the existing settlement and in terms of access the proposal is considered acceptable.

7.4 The previous application which was dismissed at appeal was refused on grounds that the proposal represented a significant departure from the adopted development plan, there was no justification for that and the site did not comprise brownfield land as put forward by the applicant. The current proposal for four dwellings is assessed under current planning guidance including the NPPF, where the presumption lies in favour of sustainable development.

7.5 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.

**RECOMMENDATION**

**Outline Planning Permission**

**CONDITIONS**

- 3006** Full Permission Time Limit (2 years)
- 3047** In accordance with submitted
- 3920** Tree protection etc.
- 3920** Method Statement
- HA24** Provision of parking and servicing - when shown on plan
- HA39B** Highway improvements off-site B
- 4000** Variation of approved plans
- AN60** NOTE NCC Inf 1 When off-site road improvements are required
- 3996** Note - Discharge of Conditions
- 2000** NOTE: Application Approved Without

**BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

	Amendment	
<b>2014</b>	Criterion E - Planning Apps Where Approved	
<b>3944</b>	Contaminated Land - Desk Study/Site Investigation	This condition will require to be discharged
<b>HA29A</b>	Construction traffic management and routing/ exceptional wea	This condition will require to be discharged
<b>HA29B</b>	Construction traffic management and routing/ exceptional wea	This condition will require to be discharged
<b>HA39A</b>	Highway improvements-offsite A	This condition will require to be discharged
<b>3140</b>	Prior approval of slab level	This condition will require to be discharged
<b>3116</b>	Roof of clay pantiles	This condition will require to be discharged

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

<b>ITEM</b>	<b>8</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2015/0919/O	<b>CASE OFFICER:</b> Nick Moys
<b>LOCATION:</b>	NORTH ELMHAM Brookside Farm Holt Road	<b>APPN TYPE:</b> Outline <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> <b>CONS AREA:</b> Y <b>LB GRADE:</b> Adjacent Grade 2 <b>TPO:</b> N
<b>APPLICANT:</b>	Mr & Mrs Granville Mark The Spinney 36 South Green	
<b>AGENT:</b>	Sketcher Partnership Ltd First House Quebec Street	
<b>PROPOSAL:</b>	Demolish Brookside Farm & erect residential development, new access, community car park & public footpath	

### **REASON FOR COMMITTEE CONSIDERATION**

This application is referred to Committee as a major development and a departure from the Development Plan.

### **KEY ISSUES**

Principle and policy matters  
Local character  
Local amenity  
Transport  
Flooding

### **DESCRIPTION OF DEVELOPMENT**

Outline planning permission is sought for residential development, community car parking and open space on land off Holt Road, North Elmham. All matters are reserved except access. Indicative layout plans submitted in support of the application propose 16 dwellings in total, of which 14 would be new build properties, including two storey houses and bungalows. Two further dwellings would be formed through the conversion of former farm buildings. An existing access onto Holt Road (B1110) would be widened and improved and a new estate road constructed to serve the development. Public car parking, (around 40 spaces) and open space are also proposed.

The application is supported by indicative layout plans and a range of technical reports, including a Design & Access Statement, Flood Risk Assessment, Transport Statement, Arboricultural Impact Assessment, Site Investigation Report, Ecological Surveys, Heritage Asset Appraisal, Archaeological Evaluation and Viability Report.

As originally submitted the application proposed 24 dwellings. During the course of the application the proposal was amended to 16 dwellings in response to negotiations with officers.

### **SITE AND LOCATION**



## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

The Parish Council is, in principle, broadly in favour of the concept of developing this area, subject to further clarification of the detail of proposed community benefits and the means by which they would be secured. The Parish Council does not support this application in its present form because it does not demonstrate that the application has devised a cast-iron mechanism for insuring that the proposed Community benefits are guaranteed within the development scheme.

### **NORFOLK COUNTY COUNCIL HIGHWAYS**

No objection subject conditions.

### **ENVIRONMENT AGENCY**

No objection subject to conditions.

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

Concerns raised about natural surveillance of open space and footpath links.

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

Original proposal - No objection subject to contributions towards schools and libraries.

NOTE - The revised proposal falls below the threshold for consultation with NCC Planning.

### **HISTORIC BUILDINGS CONSULTANT**

Original proposal - Scale of development should be reduced in order to preserve the character and appearance of the Conservation Area.

Revised proposal - No objection - Further detailed comments awaited.

### **HOUSING ENABLING OFFICER**

Policy DC04 requires the provision of 40% affordable housing. Viability evidence should be independently tested to justify a reduced contribution.

### **ASSET MANAGEMENT**

Further details of the open space would be required if the Council was asked to adopt this area.

### **CONTAMINATED LAND OFFICER**

No objection subject to conditions.

### **BROADS & NORFOLK RIVERS I D B**

No objection subject to conditions requiring a detailed surface water drainage scheme to be agreed.

**ECOLOGICAL AND BIODIVERSITY CONSULTANT - No Comments Received**

**HISTORIC ENVIRONMENT OFFICER - No Comments Received**

**FLOOD & WATER MANAGEMENT TEAM - No Comments Received**

**ANGLIAN WATER SERVICE - No Comments Received**

**NORFOLK WILDLIFE TRUST - No Comments Received**

## **REPRESENTATIONS**

Representations have been from a number of local residents raising concerns about local flooding issues, highway safety, effects on wildlife and impacts on local character. A letter of support has been received from the Governors of Primary School on the basis that the proposed car park and footpath links would provide a safer route to school for local children and the additional parking would improve traffic safety on Holt Road.

## **ASSESSMENT NOTES**

1.0 This application is referred to Committee as a major development and a departure from the

Development Plan.

## 2.0 Principle of development and policy matters

2.1 The majority of the application site, including all of the proposed new building housing, falls outside the Settlement Boundary for North Elmham. The proposal is therefore in conflict with Core Strategy Policy CP14 which seeks to focus new housing within defined settlement boundaries. However, as the Council cannot currently demonstrate a five 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. It is considered therefore that Policy CP14 should be afforded reduced 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 defines sustainable development in broad terms by reference to economic, social and environmental considerations and indicates that planning should seek gains in relation to each element. The provision of housing to meet local needs is identified as a key component of sustainable development and in this respect the NPPF seeks to boost significantly the supply of housing. The conservation of the natural environment is also central to the NPPF, including protecting valued landscapes and minimising effects on biodiversity. In order to promote sustainable development in rural areas, the NPPF indicates that housing should be located where it will enhance or maintain the vitality of local communities. Isolated dwellings in the countryside should be avoided unless justified by special circumstances.

2.4 Although outside the defined settlement limit, the proposed development would adjoin the main built up area of the settlement, be close to the village centre and be bounded on two sides by existing development. The proposal would therefore be closely related to the built form of the village and would not result in an isolated development in the countryside. Whilst the proposed would result in some loss of rural setting to this part of the village, for the reasons set out below it is not considered that the harm caused would be significant, (see section 3.0).

2.5 North Elmham is identified in the Council's Spatial Strategy as a Local Service Centre village. Local facilities and services include a primary school, doctors' surgery, local shops, public houses, community hall, church and playing fields, all of which would be readily accessible from the development. Bus services provide links from the village to Dereham, Fakenham and Norwich.

2.6 New residents would provide economic support for existing shops and facilities and contribute to the vitality of the local community and a range of transport options would be available to them. The construction of the development would have some short-term economic benefits. The development would thus be consistent with the NPPF principles that housing should be located where it will maintain or enhance the vitality of existing communities, minimise the need to travel and support economic growth.

2.7 The proposal would also make an important contribution to the supply of housing in the area, including some affordable housing. Although no affordable housing was proposed initially, following discussions with the applicant and a review of the viability evidence by the District Valuer, the application has been amended to include the provision of two affordable units (12.5%). Although this provision falls well below the Policy DC04 target of 40%, the District Valuer has confirmed that two units is the maximum provision that could the development could support. National guidance set out in the NPPG states that where evidence suggests that planning obligations would make a development unviable, a flexible approach should be adopted by local planning authorities, especially in relation to affordable housing requirements. The reduced provision proposed is considered to be acceptable therefore.

2.8 Various community facilities are also proposed as part of the proposed development, including an area of public car parking for visitors to the adjacent school and nearby doctors' surgery and village hall. This would help to alleviate on street parking congestion on Holt Road. Additional public open space would be provided, together with footpath links to the school, Cathedral Drive and the adjacent community woodland. It is proposed that these facilities would be transferred to the Parish Council and secured by a Section 106 Agreement.

2.9 The Council's Strategic Housing Land Availability Assessment (2014) indicated that the site had potential for housing, (with an unconstrained capacity of 61 units), but concluded that the site was undeliverable due to the difficulties of achieving appropriate access. However, the site is identified as a 'reasonable alternative' for residential development in the emerging Local Plan on the basis that highway constraints are capable of being resolved, particularly for a smaller scale development.

2.10 Based on the information currently available, it is not considered that there any technical constraints which would prevent the development coming forward in the short term. The applicant, Orbit Homes (2020) Limited, is the market housing arm of Orbit Group, one of the largest registered social housing providers in the UK, and has a proven track record of housing delivery. However, in order to encourage the early delivery of the proposed housing, a two year time limit is recommended for the submission of reserved matters with a further to commence the development.

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

### 3.0 Effects of local character

3.1 In order to maintain the quality of rural landscapes, Core Strategy Policy CP11 indicates that the release of land for development should have regard to the findings of the Council's Landscape Character Assessment and Settlement Fringe Assessment. Development should also

be designed to be sympathetic to landscape character. Add reference to Policies DC16 and DC17.

3.2 The site falls within the landscape character area Type NE4: Elmham Park Tributary Farmland, which itself forms part of the wider Wensum and Tud Settled Tributary Farmland character area, as defined in the Settlement Fringe Landscape Assessment (2007) and Landscape Character Assessment respectively. The wider landscape is one of gently undulating farmland interspersed with minor tributaries, with historic parklands and wooded skylines providing distinctive features.

3.3 These elements are apparent in the local character area, where small scale pastoral farmland and the historic parking of Elmham Park dominate. Key visual sensitivities include views across Elmham Park and the setting of other local heritage assets, including the village Conservation Area, the parish church, cathedral ruins and various historic houses. The overall sensitivity of the landscape is considered to be high, though the eastern edge, (including the application site), is less due to the presence of modern development and its visual separation from Elmham Park to the west.

3.4 The application site also falls partly within the North Elmham Conservation Area, which covers a large area encompassing the historic core of the village and extending outwards to include Elmham Park. Elmham Park, which is located on the opposite side of Holt Road, is registered as park of historic interest. To the north west of the site, 80 Holt Road is a Grade II listed house.

3.5 The proposed development would extend the built up area of the village eastwards and the appearance of the site would change from farmland to a built up housing area. The proposal would inevitably change transform the appearance of the site and result in a loss openness. However, the site is not prominently located and the scheme would be largely contained visually by adjacent built development and existing boundary hedging and trees, which would remain. Due its visual enclosure and the presence of built development on two sides, the site has a strong visual affinity with the village. Consequently, it is considered that the proposal would not appear as a noticeable intrusion into the open countryside or compromise the wider landscape setting of the village.

3.6 Due to the screening effect of existing buildings on Holt Road, the proposal would have a minimal impact on views across Elmham Park and only be visible in glimpsed views from Holt Road. Whilst there would be some of openness to the setting of this part of the Conservation Area, it is considered that any harm caused would be small and would be outweighed by the public benefits of the proposal in providing additional housing, open space, pedestrian links to the school and public car parking.

3.7 In terms of settlement pattern, the proposed development would mark a departure from the predominantly linear form of development along Holt Road. However, the development in the area is varied in character, and includes extensive development in depth immediately to the south at Cathedral Drive. Development also extends back from Holt Road just to the north of the

church in a more sporadic form. In this context the form of the development would not appear out of place.

3.8 Whilst the widening of the site entrance would result in some loss of built fabric to the site frontage, the existing range of buildings to the front of the site would be largely retained and converted into new dwellings. The proposed public car parking would set back from the road behind existing buildings, with further screening provided by new planting. The visual continuity of the Holt Road street scene would thus be maintained, preserving the character and appearance of the Conservation Area. The development would also be set well back from the rear boundary of the adjacent listed house to the north-west, which itself is angled away from the site and stands in generous grounds. Given the separation distances and the presence of intervening vegetation, it is considered that the proposal would have a minimal effect on the setting of this listed building.

3.9 The proposal also offers an opportunity to create an attractive development in its own right. In this respect it is noted that the density of the scheme would be low at around x DPH, allowing for good sized plots and reflecting the generally spacious character of the area. The inclusion of single storey properties and generous areas of public open space, as shown on the indicative plans submitted, would also help to assimilate the proposal into its surroundings and reduce its visual impact. Within this outline framework, the approval of reserved matters process would enable an appropriately designed scheme to be secured.

3.10 Taking all of these matters into account, it is concluded that proposal would be compatible with the established character of the area and would not result in unacceptable harm to the surrounding wider landscape. The character and appearance of the Conservation Areas would be preserved, and whilst there would some minor harm to its setting, this would be outweighed by the public benefits of the development. Accordingly the proposal would accord with Core Strategy Policies CP11, DC02, DC16 and DC18, and relevant national guidance, including paragraphs 58, 109 and 131-138 of the NPPF.

#### 4.0 Amenity

4.1 Increased traffic and general activity resulting from the development would be likely to affect the amenity of adjacent properties, particularly 72 and 74 Holt Road which are close to the main access and proposed car park. However, bearing in mind the scale of the development and subject to the provision of appropriate screening to rear gardens and a landscaped buffer to the car park, it is considered that unacceptable levels of disturbance would be unlikely to occur. It is recommended that these mitigation measures are secured by condition. Neighbouring properties to the north of the access would be screened by the existing outbuildings which are proposed for conversion. Elsewhere, generous separation distances between new and existing dwellings should ensure that impacts due to disturbance, overlooking or overshadowing would not be significant. Amenity effects could be further controlled through the approval of reserved matters process.

4.2 For these reasons it is considered that the proposal would not be likely to result in unacceptable harm to residential amenity. The proposal would accord therefore with Policy DC01 and the guidance in paragraph 17 of the NPPF.

## 5.0 Transport

5.1 Access to the development would be gained via an improved entrance onto Holt Road (B1110) and a new adoptable residential estate road. Whilst visibility from the existing access is restricted by the buildings on either side, the proposed widening would enable appropriate visibility splays to be provided based on recorded traffic speeds. To maintain these splays, parking restrictions on the adjacent sections of Holt Road would be required. Whilst this would displace some existing on-street parking, the proposal would provide a new car park for community use, which would alternative parking provision close by. The proposed car park should also reduce significantly on-street parking congestion at peak times, (e.g. school opening / closing), which would benefit highway safety generally. The proposed development would result in additional traffic movements, but there is nothing to indicate that this would result in overloading of the surrounding road network. As noted above, village facilities would be within easy walking / cycling distance and some public transport services are available. The Highway Authority has raised no objection to the application subject to conditions.

5.2 On this basis it is considered that the proposal is acceptable in transport terms.

## 6.0 Flooding

6.1 The south western corner of the site is bounded by a watercourse,(Town Beck) and falls within Flood Zone 3, (high risk). However, following the sequential approach, the proposed dwellings would be located on higher ground within the site in Flood Zone 1, (low risk). The proposed car park would be within Flood Zone 3, but since the existing school and parking are also within this flood zone, no objection has been raised by the Environment Agency. Applying the Sequential Test it is not considered practicable, given the location of the school, to provide suitable parking in an area of lower flood risk. In respect of the Exception Test, it is considered the proposal would provide wider sustainability benefits through the provision of community facilities and that measures could be put in place to ensure that the development would be safe for its lifetime. Measures to manage flood hazards, including a flood response plan, could be required by planning condition.

6.2 The submitted Flood Risk Assessment proposes a number of SuDS features to deal with surface water, including an infiltration basis, cellular soakaways and permeable paving, depending on ground conditions which vary across the site. Further detailed proposals are required, but these could be required by planning condition.

6.3 Taking these matters into account, it is concluded that the proposed development would not be at undue risk of flooding and would not give rise to increased of flooding elsewhere. The proposal would comply with the Core Strategy Policy DC13 and national policy as outlined in paragraphs 100-104. No objection to the application has been raised by the Norfolk Rivers IDB or the Environment Agency. No consultation response has been received from the Lead Local Flood Authority.

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

### 7.0 Conclusion

7.1 Although outside the Settlement Boundary, the proposal would be well related to the built form of North Elmham and would not result in an unacceptable intrusion into the countryside. Local services and facilities would be readily accessible and could expect to derive support from new residents. Whilst some loss of openness would result, the effect would not be significant, and generally the development would be compatible with the character of the surrounding area, including local heritage assets. The development would contribute positively to the supply of housing, including affordable housing and would provide improved community facilities.

7.2 Taking all of these matters into account, it is concluded that the proposal would represent sustainable development, as defined in the NPPF and would not conflict with the objectives of development plan policies. For these reasons, it is considered that a departure from Core Strategy Policy CP14 is justified in this case. In principle, the site is considered to be suitable for residential development.

7.3 Consequently, it is recommended that outline permission is granted subject to conditions and the completion of a Section 106 Agreement.

#### **RECOMMENDATION**

**Outline Planning Permission**

#### **CONDITIONS**

<b>3005</b>	Outline Time Limit (2+1 years)	
<b>3058</b>	Standard Outline Condition	
<b>3054</b>	Design framework	
<b>3935</b>	Maximum 16 dwellings	
<b>3870</b>	Surface water - details/management	
<b>3860</b>	Foul drainage	
<b>UR09</b>	Construction management plan	
<b>HA03A</b>	Road Surfacing	
<b>3750</b>	Road maintenance	
<b>3992</b>	Non-standard note re: S106	
<b>3996</b>	Note - Discharge of Conditions	
<b>4000</b>	Variation of approved plans	
<b>AN99</b>	Criterion E - Planning Apps Where Approved	
<b>AN61</b>	NOTE NCC Inf 2 When Vehicular access works required	
<b>AN65</b>	NOTE NCC Inf 6 When travel plan provided or required	
<b>DE08</b>	Slab level to be arranged	This condition will require to be discharged
<b>3946</b>	Contaminated Land - Unexpected Contamination	This condition will require to be discharged

**BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

**HA01** Standard estate road conditions

This condition will require to be discharged

<b>ITEM</b>	<b>9</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2015/1264/F	<b>CASE OFFICER:</b> Jemima Dean
<b>LOCATION:</b>	WHINBURGH&WESTFIELD Westwood Stud Dereham Road	<b>APPN TYPE:</b> Full <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> <b>CONS AREA:</b> N <b>LB GRADE:</b> N <b>TPO:</b> N
<b>APPLICANT:</b>	Mr Dave Greenwood Westwood Stud Dereham Road	
<b>AGENT:</b>	Clayland Architects The Glass House Lynford Gardens	
<b>PROPOSAL:</b>	Erection of 4 no. dwellings	

**REASON FOR COMMITTEE CONSIDERATION**

This application is referred to the Planning Committee as it contrary to the development plan.

**KEY ISSUES**

Sustainable development  
Landscape character and appearance of the area  
Access and highway impact  
Impact on amenity  
Drainage and flood risk

**DESCRIPTION OF DEVELOPMENT**

The application seeks full planning permission for residential development on greenfield land to the north of Dereham Road at Westwood Stud in Westfield.

The application proposes four detached dwellings with associated garaging, car parking and access. The scheme involves three two storey four bedroom dwellings each with at least a single garage and one two storey three bedroom dwelling with a detached garage and carport.

The proposal includes the use of red multi-facing brickwork, black horizontal shiplap timber cladding to garages, red and dark grey pantiles and off-white and dark grey UPVC for windows and doors. Full details of materials would be required by condition.

The proposed dwellings would be located on large plots to the rear of properties fronting Dereham Road. All dwellings would face south, sited in a staggered row set back from the rear gardens of properties along Dereham Road by a distance of approximately 30 metres. A wildlife buffer with additional planting is proposed along the east and southern boundary of the site. Access is proposed via a track from Dereham Road.

**SITE AND LOCATION**

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

The site extends to approximately 0.48 hectares and comprises a parcel of land located approximately 600 metre to the south of the Settlement Boundary of Dereham in Toftwood.

The site lies within a predominantly agricultural landscape, located by Westfield village west of Dereham Road, a minor road that runs through the village. The site itself comprises a block of grassland as part of the larger area used as paddocks. Although there is limited boundary treatment in place along the site's northern boundary, the site is generally well screened and enclosed through established hedgerows and trees forming the northern, western and eastern boundaries of the larger paddock area. The river Tud runs along the northern boundary of the paddocks to the north of the site. The site has a gentle fall to the north.

To the south of the site is a row of five dwellings which includes a mix of detached bungalows and two storey dwellings, residential development exists to the to east and immediately to the west permission has been granted for the conversion of barn into a residential dwelling. The access drive to serve the site runs to the west of Seven Springs from Dereham Road.

### **EIA REQUIRED**

No.

### **RELEVANT SITE HISTORY**

Conversion of brick and tile barn into residential dwelling at Westwood Stud, (3PN/2014/0044/UC) - Approved.

### **POLICY CONSIDERATIONS**

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

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.04	Affordable Housing Principles
DC.12	Trees and Landscape
DC.13	Flood Risk
DC.16	Design
DC.19	Parking Provision
NPPF	With particular regard to paras 14, 17, 47, 55 & 109.
NPPG	National Planning Practice Guidance

**CIL / OBLIGATIONS**

Not Applicable.

**CONSULTATIONS**

**WHINBURGH & WESTFIELD P C**

My Council has no objection, but has concerns about the access road, which is still to be agreed by Highways and also that the drainage systems should be effective.

**DEREHAM T C**

Objection. Councillors raised concerns over the existing drainage problems in the area, and flooding in the road. There were also concerns about the highway and access along the narrow track - in particular, the lack of passing places, which could result in vehicles reversing into the road. It is felt the development is not in keeping with the surrounding area and is an unacceptable backland development, which would have a detrimental impact on the landscape.

**NORFOLK COUNTY COUNCIL HIGHWAYS**

No objection subject to conditions.

**ENVIRONMENTAL HEALTH OFFICERS**

No objection subject to conditions relating to surface water drainage.

**CONTAMINATED LAND OFFICER**

No objection subject to conditions.

**CRIME REDUCTION & ARCHITECTURAL LIAISON OFFICER**

Comments relating to design.

**REPRESENTATIONS**

Three representations have been received with concerns: The proposal is not in keeping with surrounding area; urban development in rural area; back land development; poor drainage; prone to flooding; no public transport; narrow lanes; bad access; no paving or lighting along highway; no economical benefit.

**ASSESSMENT NOTES**

**1.0 Sustainable Development**

1.1 The application site lies outside of the defined settlement boundary of Dereham. 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 can not currently demonstrate a five 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.

1.2 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.

1.3 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.

1.4 The social role of sustainable development seeks to ensure, amongst other matters, the creation of a high quality built environment with accessible local services. Toftwood forms part of the wider town of Dereham. Dereham is the administration centre and service centre for the north of the District and is a focus for retail and employment. It has a good range of retail and services including convenience and comparison shopping, services, entertainments and community facilities. The application site is located approximately 600 metres to the south of the settlement boundary. It is noted that the many services and facilities are located in excess of this and not considered walkable in terms of distance and there are no footways or street lighting within the area. The distance travelled by car to access these would however be short.

1.5 Whilst some harm would be caused due to the need to travel by car to access local services and facilities in Toftwood and 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.

1.6 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 falls in close proximity to the settlement boundary of Dereham with residential dwellings to the east, south and west. The NPPF states that local planning authorities should avoid new isolated homes in the countryside. The proposed dwellings would join part of the existing Westfield settlement and would not be isolated when considered in this context.

1.7 Paragraph 47 of the NPPF requires new sites for housing development to be deliverable. With regard to availability and deliverability, the site is within the applicant's ownership and available now, making the development deliverable within five 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.

## 2.0 Landscape Character and Appearance of the Area

2.1 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. Development within the District is also expected to be of the highest design quality in terms of both architecture and landscape. It should have regard to good practice in urban design and fully consider the context within which it sits. It should embrace opportunities to enhance the character and appearance of an area and contribute to creating a sense of local distinctiveness.

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

2.2 The proposal would represent a significant change in the nature and appearance of the land to which the application relates and the assessment to be made is whether the impact on the land would be significantly harmful to the local area. The site is however closely related in a visual sense to Westfield village as it abuts the edge of existing residential development. The proposed layout which is set back from the highway to the rear of existing dwellings demonstrates the proposed development would fit in well with the existing layout pattern in this location.

2.3 The Breckland Landscape Character Assessment, (2007), indicates that the site is located largely within an area known as the 'River Wensum and Tud Tributary Farmland' representing a gently undulating arable farmland landscape interspersed with tributaries. The boundaries of the character area are determined by river valleys, (River Tud and River Wensum) and surrounding arable plateau character areas.

2.4 Attention should be paid to conserve existing small scale rural road patterns, resisting upgrade / calming measures which could have an urbanising influence on the rural lanes, ensuring that new development within settlements reflects the existing use of local materials and that the individual and separate identities of settlements are preserved. Development and boundary treatments to the settlement edges should be monitored to ensure that species which could have a urbanising influence on the landscape should be discouraged. Development and boundary treatments would require careful attention and the landscaping strategy should take account of these requirements. Precise materials of the proposed development and landscape details would be secured by planning condition.

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

2.6 The application site and the immediate landscape surrounding it are slightly undulating and views of the site from across agricultural land are limited. The proposed development would be viewed in the winter months from the Dereham, although hedgerows would restrict visibility to some extent and its appearance would not cause a detrimental amount of harm. Additional planting along the application site boundaries would further screen the development. The details of this would be secured by condition.

2.7 The proposed development would not appear incongruous in its setting and it is thought that in terms of the layout the proposed dwellings would fit in well with the existing established pattern of development. The site has the potential to accommodate residential development of this scale without detriment to the character and appearance of the surrounding area and the proposal would meet the requirement of Policy CP11 of the Core Strategy and Paragraphs 17 and 109 of the NPPF.

### **3.0 Access and Highway Impact**

3.1 The Highway Authority initially raised concern with regard the road serving the site.

Dereham Road is unlit with no pedestrian refuge between the site and the local services and the restricted carriageway width does not presently allow for a two-way flow of vehicular traffic, in particular in the section of Dereham Road closest to Toftwood. Further information has been provided in this respect and the applicant has proposed some localised road widening between the site and Toftwood, which is included on drawing number: 1432 27.

3.2 The site lies within cycling distance of local services and amenities and given the existing use of the surrounding road network, it is considered that additional traffic movements associated with four dwellings would not be severe. In the light of the proposed mitigation of the effects of the development by localised widening and the benefit that these works will be to all road users no objection is raised by the Highway Authority subject to conditions relating to off site highway improvement works, visibility, and parking.

#### 4.0 Impact on Amenity

4.1 The proposed layout submitted demonstrates a scheme with four detached two storey dwellings. The direct impact on the amenity of local residents is limited to the east and southern boundary of the site where the proposed plots would adjoin existing residential development. Properties to the south would be located over 30 metres from the application site boundary. The existing property to the east of the site would be approximately 17 metres from the dwelling on plot four, following the same building line with a detached garage and cart lodge between.

4.2 Proposed buffer planting ranging in depth from four to ten metres would further ensure no detrimental harm is caused in terms of amenity impact. It is considered that the site could satisfactorily accommodate the development as shown on the indicative layout with no detrimental harm caused to amenity.

#### 5.0 Ecology

5.1 An Ecological Survey, (Norfolk Wildlife Services, 2015), was submitted as part of the application which showed the proposal to require the removal of grassland that offers some potential terrestrial habitat to support great crested newts, (GCN). Additional great crested newt presence / absence surveys and an avoidance / mitigation strategy were requested by the Council's ecologists. These additional details were provided, (Norfolk Wildlife Services, 2016) and the Council's ecologists are satisfied and raise no objection to the development provided conditions are included in the permission to ensure mitigation measures set out in Section 5.3 of the Ecological Survey Report, (Norfolk Wildlife Services, 2015), are adhered to throughout the development.

5.2 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 made in Section 5.4 of the Ecological Survey Report are conditioned.

## 6.0 Drainage and Flood Risk

6.1 It is proposed that surface water is disposed of by soakaway. The Environmental Health Officer raises no objection to the proposed development subject to conditions securing details relating to surface water drainage.

6.2 With regard to foul water drainage, it is proposed that this would be disposed of via package treatment plant. The details of this would also be secured by planning condition.

## 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. In this situation, the NPPF states permission should be granted unless any adverse effects of so doing would significantly and demonstrably outweigh the benefits.

7.2 The proposal would have minimal impact on the amenity of existing residential development to the east and south of the site and not to any detrimental level. There would be minimal impact on the character of the area due to the development of the site, as the application site is enclosed by established trees and hedging. Its development for the housing proposed would read as a logical addition to the established pattern of development in this location. Additional planting would further mitigate any possible harm.

7.3 The proposal would make some contribution to the supply of housing, a factor which must be given considerable weight given the thrust of national planning policy regarding housing provision. The development layout would be appropriate in this location and in terms of access the proposal is considered acceptable, albeit some alterations to the highway will be required.

7.4 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.

### **RECOMMENDATION**

**Planning Permission**

### **CONDITIONS**

- 3006** Full Permission Time Limit (2 years)
- 3047** In accordance with submitted
- 3920** Surface water drainage - (environmental health)
- 3920** Foul water drainage
- HA10** Existing access - widened or improved

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

<b>HA24</b>	Provision of parking and servicing - when shown on plan	
<b>HA39B</b>	Highway improvements off-site B	
<b>3920</b>	Ecological	
<b>4000</b>	Variation of approved plans	
<b>AN60</b>	NOTE NCC Inf 1 When off-site road improvements are required	
<b>3996</b>	Note - Discharge of Conditions	
<b>2000</b>	NOTE: Application Approved Without Amendment	
<b>2014</b>	Criterion E - Planning Apps Where Approved	
<b>MT03</b>	External wall and roof materials to be agreed	This condition will require to be discharged
<b>3946</b>	Contaminated Land - unexpected Contamination	This condition will require to be discharged
<b>HA19</b>	Provision of visibility splay on approved plan	This condition will require to be discharged
<b>HA39A</b>	Highway improvements-offsite A	This condition will require to be discharged
<b>3408</b>	Landscaping - details and implementation	This condition will require to be discharged
<b>3140</b>	Prior approval of slab level	This condition will require to be discharged
<b>3116</b>	Roof of clay pantiles	This condition will require to be discharged

<b>ITEM</b>	<b>10</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2015/1424/F	<b>CASE OFFICER:</b> Chris Hobson
<b>LOCATION:</b>	BAWDESWELL Land off Hall Road	<b>APPN TYPE:</b> Full <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> <b>CONS AREA:</b> N <b>LB GRADE:</b> N <b>TPO:</b> N
<b>APPLICANT:</b>	Sovereign Group Limited c/o Agent	
<b>AGENT:</b>	Icon Consulting Hethel Engineering Centre Chapman Way	
<b>PROPOSAL:</b>	Residential development of 36 dwellings	

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

This application is before committee as it is a major application and represents a departure from the development plan.

#### **KEY ISSUES**

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

- Principle of Development and Deliverability
- Impact on the landscape character and appearance of the area
- Access & Highway Safety Implications
- Amenity implications
- Drainage & flood risk
- Landscaping & Ecology
- Heritage and archaeological implications
- Other material considerations

#### **DESCRIPTION OF DEVELOPMENT**

The application seeks full planning permission for the erection of 36 dwellings and associated access, parking, landscaping and areas of public open space. The proposals comprise a mix of single and two storey detached and semi-detached houses providing 14 three bedroom units and eight four bedroom dwellings. The proposals also include six apartments comprising four one bedroom apartments and two two bedroom apartments which would be provided within a two storey apartment building. Two areas of public open space would be provided, a larger area of open space along the northern boundary and smaller area including a local area of play in the southwest corner of the site. Vehicular access would be provided off Hall Road and result in a new priority arrangement into the application site.

#### **SITE AND LOCATION**

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

The application site comprises an area of approximately 1.67 Ha of open land roughly rectangular in shape to the south of Two Fields Way and west of Hall Road, Bawdeswell. The site is located towards the southern edge of the village of Bawdeswell and two storey dwellings border the site to the north, east and partially along the western boundary. The site borders an open field to the south, with the Fakenham Road, (A1067), further to the south. A public footpath runs along the northern boundary of the site and the site is largely open containing rough grassland with collections of trees and hedgerows along the boundaries.

### **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

Policy SS1 Spatial Strategy  
Policy CP1 Housing  
Policy CP4 Infrastructure  
Policy CP5 Developer Obligations  
Policy CP10 Natural Environment  
Policy CP11 Protection and Enhancement of the Landscape  
Policy CP13 Accessibility  
Policy CP14 Sustainable Rural Development  
Policy DC01 Protection of Amenity  
Policy DC02 Principles of New Housing  
Policy DC04 Affordable Housing Provision  
Policy DC11 Open Space  
Policy DC12 Trees and Landscape  
Policy DC13 Flood Risk  
Policy DC14 Energy Generation and Efficiency  
Policy DC16 Design  
Policy DC17 Historic Environment  
Policy DC19 Parking Provision

National Planning Policy Framework (NPPF)

With particular regard to paras 11 - 14, 17, 32, 34, 35, 47, 49, 58, 63 - 65, 93-96, 100 - 103, 109 203 - 206 & 215.

National Planning Practice Guidance (NPPG)

Sections 66 and 72 of the Planning, (Listed Building and Conservation Areas), Act 1990.

### **CIL / OBLIGATIONS**

A Section 106 Agreement would be necessary to secure the provision of on site affordable

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

housing; the provision and on going maintenance of public open space and recreation facilities; financial contributions towards education facilities and library services; the extension of local bus service; a residential travel plan and to provide mitigation measures towards green infrastructure.

### **CONSULTATIONS**

#### **BAWDESWELL PARISH COUNCIL**

Strongly object for following reasons:

- Bawdeswell could not sustain such additional housing.
- Inadequate local services, including medical facilities.
- Limited employment opportunities.
- Inadequate foul drainage and sewerage infrastructure already results in flooding in the village.
- Impact on settlement pattern and close proximity of site to A1067.
- Increase in traffic and harm caused to highway safety on already dangerous junction.
- The Parish Council is not able to support maintenance of open space.
- Retaining open space in private ownership may allow these areas to be developed in the future.

#### **ANGLIAN WATER SERVICE**

No objections subject to conditions.

#### **HISTORIC ENVIRONMENT SERVICE**

Historic Environment Service:- The proximity of the development site to the Roman road and Bawdeswell's historic core, plus the discovery artefacts close by, indicates the proposed development site has the potential to contain archaeological deposits / buried archaeological remains, (heritage assets with archaeological interest), of prehistoric through to post medieval date. As there is potential for archaeological deposits/buried archaeological remains to survive within the proposed development site, groundworks associated with the development could result affect, harm or result in the loss of heritage assets with archaeological interest. Therefore recommend a condition securing a written scheme of investigation and recording of results prior to commencement of development.

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

Natural surveillance on the whole is good. However, natural surveillance should be provided to parking areas of some dwellings and on to the open space, (local area of play).

Case Officer Note: The scheme has been amended to include additional windows to the elevations facing the open space, (LAP) and allow for natural surveillance.

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

No objections subject to conditions.

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

No objections subject to the following contributions:

Education:104,796 towards Bawdeswell Community Primary School;  
Library: 2,700 towards Bawdeswell's mobile library service;  
Fire Service: Contribution or scheme to provide fire hydrants.

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

No comments to make on application.

**TREE AND COUNTRYSIDE CONSULTANT**

No objections, although tree number five is very close to the dwelling at plot five and more space should be provided.

**HOUSING ENABLING OFFICER**

No objections subject to policy compliant affordable housing being provided, including 14 units, addressing primary need for one and two bed units and 70% being affordable rent, and 30% being shared ownership.

**FACILITIES MANAGEMENT**

Breckland DC will usually only consider adopting areas of low maintenance open space when provided with a perimeter knee rail fence to restrict vehicular access and it is possible that BDC would not be prepared to adopt the open spaces proposed. Consequently the S106 Legal Agreement should provide an opportunity for the Council to decline to take on the open space if it chooses and for the developer to make other arrangements for the management of these areas, through the Town Council or a management company etc.

**CONTAMINATED LAND OFFICER**

No objections subject to condition.

**ENVIRONMENT AGENCY**

No objections. The site is located above a Principal Aquifer and within Source Protection Zone (SPZ) 3. However, we do not consider this proposal to be High Risk. The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and / or designed infiltration, (SuDS). We consider any infiltration, (SuDS), greater than 2.0 m below ground level to be a deep system and are generally not acceptable. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels.

**ECOLOGICAL AND BIODIVERSITY CONSULTANT**

No objection subject to conditions.

**NORFOLK WILDLIFE TRUST - No Comments Received**  
**ENVIRONMENTAL PLANNING - No Comments Received**

**REPRESENTATIONS**

Letters were sent to surrounding properties, site notices displayed around the site and notice displayed within the local press. The Council has received 47 representations raising objections to the proposed development for the following reasons:

- Detrimental impact on highway safety, particularly at the junctions of Hall Road and Norwich Road, and Norwich Road and the Fakenham Road (A1067).
- Lack of services and amenities, including education, health, and employment.
- Detrimental impact on character and appearance of the area and village.
- No need for additional housing in Bawdeswell.
- Located outside the settlement boundary.
- Existing foul drainage issues within the village would be worsened as existing infrastructure is inadequate and could not cope with additional dwellings.
- Loss of habitat and detrimental impact on wildlife and biodiversity within the site and surrounding area. The development should include wildlife enhancement measures.
- Lack of public transport services.
- Impact on dark skies from additional dwellings and light pollution. Conditions should restrict lighting.

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

- Bawdeswell is not a local service centre and the proposed development would not be sustainable.
- Site identified as a reasonable alternative in emerging local plan.
- Concerns regarding management of the open space and routes through it.
- Additional noise created by pumping station, and harm caused from noise, odour and disturbance caused during construction.
- Detrimental impact on amenity from overlooking, overbearing impact and loss of outlook.
- Loss of open aspect of the site.

### **ASSESSMENT NOTES**

1.0 This application is referred to Committee as a Major Development proposal and outside the settlement boundary.

#### 2.0 Principle of 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 Policy Guidance.

2.2 In relation to settlement boundaries, the objectives of Policy CP14 include focusing development in sustainable locations with access to key services and protecting the form and character of settlements. These objectives are consistent with the NPPF's key aims and so in this respect Policy CP14 can be afforded some weight in accordance with paragraph 215. The site is located outside the settlement boundary of Bawdeswell in an area of open countryside to the south of the village, (as defined by policies SS1, DC02, CP01 and CP14 of the Core Strategy and Development Control Policies Development Plan Document 2009), where development is heavily restricted.

2.4 Planning law requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. It is necessary to consider therefore whether in this case any such material considerations, including National Planning Policy, would justify a departure from policy.

2.5 Paragraphs 47 and 49 of the National Planning Policy Framework, (NPPF), clearly state that where an authority does not have an up to date five year housing land supply, (at present the District figure is 3.72 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. Furthermore, it is noted that recent case law has identified that those development plan policies that would in effect restrict the supply of housing including those identified above can only be given limited weight.

2.6 The NPPF defines sustainable development in broad terms by reference to economic, social and environmental considerations and indicates that planning should seek gains in relation to each element. The provision of housing to meet local needs is identified as a key component of sustainable development and in this respect the NPPF seeks to boost significantly the supply of

housing. The conservation of the natural environment is also central to the NPPF, including protecting valued landscapes and minimising effects on biodiversity. In order to promote sustainable development in rural areas, the NPPF indicates that housing should be located where it will enhance or maintain the vitality of local communities.

2.7 Bawdeswell is identified in the Council's Spatial Strategy as a rural settlement which is not allocated for significant expansion within the Core Strategy. The village does though have a local school, public house, convenience shop, garden centre, cafe and shop and community facilities including a recreation ground and community centre, all within walking and cycling distance of the site. There are also bus stops within Bawdeswell, and nearby in Foxley which provide regular services to Norwich, and Fakenham. In these terms, the application site is considered to be a sustainable location for some new residential development.

2.8 Although outside the defined settlement boundary, the proposed development would adjoin the main built up area of the village that runs immediately to the north, east and west of the site and would be immediately adjacent to post-war residential estate development to the north and east. The proposal would therefore be closely related to the built form of the village and would not result in an isolated development in the countryside. The residential use would also be compatible with the general residential character of the area to the north, east and west and being set in front of the built form of the village the proposed dwellings would be seen within the context of the existing village built form when viewed from the Fakenham Road, (A1067), to the south. The proposed residential development would therefore form a logical extension to the village and would not conflict with local policies which seek to avoid intrusive development in rural landscapes.

2.9 It is noted that the new households would provide economic support for existing shops and facilities and contribute to the vitality of the local community and a range of transport options would be available to them. The construction of the development would have some short-term economic benefits. The development would thus be consistent with the NPPF principles that housing should be located where it will maintain or enhance the vitality of existing communities, minimise the need to travel and support economic growth.

2.10 The provision of up to 36 dwellings would provide a significant contribution towards providing housing, particularly in light of the significant current shortfall in the provision of housing land in the District and has therefore, been given significant weight in favour of the proposal. The proposal would also provide for a mix of one, two, three and four bedroom dwellings, in different forms including houses and bungalows and 40% of which would be affordable dwellings in accordance with the requirements of policy DC04 of the Core Strategy. The 14 affordable units would also be in different forms including bungalows, cottages and apartments.

2.11 In terms of availability and delivery, Paragraph 47 of the NPPF requires new sites for housing development to be deliverable, which is defined as being available now, suitable in terms of location and be achievable in respect of housing being developed on the site within the next five years. The application is submitted in full and there is nothing to suggest that there are any technical constraints which would prevent the development coming forward in the short term. To encourage the early delivery of the proposed housing, a two year time limit for the submission of

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

2.13 Having regard to the above, it is concluded that the proposal would represent sustainable development, as defined in the NPPF and would not conflict with the objectives of development plan policies and would be suitable for residential development.

### 3.0 Character and impact on surrounding area and landscape

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. Development within the District is also expected to be of the highest design quality in terms of both architecture and landscape. It should have regard to good practice in urban design and fully consider the context within which it sits. It should embrace opportunities to enhance the character and appearance of an area and contribute to creating a sense of local distinctiveness.

3.2 The Council's Landscape Character Assessment Settlement Fringe Study, (2007), indicates that the landscape is within the 'Mid Norfolk' character area 84. The more recent Brecks Landscape Character Assessment, (2013), indicates that the site is within River Wensum and Tud Settled Tributary Farmland Character Area, where there is a gently undulating topography, tree and wooded skylines, hedged roads and lanes, field bordered by hedges and hedgerow trees, small blocks of woodland, and where there are dispersed farmsteads and hamlets, with larger villages being nucleated or linear, that form key landscape character features. This notes that Bawdeswell has expanded southwards from its historic core along the Street to the north of the site.

3.3 The proposed development would extend the built up area of the village southwards and the appearance of the majority of the site would clearly change from open land to a housing area. With regards to the wider landscape impact the proposed development would be visible from Fakenham Road to the south, but would be seen adjacent to the existing residential areas to the east and west, and with the back drop of the main built form of the village beyond to the north. It is also noted that open fields would be retained to the south of the site to retain and open buffer to the Fakenham Road, (A1067). The scheme would abut existing post-war residential development and be seen as a logical extension of this residential area. Consequently, the proposal would not appear as an intrusion into the wider open countryside.

3.4 The open aspect of the neighbouring dwellings and footpath immediately to the north, east and west would be eroded. However, this effect would be localised and has been mitigated to an extent by location of the area of landscape open space along the northern boundary. The proposed residential development would also be consistent with the character of the residential area immediately to the north and east of the site.

3.5 With respect to scale, it is noted that there are a mixture of dwelling heights, forms and styles in the wider locality and the proposals would continue this mix. In this context it is considered that the proposals of predominantly two storeys in height would not appear out of place within the

surrounding area. The appearance and materials of the proposed dwellings take a conventional approach to the elevation compositions, roof designs and incorporate cill, header detailing, along with chimneys to certain house types and timber cladding to gable ends.

3.6 The overall density proposed of 22 dwellings per hectare would not be high and the indicative layout proposed is considered to be well-conceived with clearly defined residential streets and connected routes that link into the areas of public open space. The appropriate landscaping of the central area of open space would enhance the setting and value of the footpaths into the existing network of footpaths and routes in the area.

3.7 It is considered therefore, that the proposal would be compatible with the established pattern and character of surrounding residential development and would be a logical addition to the existing built up area of the village. Therefore, the application proposal would not conflict therefore with Core Strategy Policies CP11, DC02 or DC16, nor with the guidance in paragraphs 58 and 109 of the NPPF.

#### 4.0 Highway Safety and Traffic Implications

4.1 Paragraph 32 of the NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Planning decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

4.2 The proposed development would provide access for 36 additional dwellings off Hall Road and via the existing local highway network on to the A1067 to the south. Each of the dwellings would have access to adequate on site parking provision. With regards to traffic generation, given the number of dwellings proposed the proposal will inevitably result in additional vehicular traffic on the immediate surrounding highway network. The concerns raised by surrounding residents and the Parish Council with respect to existing infrastructure and congestion and the implications of additional traffic on the network are noted.

4.3 Following requests from the Highways Authority amendments have been made to the site access to provide for vehicular priority along the amended route via Hall Road into the application site. The Highways Authority have reviewed the proposal and following amendments have subsequently raised no objections to the application, subject to conditions securing submission of a scheme for off-site highway works and their undertaking in accordance with an agreement with the Highways Authority under Section 278 of the Highways Act.

4.4 Having regard to the evidence within the submitted Transport Assessment and the comments of the Highways Authority it is considered that the proposed access arrangements would be acceptable and the application is considered to accord with paragraph 32 of the NPPF, which states that, 'development should only be refused on transport grounds, where the residual cumulative impacts of development are severe'.

## 5.0 Amenity considerations

5.1 The application site sits on the edge of Bawdeswell adjacent to two storey residential properties at Hall Road to the east and single storey and two dwellings at Two Fields Way to the north, and two storey dwellings at Paradise Road to the northwest. The proposals would alter the open outlook from the rear and front of these neighbouring properties. However, the proposed dwellings would retain adequate separation distances to the rear of those properties along Hall Road to the east, and Paradise Road to the northwest and as a result would not have an overbearing effect on adjacent dwellings or cause undue overlooking or overshadowing. The provision of landscaping and planting along the site boundaries together with appropriate fencing would ensure sufficient privacy screens would be provided. The dwelling at plot one has been amended to provide a single storey dwelling and as a result would not appear overbearing from the facing bungalow to the north.

5.2 Given the density, height and separation of the dwellings proposed it is considered that the proposals would provide for an acceptable form of residential environment and it is noted that each of the dwellings would provide adequate amount of private amenity space and levels of outlook and daylight for each dwelling and its future occupants.

5.3 Additional traffic movements would result in some additional disturbance to existing residents on the approach roads to the application site along Hall Road. However, given the existing situation and the likely volume, speed and distribution of such traffic, it is not considered that such disturbance would cause significant harm to the amenity of nearby residents.

5.4 The Council's Environmental Health Officer has raised no objections to the proposed development subject to conditions securing the submission and approval of a construction method statement.

5.5 On this basis, it is considered that the proposal would not result in unacceptable effects on the amenities of local residents. Consequently the proposal would not conflict with Core Strategy Policy DC01 or with the guidance set out in paragraph 17 of the NPPF.

## 6.0 Flood risk and drainage

6.1 Paragraph 103 of the NPPF stipulates that, when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk

assessment following the sequential test and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

6.2 The application site falls within Flood Zone 1 and is considered to be at low risk of flooding from various sources including that from rivers, surface water, tidal, groundwater, reservoir and canal sources. It is also noted that the Strategic Flood Risk Assessment does not record any incidents of historical flooding at the site.

6.3 With regards to managing surface water flows, the results of percolation tests have informed a preliminary drainage strategy which includes the provision of on site attenuation storage via cellular tanks, with restricted discharge into the existing Anglian Water surface water sewer, together with water butts and bio-remediation features to remove contaminants. Anglian Water have confirmed their agreement to a maximum discharge rate from the site of 5 l/s into the existing surface water sewer, which would be below the greenfield run off rate of 6.5 l/s for a 1 in 100 year flood event. It is also noted that the Environment Agency raises no objection to the application and that the proposed drainage strategy would not impact on potential groundwater sources and aquifers below the site.

6.4 Foul drainage would be via the existing mains system. Anglian Water have confirmed that there would be capacity available for the proposed development and have raised no objection to the application subject to conditions, including a requirement to submit details of the foul water drainage scheme. The concerns of surrounding residents are noted with regards to previous incidents of foul water surcharges from nearby sewers. The application has been the subject of a pre-planning assessment by Anglian Water whom have confirmed that there is available capacity within the system and have agreed with the principles of the proposed surface water drainage strategy.

6.5 In this instance it is noted that the Environment Agency and Anglian Water have raised no objections to the proposed development and the proposed drainage strategy has been designed in accordance with the guidance set out in the NPPF and technical standards for SUDS. Subject to conditions, the proposed development can come forward in a sustainable manner ensuring the proposed dwellings would not be at significant risk of flooding and without increasing the risk of flooding elsewhere and in accordance with paragraph 9 of the Technical Guide to the NPPF and Core Strategy Policy DC13.

## 7.0 Ecology and Arboricultural Implications

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

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

a net gain in biodiversity with an emphasis on improving ecological networks and linkages where possible. Furthermore, in order to accord with Section 40 of the 2006 Natural Environment & Rural Communities, (NERC), Act, paragraph 118 of the 2012 National Planning Policy Framework, (NPPF) and policies CP06, CP08, CP10 and CP11 and of the 2012 Breckland Adopted Core Strategy & Development Control Policies Development Plan, all of which promote the conservation and enhancement of biodiversity through sustainable development. The applicant must do more to ensure that the scheme constitutes sustainable development and that the existing natural features are conserved in a way that guarantees their long-term viability.

7.2 With regards to implications on protected sites the site is located approximately 1.4km from the Foxley Wood NNR and the River Wensum SSSI and SAC. Similarly it is not envisaged that the resultant population would cause significant impact on Bawdeswell Heath a County Wildlife Site which is within 2km of the site. The Council's Ecologist has reviewed the submitted information and proposal and has raised no objections and therefore it is considered that there would be no significant adverse impacts on these statutory and non-statutory designated sites.

7.3 The application site comprises open grassland with mature hedgerow and tree coverage to the perimeters of the site. The report concludes that there is no evidence of voles, otters, badgers, reptiles and great crested newts within the site and the habitats within site offer limited potential for such species. The hedgerows and trees would provide suitable habitat and roost for birds and bats, however, it is noted that the proposals would retain these landscape features. As a result, the Council's Ecologist has raised no objections subject to conditions securing the approval of a Landscape Ecological Management Plan, undertaking of best practice measures, and incorporation of habitat enhancement and creation measures within the landscaping of the site.

7.4 The proposed development would retain the existing hedgerows and trees along the boundaries of the site, and following comments of the Tree Officer two dwellings have been moved further away from those nearest trees on the eastern boundary of the site. In order to ensure that measures are implemented to protect the root protection areas and crown spreads of the trees on the site a condition has been recommended requiring the submission of Arboricultural Impact Assessment and Tree Protection Plan.

7.5 In conclusion, it is considered that there are no overriding constraints to the development of the site in terms of ecology and nature conservation interests and that subject to conditions the proposed development would accord with the objectives of the NPPF and Core Strategy Policy CP10.

### 8.0 Impact on heritage and archaeological assets

8.1 With regard to the planning application, Section 66(1) of the Planning, (Listed Building and Conservation Areas), Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the above act similarly requires that LPA's pay special attention to the desirability of preserving or enhancing the character or

appearance of any conservation area where relevant. Furthermore, the Court of Appeal has held that decision makers should give considerable importance and weight to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise.

8.2 Paragraphs 132 and 133 of the NPPF identifies that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

8.3 The proposed residential development would be sited approximately 200 metres from the nearest listed buildings located along The Street to the north of the site. As the proposed development would be well screened from these heritage assets by the intervening built form of the village and residential area to the north of the site, it is considered that the proposed development would not result in any harm to the character, appearance and significance of the heritage assets in the surrounding area, in accordance with the NPPF and the tests set out in the Planning Listed Building and Conservation Areas Act 1990.

8.4 With regards to archaeological interests, the Historic Environment Service note that there have been pre-historic, roman and post medieval artefacts found within the surrounding area and that site has unknown potential for archaeological interests to be present and their significance maybe affected by the proposed development. They have subsequently recommended that further archaeological investigation in accordance with an approved scheme be undertaken prior to the commencement of development. Therefore, subject to a condition securing a written scheme of archaeological evaluation be submitted prior to the commencement of development, it is considered that sufficient measures would be in place to ensure that the archaeological significance of the site is fully understood and subsequently disseminated.

## 9.0 Other material considerations

### Local infrastructure

9.1 A number of the concerns raised by local residents and the parish council highlight the ability of the highway, social and economic, and general infrastructure of Bawdeswell to cope with additional housing development and resultant needs of the future residents. However, no objections have been raised by statutory consultees in this respect to the road and drainage infrastructure which is considered adequate or can be made so as part of the development. Significant financial contributions would be made to the expansion / improvement of local school accommodation, as well as to local library services, together with an area of landscape open space adjacent to the existing footpath network. Existing difficulties with the provision of local medical services are acknowledged, though it is understood that this problem is principally one of doctor recruitment, a matter for the NHS.

### Land contamination

9.2 Paragraph 121 of the NPPF indicates that planning policies and decisions should ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;
- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- adequate site investigation information, prepared by a competent person, is presented.

9.3 The Council's Contaminated Land Officer is satisfied that there is unlikely to be any significant risk posed by any on site contamination and that any unexpected issues which may exist on the site can be adequately identified and addressed by the imposition of a condition requiring the submission of further assessment and approval of a scheme of remediation works should any unexpected contamination be found. It is also noted that the Environment Agency do not consider the presence of a principal aquifer under the site to be of high risk.

9.4 Therefore, subject to an appropriately worded condition it is considered that the proposed site would be suitable for the proposed residential development and the guidance contained within the NPPF would be met.

## 10.0 Conclusion

10.1 It is acknowledged that there is not a five year supply of sites within Breckland District. The National Planning Policy Framework, (NPPF), is clear and explicit that in such circumstances Local Planning Authorities should consider favourably sustainable development that would address that deficit. The lack of a five year supply and the requirements of the NPPF have therefore been given significant weight in the consideration of this application.

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

- provision of a significant number of new dwellings that will contribute substantially towards the Council's five-year housing land supply.
- 40% of the dwellings would be affordable.
- Initial job creation during construction phase and additional employment opportunities generated by supply chain.
- Increased expenditure within the local economy from the new households.
- Increase in Council Tax receipts.

10.3 The site is considered to be located in a sustainable location, accessible to facilities and local services within Bawdeswell which would provide for some daily needs of future residents. The existing local bus service provision would assist in connecting the dwellings to services in higher order settlements.

10.4 However, there will be an inevitable change to the open character and appearance of the site and this part of the village. However, the site is not within an area of recognised landscape quality and the adverse impact is localised and as such the proposals would not intrude to a significant extent into open countryside. Whilst concerns have been raised regarding the capacity of local infrastructure and existing drainage problems, contributions would be provided towards education and library facilities to mitigate for the demand and consultees have confirmed that existing capacity levels do not warrant contributions towards health provision. In addition, subject to conditions securing the implementation and on-going management of the foul and surface water drainage schemes, the proposed development would not give rise to increased risk of flooding elsewhere and would not be itself at risk of flooding.

10.5 For the reasons summarised above, it is concluded that the site is in a sustainable location for housing development and that any identified harm would not significantly and demonstrably outweigh the benefits of the scheme, taking into account the development plan and the policies of the NPPF as a whole, and there are no material considerations of sufficient weight to justify refusing planning permission.

#### 11.0 RECOMMENDATION

11.1 The application is therefore recommended for approval, subject to conditions, the completion of a S106 Legal Agreement, a Section 278 Agreement to cover the off-site highway works.

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

#### **RECOMMENDATION**

#### **Planning Permission**

#### **CONDITIONS**

- 3006** Full Permission Time Limit (2 years)
- 3047** In accordance with submitted
- 3920** Details and samples of materials
- 3920** Hard and soft landscaping and planting, incorporating
- 3920** Foul water drainage scheme
- 3920** Management of surface water drainage system
- 3920** Arboricultural method statement and protection measures
- 3920** No clearance within bird nesting season
- 3920** Landscape Ecological Management and

**BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

	Enhancement Plan	
<b>3920</b>	Best practice ecological working methods	
<b>3920</b>	No lighting to be erected other than in accordance with sche	
<b>3920</b>	Access, parking and turning areas laid out	
<b>3920</b>	Construction Management Plan	
<b>3750</b>	Non-standard highways condition	
<b>3920</b>	WSI - archaeology	
<b>3923</b>	Contaminated Land - Informative (Extensions)	
<b>4000</b>	Variation of approved plans	
<b>3996</b>	Note - Discharge of Conditions	
<b>AN60</b>	NOTE NCC Inf 1 When off-site road improvements are required	
<b>3992</b>	Non-standard note re: S106	
<b>3989</b>	Hedgerow Regulation	
<b>3972</b>	NOTE: Bats and Owls	
<b>3994</b>	Note: Anglian Water comments	
<b>3949</b>	Unexpected Contamination	This condition will require to be discharged
<b>3140</b>	Prior approval of slab level	This condition will require to be discharged
<b>3802</b>	Precise details of surface water disposal	This condition will require to be discharged

<b>ITEM</b>	<b>11</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2015/1459/F	<b>CASE OFFICER:</b> Richard Laws
<b>LOCATION:</b>	NORTH ELMHAM Development Site adjacent to 10 / 12 Larch Grove	<b>APPN TYPE:</b> Full <b>POLICY:</b> <b>ALLOCATION:</b> <b>CONS AREA:</b> N <b>LB GRADE:</b> N <b>TPO:</b> N
<b>APPLICANT:</b>	Mr Jon Pennells c/o 11 Charing Cross Norwich	
<b>AGENT:</b>	Anglia Design LLP 11 Charing Cross Norwich	
<b>PROPOSAL:</b>	Erection of 4 no. one and a half storey dwelling houses	

**REASON FOR COMMITTEE CONSIDERATION**

The application is referred to Planning Committee as the application is a departure being outside the settlement boundary.

**KEY ISSUES**

Principle of development  
Impact on character and appearance of surrounding area  
Impact on amenity  
Highways  
Flooding  
Other issues

**DESCRIPTION OF DEVELOPMENT**

The application seeks the construction of four detached chalet style bungalows all with accommodation in the roof, together with detached double garages and parking on land off Larch Grove, North Elmham. Plots one and three are three bedroom chalet bungalows with dormers and plots two and four are four bedroom detached chalet bungalows. The proposed site will be accessed via Larch Grove which is an existing road serving a residential development. The proposed new access road would join the Larch Grove hammerhead. The new access road would have a turning head to enable refuse vehicles to access the development and turn within the site boundary.

**SITE AND LOCATION**

The application site is located off Larch Grove an established housing estate comprising of detached bungalows located in the village of North Elmham. The site falls outside the settlement boundary limit as identified on the North Elmham proposals Map January 2012. The application site is an open area of land covered with grass and vegetation. The site is bounded by similar land uses apart from its northern frontage which is bounded by a watercourse and residential dwellings / Larch Grove. Two new dwellings have also recently been constructed at the end of

the estate, Number 10 Larch Grove also adjoins the proposed site entrance into the site.

**EIA REQUIRED**

No.

**RELEVANT SITE HISTORY**

No relevant site history.

**POLICY CONSIDERATIONS**

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

CP.01	Housing
CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
CP.13	Accessibility
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.12	Trees and Landscape
DC.13	Flood Risk
DC.16	Design
DC.19	Parking Provision
NPPF	With particular regard to paras 8, 14 & 49.
NPPG	National Planning Practice Guidance

**CIL / OBLIGATIONS**

Not Applicable.

**CONSULTATIONS**

**NORTH ELMHAM P C**

No objection to this application other than it is outside the settlement boundary.

**NORFOLK COUNTY COUNCIL HIGHWAYS**

Whilst there are no highway objections in principle to the proposal the existing boundary extends approximately 1.8m from the existing carriageway edge therefore approximately 1.8m of the new footway and 1.8m of the access lie within the existing highway and will need to be designed and constructed to adoption specification. If minded to approve the following standard conditions SHC24, SHC 39A, SHC 39A should be applied.

**CONTAMINATED LAND OFFICER**

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

No objection based on information submitted.

### **TREE AND COUNTRYSIDE CONSULTANT**

The proposal requires the removal of low value trees only and the trees to be retained will have sufficient space. Additional planting will mitigate for the tree loss. The development should take place in accordance with the approved Arboricultural Impact Assessments, (AIA), Tree Protection Plan, (TPP) and Arboricultural Method Statement dated 10th September 2015. 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.

### **ENVIRONMENT AGENCY**

The National Planning Policy Framework, (NPPF), requires the LPA to steer new development to areas at the lowest probability of flooding by applying a flood risk Sequential Test. Assume that the LPA has applied and deemed the site to have passes the NPPF Sequential Test. They have no comment to make on the application and the LPA must determine whether the site passes the test. Although they have raised no objection to this application on flood risk grounds this should not be taken to mean that they consider the proposal has passed the Sequential Test. If the Sequential test is passed the site must be subject to the NPPF Exception Test. There are two parts to the Exception Test both must be approved by the LPA before the Exception Test can be considered to have passed.

### **Review of Flood Risk Assessment**

Satisfied that the submitted Flood Risk Assessment, (FRA), provides the LPA with the information to make an informed decision. Therefore, they have no objection to the planning application providing that you are satisfied that the development would be safe for its life time and that you assess the acceptability of the issues within your remit.

### **Fluvial Flooding**

The site is shown to lie within Flood Zones 3, 2 and 1 on their Flood Map. Fluvial modelling has been undertaken by Evans Rivers Coastal Ref: 1460/RE/06-15/01 dated 2015 and submitted in support of this application, within the FRA. Comparing with the site topographical survey with the modelled flood levels it has been determined that the site is situated within fluvial Flood Zone 1 and therefore not considered to be at risk from fluvial flooding. The site is not affected by flooding during the worst case climate change 1 in 1000 year event.

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

The site falls within the Norfolk Rivers IDB district and also abuts the main IDB drain, which needs regular maintenance, to ensure channel conveyance. As such a 9m strip is required to be left adjacent the drain, (to the North of the site), throughout, in order for machine access to be available for maintenance. Should the development require discharge of surface water into the drain, then a one off surface water development contribution will be required, the details of which can be found on our website. Drainage consent works will be required.

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

The application would be classed as minor development. The Local Planning Authority would be responsible for assessing the suitability for any surface water drainage proposal for minor development in line with National Planning Policy Framework, (NPPF).

## **REPRESENTATIONS**

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

Site Notice Posted 20/1/16 and 13 Neighbours consulted in addition the application was advertised in the paper on 25/1/16 three letters of objections received raising the following main points.

- Land at Larch Grove previously had property that was demolished due to subsidence
- Drainage unable to cope
- New properties would be near to flood plain- ditch running across land for purposes of flooding
- Cathedral Drive would be the only access and traffic already an on going problem with the junction of Holt Road this would create additional traffic pressure
- Doctors and Schools unable to cope
- Object strongly to the additional traffic that would be generated by the additional 4 dwellings
- Raise concerns over the holding up the supply of water to meadows by the inevitable drainage of the site.
- Intention to flood or hold up water from a neighbours land is illegal
- Plot one is sited directly above the position of a large deep spring.
- Importance of spring is that they help to provide early grass after winter frosts for livestock
- Will the drainage of the site mean that piling will be required so as to prevent washing out of substrates.
- better places to develop in Elmham brown field sites within 800m.

### **ASSESSMENT NOTES**

#### 1.0 Principle

1.1 The application site is located outside of the Settlement boundary of North Elmham as designated by the adopted Core Strategy and Development Control Policies Development Plan Document, (2009). For this reason the proposal conflicts in principle with Policies DC02 and CP14 of the Core Strategy and Development Control Policies Development Plan Document which seeks 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 3.72 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.

#### 1.2 The Government defines sustainable development as having three broad 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.

1.3 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. In terms of the economic and social criteria, the proposal would provide four new detached chalet bungalows and would therefore make a positive, albeit relatively small

contribution to the housing supply shortfall. The proposal would provide limited short-term economic benefits through labour and supply chain demand required during construction, and longer-term economic benefits through the additional household spend within the surrounding area that would be generated by the provision of the additional four dwellings.

1.4 In determining this application it is noted that although just outside the defined settlement limit, the proposed development would not result in an isolated development in the countryside, and directly adjoins the settlement boundary and would be read in terms of its context as a logical extension of Larch Grove which is an existing residential estate. North Elmham itself, is identified as a Local Service Centre Village. Service Centre Villages are those that contain adequate services and facilities to meet the day to day requirement of their existing residents. These services and facilities include some or all of: a convenience shop, public transport, healthcare, primary school and access to employment opportunities. In terms of village facilities North Elmham is relatively well catered for.

1.5 With regard to availability and deliverability, the application is made in full and the applicants have advised that the site is immediately available and would also provide a suitable location that would help to contribute to the maintenance and enhancement of a sustainable mixed community. Accordingly should permission be granted it is recommended that a condition be included requiring that the development commence within one year of the grant of planning permission so as to bring forward much needed market housing.

1.6 Taking these matters into account, it is concluded that the proposal would be broadly consistent with the NPPF principle that housing should be located where it will help to maintain or enhance the vitality of existing communities and that on balance the adverse effects of the additional dwellings would not outweigh its benefits. With respect to environmental aspect of sustainable development further discussion of the environmental implications and the effects of the proposed additional dwelling on the character and appearance of the area are considered in detail below.

## 2.0 Impact on Character and Appearance of the Surrounding Area

2.1 Both local and national planning policies require careful consideration to be given to the impact of new development on the character of its surroundings. Core Strategy Policy CP11 says, amongst other things, that the countryside will be protected for its intrinsic beauty and rural character and that the design of new development should be sympathetic to landscape character, informed by the Council's Landscape Character Assessment, (LCA). Core Policy DC02 deals with housing mix and density, whilst Policy DC16 promotes good design. The NPPF indicates that planning should contribute to the protection and enhancement of valued rural landscapes and that the design of new development should respond to local character and use streetscapes and buildings to create attractive places to live.

2.2 It is not considered that the proposal would cause significant harm to the public views of the surrounding area. The scale and height of the proposed dwellings are considered acceptable in terms of their context and surroundings having regard to the existing residential development within Larch Grove and in this respect the development would have appropriate regard to Policy

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

DC16. The siting, layout, and plot sizes are also considered to have appropriate regard to policy DC16. Overall it is considered that the proposed development would be acceptable in terms of its character and appearance.

### 3.0 Highway and parking implications

3.1 The proposed development would be accessed via Larch Grove which is an existing road serving a residential housing estate. The proposed new access road serving the development itself would connect in to the existing access road into Larch Grove. Within the development satisfactory access and manoeuvrability / turning is provided including that for refuse vehicles. Whilst there would be an intensification in the use of the existing Larch Grove access by the additional four new dwellings, it is not considered that this would give rise to any significant highway safety issues and no objections are raised by the Highway Officer.

3.2 In terms of parking provision satisfactory on site parking provision is provided with each dwelling having a double garage with parking in front. In this respect the proposal has appropriate regard to Policy DC19. Subject to the imposition of appropriate conditions no objections to the proposal are raised on highway grounds to the development.

### 4.0 Neighbour amenity

4.1 Policy DC01 of the Core Strategy requires that all new development have regard to amenity considerations and states that development will not be permitted where there are unacceptable effects on the amenity of neighbouring residents and future occupants.

4.2 It is not considered that the siting of the proposed dwellings would adversely impact on the amenities of surrounding properties in particular numbers 10 Larch Grove and the two dwellings under construction. It is considered that there is adequate distancing so as not to result in any adverse loss of privacy / overlooking. Accordingly, the proposal is considered to have appropriate regard to Policy DC01.

4.3 In terms of amenity space provision satisfactory provision is provided for future occupiers for each of the proposed dwellings.

### 5.0 Flooding

5.1 With regard to drainage and flood risk implications of the proposed development, the site is shown to lie within Flood Zones 3, 2 and 1 on the Flood Map. Fluvial modelling has been undertaken by Evans Rivers and Coastal Ref: 1460/RE/06-15-01 dated July 2015 and submitted in support of the application with the Flood Risk Assessment. The Environment Agency advise that comparing the site topographical survey with the modelled flood levels it has been determined that the site is situated within Flood Zone 1 and therefore not considered to be at risk from fluvial flooding. As the modelling indicates that the site is situated within Flood Zone 1 a Sequential Test is not therefore considered necessary.

5.2 The Local Lead Flood Authority have also been consulted on the scheme and advise that the Local Planning Authority would be responsible for assessing the suitability of any surface water drainage proposal for minor development in line with National Planning Policy Framework, (NPPF). Subject to a condition securing the submission and approval of a detailed surface water and foul water drainage strategy, there would be sufficient measures in place to ensure that the development would not be a risk from flooding or increase the risk of flooding elsewhere.

## 6.0 Other Issues

6.1 Both Core Strategy policy CP10 and the NPPF require that development should contribute to a net gain in biodiversity with an emphasis on improving ecological networks and linkages where possible. Furthermore, in order to accord with Section 40 of the 2006 Natural Environment & Rural Communities, (NERC), Act, paragraph 118 of the 2012 National Planning Policy Framework, (NPPF) and policies CP06, CP08, CP10 and CP11 and of the 2012 Breckland Adopted Core Strategy & Development Control Policies Development Plan, all of which promote the conservation and enhancement of biodiversity through sustainable development, the applicant must do more to ensure that the scheme constitutes sustainable development and that the existing natural features are conserved in a way that guarantees their long-term viability.

6.2 Having regard to the above, the proposed development would not result in any loss of any valuable or priority habitats and subject to conditions securing the implementation of an agreed landscaping scheme and scheme of protection measures to safeguard the existing trees and hedgerows during construction, there would be no significant harm caused to existing landscape features and the ecological value of the site, in accordance with policy CP10 of the Core Strategy and the requirements set out in the NPPF.

6.3 In terms of ground conditions, there is no recent history of contamination the site is not considered to be at significant risk of ground borne contamination. Nevertheless, a condition regarding any unexpected contamination would be imposed.

## 7.0 Conclusion

7.1 Given the current position with respect that the Council cannot demonstrate a five year supply of housing land, little weight can be attributed to policies which seek to restrict residential development outside of settlement boundaries and the application should be considered in the context of the presumption in favour of sustainable development, as set out in the NPPF.

7.2 In this regard, paragraph 14 of the NPPF states that where the development plan or relevant policies are out of date, this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.3 The adverse effects of the proposal would not significantly and demonstrably outweigh its benefits; and that overall subject to conditions, the proposals would constitute sustainable development. In accordance with paragraph 14 of the NPPF the application is recommended for

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

approval.

<b>RECOMMENDATION</b>	<b>Planning Permission</b>
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<b>CONDITIONS</b>
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<b>3046</b>	In accordance with submitted	
<b>3920</b>	Reduced Time limit- 2 Years	
<b>3935</b>	In accordance with Arboricultural Impact Assessment	
<b>3750</b>	Access, Parking and turning	
<b>3760</b>	Off site Highway Improvements	
<b>3770</b>	Completion of of site highway works prior to occupation	
<b>3302</b>	No P.D. for extensions, roof alterations, porches	
<b>2000</b>	NOTE: Application Approved Without Amendment	
<b>3996</b>	Note - Discharge of Conditions	
<b>AN60</b>	NOTE NCC Inf 1 When off-site road improvements are required	
<b>3140</b>	Prior approval of slab level	This condition will require to be discharged
<b>3408</b>	Landscaping - details and implementation	This condition will require to be discharged
<b>3104</b>	External materials to be approved	This condition will require to be discharged
<b>3116</b>	Roof of clay pantiles	This condition will require to be discharged
<b>3402</b>	Boundary screening to be agreed	This condition will require to be discharged
<b>3802</b>	Precise details of surface water disposal	This condition will require to be discharged
<b>3804</b>	Precise details of foul water disposal	This condition will require to be discharged
<b>3946</b>	Contaminated Land - Unexpected Contamination	This condition will require to be discharged

<b>ITEM</b>	<b>12</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2016/0050/F	<b>CASE OFFICER:</b> Richard Laws
<b>LOCATION:</b>	GRISTON Development Plot Caston Road	<b>APPN TYPE:</b> Full <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> <b>CONS AREA:</b> N <b>LB GRADE:</b> Adjacent Grade 1 <b>TPO:</b> N
<b>APPLICANT:</b>	RSLC Ltd The Barn Duke's Lane	
<b>AGENT:</b>	Jon Boon Architects 10 Stanmore Road Norwich	
<b>PROPOSAL:</b>	Construction of 2 new houses with associated garages, access drive and external works	

**REASON FOR COMMITTEE CONSIDERATION**

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

**KEY ISSUES**

Principle  
Design and appearance  
Impact on setting of Listed Building  
Amenity  
Highways  
Trees and Landscaping

**DESCRIPTION OF DEVELOPMENT**

Planning permission for a dwelling on the site was previously granted under planning Ref: 3PL/2014/1150/F. This application now seeks the provision of two dwellings on the site, (plots 1A and 1B). Plot 1A next to the Old Dairy is a full two story four bedroom dwelling with double garage, plot 2B is a chalet type dwelling, (five bedrooms), with accommodation in the roof and detached garage. Access to the dwellings is off Caston Road each with a separate access together with off site parking and turning provision for both dwellings.

**SITE AND LOCATION**

The site is outside of the Settlement Boundary of the village of Griston on the south side of Griston Road. The site currently forms part of a larger garden associated with a previously converted and extended building. To the west of the site lies St Peter and St Pauls church which is Grade I Listed.

**EIA REQUIRED**

No.

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

### **RELEVANT SITE HISTORY**

3PL/2014/1150/F - New dwelling with cartlodge and room over, new access - Planning permission Approved.

3PL/2012/0836/F - Minor material amendment to 3PL/2008/0885/F in respect of a flat roof link and change of use of garage to dayroom - Approved.

3PL/2011/0613/F - Create link between house and garage and convert garage into a day room, (retrospective) - Refused Dismissed on Appeal.

3PL/2010/0191/F - Amendments to approved scheme 3PL/2008/0885/F for barn conversion including new cart shed style garage and garden room to rear - Approved.

3PL/2009/0789/F - Erection of wooden gazebo to front of property (retrospective) - Refused.

3PL/2008/0885/F - Proposed conversion of outbuilding to residential accommodation - Approved.

### **POLICY CONSIDERATIONS**

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

CP.10	Natural Environment
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.17	Historic Environment
DC.19	Parking Provision
LBC	Planning(Listed Building & Conservation Areas) Act 1990
NPPF	With particular regard to paras 14, 47, 49 & 55.
NPPG	National Planning Practice Guidance

### **CIL / OBLIGATIONS**

Not Applicable.

### **CONSULTATIONS**

#### **GRISTON P C**

Although the Parish Council as a whole think the design of these properties is sympathetic to the area there are some very serious concerns about the development of this plot at all due to its close proximity to the Church and churchyard. The Parish Council recognizes Brecklands need for housing but feels that as a relatively small village, Griston will have already contributed its fair

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

share when the approximately 50 new dwellings that currently have permission are built here. Also, this plot is outside the village settlement boundary. Despite the applicant's suggestion of adequate facilities and employment opportunities, this is not felt to be the case. There is no shop / Post Office and two of the largest employers in the village have recently closed. There is only an extremely limited bus service, (approx. 2 hourly between 8am and 5pm), that is totally unsuitable for commuters. The nearest primary school is a 20 minute walk away down a fairly narrow lane with no footpath and a 60mph speed limit.

### **NORFOLK COUNTY COUNCIL HIGHWAYS**

In the light of the potential detrimental effect the footway would have on the church wall and trees, in this specific instance they would be prepared to drop the requirement for a footway to be provided. If approval of the application is minded then standard conditions SHC08, SCH13 and SHC20 should be imposed.

### **HISTORIC BUILDINGS CONSULTANT**

No comment.

### **CONTAMINATED LAND OFFICER**

No objections.

### **ENVIRONMENTAL HEALTH OFFICERS**

No objections.

### **HISTORIC ENVIRONMENT OFFICER**

The proposed development lies in the Historic Core of Griston, immediately adjacent to the medieval church of St Peter and St Pauls Churches. Consequently there is potential that the site encompasses part of the medieval graveyard or that evidence for medieval settlement survives below ground. There is a high potential that heritage assets with archaeological interest will be present at the site and their significance will be adversely affected by the proposed development. If planning permission is granted, request an appropriate condition regarding a programme of archaeological work in accordance with NPPF para 141.

### **HISTORIC ENGLAND**

They note a Heritage Statement has now been submitted to support the application which considers the significance of the Church of St Peter and St Paul, including its setting and the impact of the proposed development. The proposed site layout has been amended as a result, with the lower, one and a half storey dwelling now being positioned adjacent to the church, thereby minimising the impact on views from and towards the church. Additional landscaping and screening is also proposed with a native hedge to the churchyard boundary wall. They are satisfied that this has minimised the impact of the proposed development on the setting of the church and have no further comment to make. Appropriate conditions should be placed in order to achieve a high quality of detailing and materials.

## **REPRESENTATIONS**

Site Notice posted 8/2/16 and neighbours consulted.

One Letter from the Parochial Church Council - Concerned regarding Norfolk Highways requirement for a 1.5m footpath from the site to the existing footpath at the corner of Caston Road and Church Road. They point out that such a footpath would require the removal of the existing bank which could not be carried out without threatening the stability of the church wall. There are also some large trees close to the wall and are anxious that no damage should be caused to the roots.

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

Also one letter of objection raising the following main points:

- Concerns that the character of the area would be negatively impacted upon by the development.
- Increase in volume of traffic along unlit road, single track with no footpath and road frequently used by pedestrians.
- Vehicle exit would be hazardous without removing hedgerow, which would damage beauty and character, also impact on wildlife.

### **ASSESSMENT NOTES**

1.0 The application is referred to Planning Committee as it is contrary to Policy DC02 and CP14 of the Breckland Core Strategy.

#### 2.0 Principle

2.1 The principle of a residential dwelling on the site has previously been established by the granting of planning permission 3PL/2014/1150/F, which is still a valid consent. This current application now proposes the provision of two dwellings on the site instead of one. The site falls outside of the defined settlement boundary of Griston and as a result the proposal conflicts in principle with Policies DC02 and CP14 of the Core Strategy and Development Control Policies Development Plan Document 2009, which seeks 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, the relevant local policies for the supply of housing referred to above should not be considered up to date and that housing applications should be granted unless any adverse impacts would significantly outweigh the benefits.

2.2 The NPPF identifies three dimensions of sustainable development:

- 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.

2.3 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.

2.4 Further, paragraph 55 states that to promote development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local Planning Authorities should avoid isolated homes in the countryside unless there are special circumstances.

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

2.5 In terms of the economic and social criteria, the proposal would provide two dwellings for market sale and would make a positive, albeit modest, contribution to the housing supply shortfall and provide some short-term economic benefit through its construction.

2.6 Environmentally, the site is in close proximity to the Settlement Boundary. The church lies to the west of the site and there are dwellings immediately to the east of the site and on the opposite side of the road. To the north-west there is a public house and a further dwelling. It is considered therefore that the proposal for two dwellings on the site would not represent isolated homes in the countryside.

2.7 Griston is classified as a rural settlement through Policy SS1, (Spatial Strategy), of the adopted Core Strategy and Development Control Policies Development Plan Document. The spatial strategy states that these villages are not capable of supporting consequential growth as they rely on higher order settlements for the majority of these services and facilities. However, Griston is served by a choice of local primary schools, an established industrial and business park and is relatively close to the town of Watton. There is also a 10-15 minute traffic free Sustrans cycle and walking route directly to Watton.

2.8 Footnote 11 of the NPPF confirms that the site should be in a sustainable location, available now and have a realistic prospect of being developed within five years.

2.9 This application is a full application. However, if Members are minded to approve the application, it would be appropriate that the time limit is 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.

2.10 In summary, it is considered that the site is in a suitable location for development and that the positive attributes of the development of this site for housing from an economic, social and environmental perspective result in a sustainable form of development. Taking into account the contribution the development would make towards meeting the five year supply of housing land, the requirements of the NPPF and the presumption in favour of sustainable development, it is considered that the principle of the development of the site can be supported.

### 2.0 Design and appearance

2.1 Policy DC16 seeks that all new developments should achieve the highest standards of design. Particularly relevant are the paragraphs on local character, form, layout siting, density, height, massing and scale, building details and materials as well as landscaping, boundary treatments and enclosure. The application proposes a one and half storey dwelling adjacent the church, thereby minimising the impact on views from and towards the Church, with a full two storey dwelling on the side adjoining the Old Dairy. Overall the siting, design, height and appearance of the proposed two dwellings is considered acceptable having regard to Policy DC16 and that the site is capable of satisfactorily accommodating two dwellings street scene terms. An appropriate condition will be imposed regard the palette of materials for the two

dwellings.

### 3.0 Impact on setting of adjoining Grade 1 Listed Building

3.1 The site lies adjacent to a Grade I Listed Building, when considering proposals within the setting of Listed Buildings Section (66) of the Planning, (Listed Buildings and Conservation Area), Act 1990 requires Local Planning Authorities to give special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

3.2 Core Strategy Policy DC17 is also relevant which requires that where a proposed development will affect the character and setting of a Listed Building, particular regard will need to be given to the protection, preservation and enhancement of any features of historic or architectural interest.

3.3 A Heritage Statement has been submitted to support the application which considers the significance of the Church of St Peter and St Paul, including its setting and the impact of the proposed development. The proposed site layout has been amended during the course of the application with the lower, one and a half storey dwelling now being positioned adjacent to the church, thereby minimising the impact on views from and towards the church. Additional landscaping and screening is also proposed with a native hedge to the churchyard boundary wall.

3.4 Historic England are now satisfied that this has minimised the impact of the proposed development on the setting of the church and raise no objections. Appropriate conditions can be imposed in order to achieve a high quality of detailing and materials. In summary, having regard to Section 66 of the Planning, (Listed Buildings and Conservation Areas), Act 1990 and Core Strategy Policies DC16 and DC17, it is considered that the setting of the Church would be satisfactorily preserved.

### 4.0 Amenity

4.1 It is not considered that the siting of the two dwellings would adversely impact on the amenities of surrounding neighbours. The relationship of the two storey dwelling, (Unit 1), next to the Old Dairy is considered acceptable in terms of its relationship having regard to Policy DC01. In terms of amenity space provision for the future occupiers of the two dwellings satisfactory provision is provided.

### 5.0 Highways

5.1 In principal no objection is raised by the Highway Authority to the provision of two dwellings on site, given the fact that permission already exists for one dwelling. Whilst consideration was given to the potential of providing a footway from the site access to link in to the existing provision at the corner of Caston Road and Church Road given the detrimental effect this would have on the church wall and trees in order to construct the footway, in this specific instance the

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

requirement is not considered necessary given the small scale of the development. In terms of on site parking and turning satisfactory provision is provided for both dwellings having regard to Policy DC19. Subject to appropriate conditions no highway objections are raised.

### 5.0 Other issues

5.1 No objections are raised regarding contamination issues. With regard ecology no objection were raised in terms of the previous application for a single dwelling on the site and the provision of two dwellings is not considered to give rise to any new issues. In terms of landscaping an appropriate landscaping condition can be imposed as well, two ash trees on the front would also be removed which have ash die back disease which the Tree Officer also confirms although appropriate replacement planting can be secured. In terms of archaeology given the fact that there is a high potential that heritage assets with archaeological interest will be present an appropriate condition regarding a programme of archaeological work in accordance with National Planning Policy Framework 141.

### 6.0 Conclusion

6.1 Notwithstanding that the site lies outside of the Settlement Boundary of Griston, it lies close to the village centre and Settlement Boundary. The proposal is considered to represent sustainable development having regard to Breckland Council's lack of a five year housing land supply and having regard to paragraphs 14, 47 and 49 of the National Planning Policy Framework. The proposal would also still preserve the setting of the adjacent Grade 1 Listed Church. In conclusion approval of the application is accordingly recommended subject to appropriate conditions.

#### **RECOMMENDATION**

**Planning Permission**

#### **CONDITIONS**

<b>3007</b>	Full Permission Time Limit (2 years)	
<b>3047</b>	In accordance with submitted	
<b>MT03</b>	External wall and roof materials to be agreed	
<b>3920</b>	Archaeological Scheme	
<b>3920</b>	Landscaping scheme to be submitted	
<b>AN61</b>	NOTE NCC Inf 2 When Vehicular access works required	
<b>3996</b>	Note - Discharge of Conditions	
<b>4000</b>	Variation of approved plans	
<b>2000</b>	NOTE: Application Approved Without Amendment	
<b>2014</b>	Criterion E - Planning Apps Where Approved	
<b>3116</b>	Roof of clay pantiles	This condition will require to be discharged
<b>HA08</b>	New access - construction over verge	This condition will require to be discharged

**BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

<b>HA13</b>	Access gates - configuration	This condition will require to be discharged
<b>HA19</b>	Provision of visibility splay on approved plan	This condition will require to be discharged
<b>HA24</b>	Provision of parking and servicing - when shown on plan	This condition will require to be discharged
<b>DE08</b>	Slab level to be arranged	This condition will require to be discharged

<b>ITEM</b>	<b>13</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2016/0108/F	<b>CASE OFFICER:</b> Viv Bebbington
<b>LOCATION:</b>	ICKBURGH The Old Forge Swaffham Road	<b>APPN TYPE:</b> Full <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> <b>CONS AREA:</b> N <b>LB GRADE:</b> N <b>TPO:</b> N
<b>APPLICANT:</b>	Mr Simon Ball The Old Forge, Swaffham Road	
<b>AGENT:</b>	Clayland Architects The Glass House Lynford Gardens	
<b>PROPOSAL:</b>	One detached bungalow	

**REASON FOR COMMITTEE CONSIDERATION**

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

**KEY ISSUES**

Principle  
Impact on local character and amenity  
Highway safety  
Impact on the SPA

**DESCRIPTION OF DEVELOPMENT**

The site seeks full planning permission for the erection of one, four bedroomed bungalow with attached garage and carport, within the curtilage of an existing bungalow. The site is 0.16 hectares. The dwelling would be constructed using red brick work and dark grey pantiles.

The site would use the existing access off Swaffham Road.

The application was original submitted as the erection of two bungalows but has been amended to one bungalow.

**SITE AND LOCATION**

The site is outside the Settlement Boundary of Ickburgh. It is a semi rural location to the south west of the village, and north of the settlement boundary of Mundford. To the north and south are individual residential dwellings. Opposite the site to the east of Swaffham Road is a small residential development.

The site is within the Stone Curlew Buffer Zone and 300m of the Breckland SPA and the River Wissey.

**EIA REQUIRED**

No.

**RELEVANT SITE HISTORY**

None.

**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.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.16	Design
DC.17	Historic Environment
DC.19	Parking Provision
NPPF	With particular regard to paras 7, 8 & 55.

**CIL / OBLIGATIONS**

Not applicable.

**CONSULTATIONS**

**ICKBURGH P C**

No objection.

**NORFOLK COUNTY COUNCIL HIGHWAYS**

No objection subject to conditions regarding visibility splay and width of access.

**TREE AND COUNTRYSIDE CONSULTANT**

No comments.

**ECOLOGICAL AND BIODIVERSITY CONSULTANT**

The Preliminary Ecological Appraisal sufficiently assesses the application site. No objection subject to conditions regarding ecological working methods and ecological enhancement measures.

**ENVIRONMENTAL HEALTH OFFICERS**

No objection subject to condition regarding noise levels and hours of construction works.

**CONTAMINATED LAND OFFICER**

No objection subject to condition regarding unexpected contamination.

**NATURAL ENGLAND**

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

No objection. The proposal is not likely to have a significant effect on the interest features for which the Breckland SAC and SPA as such an Appropriate Assessment is not required.

### **HISTORIC ENVIRONMENT OFFICER**

No objection subject to programme of archaeological investigation.

### **REPRESENTATIONS**

Three letters of support from local residents.

### **ASSESSMENT NOTES**

1.0 The application is referred to the Planning Committee as it is contrary to Policies DC02 and CP14 of the Breckland Core Strategy 2009.

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

2.1 The application seeks full planning permission for the erection of one bungalow on land outside a settlement boundary. For this reason the proposal conflicts in principle with Policies DC02 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, paragraphs 47 and 49 of the National Planning Policy Framework, (NPPF), states that where an authority does not have an up to date five year housing supply and 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 granted permission in the context of the presumption in favour of sustainable development.

2.2 The NPPF identifies three dimensions of sustainable development:

- Economic, in terms of building a strong economy and in particular by ensuring that sufficient land is of the right type and is available in the right places.
- Social, by supporting, strong 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.

2.3 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 In terms of the economic and social criteria, the proposal would provide one new dwelling

and would make a positive, albeit modest, contribution to the housing supply shortfall and provide some short-term economic benefits through its construction, and longer-term economic benefits through additional household spend within the surrounding area that would be generated by the provision of the dwelling.

2.5 With regard to whether this is a suitable location, the site is outside the Settlement Boundary of Ickburgh which lies immediately opposite the site to the east of Swaffham Road. Ickburgh has a lack of service provision and residents are largely dependant on higher order settlements for almost all shopping, employment, education and leisure purposes. The site is approximately ten miles from Swaffham and six miles from Brandon. The nearest service centre village would be Mundford, approximately 1/2 mile away which offers some services, including a primary school, post office, church, public house, community centre, playing fields and village shops. Consequently, the proposal would conflict with the objectives in the NPPF which seek to minimise the need to travel.

2.6 It should be noted that the NPPF recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. In addition that Ickburgh is located within close proximity to Mundford the villages are linked by a continuous footpath along Swaffham Road along, (A1065) and thus services can be readily accessed from the site by foot or cycle. There is also a bus route along the A1065. Therefore, in line with paragraph 55 of the NPPF the proposed dwelling in Ickburgh would help support the services in nearby Mundford.

2.7 Environmentally, although outside the Settlement Boundary, the site is in a semi rural location within a loose knit group of existing development. There is development immediately to the south, south and east of the site. As such the site is considered to be appropriate infill. The site is not an important gap within the street scene which needs to be maintained. The Council's landscape Character Assessment indicates that the site falls within the A3 River Wissey character area. Key characteristics of the local landscape include a broad flat valley floor with gentle sides characterised by a mosaic of pasture fields and a variety of woodland. Development considerations indicate that the unsettled rural character should be preserved and ensure expansion of villages do not extend into the largely undeveloped rural valley. The proposal would consolidate the existing pattern of development and give the immediate locality a more built up appearance. It would not extend the existing development into an undeveloped area. Whilst this will result in some loss of character, the harm would be limited given the following factors:

- the visual containment of the site by existing development;
- generous proportions of the site maintain a spacious character;
- the proposal would not intrude into the open countryside and would not be isolated; and
- the proposal would not cause material harm to the character and appearance of the area.

The combination of all of these environmental factors together and not in isolation result in the proposal satisfying the environmental role of sustainable development.

2.8 Footnote 11 of the NPPF confirms that the site should be in a sustainable location, available now and have a realistic prospect of being developed within five years.

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

2.9 With regard to availability and delivery, this is a full application and the site is within the applicants ownership and available now, making the development deliverable within a reduced period of two years to meet the housing shortfall. It is recommended that the time limit is reduced to two years for commencement in accordance with other applications in Breckland, approved under the five year supply.

2.10 It is conclude that the proposal would not result in an isolated development in the countryside. The scheme would provide an additional dwelling, generate some economic activity and be developed without causing harm to the character and appearance of the area.

2.11 Paragraph 55 of the NPPF states that housing should be located where it will enhance and maintain the vitality of existing rural communities and help sustain facilities in the surrounding settlements.

### 3.0 Impact on local character and amenity

3.1 The application originally proposed the erection of two bungalows, however, to provide a more spacious development in keeping with the character of the surrounding development the application has been amended to the erection of one bungalow.

3.2 The design, scale and appearance of the dwelling is considered sympathetic and in keeping with the adjacent property and the spacious character of the development to the west of Swaffham Road and the wider rural landscape character of the area.

3.3 There is a good degree of separation between the site and the adjacent properties to ensure that the proposal would not result in any significant impact on the outlook, privacy and daylight of surrounding properties.

3.4 For the above reasons the development would not cause any demonstrable impact onto the rural character of the area, the setting of the site or the amenity of neighbouring residential properties. As such the proposal is consistent with policies DC01 and DC16.

### 4.0 Highway Safety

4.1 Access is proposed from Swaffham Road. The Highway Authority has raised no objection to the proposal subject to conditions requiring an improved visibility splay and the widening of the access to a minimum width of 4.5m. There is sufficient land available within highway limits to provide a satisfactory level of visibility. Standard planning conditions in respect of parking and turning have also been recommended.

### 5.0 Impact on SPA and Ecology

5.1 The site is located within the stone curlew buffer zone and 300m of the Breckland SPA. A

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

Preliminary Ecological Assessment, (PEA), has been undertaken to assess the likely impacts on biodiversity and protected species and to assess the likely effects of the development upon the SPA.

5.2 Natural England has raised no objection to the proposal and concluded that the proposal is not likely to have a significant effect on the interest features of the Breckland SPA and SAC. As such a Habitat Regulation Assessment is not required.

5.3 The Ecologist has reviewed the Preliminary Ecological Assessment and concluded the appraisal sufficiently assesses the application site with regard to ecology. The assessment sets out working methods for nesting birds and ecological enhancement measures such as the provision of bat and bird boxes. Suitable conditions have been recommended to ensure the recommendations of the PEA are implemented.

5.4 It is considered there are no overriding constraints to the development in terms of ecology and protected species. As such the proposal is consistent with policy CP10.

### 6.0 Other Matters

6.1 The Contaminated Land Officer raises no objection subject to a condition regarding unexpected contamination.

6.2 The Environmental Health Officer has raised no objection, subject to condition restricting noise levels and hours of operation during construction due to the close proximity to existing residential properties.

6.3 The Historic Environment Services has raised no objection, subject to a condition requiring an archaeological investigation due to the close proximity of the site to an historic road, historic medieval and post medieval village core.

### 7.0 Conclusion

7.1 In conclusion, it is considered that the proposal would constitute a sustainable form of development as defined in Paragraph 7 of the NPPF, which would help to support the local rural community, would not compromise local amenity and would not adversely impact the character and appearance of the surrounding area or the SPA. Approval is therefore recommended subject to conditions.

**RECOMMENDATION**

**Planning Permission**

**CONDITIONS**

**BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

<b>3006</b>	Full Permission Time Limit (2 years)	
<b>3047</b>	In accordance with submitted	
<b>CL03</b>	Unexpected Contamination	
<b>HA10</b>	Existing access - widened or improved	
<b>HA24</b>	Provision of parking and servicing - when shown on plan	
<b>3920</b>	Non-standard ecological condition	
<b>3920</b>	Non-standard noise level hours of operation condition	
<b>MT03</b>	External wall and roof materials to be agreed	This condition will require to be discharged
<b>MT04</b>	Clay pantiles	This condition will require to be discharged
<b>DE08</b>	Slab level to be arranged	This condition will require to be discharged
<b>AR01</b>	Archaeological work to be agreed	This condition will require to be discharged
<b>HA20</b>	Provision of visibility splays - conditioned	This condition will require to be discharged
<b>HA13</b>	Access gates - configuration	This condition will require to be discharged

<b>ITEM</b>	<b>14</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2016/0194/O	<b>CASE OFFICER:</b> Heather Byrne
<b>LOCATION:</b>	OLD BUCKENHAM Asparagus Field Cake Street	<b>APPN TYPE:</b> Outline <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> <b>CONS AREA:</b> N <b>LB GRADE:</b> N <b>TPO:</b> N
<b>APPLICANT:</b>	Mr P Potter Arenal New Buckenham Road	
<b>AGENT:</b>	Peter Codling Architects 7 The Old Church St Matthews Road	
<b>PROPOSAL:</b>	Erection of new dwelling and garage	

**REASON FOR COMMITTEE CONSIDERATION**

This application is referred to Planning Committee as it is contrary to Policy.

**KEY ISSUES**

Principle of development  
Impact upon character and appearance of area  
Amenity impact  
Impact upon highway safety  
Impact upon flood risk

**DESCRIPTION OF DEVELOPMENT**

This application seeks outline permission for the erection of a new dwelling with garage with all matters reserved, except access, on land adjacent to Cake Street. An illustrative site layout has been provided with the submission which shows the erection of a single storey dwelling with a detached garage. The application includes the provision of a pedestrian footway link to Harlingwood Lane from the proposed dwelling. The proposal would be accessed via the existing drive to the barns to the east.

**SITE AND LOCATION**

The application site lies outside of any defined Settlement Boundary and is bounded to the west by the highway, to the south by the existing access track, to the east by open land and beyond residential dwellings to the south east and open land to the north east, and to the north by a strip of land within the applicants ownership and beyond residential dwellings. The site currently forms an open field.

**EIA REQUIRED**

No.

**RELEVANT SITE HISTORY**

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

3PL/2015/1009/O: Four dwellings and garages. 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

SS1	Spatial Strategy
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.13	Flood Risk
DC.16	Design
DC.17	Historic Environment
DC.19	Parking Provision
LBC	Planning(Listed Building & Conservation Areas Act) 1990
NPPF	With particular regard to paras 8 & 49.
NPPG	National Planning Practice Guidance

### **CIL / OBLIGATIONS**

Not Applicable.

### **CONSULTATIONS**

#### **OLD BUCKENHAM P C**

No objections.

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

Inadequate visibility splays are provided at the junction of the access with the County highway and this would cause danger and inconvenience to users of the adjoining public highway. A Transport Statement was provided during the application process; however this does not change the recommendation of refusal.

#### **HISTORIC BUILDINGS CONSULTANT**

No objection in terms of principle.

#### **CONTAMINATED LAND OFFICER**

No contaminated land objections based on both the accuracy of the information provided and the current records of contaminated land issues we hold to date.

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

No comments.

#### **ENVIRONMENT AGENCY**

We have no objection to this application. The site is located slightly in Flood Zone 2. Built development is within Flood Zone 1.

## **ECOLOGICAL AND BIODIVERSITY CONSULTANT**

The Ecology Report sufficiently addresses all ecological considerations. No further ecological is required prior to determination; however small scale mitigation measures and enhancements are proposed.

### **REPRESENTATIONS**

Local representations have been received stating the following:

- Infill plot;
- Village needs more housing;
- The proposed footpath is a positive move increasing safety and sustainability; and
- In keeping with the surrounding character of the area.

Local representations have been received raising the following concerns:

- Would increase flooding in this area;
- Highway safety concerns;
- Is outside the Settlement Boundary;
- Occupants would be reliant on travelling by car to the village;
- The proposed path would be private and is not accessible without trespassing on private land and would adjoin Harlingwood Lane which has no footpath;
- The proposed path would impact upon amenity in terms of privacy and overlooking;
- Should not be considered as infill; and
- Site is highlighted as an unreasonable alternative in the 2015 SHLAA.

### **ASSESSMENT NOTES**

1.0 This application is referred to Planning Committee at the request of the Ward Representative.

#### 2.0 Principle of development

2.1 The application site is located outside the defined Settlement Boundary. For this reason the proposal conflicts in principle with Policies DC02 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 3.72 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 NPPF identifies three dimensions of sustainable development:

- 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

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

- 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 Governments 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 economic and social criteria, the proposal would provide one dwelling for market sale, which would make a positive, albeit modest, contribution to the housing supply shortfall and would provide some short term benefits to the local economy through its construction. With regards 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 five years to meet the housing shortfall. However, if approved, it would be appropriate that the time limits are reduced and this would be in accordance with other applications in Breckland approved under the five year supply.

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. Old Buckenham is identified as a local service centre village through Policy SS1 of the adopted Breckland Core Strategy. Old Buckenham contains a Post Office, Primary School, High School, Church and Public House, which are all located approximately 0.6-0.9 miles to the north of the site.

2.7 In regards to public transport, bus stops are located adjacent to the village green 0.5 miles from the site which offer irregular and infrequent bus services, which would likely result in higher car dependency. There is also no continuous footpath connecting the site to the bus stops as the footpath stops at the junction of Cake Street and Harlingwood Lane some 200m to the north of the site.

2.8 Whilst it is noted a footpath is proposed which would connect the site to Harlingwood Lane to the north it is considered this would not improve the pedestrian access to the village facilities. This is discussed in further detail below in regards to highway safety.

2.9 Given the distance to these facilities and lack of a continuous public footpath between the site and these facilities it is considered future occupants of the development would be largely reliant on the private car to access day-to-day requirements including shopping and community facilities. Whilst this consideration weighs against the proposal, given the small scale of the proposal, it is considered that the harm caused to sustainability would be small. It is also

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

acknowledged that a wider range of facilities are available approximately four miles away within the town of Attleborough. The NPPF recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

2.10 Whilst it is noted the site falls outside the Settlement Boundary but adjacent to, the scheme would provide additional housing, (contributing towards the Council's five year supply of housing), generate some economic activity and offer a degree of support to existing village amenities. It would also be consistent with the NPPF principle that rural housing should be located where it will maintain or enhance the vitality of rural communities.

### 3.0 Impact upon character and appearance of area

3.1 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, as is design.

3.2 An indicative drawing has been provided indicating a possible siting of a single storey dwelling although layout, appearance and scale are not part of this outline submission, (only access), would form part of any reserved matters approval if permission was forthcoming. 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. It is also considered that a single dwelling on the site would not result in a cramped form of development having regards to the layout of neighbouring development and the built form and character of this part of the village.

3.3 The plot currently forms part of a field, which is bounded by residential development to the north and east and the access track and highway, to the south and west with some hedging and trees to areas of the boundaries of the site. The indicative drawing shows a dwelling sitting within the same building line as development along Cake Street and therefore it is considered the introduction of a single storey dwelling on the site would have limited impact upon the wider rural setting and countryside. In light of this site-specific context, it is concluded that the development would not appear visually intrusive and would not result in an isolated development in the countryside.

3.4 If approved a condition would be imposed for landscaping and boundary details to be agreed to ensure the proposal is in keeping with the wider rural setting and countryside.

3.5 The site is adjacent to the barns at College Farm, which are Grade II Listed. The Historic Buildings Consultant raises no objection in terms of principle and therefore it is considered a dwelling could be accommodated within the site without impacting upon the setting of the Listed Building in accordance with Section 66 of the Town and Country Planning, (Listed Building and Conservation Area), Act 1990 and the NPPF.

#### 4.0 Amenity impact

4.1 In terms of neighbour amenity the detailed implications would be considered at the detailed planning stage should outline planning permission be granted. However, it is considered that, in principle, the proposal would not impact upon neighbour amenity significantly in terms of overlooking, overshadowing, loss of light, privacy or outlook with respect to adjacent dwellings.

#### 5.0 Impact upon highway safety

5.1 The Highways Authority states the site is currently used for agricultural purposes and would consequently see little traffic movement and certainly would not generate habitual traffic movements on a daily basis. By comparison, based on information derived from TRICS, a normal domestic dwelling would generate an average of six vehicular movements on a daily basis. This is in addition to any movements connected with service and delivery vehicles serving the property. The site is served via a private access track which joins the public highway network at B1077 Cake Street. Given that the nearest amenities are located some 1km to the north, coupled with the fact that no street lighting nor safe pedestrian refuge exists between the site and the nearest footway some 200m to the north, it is fair to assume that the residents of this property will have a high reliance on travelling by car to access goods, amenities and services as they would be highly unlikely to walk in the carriageway of the busy main distributor road.

5.2 Cake Street is a busy and important stretch of road which carries high volumes of traffic, including HGV content, and which is designated as a main distributor road in the County Councils Route Hierarchy. A 40 mph speed restriction is in force in the vicinity of the site and a recent speed survey revealed that the 85th percentile south bound traffic speed, in the vicinity of the site, was 41 mph. Based on Government safety guidance set out in The Design Manual for Roads and Bridges minimum clear visibility of 120m is required to either side of the access where it meets Cake Street. Visibility to the north of the access, the approaching traffic direction, measures approximately 75m which represents just 62% of the recommended safety standard. In addition, forward visibility for drivers travelling southwards on B1077 is restricted to around 100 m by the horizontal alignment of the carriageway. Again Government safety guidance recommends clear forward visibility of 120m and the 100m available would result in an unacceptable reduction in the time a driver has to observe and re-act to a vehicle turning from Cake Street into the access.

5.3 The existence of the private access track is a matter of fact and therefore a degree of conflict already exists. However, any additional traffic movements would result in the unacceptable intensification of the use of an access with substandard visibility and would increase the potential for collision and personal injury accident.

5.4 The applicant has included, as part of the current proposal, a private pedestrian route which travels east along the track then north, across private land, to Harlingwood Lane, (which is unlit and has no satisfactory pedestrian refuge), before joining the surfaced footway on the opposite side of B1077 to the west. This pedestrian route is reliant on a voluntary arrangement with a local landowner. It would not have permanent status and could be withdrawn or re-routed without consultation. It would not cater for all user groups, in particular for pedestrians with mobility problems, wheelchair users and pedestrians pushing prams and buggies. Given the circuitous

route the path takes I still consider it more likely that residents would travel by car and the pedestrian route indicated would not be likely to encourage walking as a means to access local goods and services.

5.5 The Highway Authority therefore recommends refusal on highway safety grounds as inadequate visibility splays are provided at the junction of the access with the County highway and this would cause danger and inconvenience to users of the adjoining public highway. The applicant submitted a Transport Statement; however this does not alter the above recommendation of refusal.

#### 6.0 Impact upon flood risk

6.1 The North West corner of the site is located within Flood Zone 2 with the remainder of the site falling within Flood Zone 1. The indicative drawing shows an area of landscaping to be located in the north west corner with the dwelling located centrally within the plot. Due to the small area of the site located within Flood Zone 2 it is considered the development of the site for one dwelling would not impact significantly upon flooding. To ensure the development does not increase the risk of flooding a condition would be imposed for surface water drainage details to be agreed.

6.2 The Environment Agency has raised no objection to this application.

#### 7.0 Other Matters

7.1 The Contaminated Land Officer raises no contaminated land objections based on both the accuracy of the information provided and the current records of contaminated land issues we hold to date.

7.2 The Tree Consultant raised no comments.

7.3 The Ecological and Biodiversity Consultant states the Ecology Report sufficiently addresses all ecological considerations. No further ecological is required prior to determination; however small scale mitigation measures are proposed.

#### 8.0 Conclusion

8.1 In circumstances where, as here, policies for the supply of housing are to be considered out of date for the purposes of the Framework, paragraph 14 states that permission should normally be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific Framework policies indicate that development should be restricted.

8.2 Whilst it is noted the proposal would result in the intensification of an access with inadequate visibility splays it is considered as the proposal relates to one dwelling only and the access

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

currently serves existing dwellings, it is considered on balance that the benefits of the proposal outweigh the harm caused to highway safety.

8.3 The application is therefore recommended for approval.

### **RECOMMENDATION**

**Outline Planning Permission**

### **CONDITIONS**

<b>3003</b>	Early delivery of Housing Time limit	
<b>3058</b>	Standard Outline Condition	
<b>DE01</b>	Single storey dwelling only	
<b>3920</b>	Ecology mitigation and enhancement measures	
<b>3988</b>	NOTE: Submitted details indicative only	
<b>4000</b>	Variation of approved plans	
<b>3996</b>	Discharge of Conditions	
<b>3402</b>	Boundary screening to be agreed	This condition will require to be discharged
<b>3802</b>	Precise details of surface water disposal	This condition will require to be discharged

<b>ITEM</b>	<b>15</b>	<b>RECOMMENDATION : REFUSAL</b>
<b>REF NO:</b>	3PL/2016/0271/O	<b>CASE OFFICER:</b> Heather Byrne
<b>LOCATION:</b>	BESTHORPE Norwich Road	<b>APPN TYPE:</b> Outline <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> <b>CONS AREA:</b> N <b>LB GRADE:</b> N <b>TPO:</b> N
<b>APPLICANT:</b>	Mr & Mrs Simon Rogers Coombe Farm St Neot	
<b>AGENT:</b>	cowen consulting Chiara Mere Road	
<b>PROPOSAL:</b>	Erection of 3 detached dwellings and associated garages, access and parking	

**REASON FOR COMMITTEE CONSIDERATION**

This application is referred to Planning Committee at the request of the Ward Representative.

**KEY ISSUES**

Principle of development  
Impact upon character and appearance of area  
Impact upon amenity  
Impact upon highway safety

**DESCRIPTION OF DEVELOPMENT**

This application seeks outline consent with all matters reserved for the erection of three detached dwellings and associated detached garages on land adjacent to Norwich Road.

**SITE AND LOCATION**

The application site is an area of open grass with a frontage along Norwich Road measuring approximately 60m with a low level hedge along this boundary. The site is located outside of any defined Settlement Boundary and is bounded to the north west by the highway, to the south west by two pairs of semi-detached cottages with a farmhouse and agricultural buildings to the south, to the south east by open land and beyond the A11 and to the north east by open land and beyond residential dwellings fronting Norwich Road. The Settlement Boundary for Besthorpe lies to the north of the site on the opposite side of Norwich Road and approximately 30m to the north east of the site.

**EIA REQUIRED**

No.

**RELEVANT SITE HISTORY**

3PL/2011/0882/F

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

Proposed two new dwellings with associated garaging and means of access  
Refusal 03-10-2011  
3PL/2011/1334/F  
Proposed two new dwellings with associated garaging and means of access  
Refusal 16-01-2012

### **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

SS1	Spatial Strategy
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.12	Trees and Landscape
DC.16	Design
DC.19	Parking Provision
NPPF	With particular regard to paras 8, 14 & 49.
NPPG	National Planning Practice Guidance

### **CIL / OBLIGATIONS**

Not Applicable.

### **CONSULTATIONS**

#### **BESTHORPE PARISH COUNCIL**

The site is outside the Settlement Boundary.

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

Any proposal should include a footway along the entire site frontage linking to the existing footway adjacent to Gon-Dri to ensure a safe pedestrian route between the site and public transport provision. If your Authority is minded to grant approval please impose a condition relating to visibility splays, footway, access arrangements, parking provision, and turning areas.

#### **HUGH COGGLES**

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) supplied by eco-check, dated April 2016.

#### **CONTAMINATED LAND OFFICER**

No contaminated land objections based on both the accuracy of the information provided and the current records of contaminated land issues we hold to date subject to the imposition of a

condition relating to unexpected contamination.

### **ECOLOGICAL AND BIODIVERSITY CONSULTANT**

A Preliminary Ecological Appraisal, (PEA) and any further surveys as highlighted as being required by the PEA should be undertaken and reported to the LPA prior to the determination of this application to assist the LPA in addressing material considerations in relation to biodiversity and protected sites or species.

### **ANGLIAN WATER SERVICE - No Comments Received**

### **REPRESENTATIONS**

Objections were received raising the following concerns:

- Increase in traffic and impact upon highway safety;
- Impact upon wildlife;
- Impact upon neighbour amenity;
- Outside the Settlement Boundary;
- Is not infill development;
- Would set a precedent for similar proposals
- Would detract from the character of the village and loss of open area which positively contributes to the rural character of the village;
- If approved further dwellings would be built to the rear of the site;
- Within close proximity to Wolf Brewery boundary; and
- Previous applications on site dismissed at appeal.

Two letters of support were received.

### **ASSESSMENT NOTES**

1.0 This application is referred to Planning Committee at the request of the Ward Representative.

#### 2.0 Principle of development

2.1 The application site is located outside the defined Settlement Boundary. For this reason the proposal conflicts in principle with Policies DC02 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 3.7 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 NPPF identifies three dimensions of sustainable development:

- 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.

2.3 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 Governments 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 economic and social criteria, the proposal would provide three residential dwellings for market sale, which would make a positive, albeit modest, contribution to the housing supply shortfall and would provide some short term benefits to the local economy through its construction. With regards 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 five years to meet the housing shortfall. However, if approved, it would be appropriate that the time limits are reduced and this would be in accordance with other applications in Breckland approved under the five year supply.

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. Besthorpe is defined as a rural settlement through Policy SS1 of the adopted Core Strategy and Development Control Policies DPD. It is clear that the limited level of service provision in the settlement of Besthorpe are such that future residents would be largely dependant on higher order settlements for almost all shopping, employment, education and leisure purposes. Consequently, the proposal would conflict to a degree with certain objectives in the NPPF to minimise the need to travel.

2.7 However, it is noted that there is a regular bus service providing a service every 30 minutes Monday to Saturday, with reduced levels of service on Sunday linking Besthorpe with Attleborough just to the southwest and to the regional centre of Norwich further to the east with a number of other settlements in between. The bus service runs along Norwich Road immediately to the north of the site. These considerations weigh in favour of the proposal.

### 3.0 Impact upon character and appearance of 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 proposals impact on the character and appearance of the area within which it is situated is therefore, integral to the environmental dimension of sustainable development, as is design. Core Strategy Policy CP11 says, amongst other things, that the countryside will be protected for

its intrinsic beauty and rural character and that the design of new development should be sympathetic to landscape character, informed by the Council's Landscape Character Assessment, (LCA). Core Policy DC02 deals with housing mix and density, whilst Policy DC16 promotes good design.

3.2 The site currently forms part of a larger open area of grassland, which is set at a lower level than the road and is bounded along the front boundary by a low level hedgerow. This open area has a frontage along Norwich Road of approximately 90m, with the application site occupying the western two thirds of this, and which lies between the defined Settlement Boundary to the north east and two pairs of semi-detached cottages to the south west with a farm house and associated buildings behind. Given the length of the site frontage and its open undeveloped character it is considered the site lies beyond the built up part of Besthorpe and the absence of development on the site assists in defining the settlement of Besthorpe currently and contributes to the streetscene and the rural setting of the village.

3.3 It is considered that the development of the site would result in encroachment of development into the countryside that would detract from its intrinsic open character. The closure of this gap within the landscape would significantly alter the character of the area by removing the visual relief that it provides and the introduction of further built development would erode the rural character of this location in the surrounding landscape. It is also considered due to the length of the site frontage in combination with the adjacent site to the east that any such development would not be viewed as infill development between existing built forms.

3.4 It should be noted that a previous application, reference 3PL/2011/1334/F, was dismissed at appeal on the application site, which proposed two dwellings in a tandem development. The Inspector noted that whilst the proposed arrangement would create an opportunity for views through to the countryside beyond it would not disguise the encroachment of development into the countryside that would detract from its intrinsic open character. The Inspector also stated how the proposal was not regarded an infill development due to the size of the gap between existing development, approximately 90m, and the development of the site in combination with the site to the east, (which was subject to a separate appeal, which was dismissed), would not overcome its harmful effect on the character and appearance of the area. The Inspector concluded that the proposal would detract from the character and appearance of the area, contrary to Policies DC01 and CP14 of the Breckland Core Strategy.

3.5 Taking the above appeal decision into account, the current application includes an indicative layout plan which shows the development occupying the entire width of the proposed site and therefore would have a more harmful impact upon the intrinsic open character of this rural location than the previous application, which was proposing a tandem development. This consideration weighs against the proposal.

3.6 Whilst it is also noted that residential development has been approved outside of the defined Settlement Boundary of Besthorpe it is considered these sites fell within curtilages of existing development and / or had clear, demarcated boundaries of established hedgerows and / or trees, which would screen such proposals from the surrounding landscape.

#### 4.0 Impact upon amenity

4.1 In terms of neighbour amenity, the detailed implications would be considered at the detailed planning stage should outline permission be granted. However, it is considered due to the size of the site and the degree of separation from neighbouring dwellings, that appropriately positioned and designed dwellings would not result in overlooking, loss of light, privacy, overshadowing or a dominant form of development.

#### 5.0 Impact upon highway safety

5.1 The Highway Authority states any proposal should include a footway along the entire site frontage linking to the existing footway adjacent to Gon-Dri to ensure a safe pedestrian route between the site and public transport provision. If approved conditions would be imposed relating to visibility splays, footway, access arrangements, parking provision, and turning areas.

#### 6.0 Other Matters

6.1 The Tree Consultant comments stating 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), supplied by eco-check, dated April 2016.

6.2 The Contaminated Land Officer raises no contaminated land objections based on both the accuracy of the information provided and the current records of contaminated land issues we hold to date subject to the imposition of a condition relating to unexpected contamination.

6.3 The Ecological and Biodiversity Consultant requested the submission of a Preliminary Ecological Appraisal, (PEA) and any further surveys as highlighted as being required prior to the determination of the application. Such information was not submitted or requested during the previous application, reference 3PL/2011/1334/F and given the site is a grassed area it is considered appropriate, if approved, to attach a note drawing the applicants attention to the requirements of the Conservation of Habitats & Species Regulations 2010 and the Wildlife & Countryside Act 1981, (as amended).

#### 7.0 Conclusion

7.1 In circumstances where, as here, policies for the supply of housing are to be considered out of date for the purposes of the Framework, paragraph 14 states that permission should normally be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific Framework policies indicate that development should be restricted.

7.2 In this instance it is considered that the harm caused to the rural character of the area through resultant loss of an open area which positively contributes to the rural character of the area would demonstrably outweigh the benefits of the proposal.

**BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

7.3 The application is therefore recommended for refusal in line with the above.

8.0 Reasons for refusal

8.1 The proposed development would result in the loss of part of an open area which positively contributes to the rural character of the area and would amount to a visually intrusive form of development in this countryside location, such that it would cause significant demonstrable harm to the character and appearance of the countryside, contrary to Policy CP11, CP14 and DC16 of the Breckland Core Strategy and Development Control Policies document 2009 and paragraphs 14,17 and 56-68 of the National Planning Policy Framework.

**RECOMMENDATION**

**Refusal of Outline Planning Permission**

**REASON(S) FOR REFUSAL**

**9900** Visually intrusive form of development

<b>ITEM</b>	<b>16</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2016/0297/O	<b>CASE OFFICER:</b> James Tipping
<b>LOCATION:</b>	GRISTON Low Meadow Park Thompson Road	<b>APPN TYPE:</b> Outline <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> <b>CONS AREA:</b> N <b>LB GRADE:</b> N <b>TPO:</b> N
<b>APPLICANT:</b>	Mr D Ulrych Park Farm Griston	
<b>AGENT:</b>	Acorus Rural Property Services Old Market Office 10 Risbygate Street	
<b>PROPOSAL:</b>	Replacement of permanent static caravans with a mix of seven dwellings	

**REASON FOR COMMITTEE CONSIDERATION**

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

**KEY ISSUES**

Principle of development  
Layout and scale  
Visual impact  
Impact on neighbour amenity  
Impact upon Highway safety

**DESCRIPTION OF DEVELOPMENT**

This application seeks outline consent, with all matters reserved, for the erection of a five dwellings and associated garages. The proposal will include the demolition and removal of five existing residential static mobile homes, which the proposed permanent dwellings will replace.

**SITE AND LOCATION**

The site is located outside of the defined Settlement Boundary of Griston and is bordered to the north and west by agricultural land and associated buildings, to the east by existing residential static mobile homes, and to the south by the local highway. Beyond the highway to the south lies agricultural land, with residential development and the settlement of Griston located further to west. The surrounding area is characterised by predominantly agricultural land and is rural in its appearance. The site itself is occupied by five existing permanent residential static mobile homes, which are served by an existing access to the south of the site onto the local highway.

**EIA REQUIRED**

No

**RELEVANT SITE HISTORY**

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

3PL/2006/0743/F - Removal of condition 3 on planning permission 3PL/1994/1091/F (to accommodate 12 units)- Approved August 2006,  
3PL/1994/1091/F - Residential caravans (renewal) - Approved November 1994.

### **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.03	Replacement Dwellings and Extensions in the Countryside
DC.12	Trees and Landscape
DC.16	Design
DC.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

### **CIL / OBLIGATIONS**

Not Applicable

### **CONSULTATIONS**

#### **GRISTON P C**

Griston Parish Council does not wish to make any objection to this proposal.

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

No objections subject to a condition.

#### **CONTAMINATED LAND OFFICER**

No objections subject to a 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 Principle of development

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

2.1 The application seeks outline consent for the erection of five dwellings outside the defined Settlement Boundary of Griston. The proposal would conflict with Core Strategy Policy CP14 which seeks to focus new housing within defined boundaries. However, as the Council is currently unable to demonstrate a five year supply of housing land, this policy cannot be considered to be up-to-date as far as it relates to the supply of housing land.

2.2 In this situation, the presumption in favour of sustainable development set out in the National Planning Policy Framework, (NPPF), means that permission for development should be granted unless any adverse impacts of doing so would demonstrably outweigh the benefits of specific policies in the Framework indicate that development should be restricted. The NPPF identifies three dimensions of sustainable development, economic, social and environmental, and indicates that gains should be sought for each in unison.

2.3 Although outside the Settlement Boundary, the proposed development is located near to the main built up part of the village and is currently occupied by existing permanent residential static mobile homes. As such, the proposal would not intrude into the open countryside and would not be isolated. Griston has a limited number of facilities, including playing field, infrequent bus service, and daily school bus pick up / drop offs, several nearby villages provide additional facilities such as restaurants, primary schools, village halls, shops, and further daily bus services. Whilst not adjacent to the application site, these facilities would be accessible from the development and therefore it is considered, on balance that the proposal would not result in an isolated development in the countryside and would be consistent with the NPPF principle that rural housing should be located where it will maintain or enhance the vitality of rural communities. The proposal would also support such local facilities.

2.4 The proposal would also add to the range of housing available in the village, make a modest but positive contribution to the overall supply of housing, and provide some short-term economic benefits through its construction. Moreover, the form and scale of the proposal would be consistent with the character of surrounding development.

2.5 Whilst the limited availability of local services and facilities may weigh against the proposal, the scheme would provide additional housing, generate some economic activity and offer a degree of support to existing village amenities. Moreover, the site could be developed without causing harm to the character and appearance of the area. It is considered therefore that, on balance, the adverse effects of the proposal would not significantly and demonstrably outweigh its benefits and would constitute a sustainable form of development as defined in paragraph 7 of the NPPF and taking into account the Planning Practice Guidance.

2.6 In addition to the above, the site is already occupied by permanent residential development in the form of static mobile homes. Current permission that exist for the site allow for the permanent siting of up to 12 static mobile homes. At present only seven static mobile homes have been sited on the land, with five of those static homes located within the site subject to this application. The applicant did proposed seven permanent dwellings as part of the proposal, though it was considered that the site would benefit from replacements only. As such, only five permanent dwellings are proposed. Therefore, the principle of development is acceptable.

### 3.0 Layout and scale

3.1 Thompson Road is characterised by predominantly detached dwellings on small plots. Though the application is seeking outline consent, the application site is of a size that would result in a density of development that is similar to surrounding plots and would not be out of character with development in the surrounding area and without resulting in a cramped form of development. The form of development would be built out from the road frontage, as indicated on the indicative plan, and utilise the existing access arrangements. A planning condition will be imposed requiring no more than five dwellings to be permitted on the site to ensure that the site does not become overdeveloped and that the rural character of the area is maintained. In addition, a further condition will be added to ensure that the proposed dwellings will be one and half storey and no higher. This will reduce any visual impact on the rural character of the area, but also reflect as much as possible the existing static homes that will be replaced.

3.2 In terms of design, it envisaged that the appearance of the dwellings would traditional, with the use of a palette of traditional materials. However, these precise details will be provided at the reserved matters stage. However, a condition will be imposed, if approved, for precise details and samples to be submitted to ensure the development remains in keeping with the area.

### 4.0 Impact on local amenity

4.1 Development in the vicinity of the site comprises mainly detached dwellings set close to the road frontage within relatively small sized plots. Architectural styles vary, but most properties are of broadly modern design towards the eastern edge of the village, where the site is located. The site is separated by agricultural buildings directly to the west. Those agricultural buildings adjoin the existing settlement, and accordingly, provides an extension to the village. There is sufficient space within the development to retain any existing vegetation along the road frontage, including the retention of any trees along the road frontage and within the site itself. The retention of existing trees and vegetation, along with the one and half storey proposed dwellings, will reduce the visual impact the development may have on its wider setting.

4.2 Although the site is bound by existing permanent residential static mobile homes directly to the east, the proposed dwellings can be positioned within their curtilages to ensure that there is no impact of amenity in terms of overlooking or loss of privacy. As such, no material effects on the living conditions of neighbours or of the future occupants are anticipated given the indicative design and orientation of the new dwellings and the degree of separation from adjacent dwellings.

### 5.0 Highway Safety and Access

5.1 The Highway Authority had made comments in respect of the initial proposal of seven dwellings. Given the additional number of dwellings proposed, it was considered that a footpath should be constructed linking the site to the existing village. However, following revisions to the number of dwellings from seven to five, it was not considered reasonable to request such a footpath. Therefore, the Highway Authority commented recommending conditions be imposed if approved relating to vehicular access, visibility splay, on-site car parking/turning and an informative relating to works within the public highway. It is therefore considered that the

proposal is acceptable in terms of highway safety.

## 6.0 Trees and Landscaping

6.1 Given that the application is only outline with all matters reserved, the affects of the proposed development on existing trees has not been assessed. However, conditions have been proposed which include the retention of trees on site, including a landscaping scheme to be submitted for approval, which would improve the overall appearance of the site.

## 7.0 Other matters

7.1 The Contaminated Land Officer reviewed the application and the details contained therein and recommend applying an unexpected contamination condition as a precautionary measure.

## 8.0 Conclusion

8.1 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. It is considered that, on balance, the proposal would constitute a sustainable form of development as defined in paragraph 7 of the NPPF.

8.2 The proposal would provide five permanent dwellings in replace of five existing residential static mobile homes, which would be a betterment in this regard. In addition, 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**

<b>3005</b>	Outline Time Limit (2 years)	
<b>3047</b>	In accordance with submitted	
<b>3208</b>	1 1/2 storey dwelling only	
<b>DE07</b>	Number of dwellings only (outline)	
<b>3050</b>	Reserved Matters to closely follow Outline	
<b>3414</b>	Fencing protection for existing trees	
<b>3514</b>	Replacement dwelling - existing to be demolished	
<b>2001</b>	Application Approved Following Revisions	
<b>2014</b>	Criterion E - Planning Apps Where Approved	
<b>3060</b>	Standard outline landscaping condition	This condition will require to be discharged

**BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

<b>3410</b>	Hardlandscaping - details and completion	This condition will require to be discharged
<b>3141</b>	No demolition until redevelopment agreed	This condition will require to be discharged
<b>DE08</b>	Slab level to be arranged	This condition will require to be discharged
<b>3946</b>	Contaminated Land - Unexpected Contamination	This condition will require to be discharged
<b>HA05</b>	Standard outline highways condition	This condition will require to be discharged

<b>ITEM</b>	<b>17</b>	<b>RECOMMENDATION : REFUSAL</b>
<b>REF NO:</b>	3PL/2016/0371/F	<b>CASE OFFICER:</b> James Tipping
<b>LOCATION:</b>	STOW BEDON/BRECKLES Moat Farm Caravan and Camp Site Low Road	<b>APPN TYPE:</b> Full <b>POLICY:</b> Out Settlement Bndry <b>ALLOCATION:</b> <b>CONS AREA:</b> N <b>LB GRADE:</b> N <b>TPO:</b> N
<b>APPLICANT:</b>	Mr & Mrs Peter Mills Moat Farm, Low Road Breckles	
<b>AGENT:</b>	cowen consulting Chiara Mere Road	
<b>PROPOSAL:</b>	Erection of dwelling	

**REASON FOR COMMITTEE CONSIDERATION**

The application is referred to planning committee at the request of the Ward Representative having regard to the sites location outside of the Settlement Boundary.

**KEY ISSUES**

Sustainable development  
Amenity impact  
Highway safety  
Ecology impact

**DESCRIPTION OF DEVELOPMENT**

The application proposes a contemporary barn styled four bedroom dwelling with link double bay garaging, on existing curtilage land adjacent to the main dwelling known as Moat Farm, Low Road, Breckles. The site lies outside of the defined Settlement Boundary of Stow Bedon / Breckles. The proposed barn styled dwelling would reflect the local vernacular of local dwellings and buildings in the locality, using a palette of materials, consisting brick, flint and timber cladding. The proposed dwelling would be accessed from Low Road by an existing field access.

**SITE AND LOCATION**

The proposed site is situated within an existing curtilage to an existing dwelling known as Moat Farm. The existing site has been used as a touring caravan park and campsite for the last 14 years or so. The site is situated to the north side of Low Road. To the east, immediately adjacent, is Moat Farm, to the north and south is agricultural land, and to the west is an extended curtilage serving an existing dwelling. The site is bound by mature hedging and trees to the north, south and west.

**EIA REQUIRED**

No.

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

### **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.12	Trees and Landscape
DC.16	Design
DC.19	Parking Provision
NPPF	With particular regard to paras 7.
NPPG	National Planning Practice Guidance

### **CIL / OBLIGATIONS**

Not Applicable.

### **CONSULTATIONS**

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

No objection.

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

No objections subject to conditions.

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

Please request a tree protection plan and method statement for any works within the RPA of retained trees. This should be in accordance with BS5837:2012.

#### **CONTAMINATED LAND OFFICER**

No Objections.

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

A Construction Environmental Management Plan, (CEMP), must be submitted as detailed below, prior to the determination of the application that details measures that will be undertaken to ensure that there would be no risk to great crested newt as a result of this development. If this cannot be satisfactorily achieved, great crested newt presence / absence surveys must be undertaken prior to the determination on the ponds and ditches on site and any within 250m of the site of the site boundary, as per relevant guidelines. If great crested newts are present, further surveys will be required to determine a population estimate and support a licence from Natural England in order to proceed with the works legally.

#### **HISTORIC ENVIRONMENT SERVICE**

The proposed development area contains heritage assets with archaeological interest. A hollow

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

way, (sunken road) and an associated ditch survive as earthworks in the north of the site, (to the west of the site). Historic maps show a medieval moat and associated channels in the west of the area, (to the west of the proposal area). Although the moat has been infilled, much of it is believed to survive below ground, (it seems likely part of it was damaged during the construction of the existing pond shown on drawings provided with the planning application). The moat surrounded a platform or island on which, in the medieval period, a manor or farm house is thought to have stood. There were often directly related structures and land-uses, (including kitchens, dovecotes, farmyards and gardens, for example), beyond the areas defined by moats and it is possible such features once occupied the development site. As a result, there is considerable potential for previously unrecorded archaeological remains associated with a manor / farm house and related structures / land-uses to survive below ground within the development site, (walls, floors, pits, yard surfaces and / or artefacts, for example).

Given the presence of known heritage assets within the proposed development area and the potential for previously unrecorded heritage assets also to be present, the proposed development has the potential to affect the significance of heritage assets with archaeological interest. Where a proposed development site includes or has the potential to include heritage assets with archaeological interest, Paragraph 128 of the National Planning Policy Framework 2012 requires 'developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation' with their planning application. As the application currently includes neither, the Historic Environment Service recommends the applicant is required to submit an archaeological desk-based assessment and the results of the field evaluation prior to the determination of this planning application. In the first instance, the field evaluation should include an archaeological earthwork survey. The Historic Environment Service would use the reports on the survey and desk-based assessment to provide Breckland Council with advice on the determination of the planning application. It is possible the results of the desk-based assessment and field evaluation may result in recommendations for trial trenching and / or changes to the development proposal prior to the determination of the planning application.

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

#### **REPRESENTATIONS**

None.

#### **ASSESSMENT NOTES**

1.0 The application is referred to planning committee at the request of the Ward Representative having regard to the sites location outside of 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 five year supply of land, Policy CP14 cannot be considered to be up-to-date insofar as it relates to the supply in housing land and can be given little weight.

2.2 In this situation, the presumption in favour of sustainable development as 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 independent.

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 National 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. Breckles does not benefit from any local amenities. The nearest neighbouring settlements are the small villages of Great Hockham, Caston, Thompson, Griston and Rocklands. None of these villages benefit from an extensive range of local services albeit Great Hockham and Caston, which do include a number of limited services such as a school, public house and church. The nearest town that offers services that has the potential to meet all everyday needs, including shopping, employment and education, is Watton, a mid-sized market town. Watton, however, is located approximately four miles away to the north and the site connects with 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 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 Beden Road, Stow Bedon. This is not considered to be within walking distance and it is noted that Mere Road does not have footpaths along this section, nor is there any street lighting. Accordingly, 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.

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 five 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 developments 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 existing curtilage to Moat Farm, which is currently used for touring caravans and camping. Although there are dwellings further to the west, they are sparsely separated by large curtilages and as such, appear sporadic. Notwithstanding the vegetation along the site frontage and the two storey dwelling opposite, the proposed two storey barn element of the development together with its siting, proud of natural ground level, will mean it will be prominent in views from Low Road, albeit broken views.

2.8 Breckles does not have a defined settlement boundary, with sparse development covering land from the A1075 from the west, to the B111 to the east, along Low Road. There are only a few residential properties along Low Road, with other agricultural buildings which would be typically found in this locality. The development will present as a relatively isolated dwelling in an otherwise unspoilt rural setting, contrary to Core Strategy Policy DC16. 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 barn style appearance, with wood cladding, would show a more traditional form and appearance of development, which would be overall in keeping with other buildings in the area. However, the prominent contemporary barn design may accentuate the prominence of the dwelling in the countryside. Nevertheless, the visual relationship between the modern and the traditional appearance of the proposed barn style dwelling may appear acceptable in design terms.

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 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 would be reflective of the existing material and stylistic vernacular of neighbouring properties and it is therefore concluded that the application adheres with the LCA.

### 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 DC01.

### 4.0 Highway safety

4.1 The application seeks to utilise an existing field access arrangement. The Highway

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

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. The Tree and Countryside Consultant raised no objections to the proposal though requested that a tree protection plan and method statement be provided. Such details can be required by condition.

### 6.0 Ecology Impact

6.1 The Council's Ecology Consultant has reviewed the submitted Ecological Survey and Reported that further survey works is required in assessing the site supporting Great Crested Newts. All other ecological appeared to be adequately addressed. It is considered that if approval of the application was recommended these matters could be adequately dealt with via conditions.

### 7.0 Other matters

7.1 The Historic Environment Officer has raised matters relating to the archaeological interests at the site. It was advised within their comments that an archaeological desk-based assessment be carried out with the results being provided to the Council prior to the determination of the application. However, it is considered in this instance that if approval of the application was recommended this matter could be adequately dealt with via conditions.

### 8.0 Conclusion

8.1 The proposed development, by virtue of its siting, would result in the consolidation of sporadic development in a rural landscape and as such would be detrimental to the character and visual amenity of the area, contrary to Policies DC01 and DC16 of the adopted Core Strategy and paragraph 58 of the National Planning Policy Framework.

8.2 The site is located outside a Settlement Boundary and is not considered a sustainable location given the remoteness to local services. The proposal does not represent sustainable development, contrary to Paragraph 55 of the National Planning Policy Framework.

8.3 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. Breckles 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 to consolidate sporadic development in the countryside owing to the particular site context within which it is to be located.

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

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.

### 9.0 Reasons for refusal

9.1 The erection of the proposed building on this site would in the opinion of the Local Planning Authority result in an undesirable consolidation of the existing sporadic development to the detriment of the character and visual amenities of the area, contrary to Policy CP11 of the Breckland Core Strategy and Development Control Policies Document, adopted 2009.

9.2 The erection of the proposed building on the site would in the opinion of the Local Planning Authority be likely to result in an unwarranted intrusion into this rural setting to the detriment of the character and visual amenities of the area, contrary to Policy CP11 of the Breckland Core Strategy and Development Control Policies Document, adopted 2009.

<b>RECOMMENDATION</b>
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**Refusal of Planning Permission**

<b>REASON(S) FOR REFUSAL</b>
------------------------------

- |             |   |
|-------------|---|
| <b>9140</b> | Further consolidation of sporadic development |
| <b>9150</b> | Unwarranted intrusion in rural setting        |
| <b>2009</b> | Criterion E - Planning Apps Where Refused     |

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

<b>ITEM</b>	<b>18</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2016/0454/O	<b>CASE OFFICER:</b> Chris Hobson
<b>LOCATION:</b>	SWANTON MORLEY New House Gooseberry Hill	<b>APPN TYPE:</b> Outline <b>POLICY:</b> In Settlement Bndry <b>ALLOCATION:</b> <b>CONS AREA:</b> Y <b>LB GRADE:</b> N <b>TPO:</b> N
<b>APPLICANT:</b>	Ms Sara Large C/O, Agent	
<b>AGENT:</b>	Sketcher Partnership Ltd First House, Quebec Street Dereham	
<b>PROPOSAL:</b>	Residential development - 9 dwellings	

### **REASON FOR COMMITTEE CONSIDERATION**

This application is referred to Planning Committee as it represents a departure from the Development Plan.

### **KEY ISSUES**

Principle of development  
Impact upon character and appearance of area  
Amenity impact  
Highway safety  
Ecology

### **DESCRIPTION OF DEVELOPMENT**

This application seeks outline planning permission, (with appearance, landscaping, layout and scale being reserved matters), for the erection of nine dwellings on land adjacent to and to the rear of New House, Gooseberry Hill, Swanton Morley.

This application is a resubmission of a previously refused application, (reference 3PL/2015/1066/O), also for the erection of nine dwellings. The indicative layout now shows five single storey dwellings located towards the northern corner of the site, including four semi-detached dwellings; three two storey detached dwellings running along the eastern boundary, with a single storey detached dwelling located in the southwest corner of the site. The application proposes the access between the two existing dwellings to the west of the site.

### **SITE AND LOCATION**

The application site is located outside but immediately adjacent to the Settlement Boundary and currently forms open land. The site is bounded to the east and south by agricultural / open land, to the west by residential dwellings and beyond the highway and to the north by the highway and further residential dwellings. The majority of the boundaries to the site consist of mature hedging and trees.

**EIA REQUIRED**

No.

**RELEVANT SITE HISTORY**

The application site has been the subject of the following recent planning applications:

3PL/2015/1066/O - Erection of nine dwellings - Refused for the following reasons:

1. Development in the vicinity of the application site is characterised by detached dwellings of varying character set within good sized plots interspersed with open fields and for these reasons the area has a spacious and open character and appearance. The density of development proposed would be markedly higher than that in the immediate locality, with dwellings set within much smaller plots and more closely spaced. As a result the proposal would give the site an overdeveloped appearance and would appear at odds with the existing established character of the surrounding area. The proposal would thus cause unacceptable harm to the character and appearance of the area, contrary to Policy DC01 and DC16 of the Adopted Core Strategy and Development Control Policies Development Plan Document and to the guidance set out in paragraphs 58 of the National Planning Policy Framework, (NPPF).
2. As the majority of the site falls outside the Settlement Boundary for Swanton Morley, the proposal would conflict with Core Strategy Policy CP14 which seeks to focus development within defined settlement limits. However, it is acknowledged that little weight can be afforded to this policy due to the absence of a five year housing land supply in the District. In this situation the National Planning Policy Frameworks, (NPPF), presumption in favour of sustainable development means that permission should be granted unless any harm caused would significantly outweigh the benefits or policies in the NPPF indicate that development should be restricted. It is acknowledged that the proposal would provide economic and social benefits through the provision of housing, including affordable dwellings and as a result of construction activities and increased use of local services. However, for the reasons set out above it is considered that the proposal would cause harm to the character and appearance of the area. This harm would be significant and demonstrable and would outweigh the benefits of the proposal. Accordingly, it is not considered that the proposal would amount to sustainable development.
3. In the absence of a completed Legal Agreement, the proposal would not secure the provision of affordable housing as part of the development, contrary to Policy DC04 of the Adopted Core Strategy and Development Control Policies Development Plan Document.

**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

Policy SS1 Spatial Strategy  
Policy CP11 Protection and Enhancement of the Landscape  
Policy CP13 Accessibility  
Policy CP14 Sustainable Rural Development  
Policy DC01 Protection of Amenity  
Policy DC04 Affordable Housing Provision  
Policy DC11 Open Space  
Policy DC13 Flood Risk

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

Policy DC14 Energy Generation and Efficiency  
Policy DC16 Design

National Planning Policy Framework (NPPF) With particular regard to paras 7, 49, 118 & 141.  
National Planning Practice Guidance (NPPG)

Swanton Morley Neighbourhood Plan - Remains in its early stages and very limited weight can be given.

### **CIL / OBLIGATIONS**

No obligations required.

### **CONSULTATIONS**

#### **SWANTON MORLEY PC**

No objections, previous comments have been taken on board.

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

No objections subject to conditions.

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

An arboricultural impact assessment and tree protection plan should be submitted.

#### **HOUSING ENABLING OFFICER**

Affordable housing should be provided in accordance with policy DC04 of the Core Strategy.

Case officers Note: Following more recent case law, the applicant has confirmed that the proposals would not provide in excess of 1,000 square metres of floor space and therefore it is no longer proposed to provide for affordable housing.

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

No objections subject to conditions.

#### **CONTAMINATED LAND OFFICER**

No objections subject to conditions.

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

Recommend that an active window at ground floor level looking out over the site. The vulnerable areas such as parking bays will need to be carefully positioned and provide each home with a clear unobstructed view of their parking provision. All specified shrubs and hedges should have a maximum growth height of one metre, whilst all trees should be 'up pruned' to a minimum height of two metres, which maintains a clear field of vision around the site.

A carefully designed lighting plan to cover all vulnerable areas should be in place. This will help to deter and reveal potential offenders. It is equally important that luminaries are used that have suitable photometry serving to reduce light spill and direct light only to where it is required. Window and doors should be fitted with enhanced security measures, together with vandal resistant lighting at inaccessible points.

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

Request details of surface water drainage within detailed application.

#### **HISTORIC ENVIRONMENT SERVICE**

No objections subject to conditions.

## **REPRESENTATIONS**

Representations have been received from 11 raising the following main points of objection and concern:

- Inadequate visibility from the site along Gooseberry Hill which is subject to speeding traffic.
- Increase in traffic movements and detrimental impact on highway safety.
- Over-development, fewer dwellings should be proposed.
- Existing amenities including GP surgeries unable to cope.
- Inadequate foul drainage infrastructure.
- Lack of detail of landscaping and design.

## **ASSESSMENT NOTES**

### 1.0 Principle of development

1.1 The application site is located outside the defined Settlement Boundary. For this reason the proposal conflicts in principle with Policies DC02 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 3.72 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.

### 1.2 The NPPF identifies three dimensions of sustainable development:

- 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.

1.3 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.

1.4 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 Governments 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.

1.5 In terms of economic and social criteria, the proposal would provide nine dwellings for market sale and 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, whilst this is an outline application, the site is within the applicants ownership and available now, making the development deliverable within five 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 and therefore a two year period would be imposed for commencement of development in order to reaffirm the deliverability of the scheme. These aspects of the proposal weigh in its favour.

1.6 The social role of sustainable development seeks to ensure, amongst other matters, the creation of a high quality built environment with accessible local services. Swanton Morley is classified as a Local Service Centre Village through Policy SS1, (Spatial Strategy), of the adopted Core Strategy and Development Control Policies Development Plan Document. The service centre villages are defined as areas with good access to services and facilities which includes two public houses, store, post office, church, social club, doctors surgery, and primary school.

1.7 In terms of public transport to the north of the site are bus stops, which are served by the number 4 bus which runs from Swanton Morley to Norwich, which also stops at Dereham where further services can be caught to further afield as well as Norwich. This bus runs hourly throughout the day Monday to Saturday with a reduced service on a Sunday.

1.8 It is considered the site lies within close proximity to services that would meet all everyday needs, including shopping and employment with good public transport links within close proximity to the site and therefore, it is considered to be consistent with the social and environmental dimensions of sustainable development. This consideration weighs in favour of the proposal.

## 2.0 Impact upon character and appearance of the area

2.1 The environmental role of sustainable development seeks to, in part, contribute towards protecting and enhancing the natural, built and historic environment. Consideration of a proposals impact on the character and appearance of the area within which it is situated is therefore, integral to the environmental dimension of sustainable development, as is design. The immediate locality of the site is characterised by detached and semi-detached properties set within relatively generous plots fronting onto Gooseberry Hill.

2.2 Whilst the detailed matters of design, layout, scale and appearance, are reserved for future consideration should outline planning permission be granted, it is considered that in principle the site is large enough to accommodate nine dwellings whilst providing adequate amenity space for future residents and would not result in a cramped form of development when compared to surrounding forms of development.

2.3 The Breckland District Settlement Fringe Landscape Assessment, dated 2007, states the application site falls within SM2 Woodgate Enclosed Tributary Farmland which states the sensitivity of the local landscape character area to change is judged to be moderate-high overall and considers that there would be extremely limited capacity to accommodate further development without altering the predominantly linear settlement form. It also notes one of the

key elements of the area being the hedgerows and the hedgerow trees which indicate the historic landscape character and landcover pattern.

2.4 The proposed scheme has been amended to provide an indicative layout comprising greater spacing between the proposed dwellings, and more varied mix of units, including single storey detached and semi-detached dwellings. These help to reduce the extent of built footprint and provide for a looser indicative layout, with the majority of dwellings sitting in larger open plots.

2.5 As in the previous scheme the indicative layout shows some dwellings sitting alongside the existing development fronting Gooseberry Hill with some properties set to the rear of the site behind existing development. Whilst it is noted development to the rear of existing development is not characteristic of the immediate area, it is considered due to the nature of the site, the fact properties would be situated some distance back within the site, and further landscaping could be incorporated to reduce the visual impact, that the proposal would not result in significant impact upon the character of the surrounding area. If approved, a condition would be imposed for precise landscaping details to be submitted to ensure the proposal adequately conserves and enhances the surrounding streetscene.

2.6 The eastern boundary of the site consists of hedging and trees which provides a visual break between the application site and the adjacent agricultural land with the application site having a closer relationship to the existing residential development. Also unlike the agricultural land to the east the site does not present as open countryside. In light of this site-specific context, it is concluded that the dwellings would not appear visually intrusive and would not result in an isolated development in the countryside. If approved, a condition has been recommended to secure detailed planting and landscaping plans for the site within reserved matters application to ensure this soft edge to the site is retained and the proposals include a landscape buffer to the countryside beyond.

### 3.0 Amenity impact

3.1 As the application is in submitted in outline with only access being considered at this point in time the detailed impact upon amenity will be fully assessed within more detailed reserved matters applications should outline planning permission be granted. Nevertheless, the submitted indicative proposed site plan satisfactorily demonstrates that the proposed nine dwellings can be accommodated within the site whilst retaining satisfactory separation distances to existing dwellings and without giving rise to significant overlooking, overshadowing, loss of light, or privacy with respect to adjacent dwellings.

### 4.0 Highway safety

4.1 The concerns raised by the Highway Authority in the last application regarding pedestrian provision and the availability of suitable visibility splays have been addressed and the Highways Authority therefore raise no objections subject to the imposition of conditions relating to roads, footways, foul and surface water drainage, visibility splays, Construction Traffic Management Plan, off-site highway improvement works to provide a footpath across the site frontage and informatives relating to works within the public highway and street lighting.

## 5.0 Ecology

5.1 Both Core Strategy policy CP10 and the NPPF require that development should contribute to a net gain in biodiversity with an emphasis on improving ecological networks and linkages where possible. Furthermore, in order to accord with Section 40 of the 2006 Natural Environment & Rural Communities, (NERC), Act, paragraph 118 of the 2012 National Planning Policy Framework, (NPPF) and policies CP06, CP08, CP10 and CP11 and of the 2012 Breckland Adopted Core Strategy & Development Control Policies Development Plan, all of which promote the conservation and enhancement of biodiversity through sustainable development, the applicant must do more to ensure that the scheme constitutes sustainable development and that the existing natural features are conserved in a way that guarantees their long-term viability.

5.2 The applicants have submitted a Phase one Wildlife Biodiversity Survey, (Aurum Ecology, 2015), which sufficiently addresses any potential ecological implications as a result of the proposed development. The Council's Ecologist has raised no objections subject to conditions securing appropriate working methods are adhered to throughout the development.

## 6.0 Other Matters

6.1 The indicative layout of the development takes into account the constraints represented by the existing trees and hedgerows on site, including shading patterns. In accordance with the recommendation of the Tree Officer a condition has been recommended requiring an arboricultural impact assessment and Tree Protection Plan to be submitted at reserved matters stage. A section of hedgerow and bank would need to be cut back to provide for the visibility splay northwards along Gooseberry Hill. In order to ensure that a replacement section of hedgerow is provided along the site frontage and high quality landscaping to the Gooseberry Hill frontage a condition has been recommended requiring a landscaping scheme comprising detailed new and replacement planting along the site frontage be submitted within reserved matters applications.

6.2 The Housing Enabling Officer states the site area and number of dwellings proposed trigger the thresholds of the Council's affordable housing policy as per DC04 of the Council's Adopted Core Strategy and Development Control Policies Development Plan Document. However, following recent case law the applicants have confirmed that the proposals would provide no more than 1,000 square metres of floorspace and the scheme no longer includes the provision of affordable housing. A condition has therefore been recommended restricting the development to no greater than 1,000 square metres of floorspace.

6.3 The Contaminated Land Officer raises no objections providing the development proceeds in line with the application details and subject to the imposition of a condition relating to unexpected contamination to alleviate environmental concerns.

6.4 The Historic Environment Service state the proposed development site is located in the historic core of the settlement of Swanton Morley, partially on the frontage of Gooseberry Hill and it is likely that settlement in this area dates back to the medieval period or earlier. A recent

excavation to the north of the site revealed undated pits, ditches and possible hearths and cropmarks visible on aerial photographs in the vicinity of the site include Bronze Age ring ditches and possible medieval enclosures. Consequently there is potential that heritage assets with archaeological interest, (buried archaeological remains), may be present at the site and that their significance will be affected by the proposed development. It is noted that this application is in outline, and accordingly a condition has been recommended requiring a programme of archaeological work be undertaken prior to commencement of development, in accordance with National Planning Policy Framework para. 141.

## 7.0 Conclusion

7.1 The proposed scheme would contribute towards the five year housing land supply. The proposals would generate some economic benefits during the short and longer term and it is considered that the site is in a sustainable location adjacent to a village with facilities and transport connections to other settlements and facilities. Following the previous refusal, it is considered that the revised proposed scheme allows for a development that would not cause over-riding harm to the character and appearance of the area, nor would it significantly harm the amenities of neighbouring properties. It is also noted that affordable housing would not be required for a development of this size. It is considered therefore that, on balance, the adverse effects of the proposal would not significantly and demonstrably outweigh its benefits and would constitute a sustainable form of development as defined in paragraph 7 of the NPPF and taking into account the Planning Practice Guidance.

7.0 Approval is recommended subject to conditions and the completion of the S106 Agreement to secure the provision of on site open space and contributions and management arrangements for its on going maintenance.

7.2 Delegated authority is requested for the application to be refused by the Councils Planning Manager if the legal formalities in respect of the Section 106 Agreement 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**

- 3920** Outline - 2 years; 1 year
- 3012** Approval of Reserved Matters condition
- 3920** 1,000 square metre limit
- 3046** In accordance with submitted
- 3920** Levels
- 3920** Foul and surface water Drainage strategy, management
- 3920** WSI - Archaeology
- 3920** Replacement and retained trees and landscape

**BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

- buffer
- 3920** Arboricultural Impact Assessment
- 3920** Construction Ecological Management Plan
- 3920** Details of roads, footways, and completion prior to occupati
- 3920** Off-site highway works
- 3920** Visibility splays
- 3920** Construction Management Statement
- 3116** Roof of clay pantiles
- 3920** Bird nesting season
- 3962** NOTE: Highway notes attached
- 4000** Variation of approved plans
- 2001** Application Approved Following Revisions
- 2014** Criterion E - Planning Apps Where Approved
- 3992** Non-standard note re: S106
- 3946** Contaminated Land - Unexpected Contamination This condition will require to be discharged

<b>ITEM</b>	<b>19</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2016/0491/F	<b>CASE OFFICER:</b> Viv Bebbington
<b>LOCATION:</b>	NECTON 20 Hale Road	<b>APPN TYPE:</b> Full <b>POLICY:</b> In Settlemnt Bndry <b>ALLOCATION:</b> <b>CONS AREA:</b> N <b>LB GRADE:</b> N <b>TPO:</b> N
<b>APPLICANT:</b>	Dudley Business Services Lakeside House Fakenham Road	
<b>AGENT:</b>	Building Plans Ltd 11 The Street Honingham	
<b>PROPOSAL:</b>	Conversion of existing bungalow (C3) into Church Hall	

**REASON FOR COMMITTEE CONSIDERATION**

The application is referred to Planning Committee at the request of the Committee Chairman due to the number of representations received.

**KEY ISSUES**

Principle  
Highway safety and parking  
Impact on residential amenity

**DESCRIPTION OF DEVELOPMENT**

The proposal seeks full planning permission for change of use of a bungalow to a church hall. The application includes the provision of 10 car parking spaces and a cycles storage area.

The premises would be used 2 / 3 times a week, primarily on Sunday morning and Monday evening outside of normal business hours.

The premises would not be hired to other groups or used for social functions.

**SITE AND LOCATION**

The site is an existing detached bungalow on a corner plot at the junction of North Pickenham Road and Hale Road. The north and west of the site is residential development. Opposite the site is a doctors surgery.

**EIA REQUIRED**

No.

**RELEVANT SITE HISTORY**

No relevant site history.

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

### **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
NPPF	National Planning Policy Framework

### **CIL / OBLIGATIONS**

Not Applicable.

### **CONSULTATIONS**

#### **NECTON PARISH COUNCIL**

Objection - The location of this property at the corner of a busy junction is such that this change of use to church hall will add to the existing traffic congestion. The loss of a bungalow from the villages current housing provision, a type of property that is in decreasing supply but increasing demand with our aging population. This is a residential area of the village and a change of use from residential to church hall appears contradictory to planning guidelines.

Further comments - the offer of reciprocal parking arrangements with Plowright Surgery is good and may help alleviate some of the existing parking problems.

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

No objection subject to the permission being personal to the applicant and conditions imposed in respect of the provision of parking and turning.

#### **ENVIRONMENTAL HEALTH OFFICERS**

No objection.

### **REPRESENTATIONS**

The following is a summary of 15 letters of representations received:-

- The use would increase traffic and on street parking close to a busy road junction.
- The area already congested due to close proximity to doctors surgery opposite the site and shops on Hale Road. Roads often busy with school traffic.
- Loss of residential dwelling
- Noise and disturbance from proposed use - too close to existing residential properties
- Surface water run off from parking area would result in flooding
- Visual impact of parking within curtilage of dwelling
- Use could be accommodated within existing village hall

### **ASSESSMENT NOTES**

1.0 Principle

1.1 Policy CP14 seeks to encourage the provision of new services in rural villages that fulfil a

community need and reduce rural isolation. The proposal seeks to provide a small local church hall to serve the congregation in Necton and would be used for one hour on a Sunday morning and one hour on a Monday evening. The proposed small hall would support the medium sized hall at Ashill where the rest of the remaining meetings would take place. The proposal is consistent with policy DC14.

## 2.0 Highway safety / Parking

2.1 Norfolk County Council's car parking standards, places for worship, require one parking space for every 10m<sup>2</sup> of gross floor space or every 10 seats whichever is the greater. In addition one cycle space is required for every five seats. The amended site plan indicates 10 car parking spaces and an area for cycle parking. The Highway Authority has confirmed that the proposal provides for an acceptable car parking layout which complies with adopted guidelines as such the proposal is sufficient to prevent vehicles being left in the carriageway within close proximity to the road junction.

2.2 In terms of traffic generation the agent has confirmed that the church and Doctors surgery would be used at different times of the day and week. The surgery is open from 8am to 6pm Monday to Friday whereas the church would meet 2 / 3 times a week, primarily on Sunday morning and Monday evening and always outside normal business and school hours. As such the increase in traffic generated by the proposal would not occur when the surgery is open. A letter has been received from the surgery confirming the proposal would not impact on the Surgery. Furthermore discussions have taken place between the Church and the Surgery and a reciprocal parking arrangement has been agreed whereby the proposed parking area would be available for use by staff from doctors surgery and would therefore facilitate additional off road parking for patients using the Surgery. Whilst the applicant of the view that they have sufficient parking on site, the surgery has confirmed an agreement to reciprocal sharing of car parking facilities.

2.3 The Highway Authority has raised no objection to the proposal on the basis of the low key nature of the specific user and use and have therefore requested that the permission should be made personal to the benefit of the applicant. This would prevent other premises from use by other religious denominations or uses within D1 use class which could generate significantly higher traffic levels and on a more frequent basis. Providing a personal permission and conditions limiting the hours and days of operation are imposed it is considered the proposal would not result in a significant increase traffic and on street parking.

## 3.0 Residential amenity

3.1 The applicant has confirmed that premises would only be used for four hours in any week for worship and would not be hired out of use by other organisations or for social functions. The church does not use external amplified music or sound as such the proposed use is very low key. The Environmental Health Officer has raised no objection to the proposal in terms of impact on the neighbouring properties. Conditions limiting the hours of operation have been recommended to ensure the proposal would not impact on residential amenity. A personal permission would also ensure the premises are not used by other users who use amplified music. The proposal is unlikely to have a significant detrimental impact on residential amenity and as such is considered

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

in accordance with Policy DC02.

### 4.0 Other issues

4.1 Drainage - surface water and storm water would be attenuated within a crated soakaway within the car parking area.

4.2 Visual impact -Details for the surfacing of the parking / turning area and boundary treatment / landscaping have been conditioned to ensure the visual impact is minimised.

### 5.0 Conclusion

5.1 Whilst the would result in the loss of a dwelling this has to be balanced against the provision of a community facility. The proposal is consistent with policy CP14 and DC01 provide an acceptable level of parking and would not result in conditions detrimental to highway safety and is therefore is recommended for approval subject to the outlined conditions.

**RECOMMENDATION** Planning Permission

### **CONDITIONS**

<b>3007</b>	Full Permission Time Limit (3 years)	
<b>3047</b>	In accordance with submitted	
<b>HA08</b>	New access - construction over verge	
<b>HA24</b>	Provision of car parking and servicing - when shown on plan	
<b>3546</b>	Personal to applicant	
<b>3502</b>	No other use within Use Classes Order	
<b>3920</b>	Non-standard hours of opeation condition	
<b>3404</b>	Surfacing of parking etc-details and construction	This condition will require to be discharged
<b>3405</b>	Fencing/walls - details and implementation	This condition will require to be discharged

<b>ITEM</b>	<b>20</b>	<b>RECOMMENDATION : REFUSAL</b>
<b>REF NO:</b>	3PL/2016/0651/F	<b>CASE OFFICER:</b> James Tipping
<b>LOCATION:</b>	MATTISHALL Land to rear of Vine Cottage Welborne Common	<b>APPN TYPE:</b> Full <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> <b>CONS AREA:</b> N <b>LB GRADE:</b> N <b>TPO:</b> N
<b>APPLICANT:</b>	Mr Stacey Beesley 2 Vine Cottage, Welborne Common Welb	
<b>AGENT:</b>	Richard Pike Associates Jonathan Scott Hall, Thorpe Road Norwich	
<b>PROPOSAL:</b>	Erection of one agricultural workers dwelling	

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

The application has been referred to committee by the local Ward Member.

#### **KEY ISSUES**

Principle and functional need for a agricultural workers dwelling  
Design, character and visual impact  
Impact upon residential amenity  
Highway safety

#### **DESCRIPTION OF DEVELOPMENT**

The application proposes a three bedroom detached dwelling together with parking and turning provision for an agricultural worker on land to the rear of 2 Vine Cottage, Welbourne Common. The rural enterprise to which the dwelling would relate is an agricultural livestock business run by the applicants daughter on land owned by the applicant. The access in to the site is within South Norfolk, the siting of the proposed dwelling is within Breckland.

A separate application has been submitted to South Norfolk for the access. The siting of the dwelling would be relatively well screened by an established belt of trees and hedge belt that would surround it. The applicants have submitted in a supporting Planning Statement, (incorporating a Design and Access Statement and a Rural Enterprise Appraisal), in support of their case.

#### **SITE AND LOCATION**

The site is located to the rear of Number 2 Vine Cottage which is occupied by the applicant and his family. Access to the site where the farm buildings are located in which the cattle are kept is via an access track and through a set of wooden gates situated off Welborne Road. The site edged blue with the application also indicates a number of other buildings within the applicants ownership 'Field view cottage', 'Brick Kiln Cottage' which are rented out to long-term tenants and number 1 Vine cottage occupied by the applicants mother. There is also a brick shed at the

bottom of number 2 Vine Cottage which is currently being used for storage.

**EIA REQUIRED**

No.

**RELEVANT SITE HISTORY**

3PL/2015/1428/F - proposed erection of an agricultural workers dwelling - withdrawn.

3PL/2007/1136/EU - Certificate of Lawfulness for existing use of garden land - approved September 2007.

**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.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.12	Trees and Landscape
DC.16	Design
DC.19	Parking Provision
NPPF	With particular regard to para 55.
NPPG	National Planning Practice Guidance

**CIL / OBLIGATIONS**

Not Applicable.

**CONSULTATIONS**

**MATTISHALL P C**

The Parish Council has no objections to the highway / access element although they do have concerns regarding the main building application. These concerns are unsustainable development, there is no evidence to support agricultural building, long history of problems on the site, no financial evidence to justify agricultural business.

**NORFOLK COUNTY COUNCIL HIGHWAYS**

No objections subject to a condition.

**CONTAMINATED LAND OFFICER**

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

No objections subject to a condition.

### **ENVIRONMENTAL HEALTH OFFICERS**

No objections.

### **PABLO DIMOGLU (DISTRICT COUNCILLOR)**

This site is already used commercially as the owner, Stacey Beesley is very active in the local area providing landscaping and tree surgery and felling services to the residents of Breckland. I come into contact with Mr Beesley frequently on my travels through The Mattishall Ward and moreover I speak with many people who have a high level of praise for the quality of work undertaken by Mr Beesley. I know that his daughter has a passion for farming and she seeks to expand the cattle herd at the property. I believe that this represents exactly the sort of expansion we need in Breckland to preserve and promote our farming traditions. Miss Beesley is an independent young lady who wants to move out of the family home and commit herself 100% to the herd. I feel she has the right to a private family life and if we can facilitate this along with the valuable expansion of the herd we should permit the building of the house provided it has a strong agricultural tie. I know that the Beesleys have applied for a new barn, (South Norfolk District Council), to accommodate the expanded herd. This application is not a fanciful attempt to get a new house built with an agricultural tie which means very little - it is a real application to allow the continuation and expansion of a thriving business which has been well managed by The Beesleys. I truly hope that we can support this application and that permission will be granted.

### **BRANDON PARVA, COSTON, RUNHALL & WELBORNE PARISH COUNCIL**

The parish council objects for the following reasons; Disproportionate - scale - style Not demonstrated agricultural need. Statement is slim / not relevant Accounts not sufficient to prove a need. Over development on site. Properties already on site could be used as an agricultural workers dwelling. Where is land & tenure to support 100 cattle? Not appropriate back land position.

### **SOUTH NORFOLK DISTRICT COUNCIL - No Comments Received**

#### **REPRESENTATIONS**

Two Letters of objection received which are summarised as follows:

Scale and impact,  
Noise, smell, waste disposal and traffic movements,  
Impact on local amenity,  
Several properties already on site,  
Inaccuracies within planning statement.

18 Letters of support received which are summarised as follows:

Fully support application for erection of dwelling for local family run enterprise that should be encouraged in village,  
Proposal will not increase traffic,  
Gives continuity and growth to an existing enterprise.

#### **ASSESSMENT NOTES**

1.0 The application has been referred to committee by the local Ward Member.

2.0 Principle and functional need for an agricultural workers dwelling

2.1 The key issue of consideration is whether there is an essential need for an agricultural workers dwelling in the open countryside. The National Planning Policy Framework, (The Framework), advises, at paragraph 55, that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It indicates that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work. Policy CP14, (Sustainable Rural Communities), of the Core Strategy adopted 2009 is also relevant which states in respect to housing that in villages not identified for a specific level of growth in the settlement hierarchy, residential development will only be permitted where it is a dwelling required in association with existing rural enterprises where it complies with the requirements of national guidance in relation to new dwelling houses in the countryside.

2.2 The application is for the provision of a new detached dwelling in association with an agricultural livestock business run by the applicants daughter on land owned by the applicant. The applicant provides help to his daughter from time to time with the operations of the business, but spends the majority of his time undertaking other activities which include his tree surgery business as well as foster caring and other activities related to further enterprises separate from his daughters' livestock business. A new dwelling is required as the applicants daughter is now of an age where she wishes to live away from the family home and it is increasingly less possible to stay within the main dwelling house due to her foster care requirements. Further more they advise that there are no properties available for rent or purchase appropriately located to the site.

2.3 The livestock business originally started off as a hobby but over the years as grown in to a business of between 35-65 head of cattle at any one time. The applicants agent has also further advised that the supplier of the contract would like to increase this to a herd of 100 cattle, which would be by way of a contract and that it is absolutely essential for the daughter to be able to live on site in order to fulfil the existing contract and most certainly the new contract. The cattle reared on the farm are for the purpose of beef production. The applicant due to other employment activities and foster care requirements cattle has handed over control of his livestock business to his daughter and the business is now held in her name.

2.4 Whether a dwelling is essential depends on the particular needs of the enterprise rather than the personal circumstances of any individuals. Whilst, there would be some benefits to the business and particularly to the applicant in having a second dwelling on the premises for the applicants daughter, overall, it is not considered at this stage that the need for an additional dwelling on the enterprise has robustly been demonstrated. It is considered that the existing property at 2 Vine Cottage, (this property is not tied by an agricultural restriction and owned by the applicant), meets the needs of the enterprise and there is not sufficiently robust evidence to demonstrate a functional need for an additional further dwelling on site at this stage. In terms of alternative accommodation, whilst the application site edged blue indicates other properties within the applicants ownership Brick Kiln Cottage and Field View both these properties have long term tenants and number 1 Vine Cottage is owned by the applicants mother and are therefore not available for his daughter.

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

### 3.0 Design, character and visual impact

3.1 In terms of the size, sale and external appearance of the proposed dwelling, it will be a two and half storey three bedroom property. The proposed dwelling is traditional in terms of its appearance, with a pitch roof and dormer windows to the front elevation. The proposed dwelling will use a palette of traditional materials within its construction. As such, the scheme would accord with Policies CP11 and DC16 of the Breckland Core Strategy.

### 4.0 Impact upon residential amenity

4.1 In terms of impact on amenity, the siting of the dwelling would not have any adverse impact on neighbouring properties having regard to Policy DC01 and would be reasonably well screened by an existing belt of trees so as not to be significantly visible within the landscape having regard to policy CP11.

### 5.0 Highway safety

5.1 The application has been assessed by the Highway Authority who raise no objection on the grounds of highway safety, subject to a condition restricting the use of the dwelling for agricultural workers. It is considered that a permanent dwelling would reduce the number of vehicle movements as the occupant would not have to travel from another location to their place of work.

### 6.0 Conclusion

6.1 In conclusion, it is considered that the application has not adequately demonstrated that there is an essential need for a fulltime worker to be present on the site at all times of day on a permanent basis, which requires a permanent dwelling. As such, the scheme is contrary to Policy CP14 of the Breckland Core Strategy and paragraph 55 of the NPPF and is therefore recommended for refusal.

### 7.0 Reason for refusal

7.1 It is not considered that there is sufficient justification for an agricultural workers dwelling and the proposal would therefore result in an isolated form development within the country side having regard to paragraph 55 of The National Planning Policy Framework as well as having regard to Policy CP14 of the Core Strategy and Development Control Policies 2009 (adopted).

#### **RECOMMENDATION**

**Refusal of Planning Permission**

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

- 9900** lack of agricultural justification
- 2002** Application Refused Following Discussion - No Way Forward
- 2009** Criterion E - Planning Apps Where Refused

<b>ITEM</b>	<b>21</b>	<b>RECOMMENDATION : REFUSAL</b>
<b>REF NO:</b>	3PL/2016/0005/VAR	<b>CASE OFFICER:</b> Viv Bebbington
<b>LOCATION:</b>	NARBOROUGH Cabin Swaffham Road	<b>APPN TYPE:</b> Variation of Cond's <b>POLICY:</b> <b>ALLOCATION:</b> <b>CONS AREA:</b> N <b>LB GRADE:</b> N <b>TPO:</b> N
<b>APPLICANT:</b>	Mr K Bell Cabin Swaffham Road	
<b>AGENT:</b>	Architectural and Surveying Services Ltd ARCHITECTURAL SURVEYING SERVICES LTD 69 Broa	
<b>PROPOSAL:</b>	Removal of condition 3 on 3PL/2010/0979/F to a general residential dwelling C3 use	

**REASON FOR COMMITTEE CONSIDERATION**

This application is referred to Planning Committee at the request of the Ward Member.

**KEY ISSUES**

Principle  
Impact on residential amenity  
Human rights

**DESCRIPTION OF DEVELOPMENT**

The proposal seeks permission to remove condition 3 of planning permission 3PL/2010/0979/F.

The permission granted permission for the retention of a timber cabin, drive, shed, kennels and stables for an individual gypsy family and standing of a caravan for family room / visitors.

Condition 3 states that the timber cabin shall not be occupied by any persons other than gypsies and travellers as defined by paragraph 15 of Circular 01/2006.

The applicant wished to have the occupatio condition removed as he no longer wishes to live at the site and wants to sell the site on the open market to a non gypsy and traveller in the interests of his immediate neighbours.

**SITE AND LOCATION**

The site is in a rural location outside a Settlement Boundary. It is located to the north of the A47 between Swaffham and Narborough, within the parish of Narborough. It is approximately 1.3 miles to the south east of the centre of Narborough. Access to the site is off an existing private drive direct onto the A47. The access serves neighbouring dwellings, a pair of semi detached houses, a bungalow and farmhouse. To the north of the site are paddocks and to the east a pair of semi detached dwellings. To the west is a wood.

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

### **EIA REQUIRED**

No.

### **RELEVANT SITE HISTORY**

3PL/2010/0979/F - retention of timber cabin, drive, shed, kennels & stables for gypsy family & caravan for family room/ visitors - Approved.

3PL/2011/0269/F - erection of small barn for hay, equipment storage and stables - Approved.

3PL/2012/0224/F - material change to dwelling to provide cavity stone wall - Approved.

3PL/2013/0125/F - relocate shed and extend dwelling to improve kitchen - Approved.

3PL/2014/0798/F - standing of static caravan - Approved.

3PL/2015/1213/F - removal of condition 3 - Refused.

### **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.02	The Travelling Community
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
NPPF	National Planning Policy Framework
PPFTS	Planning Policy For Traveller Sites Aug 2015

### **CIL / OBLIGATIONS**

Not Applicable.

### **CONSULTATIONS**

#### **NARBOROUGH P C**

Narborough Parish Council - We note that apparently used the condition 3 to obtain retrospective planning permission. We do not feel qualified to be able to comment knowledgeably on this application with its human Rights aspects and traveller law implications.

#### **HIGHWAYS ENGLAND**

Highways England - No objection.

### **REPRESENTATIONS**

The following is a summary of representations received:-

Letters of support have been received from neighbouring properties  
- The site is in an inappropriate location for a gypsy and traveller site

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

- Too close to settled community
- Access to the site is currently past unrestricted residential properties
- This is not an official designated traveller site, it is just for one individual
- The applicant is being harassed by members of the travelling community which is resulting in antisocial behaviour and vandalism.
- Threat of more travellers moving onto the site and adjacent land if restriction not removed.
- Current permission discriminatory as restricts occupation of the dwelling.
- Safety of the neighbouring properties should be taken into consideration.
- A petition in support of the proposal from the wider community has been received.

### **ASSESSMENT NOTES**

#### 1.0 Principle

1.1 The application seeks to remove Condition 3 of Planning Permission 3PL/2010/0979/F. This restricts the occupation of the dwelling to gypsies and travellers as defined by paragraph 15 of Circular 01/2006. The removal of the condition would enable anyone to reside in the dwelling.

1.2 The site is outside a settlement boundary and in an area where planning permission would not normally be granted for residential development. Planning permission was granted in 2010 on the basis that the development was to be occupied by a gypsy / traveller and the proposal was in accordance with Circular 1/2006 and Policy CP02.

1.3 Condition 3 was attached in recognition of the fact that this dwelling was allowed as an exception to policy for new development in the countryside on the basis there was a recognised need for a gypsy and traveller site. Whilst the removal of the condition would not necessarily result in the loss of accommodation for gypsy and travellers, it would mean that the site would no longer be available as a dedicated gypsy and traveller site.

1.4 The applicant has attempted to demonstrate there is no longer a need for the retention of the occupation condition by providing sale particulars / marketing report to indicate that the dwelling and the adjacent mobile home have been offered for sale. However the marketing report is limited and does not conclusively demonstrate that there is no longer a need for gypsy and traveller sites in the area.

1.5 Moreover the recent Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment (GTAA) identifies a need for additional Gypsy sites within the District.

1.6 National planning policy - Planning Policy For Traveller Sites, (PPFST), aims to ensure local planning authorities assess the need for traveller sites within the area and to ensure sufficient provision is provided through the plan-making and decision making process.

1.7 Planning permission for the standing of a static caravan on land immediately adjoining the application site and on land owned by the applicant was granted under reference 3PL/2014/0798/F. The static caravan was due to be occupied by the applicant's sister. It has been stationed on the land but remains unoccupied. The occupation of this caravan is also restricted to a gypsy or traveller and it can be occupied as a separate unit independently of the

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th July 2016**

current site. The applicant has confirmed that he would be willing to enter into a Legal Agreement to secure the permanent removal of the static caravan should permission for the removal of the condition be granted.

### 2.0 Impact on residential amenity

2.1 The proposal has generated support from all of the immediate neighbours and a petition as been submitted in support of the applicant and the removal of the condition.

2.2 The site has attracted significant antisocial behaviour and there have been numerous reports to the local police. Local residents fully support the application to remove the condition due to the close proximity of the site to their dwellings and the use of a shared access. The applicant and the local residents have submitted that the gypsy site is too close to the settled community and is causing significant distress and disturbance their residential amenity and safety. The local residents have also expressed concern that should the applicant sell the site to another gypsy the site would be occupied as an illegal encampment and the use intensify.

### 3.0 Human Rights

3.1 Circular 1/06 includes a section on Human Rights which states that Local Planning Authorities should consider Human Rights provisions as a material consideration and weigh the rights of gypsies, travellers and local residents in their decision making and planning applications relating to gypsy sites should not be determined solely in relation to land use matters.

### 4.0 Conclusion

4.1 The applicant and local residents have requested that the personal circumstances be taken into account in determining this application. The applicant no longer wished to live at the site and is seeking an alternative location away from the area and unwanted harassment so he may regain his private life. The nearby residents, who have been affected by events involving police intervention, also consider this to be a reasonable and common sense way forward.

4.2 The imposition of the condition does not prevent the applicant from leaving the site but it does mean that the property may only be occupied by another gypsy or traveller. The applicant and residents are concerned that this would not address the issue of the inappropriate close proximity of a traveller site to the settled community and may result in the intensification in the use of the land and the introduction of further caravans/ pitches which would be detrimental to the residential amenity of the neighbouring residents.

4.3 However the perceived benefits to the settled community have to be carefully balanced against the conflict with policy and the failure to demonstrate there is no longer a need for gypsy and traveller site in a District where there is a identified shortfall. Furthermore the removal of the condition would not necessarily guarantee an end to the antisocial behaviour at the site.

5.0 Recommendation

5.1 Refusal

In the opinion of the Local Planning Authority, the applicant has failed to demonstrate there is no longer a need for gypsy and traveller accommodation in the District where there is an identified shortage of pitches, such that it would create further pressure for the release of sites elsewhere and for unauthorised encampments. The proposal is contrary to policy set out in the PPFTS which seeks to ensure sufficient provision is provided for gypsy and traveller sites through the plan-making and decision process.

5.2 The personal circumstances of the applicant have been taken into account, but in the opinion of the Local Planning Authority these are insufficient to justify overriding the policy objections to the proposal.

5.3 If members are minded to approve the removal of Condition 3 there are encourages to seek a Legal Agreement to secure the removal of the adjacent residential caravan.

**RECOMMENDATION** Refusal of Planning Permission

**REASON(S) FOR REFUSAL**