

Item No.	Applicant	Parish	Reference No.
1	Thornalley Funeral Services Ltd	SCOULTON	3PL/2014/1204/F
2	Mrs G Lloyd	SPORLE	3PL/2016/0093/O
3	Mr Tristan, Raymond, John Smith	GARVESTONE	3PL/2016/0122/F
4	R. Paterson	SHIPDHAM	3PL/2016/0225/F
5	CCL Holdings Ltd	KENNINGHALL	3PL/2016/0317/EU
6	CCL Holdings Ltd	KENNINGHALL	3PL/2016/0318/EU
7	Mellor Metals Ltd.	GREAT ELLINGHAM	3PL/2016/0648/O
8	Mr Lester Palmer	GUIST	3PL/2016/0702/O

BRECKLAND COUNCIL - PLANNING COMMITTEE - 19th September 2016

ITEM	1	RECOMMENDATION : APPROVAL
REF NO:	3PL/2014/1204/F	CASE OFFICER: Nick Moys
LOCATION:	SCOULTON Land at Norwich Road	APPN TYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: No Allocation CONS AREA: N LB GRADE: N TPO: N
APPLICANT:	Thornalley Funeral Services Ltd Austin Street King's Lynn	
AGENT:	Ian H Bix Associates Ltd Sandpiper House Leete Way	
PROPOSAL:	Erect new crematorium, car park, access roads, ancillary buildings & gardens of remembrance	

REASON FOR COMMITTEE CONSIDERATION

See Attached Report

BRECKLAND COUNCIL

PLANNING COMMITTEE – 19TH SEPTEMBER 2016

REPORT OF DIRECTOR OF PLACE

(Author: Nick Moys, Principal Planner)

PROPOSED CREMATORIUM, LAND AT NORWICH ROAD, SCOULTON

Applicant: Thornalley Funeral Services Ltd

Reference: 3PL/2014/1204/F

Background

1. This report concerns a planning application for a crematorium at Scoulton. Details of the proposed development are set out below.
2. The application was submitted in December 2014 and was first considered by Planning Committee in August 2015, when it was resolved to grant permission subject to conditions. Planning permission was subsequently issued on 27th August 2015.
3. This decision was quashed following a judicial review challenge concerning the interpretation of Policy DC18. The decision was quashed with the Council's consent as it was considered by the Council that this policy did not apply to the proposals subject to this application. The application was remitted back to the Council for re-determination.
4. The application was subsequently referred back to Planning Committee in January 2016, when it was again resolved to grant planning permission subject to conditions. Planning permission was issued on 13th January 2016.
5. This decision was again challenged on new grounds and quashed following a second judicial review when the Council submitted to judgement, (again by consent), on grounds unconnected with the Grounds of the Claim and to avoid unnecessarily expensive and prolonged litigation. The application was remitted back to the Council for re-determination.
6. Since being remitted for re-determination, the application has been re-advertised and further consultation undertaken with statutory consultees and interested parties to ensure that all parties have had sufficient opportunity to comment on the application. With the exception of a minor design change to fenestration in the main building, the proposal remains unchanged from that previously considered and approved by Planning Committee in August 2015 and January 2016.

Proposed development

7. Permission is sought for the erection of a crematorium and associated infrastructure. The proposed development includes a main crematorium building, separate buildings for workshop facilities and a remembrance room, memorial gardens, parking and access.
8. Vehicular access is proposed via Norwich Road, with the introduction of a ghost lane and widening of the highway proposed. The works would result in the removal of a preserved oak tree adjacent to the proposed access. A further preserved oak tree could be lost in order to provide suitable visibility splays.

9. The application is supported by the following technical documentation: a Design and Access Statement, a Planning Statement, an Arboricultural Assessment, a Tree Plan, a Tree Report, a Landscaping Scheme, a Phase I Geo Environmental Desk Study, a Flood Risk Assessment, a Biodiversity Report, (including two Bat Roost Surveys) and an Air Quality Assessment.
10. During the initial course of the application material amendments were made to the siting of the building, layout and parking arrangement of the site, together with alterations to the proposed landscaping and access. These revisions were subject to re-consultation with interested parties. Further amendments have been made more recently to delete proposed roof lights in the main crematorium building.
11. The application has been screened under the Environmental Impact Assessment, (EIA), Regulations. It has been concluded that the proposed development is not EIA development and is not likely to lead to likely significant effects on the environment. It remains clear that the proposed development is not EIA development.

Site & surrounding area

12. The application site is situated within an area of open countryside, around ½ mile from the village of Scoulton and 1½ miles from the small town of Hingham. The site forms part of a larger field and is set within an agricultural landscape. The site adjoins the B1108 Norwich Road, but built development in the locality is sparse and dispersed. The nearest residential properties are located around 250-300 metres away. Scoulton Mere, a Site of Special Scientific Interest, (SSSI), is located approximately 400 metres to the west.
13. The site extends to approximately 4.4 hectares, with a frontage of around 220 metres to Norwich Road. The site is under arable cultivation. The land is bounded by further farmland to the south and east, an area of woodland to the west, and by the Norwich Road to the north. The roadside boundary is delineated by an established hedgerow and trees, including two oak trees which are subject to a Tree Preservation Order, (TPO).

Consultations

14. The following comments were received during the original consultation and subsequent re-consultations, and are dated accordingly.

Scoulton Parish Council

15. Scoulton Parish Council reiterate their comments that they have serious concerns about traffic management and whilst the ghost lane would seem to improve the junction the impact on road safety for the whole stretch of road is still of major concern. [May 2015]
16. Scoulton Parish Council are aware that there have been public petitions and there are strong negative public views amongst a number of residents, ten of whom attended the Parish Council meeting. They note that the plans have not changed materially and remain concerned about road safety and the impact upon the street scene with proposed bus stops and urbanisation. They would like to ask whether all other sites have been fully explored. [July 2016]

Hingham Town Council

17. The site is only just over the border between Hingham and Scoulton and will have a big impact. Hingham Town Council have discussed the application and recommended that this be recommended for refusal. The development is in open countryside, is on a green field site, next to an SSSI and is against your development policy. The need for a crematorium has not been proved and the increased traffic through Hingham could cause additional traffic problems and even more accidents. There have been many accidents along the B1108 with one of the most recent being a fatal accident, (the police signs are still in situ along the road, asking for information). A 40mph speed limit has only just been agreed for a stretch of the road but traffic following a slow moving funeral cortege may not be very patient and there could be more accidents. On considering the amended site plan, Hingham Town Council recommend refusal of the planning application. This would be on the grounds previously stated by the Town Council, and reinforcing the concerns regarding safety and the excessive speed of traffic along that stretch of road. [August 2015]
18. Hingham Town Council reiterates all previous comments and concerns, particularly in respect of highway safety. As highlighted in the speed survey, (entry date 15/07/15 on Breckland Council's planning portal), the B1108 is regularly subject to speeding drivers. The Town Council considers this is of great concern that this combined with slow moving funeral traffic and vehicles accessing and exiting the site will prove to be a cause of more accidents along this stretch of road. [June 2016]

South Norfolk District Council

19. Wish to highlight those issues which could have implications for South Norfolk District Council, (SNDC) and its residents. When assessing the proposal please ensure that thorough consideration is given to the traffic and highway safety implications of the development, particularly considering the high traffic speeds that occur along this stretch of road, and the likely initial and future traffic generation and vehicle turning movements. SNDC understands that NCC Highways are engaged on this issue. SNDC would also urge a critical assessment of the visual impact of the development in such a conspicuous rural location where parked vehicles, buildings and other structures, (such as the flue stack height not shown), could significantly detract from the character and appearance of the area. Clearly a very high quality landscaping scheme would be required that is appropriate to the rural character of the area, if the development were approved. SNDC note that an Air Quality Report has been submitted which should be scrutinised carefully. [January 2015]
20. No further comments. [June 2016]

Norfolk County Council Highways

21. Whilst there are concerns about the location and sustainability of this land use, the Highway Authority makes no recommendation on this issue and is content for Breckland to determine this matter. The revised access proposals are acceptable subject to conditions. [March 2015]
22. No objection subject to conditions. [June 2016]
23. It should be noted that prior to the issue of the June 2016 consultation response, the Highway Authority had considered all third party representations concerning highways matters to date, including the letter submitted by Create Consulting dated 8 January 2016. A conversation was had with the Highways Authority prior to the Planning Committee in January 2016 in which the Highway Authority confirmed that it had reviewed Create's letter of 8 January 2016. Whilst this letter expanded the traffic assumptions, these were based on the same base information as per the letter of 19 August 2015 and therefore the Authority did not consider it would alter their stance. The Authority maintains no objection.

Norfolk Historic Environment Service

24. No objection subject to the reinstatement of the historic milestone. [July 2015]
25. No further comments. [June 2016]

Norfolk County Council Minerals

26. While the application site is partially underlain by a Mineral Safeguarding Area, (Sand and Gravel), it is a small area adjacent to the road and it is considered that it would not be practicable for prior extraction regardless of mineral quality. Therefore, needless sterilisation of mineral resources would not occur as a result of the proposed development, and the application does not need to comply with the requirements of Policy CS16-safeguarding of the adopted Norfolk Minerals and Waste Core Strategy. [June 2016]

Environment Agency

27. No objection. [January 2015]
28. No further comment. [June 2016]

East Harling IDB

29. No comment. [December 2014]

Natural England

30. This application is in close proximity to Scoulton Mere Site of Special Scientific Interest, (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. [January 2015]

31. No further comments. [June 2016]

Norfolk Wildlife Trust

32. The submitted ecological survey should be updated to take account of the possible effects on bats due to tree loss and lighting. Mitigation for loss of habitat for farmland birds should be included. [January 2015]

33. Consideration should be given to whether further assessment of effects on protected species is needed in the light of sightings of otters in nearby ponds. The existing on-site pond should be managed to enable its use by wildlife, including potentially great crested newts. [August 2016]

CPRE Norfolk

34. The proposal amounts to inappropriate development in the countryside contrary to local policies. The development cannot be supported by a compelling case in terms of need and would not represent sustainable development as defined in the NPPF. [August 2016]

Tree consultant

35. The proposed scheme would certainly result in the loss of a BS5837 category A tree which is subject to a Tree Preservation Order and is likely to result in the loss a second TPO tree which is currently shown to be retained if possible subject to agreement with Highways. These are high value tree the removal of which I do not support, particularly as one mature Oak has recently been removed. With reference to the proposed layout changes and supplied landscaping schemes, it is agreed that the screening provided will reduce the impact of the built structure on the wider landscape. Whilst elements of the proposed landscaping are in keeping, the consultant does have concerns that some of the planting is more suited to a more urban area and not entirely suitable for a rural / countryside setting. He would be happy to see the Oaks and native hedging along the road frontage but would consider that the Beech will just draw attention to the site as they are not a species currently seen along this section of road. If the proposed development is to go ahead the consultant would like to see a revised planting scheme, using predominately native species which are presently found growing in the area. [June 2015]

36. No further comments. [June 2016]

Ecological and Biodiversity Consultant

37. No objections with respect to the ecology and bat report and have no comments on the amended plan. Suggested that further data on Great Crested Newts be provided. [May 2015]

38. No further comments. However, if more than 2 years has passed since the initial ecology surveys, it is recommend that these are updated as ecological issues can change over relatively short periods of time. [June 2016]

Environmental Health Officer

39. No objection. [July 2015]

40. No objection. [June 2016]

Contaminated Land Officer

41. No objection. [January 2015]

42. No further comments. [June 2016]

Air Quality Officer

43. An Environmental Permit will be required. The permit will place controls on emissions to the atmosphere, taking into account DEFRA guidance. [December 2014]

44. No objections in principle, however prior to operation, the installation will require an Environmental Permit issued in accordance with the Pollution Prevention and Control Act 1999. The operator must apply to this Authority for an Environmental Permit at least 4 months prior to commissioning of the cremator. [July 2016]

Representations

45. The application has generated a good deal of local interest, and representations have been received both for and against the proposal. Representations have been received from around 95 different parties, including local residents and local businesses, with around two-thirds of respondents objecting to the proposal. Two petitions objecting to the applications have also been received, containing around 150 signatures.

46. Those objecting to the proposal raise concerns about: i) the sustainability of the proposed location; ii) the lack of a demonstrable need for the proposal; iii) the availability of other more suitable locations; iv) harm to the character and appearance of the area, including as a result of visual intrusion, the limited screening available; loss of trees and light pollution; v) loss of agricultural land; vi) noise and disturbance; vii) effects on air quality; viii) highway safety matters, particularly given the speed of passing traffic; and ix) effects on wildlife and ecology. Comments have also been received by Norfolk Wildlife Services on behalf of local residents scrutinising the applicant's ecological surveys.

47. Those supporting the application contend that the proposal would: i) provide benefits to the local economy; ii) address an identified need for such facilities within the District; iii) reduce distances of travel to the nearest crematoria facility for Breckland residents; and iv) be effectively screened, mitigating the impacts of the proposal upon the surrounding area.

Assessment

48. The application is referred to Planning Committee as it is a major development and has generated significant community interest.

49. As Members will be aware, to the extent that development plan policies are material to an application for planning permission, the decision must be taken in accordance with the development plan, unless there are material considerations

that indicate otherwise¹. Such material considerations include the National Planning Policy Framework.

50. The relevant policies in the development plan include the following policies of the Council's Adopted Core Strategy and Development Control Policies Development Plan Document (2009):

- Policy SS1- Spatial Strategy;
- Policy CP10 - Protection of Species;
- Policy CP11 - Protection and Enhancement of Landscape;
- Policy DC01 - Protection of Amenity;
- Policy DC07 - Employment Development Outside of General Employment Areas;
- Policy DC12 - Trees and Landscape;
- Policy DC16 - Design; and
- Policy DC17 - Historic Environment.

51. Core Strategy Policy DC18 is not regarded as a relevant policy to this application. This policy permits the development of community facilities in market towns, local service centre villages and other rural settlements, subject to need and sustainability criteria. However, as it does not refer, and therefore relate, to developments in the open countryside it is considered that this policy is irrelevant for the purposes of this application.

52. Those policies detailed above at paragraph 50 are summarised below and assessed so far as is relevant. Material considerations such as relevant policies in the NPPF have also been considered and assessed accordingly.

¹ See section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004.

Principle of development in the countryside

53. Policy SS1 of the Breckland Core Strategy & Development Control Policies DPD sets out the overall approach to development in the District and indicates that the open countryside is not considered generally to represent a sustainable option for development. Accordingly, Policy SS1 makes provision only for minimal development in the countryside outside defined settlements, predominantly comprising the diversification of rural enterprises. Provision is also made for some other employment uses to be accommodated, where a rural location is necessary for the functioning of the business or it utilises a particular attribute and is a sustainable solution to the identified need.
54. Core Strategy Policy DC07 permits employment development outside allocated areas only where it can be shown that: i) no suitable sites are available on identified or allocated employment areas; ii) there are particular reasons for development not being located on established or allocated areas; and iii) that there would be no adverse traffic effects.
55. The National Planning Policy Framework, (NPPF), promotes economic growth in the countryside, stating in paragraph 28 that the sustainable growth and expansion of all types of business should be supported in rural areas. It is also a core principle of the NPPF to recognise the intrinsic character and beauty of the countryside. However, the support for rural economic development applies to development in the open countryside as well as rural settlements. Additionally, the NPPF states as a core principle that planning should deliver sufficient community and cultural facilities and services to meet local needs.
56. Given the application site's location in the countryside, Policy SS1 is an overarching policy on the location of new development, which is engaged by the proposal insofar as it relates to development in the countryside. However, this policy adopts a more restrictive approach to rural development than the NPPF, requiring need to be demonstrated, and so cannot be considered to be fully consistent with it. Consequently, this policy carries diminished weight having regard to paragraph 215 of the NPPF and the degree of inconsistency between Policy SS1 and paragraph 28 of the NPPF.
57. As far as the need for a countryside location is concerned, the requirements of the Cremation Act 1902 are directly relevant insofar as they stipulate that a crematorium should be at least 200 yards, (around 183 metres), from any dwelling and at least 50 yards, (43 metres), from a public highway. Published Government guidance entitled 'The Siting and Planning of Crematoria' (DoE, 1978) is also of relevance. This says that sufficient land should be available to provide an appropriate setting for a crematorium, adequate internal access roads, car parking and space for the disposal of ashes. Reference is made to sites of 2 to 4 hectares in size and larger, although no minimum is stated. The reasonable expectation of mourners and visitors to gardens of remembrance for a place of quiet contemplation is also an important consideration in relation to site selection.
58. Given these particular site selection and locational requirements, it is considered to be most unlikely that suitable land would be found within a defined settlement boundary. This is due to the more or less continuously built up nature of towns and villages in the District. Larger sites that are remote from housing are perhaps more likely to be found within existing and allocated employment areas, but such sites can be discounted due to the busy commercial nature of such areas and the likelihood of conflicting activities. It can reasonably be concluded therefore that a rural location outside a defined settlement is likely to be required for the development of a crematorium.

59. On this basis, it is considered that the proposal would not conflict with Policy SS1, (albeit it is considered that minimal weight should be attached to this policy in any event for those reasons set out at paragraph 56 above), as it has been demonstrated that the proposal would represent a sustainable solution to an identified need. This is considered further below. The proposal would also be fully consistent with the NPPF's support for the sustainable growth of rural businesses as set out in paragraph 28.
60. Policy DC07 is engaged by the proposal only if it is considered to be an employment use, which it is not. The proposed use does not fall within the business use classes set out in the Use Classes Order, (it is a sui generis use) and although some employment would be provided, the use is not one, (due to its nature and land required for remembrance gardens), that would be found typically within an employment area. The character and nature of the use would also be for these reasons different to most commercial uses. On this basis no further assessment of the proposal against Policy DC07 is considered necessary. However, for the sake of completeness, consideration has nonetheless been given to whether the proposal would satisfy the requirements of this policy.
61. For the purposes of paragraph (a) of Policy DC07, a review of existing and proposed employment land in the District has been undertaken to determine whether any suitable sites are available on identified, established or allocated employment sites. This assessment is appended to this report for information. No other suitable sites or locations have been identified as a result of this review. This is due in the main to the proximity of housing, the lack of available sites of suitable size and the absence of a suitably tranquil environment.
62. Moreover, in respect of paragraph (b) of Policy DC07, for the reasons outlined in paragraphs 57 and 58 above, it is considered that there are particular reasons for the proposal not being located on an established or allocated employment site. Aside from these general locational requirements, it is considered that there are clear sustainability advantages in providing cremation facilities in close proximity to the markets the crematorium intends to serve within Breckland. Therefore, if this policy applied the exception in paragraph (b) (ii) would apply and be complied with. As noted below, it is not considered that the proposal would give rise to adverse traffic effects.
63. Consequently, even if Policy DC07 applied in this case, all its requirements would be satisfied and the application would be in full compliance with this policy.
64. It is also understood from the applicant's planning statement that the applicant has undertaken a separate assessment of a number of other brownfield sites in Deopham, Watton and Dereham and a range of greenfield sites near Thickthorn, Hethersett, Attleborough, Great Ellingham, Rocklands, Cranworth and two others in Scoulton. It is further understood that none of these sites were found to be suitable for the proposed development, principally due to the failure to meet those requirements set out in the Cremation Act 1902 and relevant Government guidance. However, it is not necessary for such site assessment analysis to have been undertaken for the purposes of Policy DC07 or otherwise. It is the application site itself that needs to be assessed for suitability. Therefore no weight has been attached to this exercise as part of the assessment of whether the application site is suitable. Furthermore, in particular response to the consultation response from Dignity Funerals Limited of 17 June 2016, it is considered that the proposed location is suitably situated close to the markets that it intends to serve. This is supported by the

assessment undertaken for the purposes of Policy DC07, that confirms that it is not considered that there are any suitable identified, allocated or established employment sites available in Thetford or otherwise.

65. Taking all of these matters into account, it is considered that the development of a crematorium in the open countryside is capable of being acceptable in principle and in accordance with Policies SS1, DC07, (if applicable) and paragraph 28 of the NPPF.
66. It remains to be considered whether the proposal complies with other relevant development plan policies and would represent sustainable development as defined by the NPPF. This is considered below.

Need for a crematorium

67. There are no crematoria in Breckland. Existing facilities in the wider area are located at Norwich, (Earlham and Horsham St Faiths), King's Lynn and Bury St Edmunds. Permission was granted on appeal last year for a crematorium at Cromer. Travel distances to these facilities are such that large parts of Breckland fall outside the industry standard 30 minute drive-time to a crematorium at cortege speed. This standard is widely accepted as an appropriate guideline for assessing the adequacy of local provision, and has been referenced in a number of appeal decisions².
68. Taking into account death rates in Breckland, which has a higher than average number of elderly residents, and applying national average cremation rates, it is estimated that around 1,086 potential cremations per annum are likely to be generated within the District. The proposed crematorium would have the capacity to meet this need³, and due to its relatively central location, would provide a convenient facility for many residents in Breckland. Whilst the proposal would be unlikely to handle all Breckland cremations, further cremations would be likely to arise from areas close by in South Norfolk.
69. Evidence has also been provided to demonstrate that existing local crematoria are operating at or over capacity, resulting in extended waiting times and short turn around times for funerals. The additional capacity secured by the proposal would provide a better and more convenient service for local residents, as well as reducing pressure on existing crematoria, thereby potentially improving the experience for mourners at those facilities.
70. Whilst the need for a crematorium in this location has been questioned by a number of those objecting to the application, no substantive evidence has been provided to contradict that provided by the applicant.
71. Taking these matters into account, it is concluded that there is currently an unmet need for additional crematorium facilities in the area which the proposal would help to address. This is a material consideration that weighs in favour of the proposal.

Economic effects

² Appeal decision references: APP/A0665/A/12/2186911, APP/Z3525/A/14/2216102 and APP/M1005/A/12/2188880.

³ It is understood that the proposal crematorium would have a capacity of around 1,200 cremations per year. The applicant states that some 800 cremations per year would be needed to secure the viability of the development.

72. It is understood that the proposed crematorium would employ at least six full time staff. Indirect economic benefits would also be likely to arise due to the increases in the use of local restaurants, function facilities and hotel accommodation by funeral parties. Local funeral businesses would also derive some economic benefit due to the shorter travel distances involved for funeral corteges. These material considerations weigh in favour of the proposal.

Character and appearance

73. Core Strategy Policy CP11 seeks to protect rural landscapes for their own sake and intrinsic beauty, and requires that new development be designed to be sympathetic to landscape character, informed by the Council's Landscape Character Assessment 2007 (LCA). Core Strategy Policy DC12 seeks to protect important trees and hedgerows in the landscape.
74. The application site lies within the Wayland Plateau landscape character area, as defined in the LCA. The overriding character of this area of countryside is that of a productive and managed arable landscape, with fields of varying sizes interspersed with small blocks of woodland, big skies and open views. Distant views across the countryside are a key feature due to the relatively elevated land form, although hedgerows and woodland provides a degree of visual containment. These general characteristics are apparent in the vicinity of the application site. In landscape terms the area is considered to have a moderate sensitivity to change.
75. The proposal would introduce built development into an area of largely undeveloped open countryside. The proposed buildings, together with associated access, parking, servicing areas, pedestrian islands and signage would inevitably result in a loss of openness and increase activity, and would thus have an urbanising effect. This would be harmful to the character and appearance of the area. The removal of existing roadside hedging and trees, (including up to two oak trees subject to a TPO), to facilitate access improvements would also cause some harm in itself, as well as opening up short distance views into the site and thereby increasing the visual impact of the proposed development.
76. However, in medium distance views the proposed development would be well screened by adjacent dense woodland when approaching from the west and roadside and field boundary hedging would filter views of the development when approaching from the east. Close to the site, the development would be clearly visible from the Norwich Road, but would be set well back from the road and would in large part be seen set against a wooded backdrop.
77. Extensive planting is also proposed to help assimilate the development into its landscape setting and fully mitigate the loss of any existing trees and hedgerow. To the front of the site this planting would include replacement hedging and native tree planting, together with blocks of woodland. The proposed buildings and main car parking area would be set well back from the road, behind two native hedgerows separated by grassed paddocks, with more ornamental planting confined to the memorial gardens set to the rear of the site. This landscape treatment would be sympathetic to the character of the area, and in the medium to longer term would soften the visual impact of the development and integrate it into its surroundings.
78. The design of the crematorium buildings would be broadly traditional, with simple building forms, constructed with red brick, timber cladding and clay pantiles. The proposed crematorium building would not be unduly large, with a footprint of 1,107 square metres and measuring 3.2 metres to the eaves and 7.7

metres to the ridge line. Moreover, the form and design of the building, with its low roofline, varied profile and set backs, would help to break up its visual bulk. Consequently, it is considered that the proposal would comply with Policy DC16 which seeks, amongst other things, to ensure that new development is built to a high standard of design.

79. For these reasons, it is considered that whilst the proposal would cause some harm to the rural character and appearance of the area and loss of protected trees in conflict with Core Strategy Policies CP11 and DC12, this effect would be localised and would be mitigated to an extent by sensitive building design and extensive planting. Nevertheless, landscape impact considerations, in part, weigh against the proposal.

Transport and highway safety

80. Despite its relatively remote location, the development would enjoy some accessibility by public transport. Existing bus services⁴ pass the site providing links to Watton, Wymondham and Norwich. A half hourly daytime service currently operates from Monday to Saturday, but there is a reduced service on Sundays. A new bus stop is proposed as part of the development.
81. Notwithstanding the availability of some public transport, experience suggests that the majority of those attending services and visiting gardens of remembrance are likely to do so by car. Although not close to a centre of population, with direct access onto the B1108, the proposed crematorium would be readily accessible by car from nearby towns and villages. Moreover, for many residents in the District, and a number of local undertakers, the proposed crematorium would be much closer than existing facilities located outside the District. The proposal has the potential therefore to result in a reduction in travel for local residents and businesses.
82. Access to the development would be via a new entrance onto Norwich Road, which would itself be widened to provide a right turn lane. Visibility splays of 215 metres would be provided to each side of the access, (based on the 60 mph speed limit), together with pedestrian facilities and new bus stops. The proposed access and associated highway improvements would meet the appropriate technical standards, and are considered to be acceptable by the Highway Authority.
83. Concerns have been raised locally in respect of highway safety and the increase in vehicular movements along Norwich Road. Although generally of a good standard in terms of its width and alignment, this section of the B1108 has a history of accidents, including a fatal accident collision. However, given the nature of these accidents and the extent to which excessive speed was a contributory factor, it is not considered that the proposal would be likely to result in further accidents. Indeed, the introduction of built development and a new access junction with associated advanced warning signage on this otherwise open stretch of road is likely to reduce average vehicle speeds in the vicinity of the site. These matters have been considered by the Highways Authority in their assessment of the scheme.
84. Third party evidence has been presented in the form of local speed survey indicating that the 85th percentile speeds of passing traffic were such that increased visibility splays of at least 239 metres should be provided from the new access. Third party concerns were also raised about the number of

⁴ Konectbus services 3 and 6.

movements and road safety. This includes Create Consulting's letters of 19th August 2015 and 8th January 2016. The Highway Authority has reviewed this information, but remains of the view that the proposed entrance would provide safe access to the development and that the proposal is otherwise acceptable in highway terms, as explained in paragraph 23 above. The Highway Authority has therefore raised no objection. In coming to this conclusion account has been taken of the likely effect of the proposal on driver perception and average vehicle speeds. It is also noted that most traffic movements to and from the crematorium would fall outside the busy morning and evening peaks for general traffic.

85. Visitor parking would be provided for 60 cars within the proposed main car park, with a further 20 spaces to be made available in an overflow area. Parking for staff and deliveries would be provided separately. It is understood that funerals generate 14-16 cars on average. As two funeral parties would be expected to be present at any one time, at least 32 visitor parking spaces would be required. The proposed car parking would exceed this minimum requirement by some margin and in so doing would provide additional space for larger funerals and visitors to the gardens of remembrance. On this basis the proposed parking arrangements are considered to be acceptable.
86. The proposal also includes the provision of a ghost island right hand turn to ensure appropriate access. This would be secured through condition as part of a detailed scheme of off-site highway improvements as required by the Highway Authority.
87. For these reasons, it is considered that the proposal is acceptable in transport and highway safety terms.

Effects of residential amenity

88. Policy DC01 seeks to protect amenity and provides that development will not be permitted where there are unacceptable impacts on the amenities of the area or residential amenity of neighbouring occupants or future occupants in terms of privacy, overshadowing, odour, noise, vibration, pollution or character or quality of the area or landscape.
89. The nearest residential properties to the proposed crematorium are around 250 metres away, (measuring from boundary to boundary). The main body of the village of Scoulton is around 750 metres to the south-west. Crematoria are not inherently noisy developments and operate principally during normal weekday working hours, (though occasional services on Saturdays are also anticipated here). Whilst some noise would be generated by general activity and traffic movements, given the degree of separation to neighbours and existing traffic levels on the B1108, it is considered that the operation of the proposed crematorium would have little impact on the amenities of local residents due to noise. An hours of operation condition is recommended to safeguard local amenity.
90. The proposed development would require an Environmental Permit from the Council. This Permit would control emissions from the crematorium, including smoke and odour, and would allow for the cremation of human remains only. Limits for emissions to the atmosphere are set out in DEFRA Statutory Guidance. As emissions are controlled under separate legislation, it is not necessary to consider this matter further here as part of the grant of planning permission as it is clear that issues such as odour, noise and pollution shall be adequately controlled. In addition, two separate Air Quality Officers of the

Council have reviewed the proposal and raised no objection to the application in terms of odour.

91. Consequently, it is considered that the proposal would not result in any material harm to the amenities of local residents taking into account the above factors and issues. The scheme would thus comply with Core Strategy Policy DC01.

Effects on trees and landscaping

92. Policy DC12 only permits the loss of protected trees and hedgerows in exceptional circumstances, where the benefit of development is considered to outweigh the benefit of preserving natural features and subject to adequate compensation being made. Whilst the retention of trees and other natural features is preferable, replacement provision should be of commensurate value if loss is unavoidable.
93. The proposal would result in the loss of some existing trees and hedging at the site frontage, including two oak trees to the east and west of the site frontage that are subject to a TPO. This loss of trees and vegetation is necessary to provide suitable visibility splays in accordance with the recommendation of the Highway Authority.
94. To compensate for the loss of trees and hedging, replacement planting is proposed together with a comprehensive landscaping scheme. The replacement planting would comprise of a new native hedgerow and 18 trees, including 6 beech trees, 6 oak trees and 6 field maple trees. The proposed landscaping scheme would introduce additional planting by way of tree belts to the site frontage and to the north eastern corner of the site. The tree belts would consist of a variety of species, including field maple, silver birch, hazel, beech, crab apple, native white cherry, English oak and small leaved lime. The rear of the site would be subject to ornamental planting of varying species. The Tree Consultant does not support the removal of the TPO trees, but recommends that any new planting should be predominantly of native species to more appropriately respond to the existing landscape character of the locality.
95. As already noted, the loss of the TPO trees and the remainder of the planting to the site frontage would cause harm to the character and appearance of the landscape. However, it is considered that this particular landscape impact would be ameliorated by the substantial planting proposed by the landscaping scheme. The number and location of the trees, on balance, would be of more than commensurate value, providing an appropriate replacement and additional planting. The proposed landscaping would also mitigate to an extent against the visual impact of the built form on the wider landscape.
96. As far as the detail of new planting is concerned, it is agreed that the proposed tree belts to the front of the site should consist only of native species, reflecting existing planting in the locality, in particular along Norwich Road. Accordingly, a planning condition requiring an amended landscaping scheme, seeking an appropriate mix of native species, is recommended. Considering the degree of separation from the highway, the ornamental planting central to the site is considered acceptable.
97. Taking these matters into account, it is considered that the proposal would result in some harm due to the loss of roadside hedging and trees in conflict with Core Strategy Policy DC12. However, such loss of trees and hedging is unavoidable due to access requirements. Moreover, the harm caused would be localised and mainly short-term, and could be mitigated satisfactorily by a comprehensive scheme of new planting. It is considered that the public benefits of the

development would outweigh this limited harm, and, due to the compensatory provision, it is considered that these amount to exceptional circumstances under this policy.

Effects on ecology

98. In general terms, Policy CP10 requires that open areas of ecological and biodiversity interest shall be protected from harm, with particular protections afforded to sites of local and European merit such as Breckland SPA, SSIs and other regional and local sites.
99. The application is supported by an Ecological Report, which finds that the main wildlife interest of the site itself, which is currently in arable cultivation, derives from existing boundary trees and hedges and an on-site pond. However, no indications that protected species are present have been found. Two bat surveys of the trees proposed to be removed along the site frontage have been undertaken, but no evidence of roosting bats was found. An assessment of the potential for Great Crested Newts, (GCNs), has also been provided. This confirms that there are no records of any newts within five kilometres of the site, and that none of the ponds in the vicinity of the site are likely to support Great Crested Newts. Native landscaping and sensitive management of the site offer an opportunity to enhance biodiversity. On the information provided, the Council's Ecological Consultant raises no objection to the proposal.
100. Since the previous decisions on the application, further comments have been received concerning the presence of otters in the vicinity of the site and records of GCNs within a 5km radius. These representations have been passed to the Council's Ecologist for consideration, and further comments are awaited. However, Norfolk Wildlife Trust has not raised objection to the proposal in relation to effects on GCNs, provided that the existing on site pond is managed for wildlife with sufficient semi-natural vegetation retained around its margins. A planning condition is recommended to secure this and other biodiversity enhancement and mitigation measures.
101. The application site is not located within the Breckland SPA or subject to any other European designations. The nearest nationally designated site is Scoulton Mere SSSI, which is situated approximately 400 metres from the proposed site. Natural England raises no objections to the proposal, stating that the development would not damage or destroy the interest or features of the Mere, and confirming that the SSSI does not represent a constraint in determining the application.
102. Accordingly it is considered that the proposal is acceptable in ecological terms and would not conflict with Core Strategy Policy CP10 or the guidance set out in paragraph 118 of the NPPF.

Historic environment

103. Policy DC17 seeks to protect listed buildings and conservation areas. Where a proposed development will affect the character or 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. Section 66 of the Planning, (Listed Buildings and Conservation Areas), Act 1990 also requires that special regard be paid to the desirability of preserving listed buildings and their settings.
104. The nearest listed buildings to the site are located at Tollgate Farm, around 300 metres to the north-east on the opposite side of the Norwich Road. Given

the separation distance and the screening effects of intervening vegetation, it is considered that the proposal would have no material effect on the setting of these listed buildings. There are no designated conservation areas in the locality that would be affected by the proposal.

105. The proposed highway improvement works would require the relocation of an existing nineteenth century milestone located on the site frontage. The Historic Environment Service has raised no objection to the proposal in this regard, provided that details of the relocation of the milestone are agreed. This could be secured by an appropriately worded planning condition. Given that the milestone could be relocated close by, it is considered that no material harm to the significance of this non-designated heritage asset would result.
106. Consequently the proposal is considered to be acceptable in heritage terms and would not conflict with Core Strategy Policy DC17 or the guidance set out in section 12 of the NPPF.

Other matters

107. Loss of agricultural land - The NPPF states that local authorities should take into account the economic and other benefits of the best and most versatile agricultural land, particularly in plan making when decisions are made on which land should be allocated for development. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. However, the loss of the application site is not considered to be significant in these terms, amounting only to some 4.4 hectares of agricultural land.
108. Drainage - The applicant has confirmed that there is an existing overflow pipe from the pond which runs to a ditch to the east which carries water away from the site. Therefore there is not a problem in taking additional water to the pond as it naturally overflows through the pipe and away from the site. A planning condition is recommended requiring full details of drainage arrangements to be agreed with the Council.
109. Ground conditions - The site currently comprises an agricultural field. No other uses have been identified in the supporting documents. The Contaminated Land Officer raises no objection to the proposal subject to the imposition of a condition relating to unexpected contamination.

The planning balance

110. The paragraphs above have assessed the individual policies of the development plan. It is considered that Policies SS1, CP10, DC01, DC07, (if it applied), DC16 and DC17 are complied with in full. Whilst for the reasons explained above, it is considered that there is some degree of conflict with Policy CP11 in terms of landscape impact, the effects of the proposal would be localised and would be mitigated to an extent by sensitive building design and extensive landscaping, as noted in paragraphs 73 to 79. Some harm would also arise due to the loss of trees and hedging, but Policy DC12 is complied with as it allows for the loss of natural features in 'exceptional circumstances', such as is the case here where the loss cannot be avoided and compensatory measures are provided, as explained in paragraphs 92 to 97 above. It is therefore considered that the proposals comply with the development plan as a whole.
111. In addition, and in any event, the proposed development would provide a crematorium facility in the District for which there is a need. The qualitative

improvement to service provision provided by the proposal in reduced waiting times for funerals and, in many cases, reduced travelling distances represents a significant public benefit which weighs in favour of the proposal. The proposal would also create some rural employment and would support indirectly other associated business activities in the area. Safe access to the development could also be achieved. The economic and social roles of sustainable development, as defined in the NPPF, would thus be supported.

112. Although the proposal would not be close to any main centre of population, it would nonetheless be relatively conveniently located for many residents in mid-Norfolk who currently have to travel further afield to access cremation facilities. The proposal would be served by public transport, and whilst most visitors would be likely to arrive by car, travel distances for many local residents would be less than they are currently. Any harm arising in terms of transport sustainability would be small therefore.
113. In relation to environmental considerations, as detailed above, some harm to the character and appearance of the area would result, but the effects would be localised and would be mitigated by the layout and design of the scheme and proposed landscaping, which would also mitigate fully against the loss of protected trees. The proposal would not result in any significant adverse effects on the amenity of local residents, ecological interests or the historic environment. The proposed development is appropriate in a countryside location due to the nature of the use and the requirements of legislation and Government guidance.
114. In summary, therefore, it is concluded on balance that the proposal complies with the development plan as a whole and would represent sustainable development as defined in the NPPF. In addition, and in any event, there are also a number of other material considerations that support the proposal including meeting the need for a crematorium and other community and economic benefits. It is recommended that the application should be approved therefore.

RECOMMENDATION

115. It is recommended that planning permission is granted subject to conditions covering the following: three year time limit, compliance with submitted plans, external materials, landscaping and boundary treatments, hours of operation, external lighting, access construction, highway improvements, (including the provision of a ghost island right hand turning facility), construction management, drainage and ecological mitigation and milestone relocation.

APPENDIX - REVIEW OF IDENTIFIED & ALLOCATED EMPLOYMENT SITES

Introduction

1. Core Strategy Policy DC07 states that:

Policy DC 7

Employment Development Outside of General Employment Areas

Proposals for employment uses outside of the identified General Employment Areas and allocated sites will only be permitted where:

- a. It is demonstrated that there are no other suitable sites available on identified or allocated employment sites;
 - b. There are particular reasons for the development not being located on an established or allocated employment site including:
 - i. The expansion of an existing business;
 - ii. Businesses that are based on agriculture, forestry or other industry where there are sustainability advantages to being located in close proximity to the market they serve; or
 - iii. Industries and / or businesses which would be detrimental to local amenity if located in settlements, including general employment areas.
 - c. The development of the site would not adversely affect the type and volume of traffic generated.
2. The Core Strategy does not define 'employment uses'. However, it is considered that the proposal is not an employment use and so Policy DC07 does not apply in this case.
 3. Nonetheless, for completeness, officers have also assessed the alternative position, i.e. if it were argued that a crematorium was an employment use so that DC07 did apply. For that purpose, this review has been undertaken of allocated and identified employment sites in Breckland to determine whether they would be suitable for the proposed crematorium.
 4. All sites included within Section 5.0 of the Breckland Employment Growth Study: Final Report (NLP, November 2013) ⁵ have been considered. The results of this review are set out below based on current knowledge of each site.

Assessment parameters

5. Assessment of potential sites has been undertaken on the basis of the proposals set out in application 3PL/2014/1204/F. The proposed development includes a main crematorium building, separate buildings for workshop facilities and a remembrance room, memorial gardens, parking and access, all on land extending to around 4.4 hectares.

⁵ https://www.breckland.gov.uk/media/1960/Employment-Growth-Study-and-Land-Review-2013/pdf/13559_Breckland_EGS_Final_Report_29_11_13

6. Account has also been taken of the locational requirements of the Cremation Act 1902 and of the Government guidance entitled 'The Siting and Planning of Crematoria' (DoE, 1978). Section 5 of the 1902 Act states that: 'No crematorium shall be constructed nearer to any dwelling-house than two hundred yards, except with the consent, in writing of the owner, lessee and occupier of such house, nor within fifty yards of any public highway, nor in the consecrated part of the burial ground of any burial authority.'
7. It is also recognised from the applicant's Planning Statement of January 2015 that it is desirable for the development, in particular the memorial gardens, to be located in areas that are not subject to noise from commercial or industrial activities. That may be material to whether particular alternative sites are 'suitable' under Policy DC07(a).
8. Applying those factors, the sites below have been considered in order to determine their suitability for the proposed development. In doing so, account has also been taken of the general sustainability advantages of providing cremation facilities in close proximity to the markets the crematorium intends to serve within Breckland.

Site Assessment

9. For the sizes and descriptions of each site, see section 5 of the Breckland Employment Growth Study: Final Report, (NLP, November 2013). For plans of each site, see Appendix 4 to the Employment Growth Study.

ATTLEBOROUGH: Bunns Bank Industrial Estate

10. There are no sites of sufficient size to accommodate the proposed development. In any event, due to the scale and nature of existing commercial activities this location would not provide a suitably quiet and tranquil environment.

ATTLEBOROUGH: Gaymer Industrial Estate

11. There are no sites of sufficient size to accommodate the proposed development. In any event, due to the scale and nature of existing commercial activities this location would not provide a suitably quiet and tranquil environment. The location is also within 183 metres of dwellings and therefore not compliant with the Cremation Act 1902.

ATTLEBOROUGH: Haverscroft Industrial Estate (including Victory Park)

12. There are no sites of sufficient size to accommodate the proposed development. In any event, due to the scale and nature of existing commercial activities this location would not provide a suitably quiet and tranquil environment.

ATTLEBOROUGH: Employment allocation, London Road

13. This site is of insufficient size and is adjacent to housing and therefore not compliant with the Cremation Act 1902. The site is also proposed for development as a school.

14. Outline planning permission has been granted for employment development on land further to the south on London Road to replace the land lost to the new school, (ref 3PL/2016/0417/O). This site is of sufficient size, and the minimum separation distance from housing could be achieved if the crematorium was located towards the rear of the site. However, given the proximity to existing and proposed commercial development it is not considered that this location would provide a suitably quiet and tranquil environment. It is also understood that the land has been acquired to enable the relocation of an existing industrial business from elsewhere in the town.

DEREHAM: Dereham Business Park (1)

15. This site has been partly developed and is of insufficient size. Due to its proximity to the A47 trunk road, the site would not provide a suitably quiet and tranquil environment.

DEREHAM: Dereham Business Park (2)

16. The site is not currently available due to access constraints. Due to its proximity to the A47 trunk road, this site would in any event not provide a suitably quiet and tranquil environment.

DEREHAM: Rashes Green Industrial Estate

17. There are no undeveloped sites of sufficient size. In any event, due to the scale and nature of existing commercial activities this location would not provide a suitably quiet and tranquil environment.

DEREHAM: Rashes Green (Scotts Field)

18. This site is of insufficient size and is too close to housing and therefore would not comply with the Cremation Act 1902.

DEREHAM: Yaxham Road Industrial Estate

19. The site is fully developed. In any event, due to the scale and nature of existing commercial activities this location would not provide a suitably quiet and tranquil environment. The site is also too close to housing and therefore would not comply with the Cremation Act 1902.

SNETTERTON HEATH: Snetterton North

20. This site is fully developed. In any event, due to the scale and nature of existing commercial activities, and the proximity of the A11 trunk road, this location would not provide a suitably quiet and tranquil environment.

SNETTERTON HEATH: Snetterton South

21. This site is largely developed. In any event, due to the scale and nature of existing commercial activities and the proximity of the A11 trunk road, this location would not provide a suitably quiet and tranquil environment.

SWAFFHAM: Ecotech Business Park

22. The site is largely developed. Available land would not be sufficient to accommodate the proposed crematorium / memorial gardens. In any event, due to the scale and nature of existing commercial activities this location would not provide a suitably quiet and tranquil environment.

SWAFFHAM: Land to north of Ecotech Business Park

23. This site is not large enough to accommodate the proposed crematorium / memorial gardens. In any event, due to the scale and nature of existing commercial activities, and the proximity of the A47 trunk road, this site would not provide a suitably quiet and tranquil environment.

SWAFFHAM: Land to west of Ecotech Business Park

24. Most of this site is too close to housing. The remainder would be subject to noise from adjacent commercial activities and therefore not provide a suitably quiet and tranquil environment.

SWAFFHAM: Station Yard

25. This site is not large enough to accommodate the proposed crematorium/gardens of remembrance and is too close to housing.

SWAFFHAM: Tower Meadows

26. This site is not large enough to accommodate the proposed crematorium / memorial gardens and is too close to housing.

THETFORD: Brunel Way Industrial Estate

27. The site is fully developed. In any event, due to the scale and nature of existing commercial activities this location would not provide a suitably quiet and tranquil environment.

THETFORD: Burrell Way Industrial Estate

28. The site is largely developed. In any event, due to the scale and nature of existing commercial activities this location would not provide a suitably quiet and tranquil environment.

THETFORD: Caxton Way Industrial Estate

29. The site is largely developed. In any event, due to the scale and nature of existing commercial activities this location would not provide a suitably quiet and tranquil environment.

THETFORD: Employment allocation, Caxton Way

30. Due to the scale and nature of existing commercial activities, and the proximity of the A11 trunk road, this location would not provide a suitably quiet and tranquil environment.

THETFORD: Fison Way Industrial Estate

31. The site is largely developed. In any event, due to the scale and nature of existing commercial activities this location would not provide a suitably quiet and tranquil environment.

THETFORD: Employment allocation, adjacent Fison Way Industrial Estate

32. Due to the scale and nature of adjacent commercial activities and the proximity of the A11 trunk road this site would not provide a suitably quiet and tranquil environment.

THETFORD: Thetford Enterprise Park

33. Due to the scale and nature of adjacent commercial activities and the proximity of the A11 trunk road this location would not provide a suitably quiet and tranquil environment.

THETFORD: Proposed Urban Extension Sites

34. These sites are not currently available. In any event they would generally be unsuitable due to their proximity to proposed housing. The sites are close to the A11 trunk road and the proposed commercial and business activities would not provide a suitably quiet and tranquil environment.

WATTON: Griston Road Industrial Estate

35. The site is largely developed and is too close to housing. The site would not enable compliance with the Cremation Act 1902.

WATTON: Norwich Road Industrial Estate

36. The site is largely developed and most is too close to housing. The site would not enable compliance with the Cremation Act 1902.

WATTON: Part of RAF Technical Site

37. The site is adjoined by housing and is of insufficient size, and therefore not compliant with the Cremation Act 1902. Approval has been given to redevelop this site for housing

WATTON: Threxton Road Industrial Estate.

38. The site is fully developed. In any event, due to the scale and nature of existing commercial activities this location would not provide a suitably quiet and tranquil environment.

WEETING: Mundford Road

39. Due to the scale and nature of existing commercial activities this would not provide a suitably quiet and tranquil environment. The site is not centrally located to meet the needs of Breckland District, taking into account the locations of existing crematoria.

WEETING: Fengate Drove

40. Due to the scale and nature of existing commercial activities this would not provide a suitably quiet and tranquil environment. The site is also constrained by its proximity to the Breckland SPA. The site is not centrally located to meet the needs of Breckland District, taking into account the locations of existing crematoria.

BANHAM: Heath Road

41. The site is of insufficient size and is fully developed. Access to the site is restricted.

BEESTON: Dereham Road

42. The site is largely developed and is close to housing and so not compliant with the Cremation Act 1902. In any event, due to the scale and nature of existing commercial activities this location would not provide a suitably quiet and tranquil environment.

BESTHORPE: Rookery Park

43. The site is fully developed and no land of suitable size is therefore available. In any event, due to the scale and nature of existing commercial activities and the proximity of the A11 trunk road, this location would not provide a suitably quiet and tranquil environment.

GRISTON: Church Road

44. The site is of insufficient size and is adjacent to housing and therefore not compliant with the Cremation Act 1902.

ROUDHAM: Camp Farm

45. The site is fully developed and no land is available. In any event, due to the scale and nature of existing commercial activities this would not provide a suitably quiet and tranquil environment.

ROUDHAM: Harling Road Industrial Estate

46. The site is largely developed. In any event, due to the scale and nature of existing commercial activities this would not provide a suitably quiet and tranquil environment.

SHIPDHAM: Shipdham Industrial Estate

47. The site is identified for heavy/bad neighbour industrial uses. Access is restricted. Due to the scale and nature of existing commercial activities this would not provide a suitably quiet and tranquil environment.

Conclusion

48. For the reasons above, it is not considered there are any available and suitable alternative sites for this development on identified or allocated employment sites. In consequence, even if Policy DC07(a) applied, in the view of officers it has been met in this case.

49. All of the above is without prejudice to the overall view that Policy DC07 does not apply to this development.

ITEM	2	RECOMMENDATION : APPROVAL
REF NO:	3PL/2016/0093/O	CASE OFFICER: Simon Wood
LOCATION:	SPORLE Land off Dunham Road	APPN TYPE: Outline POLICY: Out Settlemnt Bndry ALLOCATION: CONS AREA: N LB GRADE: N TPO: N
APPLICANT:	Mrs G Lloyd c/o Agent	
AGENT:	David Futter Associates Ltd Arkitech House 35 Whiffler Road	
PROPOSAL:	Residential Development 6no. dwellings & associated access drive, parking, garaging and amenity space	

REASON FOR COMMITTEE CONSIDERATION

This application is before Committee as it is a residential development located outside the settlement boundary of Sporle.

KEY ISSUES

Principle of Development
Highway safety and Sustainability
Trees
Landscape
Amenity
Ecology
Contamination

DESCRIPTION OF DEVELOPMENT

This application seeks outline planning consent for the residential development of land at Dunham Road, Sporle. All matters except for access are reserved for subsequent approval.

Notwithstanding that an indicative plan has been submitted which shows a scheme for six residential units arranged off a looped access road. The indicative scheme shows a three bedroomed bungalow, a pair of three bedroomed semi-detached two storey dwellings, one x three bedroomed detached house and two x four bedroomed detached houses.

Access would be from Dunham Road and would be a looped access with two access points. A minimum of two car parking spaces per dwelling is indicated.

The application was accompanied by:

Two x Concept Images Drawings
Site location plan
Indicative site layout

Site Survey
Arboricultural Impact Assessment
Design and Access Statement
Planning Statement
Extended Phase 1 Ecology Assessment
Sustainability Assessment
Contamination Desk Study and Risk Assessment

SITE AND LOCATION

The site is located adjacent to, but outside of, the settlement boundary for Sporle. There are two settlement boundary areas identified for Sporle, the main village area and a smaller group of properties. This site falls adjacent to the latter. It has a site area of 0.72ha.

Its actual use at present is unclear. It is described within the application forms as: "Additional amenity space comprising of a small holding including livestock, grassed land and various associated outbuildings". The site is a mixture of uses with various outbuildings of a temporary appearance, a number of caravans, agricultural machinery, livestock pens, scrap vehicles and various other items of scrap material and farm waste. Whilst it is not particularly visible from Dunham Road the site does give an untidy and rundown appearance.

There is substantial hedgerow screening along the front of the site as well as to its boundaries. There are also a number of trees within the hedgerow.

At present there is a single access point to the site and it lies within a 30mph zone. To the west of the site is a small estate of bungalows, one of which, on the front of the estate, is in use as a day nursery. Properties on the other side of Dunham Road are a mixture of dwelling types, ranging from single storey dwellings to larger detached properties as well as another farmstead / smallholding.

The site lies outside Sporle, the road on which it is located is an unlit rural road with no footpath.

The centre of the main village area is less than a mile away and part of that is served by a footpath. Sporle has a village store, a community centre, playing fields, public transport links to Swaffham, Watton and Kings Lynn as well as a primary school and Public House, (The Peddars Inn). Swaffham is approximately 3.5 miles away.

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

BRECKLAND COUNCIL - PLANNING COMMITTEE - 19th September 2016

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.04	Affordable Housing Principles
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

SPORLE WITH PALGRAVE PARISH COUNCIL

Sporle Parish Council welcome this development and have no objections but would like assurances that the affordable housing shown in the application will be built and not vanish as per previous planning in the village. Also it is felt that the 30mph sign should be moved further out of the village as it will be very close to the entrance of the proposed new road.

NORFOLK COUNTY COUNCIL HIGHWAYS

The required visibility splays can be achieved subject to the removal of vegetation. An objection still remains in respect of lack of pedestrian access to the main village. However, if the Local Planning Authority are minded to approve the application then several conditions should be imposed.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

It should be determined whether any trees with the potential to support bats are to be affected by the development as further surveys may be required prior to the determination of this application. If this application is approved, the requirements in Section 10 of the Ecology Report must be included as planning conditions to safeguard protected species. This includes precautions for wild birds, trees, lighting and reptiles.

ENVIRONMENTAL HEALTH OFFICERS

No objections.

CONTAMINATED LAND OFFICER

No objections subject to conditions.

TREE AND COUNTRYSIDE CONSULTANT

No objections subject to the submission of an arboricultural impact assessment, method statement and tree protection plan based on the final agreed layout.

ENVIRONMENT AGENCY

No objections.

HOUSING ENABLING OFFICER - No Comments Received

REPRESENTATIONS

None

ASSESSMENT NOTES

1.0 Principle

1.1 The application seeks outline planning permission for the residential development of a site outside the settlement boundary of Sporle. It is difficult to determine precisely the current use of the site which is clearly a mixed use of agriculture and other commercial uses including the storage of scrap vehicles and residential caravans / mobile home. Given this mix of uses it is concluded that the site could be described as a previously developed site,(brownfield).

1.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the Development Plan unless material considerations indicate otherwise. Paragraph 49 of the NPPF indicates that relevant policies within the development plan for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year housing land supply. At present the five year housing land supply is 4.73 years. Paragraph 49 of the NPPF is therefore engaged.

1.3 The site lies outside the settlement boundary but is adjacent to it. It is not considered to be an isolated location with residential properties to the west and north. It is close to the main centre of Sporle and in the context of the lack of a five year housing land supply and having regard to the conclusion that this development would constitute the redevelopment of a brownfield site it is considered that the development is acceptable in principle.

2.0 Highways and Sustainability

2.1 In terms of the technical details relating to the application there is no objection subject to conditions. The Highway Authority still remains concerned that no pedestrian facilities exist between the site and the services and amenities in the village and that residents would be required to walk in the carriageway of an unlit road to access these. There is also concern that there is no realistic alternative to residents travelling by car in this location. Consequently there are objections in relation to transport sustainability and lack of facilities for pedestrians.

2.2 Sporle is approximately one mile away and it is accepted that a proportion of the walk to the village centre would be within the carriageway. This is true for the other residential properties within this group of dwellings and it is considered that in this instance, given the relatively short distance, some of which is on a footpath, it would be difficult to sustain an objection on this ground. It is considered that there is satisfactory access to facilities within the village and it is possible for them to be accessed by foot or cycle, albeit part of that will be on an unlit carriageway with no footpath. There is a range of services within Sporle as detailed above.

2.3 The village does benefit from a bus service, Konectbus service 11 runs from Swaffham to

Dereham via Sporle. The current timetable shows nine buses to Dereham on weekdays and seven buses to Swaffham during the week. There is a reduced service on Saturdays and no Sunday or Bank Holiday Service. It is considered that this is an acceptable level of service and that in terms of access to facilities and services the site is sustainable.

2.4 It is considered appropriate to attach conditions relating to the provision of the access and the provision and maintenance of visibility splays. A condition is also proposed to ensure the necessary highway information accompanies the reserved matters application.

3.0 Trees

3.1 The site is accompanied by an Arboricultural Impact Assessment. This indicates that the main tree on the frontage, an Ash, will be retained within the loop of the access way to create a feature. Two trees will need to be removed to make way for the proposed development. This is considered to be acceptable and a landscaping scheme can make provision for mitigation in this respect.

3.2 About 44m of hedgerow will be lost along the site frontage and within the site. It is proposed to replace that with 45m of new hedging in mitigation. Hedging will be provided along the rear of the proposed visibility splays.

3.3 Whilst a Tree Protection Scheme and Arboricultural Method Statement have been submitted, the final layout has yet to be agreed and therefore, it would be appropriate to impose a condition requiring them to be updated once the final layout has been agreed.

3.4 There are no forestry objections to the scheme.

4.0 Landscape

4.1 Whilst the site is currently well screened from public vantage points it is considered to be in a rundown state. The views into the site will open up, particularly through the access points and as a consequence of the change in screening along the site frontage. It is considered, however, that this is not an isolated site, it is located within a group of dwelling and as such will not conflict with the prevailing residential nature of the area. Whilst there are benefits in removing the use and improving the appearance of the site, this by itself is not seen as justification for supporting this scheme.

4.2 The indicative scheme clearly demonstrates that a well spaced development reflecting the high density nature of much of this area, set back from the road in a linear form with frontage landscaping, can be achieved.

4.3 It is considered that there are no objections to the scheme in terms of its impact on the character and appearance of the area. It is recommended that landscaping conditions are

imposed to secure appropriate landscaping and replacement planting.

5.0 Amenity

5.1 This is an outline application with all matters except for access reserved for subsequent approval. Issues around the relationship of the new dwellings with surrounding properties and also with other properties within the development will be properly assessed at the reserved matters stage. The main issue will relate to the impact of the development on the bungalows to the west of the site. The indicative scheme shows a single storey dwelling proposed along that boundary and it would be appropriate to ensure that by an appropriate condition.

6.0 Ecology

6.1 An Extended Phase 1 Ecology Assessment was submitted with the application. It found no evidence of bats, barn owls or other protected species on the site. This included investigation of the building and trees within the site.

6.2 It does note that if work to remove or alter existing trees is undertaken then a further bat survey should be undertaken. It also notes that there are possibly nesting birds within the hedgerow and that a survey should be undertaken to assess that prior to the removal of any hedgerow.

6.3 It includes within Section 10 of the report a series of requirements for development. These are agreed and it is considered appropriate to tie any conditions to the requirements and recommendations within the report.

6.4 There are considered to be no objections to the proposal in terms of ecology.

7.0 Contamination

7.1 The application is accompanied by a Desk Top and Risk Assessment Report in relation to potential contamination. It finds no evidence of contamination but is mindful of the current use of the site. It recommends further surveys once the site is cleared. It is considered that, subject to appropriate conditions to ensure proper surveying and mitigation if required, there are no objections in terms of contamination.

8.0 Other matters

8.1 The application was originally submitted showing 40% affordable housing. As Members will recall the position in relation to affordable housing has changed and therefore there is no requirement to provide it. The applicant has amended the scheme to delete this element.

8.2 The applicant has highlighted benefits of the scheme which include the provision of housing to help towards the five year housing land supply, the creation of jobs during the construction

phase and the economic benefits to the village in support of existing services.

9.0 Conclusion

9.1 The site lies outside the settlement boundary so is contrary to the policies within the development plan. Given the lack of a five year housing land supply these policies are to be considered out of date where they relate to the supply of housing. The settlement boundary policy is one such policy. This policy can therefore carry limited weight.

9.2 The provision of six houses will, in a limited way, help the housing position and that is given significant weight. The job and economic benefits are less defined and therefore they are given moderate weight in support of the application.

9.3 The proposal is considered to be sustainable in terms of access to services and facilities and there are no objections subject to appropriately worded conditions in relation to the matters detailed above.

9.4 It is therefore considered that the development constitutes sustainable development when assessed against the Development Plan and the NPPF and therefore it is recommended for approval subject to appropriate conditions.

RECOMMENDATION

Outline Planning Permission

CONDITIONS

- 3005** Outline Time Limit (3 years)
- 3058** Standard Outline Condition
- 3047** In accordance with submitted
- 3202** Single storey dwelling only
- 3848** Foul drainage to main sewer
- DE07** Number of dwellings only (outline)
- HA08** New access - construction over verge
- HA11** Private access road - width
- 3943** Contamination found during development
- HA08** New access - construction over verge
- 3412** Trees/hedges to be retained
- 3923** Contaminated Land - Informative (Extensions)
- AN61** NOTE NCC Inf 2 When Vehicular access works required
- 3924** Precautionary Informative Gas Protection Measures
- 2014** Criterion E - Planning Apps Where Approved

BRECKLAND COUNCIL - PLANNING COMMITTEE - 19th September 2016

2001	Application Approved Following Revisions	
3060	Standard outline landscaping condition	This condition will require to be discharged
3140	Prior approval of slab level	This condition will require to be discharged
3802	Precise details of surface water disposal	This condition will require to be discharged
DE09	Demolish existing buildings on site	This condition will require to be discharged
HA05	Standard outline highways condition	This condition will require to be discharged
HA20	Provision of visibility splays - conditioned	This condition will require to be discharged
3548	Full details of external lighting	This condition will require to be discharged
3920	Non-standard condition	This condition will require to be discharged
3415	Trees and hedges	This condition will require to be discharged

ITEM	3	RECOMMENDATION : APPROVAL
REF NO:	3PL/2016/0122/F	CASE OFFICER: Heather Byrne
LOCATION:	GARVESTONE Land South of Southburgh Road & North of Blackwater River Reymerston	APPN TYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: CONS AREA: N LB GRADE: N TPO: N
APPLICANT:	Mr Tristan, Raymond, John Smith Quarry House Honingham	
AGENT:	Mr Wilf Meynell Studio Bark Unit 1K Autumn Yard	
PROPOSAL:	Erection of 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
Impact upon amenity
Impact upon highway safety
Ecology

DESCRIPTION OF DEVELOPMENT

This application seeks consent for the erection of a single storey dwelling with detached garage building to the south of Southburgh Road. The site would be accessed from Southburgh Road. The proposed dwelling would be of contemporary design and would achieve and surpass the equivalent of Code Level 6 of the Code for Sustainable Homes, which has now been withdrawn by the Government, and incorporate Passive Haus Standards. The specific technical details of the scheme will be highlighted in further detail within the assessment.

SITE AND LOCATION

The application site is located outside of any defined Settlement Boundary and currently consists of open land with a mix of flora and fauna. The gradient of the site falls towards the Blackwater River, which lies to the south of the site with an area of woodland adjoining this within the south of the site. The site is bounded to the east by an area of open land and woodland which is a County Wildlife Site, to the north by the highway and beyond agricultural land, to the west by agricultural land, and to the south by the river and beyond agricultural land.

EIA REQUIRED

No

BRECKLAND COUNCIL - PLANNING COMMITTEE - 19th September 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

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	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CIL / OBLIGATIONS

Not Applicable

CONSULTATIONS

GARVESTONE P C

The Parish Council objects to this application. The dwelling would be outside the settlement boundary in an unsustainable location and no social or agricultural need has been demonstrated.

NORFOLK COUNTY COUNCIL HIGHWAYS

Request the imposition of conditions relating to the vehicular access, gates etc, visibility splays, parking and turning area and an informative relating to works within the public highway.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

The Ecological Impact Assessment Report sufficiently addresses any potential ecological issues. As long as the recommendations, mitigation and working methods provided in this report, along with the Landscape Strategy Plan are adhered to and implemented this will ensure a positive impact on biodiversity and wildlife at the site and at a local level.

TREE AND COUNTRYSIDE CONSULTANT

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), provided by Oakfield Arboricultural Services ref : OAS/15-199-AR01.

CONTAMINATED LAND OFFICER

Recommend approval providing the development proceeds in line with the application details and subject to the imposition of conditions relating to a desk study / site investigation and unexpected

contamination.

ENVIRONMENT AGENCY

No comment.

CRANWORTH P C

Cranworth Parish Council do not support any new buildings in unserved villages and therefore cannot support this application.

NATURAL ENGLAND

No comments.

ANGLIAN WATER SERVICE - No Comments Received

REPRESENTATIONS

Two objections have been received stating the following:

- The site is in an area not characterised by development;
- What would happen to Protected Species on site;
- The road access is poor and dangerous;
- No local facilities; and
- Telephone and broadband services are poor.

Four letters of support were received.

ASSESSMENT NOTES

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

2.0 Principle of development

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

2.2 National planning policy, as set out in Paragraph 55 of the National Planning Policy Framework (NPPF), also indicates that local planning authorities should avoid isolated new homes in the countryside, but extends the special circumstances that may justify development to include, amongst other things, the exceptional quality or innovative nature of the design of the dwelling. To qualify for favourable consideration, such dwellings should:

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

The applicant contends that the proposal would satisfy these criteria.

2.3 In this respect it is noted that the proposal would be:

- Constructed with the aim to achieve and surpass the equivalent of Code level 6 of the Codes for Sustainable Homes, which has now been withdrawn by the Government;
- Designed to maximise the benefit of solar gain and solar shading and would be built to achieve Passive Haus Standard U Values to reduce energy use. The design of the dwelling with a narrow plan depth and courtyard allows all parts of the building to benefit from natural light and passive cross-ventilation and the bespoke design with careful orientation helps to capture the best views out, whilst maximising the potential of solar gains;
- Constructed using on-site and locally sourced materials including Norfolk flint,(for the gabion rain-screen walls) and managed British Douglas Fir,(for cladding);
- Utilising a green roof to accommodate various types of local flora and fauna to help visually bed the building into the landscape and to mitigate against the loss of habitat and promote biodiversity, reduce rain water run-off, and help to buffer radiant heat and keep the building cool in the summer;
- 'Off-grid' with energy for the building being produced from a solar PV array, biofuel generator, log batch biomass boiler, ground source heat pump, and a mechanical ventilation / heat recovery system and water would be provided via a bore hole and water from the roof would be harvested for maintenance of the existing / new planting; and
- Aiming to be the first application in the UK of a domestic Cemfree exposed slab, which can provide a saving of CO₂ of up to 90% against traditional concrete (Portland concrete), which also improves the thermal stability of the whole building.

2.4 Other features of the building would include the use of triple glazing to reduce heat loss and a landscaping design which incorporates many features that would enhance the ecology and local biodiversity, including the introduction of an orchard, green roof, log piles, buffer zones to ensure existing habitats and connections from the County Wildlife Site are maintained, new additional hedging, management of existing woodland, and wild flower planting.

2.5 In general terms the proposed design is interesting and contemporary in its approach and style and would utilise materials including flint and British Douglas Fir and a green roof which would not be significantly out of character with the surrounding rural context. In terms of architecture the design of the dwelling is bespoke and contemporary and whilst not of a traditional design it would not sit immediately adjacent to any other properties and is largely screened from the surrounding area by existing / proposed landscaping and boundary treatments and therefore it is considered the contemporary approach is acceptable in this instance.

2.6 The applicant states the proposal comprises truly outstanding design by introducing outstanding architecture in a manner that respects and enhances its surroundings, whilst creating a unique building and addressing the fine balance of providing interest and delight without drawing undue attention to itself. The applicant also states the proposal would become a precedent for low impact, low energy and low cost environmental design in Breckland and the surrounding area.

3.0 Impact upon character and appearance of area

3.1 In terms of the effect of the proposal on the character and appearance of the area, it is noted

that the site is secluded in nature, being largely screened by established hedging and trees. The dwelling would be set well back within the site and partially screened by existing woodland and additional planting and would not intrude visually into the surrounding open landscape. The proposed dwelling and garage building would be located to the southwest of the site between the woodland to the south and the north, which allows the proposal a combination of shelter and discreetness.

3.2 Also due to the single storey nature of the dwelling in conjunction with the gradient of the site the dwelling is partially concealed within the site and therefore only glimpses of the dwelling would be afforded to the surrounding area. The proposed materials also complement the surrounding rural character. Combining the use of a heavy weight flint gabion facade and a diverse green roof helps to project the illusion that the building is growing out of the landscape and further helps to assimilate the dwelling into its rural surroundings.

3.3 The proposal is arranged around an orderly central courtyard designed to bring natural light into all corners of the plan, whilst maximising the potential of natural cross-ventilation. The northern edge and approach to the building sits low in the landscape, allowing approaching visitors to catch a glimpse up and over the green roof to the surrounding landscape.

3.4 The proposal as highlighted above includes a green roof, which would accommodate a variety of local flora and fauna to assimilate the proposal into the surrounding landscape, whilst promoting biodiversity, reducing rain water run-off, and helping to buffer radiant heat and keeping the building cool in the summer. The proposal also includes a landscaping scheme, which would enhance the appearance of the site and add to the biodiversity of the locality.

3.5 Taking these considerations into account, it is concluded that the proposal would accord with national planning policy and is considered to be innovative in terms of design and of a high standard of architecture. Whilst the proposal would conflict with Policy CP14, this policy is not entirely consistent with the NPPF for the reasons set out above, and can therefore be afforded limited weight. Consequently the proposal is considered to be acceptable in principle.

4.0 Impact upon amenity

4.1 In terms of neighbour amenity it is considered the proposal would not impact upon amenity in terms of loss of light, privacy or overlooking given the nearest residential property is over 600m away and given existing / proposed boundary treatments and landscaping which screen the majority of the site.

5.0 Impact upon highway safety

5.1 The Highways Authority states the road serving the site is single track with limited passing provision in the vicinity of the plot; however, given the commercial development which operates within the vicinity of the site to the east it would be difficult to substantiate a highway objection and therefore recommends the imposition of conditions relating to the vehicular access, gates etc, visibility splays, parking and turning area and an informative relating to works within the

public highway.

6.0 Ecology

6.1 Initially the Ecological and Biodiversity Consultant raised concerns with the proposal as the application risked causing significant harm to biodiversity and therefore further information, construction methods, an Ecological Impact Assessment,(EIA) and the further surveys as recommended in the Preliminary Ecological Appraisal are required prior to the determination of the application to demonstrate how this would be avoided and the development permitted in line with the NPPF.

6.2 This additional information was provided and the Ecological and Biodiversity Consultant stated the Ecological Impact Assessment Report sufficiently addresses any potential ecological issues. As long as the recommendations, mitigation and working methods provided in this report, along with the Landscape Strategy Plan are adhered to and implemented this will ensure a positive impact on biodiversity and wildlife. The enhancements listed throughout the Environmental Impacts Assessment Report and on the Landscape Strategy Plan would ensure the sustainability of the development in line with the NPPF and Natural Environment and Rural Communities,(NERC), Act 2006. If these measures are implemented there would be more than adequate compensation for the habitats lost as a result of the development and the proposals would be contributing to an overall positive impact on biodiversity and wildlife within the local area.

6.3 These mitigation measures and enhancement opportunities relate to Great crested newts, reptiles, bats, badgers, nesting birds, common toads and frogs, hedgehogs, and the Blackwater River and associated habitats and species.

6.4 Natural England had no comments to make.

6.5 It is therefore considered the proposal would make an overall positive impact upon biodiversity and wildlife within the local area.

7.0 Other matters

7.1 The Tree Consultant states the proposal would have a low impact on trees and therefore requests 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) provided by Oakfield Arboricultural Services.

7.2 The Contaminated Land Officer recommends approval providing the development proceeds in line with the application details and subject to the imposition of conditions relating to a desk study / site investigation and unexpected contamination.

BRECKLAND COUNCIL - PLANNING COMMITTEE - 19th September 2016

7.3 The Environment Agency had no comments to make.

8.0 Conclusion

8.1 In light of the foregoing it is concluded that the proposal is acceptable subject to appropriate planning conditions. Although contrary to Core Strategy Policy CP14, the proposal would comply with Government policy which permits housing in such locations where it is justified by its outstanding and innovative design.

8.2 It is recommended therefore that permission is granted subject to conditions.

RECOMMENDATION Planning Permission

CONDITIONS

3007	Full Permission Time Limit (3 years)	
3047	In accordance with submitted	
3920	Sustainable construction credentials	
3413	Indicated landscaping to be implemented	
HA08	New access - construction over verge	
HA24	Provision of parking and servicing - when shown on plan	
3920	Ecology - mitigation & enhancement measures	
3920	Ecology - Botanical survey	
3106	External materials and samples to be approved	This condition will require to be discharged
HA13	Access gates - configuration	This condition will require to be discharged
HA20	Provision of visibility splays - conditioned	This condition will require to be discharged
3944	Contaminated Land - Desk Study/Site Investigation	This condition will require to be discharged
3946	Contaminated Land - Unexpected Contamination	This condition will require to be discharged

ITEM	4	RECOMMENDATION : REFUSAL
REF NO:	3PL/2016/0225/F	CASE OFFICER: Jemima Dean
LOCATION:	SHIPDHAM 32 & 34 Letton Road	APPN TYPE: Full POLICY: In Settlemnt Bndry ALLOCATION: CONS AREA: N LB GRADE: N TPO: N
APPLICANT:	R. Paterson Grange Farm Shipdham	
AGENT:	Sturdivant Design Consultants Ltd Blackberry Cottage Cranworth	
PROPOSAL:	Demolition of 2 existing dwellings and erection of 3no. dwellings with access parking	

REASON FOR COMMITTEE CONSIDERATION

The application is called in to planning committee at the request of Cllrs Lynda Turner and Paul Hewett.

KEY ISSUES

Principle of development including impact on non-designated heritage asset
Impact on character and appearance of area
Protection of amenity
Highway safety

DESCRIPTION OF DEVELOPMENT

The application seeks planning permission for the erection of a terrace of three two storey three bedroom dwellings fronting Letton Road in Shipdham. Access to serve the development would be via a track leading from Letton Road to a parking area to the rear of the dwellings. The existing pair of dwellings would be demolished as part of the application.

SITE AND LOCATION

The application site falls within Shipdham Settlement Boundary and currently consists of a pair of late Georgian semi-detached dwellings, (number 32 and 34 Letton Road) and residential garden land. Immediately to the north east of the site is Letton Road. To the south east of the site is Letton Road Nurseries and to the north west more recently built two storey semi-detached houses.

EIA REQUIRED

No

RELEVANT SITE HISTORY

No relevant site history

BRECKLAND COUNCIL - PLANNING COMMITTEE - 19th September 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

SS1	Spatial Strategy
CP.01	Housing
CP.04	Infrastructure
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	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CIL / OBLIGATIONS

Not Applicable

CONSULTATIONS

SHIPDHAM P C

No Objections.

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection subject to conditions.

CONTAMINATED LAND OFFICER

No objection subject to conditions.

ENVIRONMENTAL HEALTH OFFICERS

No Objections.

HISTORIC BUILDINGS CONSULTANT

-Age: The building would appear to be mid 19th century and is visible on the 1st series Ordnance Survey, which dates from the 1880's.

- Rarity: The building represents a form that has now become uncommon to the locality.
- Aesthetic Value: The building exhibits a positive architectural appearance in the streetscape
- Group Value: The building, whilst separated from other traditional buildings by mid 20th century housing, reflects the wider context in which it is set as it is within sight of other traditional buildings, which are of a similar scale, although predominantly of rendered clay lump.
- Social and Communal Values: The application site and buildings are set within a prominent location and are locally distinctive.

Based on the above criteria the building can be identified as a non-designated heritage asset. Consequently, it is recommended that the dwellings are retained and refurbished to enable on-going residential use. Whilst not considered in this current application submission, further

BRECKLAND COUNCIL - PLANNING COMMITTEE - 19th September 2016

development on this site, perhaps in the form of extension of the existing building, or development within its curtilage, could have merit.

HISTORIC ENVIRONMENT OFFICER

These dwellings are still attached to the small-holding strips which provided a living for the inhabitants. The houses are shown on the tithe map of circa 1840 and have a symmetrical layout with skewback arches to the small casement windows and are built with traditional materials of flint to the sides and brick to the facade. There is a shallow-pitched pantile roof. As a rare surviving example of a relatively unaltered pair of late Georgian semi-detached houses still associated with their strip fields makes the houses undesignated heritage assets of value.

The planned aspect of the dwellings suggests that they were constructed by an large estate - possibly Letton Hall nearby. Thus the building is without doubt a heritage asset of value. No considered reasoning has been forthcoming on why the buildings might be beyond repair and would recommend a conservation-based refurbishment.

ANGLIAN WATER SERVICE - No Comments Received

REPRESENTATIONS

None

ASSESSMENT NOTES

1.0 Principle of development

1.1 The site falls within the settlement boundary where residential development is generally acceptable in principle, however, the proposal would include the loss of a valuable non designated heritage asset and the resultant design and layout of the replacement dwellings is considered to be unacceptable and not sympathetic to the form and character of the area resulting in a development of poorer design to that which currently exists.

2.0 Impact on character and appearance of area

2.1 The proposal includes the demolition of properties No. 32 and No. 34 Letton Road. These dwellings comprise a pair of late Georgian semi-detached dwellings, still attached to the small-holding strips which provided a living for the inhabitants. The houses are shown on the tithe map of circa 1840 and have a symmetrical layout with skewback arches to the small casement windows and are built with traditional materials of flint to the sides and brick to the facade connected with their strip fields and the planned aspect of the dwellings suggests that they were constructed by a large estate - possibly Letton Hall which is nearby. As a rare surviving example of a relatively unaltered pair of late Georgian semi-detached houses still associated with their strip fields makes the houses without doubt undesignated heritage assets of value.

2.2 The building exhibits a positive architectural appearance in the streetscape and the building, whilst separated from other traditional buildings by mid 20th century housing, does reflect the wider context in which it is set as it is within sight of other traditional buildings, which are of a similar scale, although predominantly of rendered clay lump. The application site and buildings are set within a prominent location and locally distinctive.

2.3 The properties require updating and refurbishing to bring them back to a habitable standard and as an alternative, planning permission is sought to demolish the houses and redevelopment the site to provide a terrace of three two storey dwellings.

2.4 Amongst the Core Planning Principle of the NPPF is to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Paragraph 135 of the NPPF indicates that the effect of an application on the significance of a non-designated heritage asset should be taken into account and a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

2.5 Paragraph 131 of the NPPF states that local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;
- and the desirability of new development making a positive contribution to local character and distinctiveness.

2.6 The existing dwellings if renovated would provide residential accommodation, a use which would be consistent with their conservation and which would result in a positive contribution to the surrounding area. The proposed demolition of the pair of semi-detached dwellings would result in the loss of a heritage asset which would cause a detrimental amount of harm to the character and appearance of the area in which it is located. The demolition and subsequent re-development of the site for the erection of a terrace of three dwellings would not result in a positive contribution to the local character and distinctiveness and offers an inadequate response to the established pattern of development in the area.

2.7 The Historic Environment Service and Historic Building Consultant object to the proposed development. It is recommended that the historic asset is retained and refurbished to enable on-going residential use.

3.0 Protection of amenity

3.1 The proposed location of the dwellings is not considered to cause an unacceptable loss of amenity for neighbouring residents with regard to over dominance or loss of privacy.

4.0 Highway safety

4.1 In terms of highway safety the development proposes a single access to serve all three dwellings directly from Letton Road to a parking area to the rear of the proposed terraces dwelling. The Highway Authority raises no objection subject to conditions.

5.0 Conclusion

5.1 The proposed redevelopment of the site would result in the loss of a non designated heritage asset of value causing a detrimental amount of harm to the character and appearance of the area. It is considered that the provision of housing, even in a situation where there is not a five year housing land supply, do not outweigh the harm to the non-designated heritage asset having regard to the balancing exercise required under paragraph 135 of the NPPF. In the light of the above the application is recommended for refusal.

RECOMMENDATION Refusal of Planning Permission

REASON(S) FOR REFUSAL

9900 Loss of heritage asset impact character and appearance

BRECKLAND COUNCIL - PLANNING COMMITTEE - 19th September 2016

ITEM	5	RECOMMENDATION : APPROVAL
REF NO:	3PL/2016/0317/EU	CASE OFFICER: Nick Moys
LOCATION:	KENNINGHALL Green Farm Edge Green	APPN TYPE: Cert. Law.Exist.Use POLICY: Out Settlemnt Bndry ALLOCATION: CONS AREA: N LB GRADE: N TPO: N
APPLICANT:	CCL Holdings Ltd Green Farm Edge Green	
AGENT:	Howes Percival LLP The Guildyard 51 Colegate	
PROPOSAL:	Operational Development & use of grinder house (Certificate of Lawfulness)	

Reason For Committee Consideration

See Attached Report

BRECKLAND COUNCIL - PLANNING COMMITTEE - 19th September 2016

ITEM	6	RECOMMENDATION : APPROVAL
REF NO:	3PL/2016/0318/EU	CASE OFFICER: Nick Moys
LOCATION:	KENNINGHALL Green Farm Edge Green	APPN TYPE: Cert. Law.Exist.Use POLICY: Out Settlemnt Bndry ALLOCATION: CONS AREA: N LB GRADE: N TPO: N
APPLICANT:	CCL Holdings Ltd Green Farm Edge Green	
AGENT:	Howes Percival LLP The Guildyard 51 Colegate	
PROPOSAL:	Use of buildings constructed up to 2005, exclude grinder house, access & hard surfacing area Certificate of Lawfulness	

REASON FOR COMMITTEE CONSIDERATION

See Attached Report

BRECKLAND COUNCIL

PLANNING COMMITTEE – 19TH SEPTEMBER 2016

REPORT OF DIRECTOR OF PLACE

(Author: Nick Moys, Principal Planner)

APPLICATIONS FOR LAWFUL DEVELOPMENT CERTIFICATES – CROWN MILLING, GREEN FARM, EDGE GREEN, KENNINGHALL

Applicant: CCL HOLDINGS LTD

References: 3PL/2016/0317/EU & 3PL/2016/0318/EU

Introduction

1. This report concerns two applications for lawful development and / or use certificates relating to existing development and uses at an animal feed mill and poultry hatchery at Green Farm, Edge Green, Kenninghall, ('the Applications').
2. The Applications relate to the following developments:
 - use of those buildings constructed up to 2005, (excluding the grinder house), access and hard surfacing areas (3PL/2016/0318/EU); and
 - operational development and use of the grinder house, (3PL/2016/0317/EU).
3. A third application, (ref 3PL/2016/0315/EU), for operational development up to 2011, (excluding the grinder house), was originally submitted by the applicant. This third application sought a certificate of lawfulness for the same operational developments covered by a certificate granted in July 2015 under reference 3PL/2014/0998/EU, (the 'July 2015 Certificate'). The July 2015 Certificate was subject to judicial review challenge at the time the third application was submitted, but this Certificate has since been upheld by the High Court in May 2016, (see paragraph 14 below). The third application was subsequently withdrawn by the applicant.
4. The Applications are supported by various forms of documentary evidence and witness statements. The Applications are also accompanied by an Environmental Statement submitted under the Environmental Impact Assessment Regulations¹ (the EIA Regulations).
5. Taken together, the Applications are broad in scope and seek to establish the lawfulness of the current use of all feed mill and poultry hatchery developments constructed on the site up to 2005 and the construction and current use of the grinder house which are currently situated on the site.
6. Existing developments and uses which fall outside the scope of the Applications are the subject of three separate retrospective planning applications for:
 - the continued use of buildings constructed between 2005 and 2011, (silo & mixer extension to west of mill); (3PL/2016/0319/F);
 - the construction, retention & continued use of shelter, weighbridge, loading bay, bins, electricity switchgear steel shed & workshop extension, (3PL/2016/0320/F); and

¹ Town & Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).

- the construction and continued use of underground storage tanks, (3PL/2016/0321/F).
7. These planning applications are still under consideration and will be referred to Planning Committee for consideration at a later date. Collectively the lawful development certificate applications and the planning applications referred to in paragraphs 2 and 6 above seek to regularise all current developments and operations on the site.
 8. References to development numbers in this report are references to those developments contained and listed in Appendix 1.

Site & Location

9. Green Farm is located within the hamlet of Edge Green around 950 metres to the south of the main village of Kenninghall. Edge Green comprises around 30 dwellings, which extend in a linear fashion along Heath Road and are interspersed with open fields and farmsteads. The site extends to around 2.4 hectares and comprises an animal feed mill and poultry hatchery operated by Crown Milling.
10. To the north of the site are four residential properties: Bramble Cottage, Edge Green Farm, The Bungalow and Field View. A small belt of trees is located to the east side of Edge Green Farm. Heath Road itself is bound by substantial hedgerows and mature trees that limit views across the development site and surrounding fields. To the east, the application site is bound by a substantial hedgerow, with open fields beyond. To the south and west, the site is bound a drainage ditch, with views of open fields.

Planning History

11. The application site has a planning history dating back to the late 1950s, of which Members will be aware from previous applications. Consequently, the site history, insofar as it is relevant to the Applications, is summarised only briefly here.
12. Two previous applications for lawful use certificates have been submitted for development at Green Farm, as follows:
 - 3PL/2011/1263/EU Use of land and buildings as an animal feed mill & poultry hatchery; and
 - 3PL/2014/0998/EU – Operational development.
13. Following consideration of application 3PL/2011/1263/EU, a lawful development certificate for use of land and buildings was issued by the Council in July 2012. This decision was subject to legal challenge and was subsequently quashed with the Council's consent by the High Court. Consequently, the application was remitted back to the Council for consideration, but was then withdrawn by the applicant.
14. A subsequent application for an operation development certificate was submitted by the applicant in June 2014. After consideration of this application, (ref 3PL/2014/0998/EU), the Council issued the July 2015 Certificate confirming that those operational developments listed as items 1 to 44 in Appendix 1 were lawful. This decision was also challenged through the courts, but the claim for judicial review was dismissed by the High Court in May 2016 and the July 2015 Certificate was upheld². Those developments

² Waters, R (On the Application Of) v Breckland District Council [2016] EWHC 951 (Admin)(06 May 2016

date from 1958 onwards, and include the erection and extension of buildings of various sizes and uses, and plant and equipment. The developments all relate to the use of the site as a feed mill and poultry hatchery, and account for the majority of existing built development at Green Farm. Green Farm was formerly in agricultural use, but it is clear from the evidence that a feed mill and poultry hatchery have operated from the site for a considerable number of years.

15. There are no enforcement notices in force in relation to the site.

Consultations

16. The following consultation responses have been received in relation to the Applications. This is following on-going consultation since submission of the Applications in March 2016, which included erection of site notices in April and June 2016. Letters inviting comments were also sent to all statutory consultees, and third parties who had commented on the previous certificate application, again in April and June 2016. As noted above, as the applications are for certificates of lawfulness, it is not necessary to consider the planning merits of the continued development and uses. Such matters are irrelevant, subject to the comments below in respect of Environmental Impact Assessment.

Kenninghall Parish Council

17. Kenninghall Parish Council welcomes the fact that the current set of applications are before Breckland Council as evidence of a comprehensive attempt by the applicants to finally resolve what has been a highly unsatisfactory regulatory situation at CCL / Crown Milling that has existed over many years. As evidence of the Parish Council's previous concerns covering much of which still need to be resolved, it refers the Planning Committee to our submission of 2012, (which were concerned mainly with emissions from the site and highway visibility).
18. Following discussion of the current applications at its recent meeting, no Councillor put forward clear evidence to either prove or disprove the Applicant's Statements.
19. With regard to HGV traffic movements local residents of Heath Rd have recorded personal impressions that HGV traffic has increased significantly over recent years. What is also clearly apparent is the steady material deterioration of Heath Rd, including its drainage, due to the size weight and frequency of HGVs accessing the Mill. Kenninghall Parish Council has more than once requested an independent survey of traffic along Heath Rd. Unfortunately Norfolk County Council Highways have refused to carry one out.
20. As well as clear regulatory guidance on the hours of operation of the Mill, Kenninghall Parish Council strongly recommends that in order to resolve the practical issues that continue to disrupt Heath Road and which impact directly on Kenninghall as a whole, (ie. the increase in HGV movement), CCL should construct a service road to divert the movement of HGVs away from Heath Road / Kenninghall; and clearly regulate the hours of movement of HGVs.

Highway Authority

21. Comments remain as given in respect of the previous CLUED applications, 3PL/2011/1263 and 3PL/2014/0998, namely that whilst the Authority has concerns regarding the adequacy of the adjacent highway network to serve

the development, the County Council has no relevant evidence to assist the Local Planning Authority in determining the legitimacy of the application for a Certificate of Lawfulness

Natural England

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

Environmental Health Officer

23. There are no objections or comments on the grounds of Environmental Protection, providing the development proceeds in line with the application details. The site is controlled in terms of noise, waste and other emissions by a permit issued and enforced by the Environment Agency.

Contaminated Land Officer

24. There are no objections or comments on the grounds of Environmental Protection.

Air Quality Officer

25. There are no comments regarding Local Air Quality Management. The site is subject to an Environmental Permit issued by the Environment Agency and all such matters are controlled by this.

Representations

26. A number of representations have been received from local residents both in opposition to and support of the applications. Members may view these representations under the application references at: <http://www.breckland.gov.uk/planningsearch>. The comments made relate in the main to the merits or otherwise of the development, including on one hand, reference to increased traffic volumes, harm to highway safety, damage to road surfaces, increases in disturbance and odours; and on the other hand, improvements to environmental controls relating to noise and dust emissions which have made the site quieter and cleaner. Matters relating to planning merits or environmental impacts are not relevant to the determination of these applications. Matters relevant to the alleged intensification of use are discussed below.
27. In relation to matters of fact and legal interpretation, it is argued that the grinder house refurbishment should not be found to be lawful given the scale and nature of works involved, which essentially amounted to the construction of a new building.

Legal Background

28. Under section 191 of the Town & Country Planning Act 1990, (the Act), uses and operations are considered to be lawful if:
- no enforcement action may be taken in respect of the development or uses, (whether because they did not require planning permission, or the time limit for taking enforcement action has expired, or any other reason); and
 - the development or uses do not contravene an existing enforcement notice which is in force.

29. Applications for certificates of lawfulness must be determined on the basis of the facts of the case and relevant planning law, (i.e. under the Act). As already noted, the planning merits of developments or uses are not relevant.
30. It is the responsibility of an applicant to provide sufficient information and evidence to support an application. Local planning authorities may also seek their own evidence, provided that this is shared with the applicant. The evidential test is in on the balance of probabilities. However, whilst the onus of proof rests with an applicant, if a local authority has no evidence itself or from others to contradict an applicant's version of events, then certificate applications should not be refused.
31. Mere intensification of a use does not amount to a material change of use. The question in each case is whether the intensification is of such a degree as to amount to a material change in the character of the use: *Blum v Secretary of State for the Environment* [1987] JPL 278; and *Hertfordshire CC v Secretary of State for Communities and Local Government* [2012] EWHC 277 (Admin) and [2012] EWCA Civ 1473. In determining whether there has been a material change of use by reason of intensification it is permissible to consider off-site effects and the impact on other premises.

Assessment (Certificates of Lawfulness)

32. The Applications are supported by extensive documentary evidence including copies of planning application and planning permissions, details of relevant permitted development rights and their limitations, copies of historic correspondence relating to the construction of buildings, photographs, statutory declarations and witness statements. The applicant's evidence includes, in particular, a witness statement from the Finance and Milling Director of Crown Chicken Limited, which confirms in full the history of the site, the nature of each item of development, dates of construction, and historic and current uses.
33. The Environmental Statement also details the history of the site in terms of when each building was constructed, its uses and environmental impacts following assessment of the current operations. Detailed plans and photographs have also been provided and the Council has no evidence to doubt the soundness of all this evidence. Further, the Parish Council has also confirmed that they have no evidence to assist and therefore the conclusions below concerning the lawfulness of each development is based on the evidence produced by the applicant and the Council's knowledge of the site to date including its site visits.
34. Consideration has also been given to the evidence presented as part of the judicial review proceedings in respect of the July 2015 Certificate and comments from statutory consultees and third parties.
35. On the basis of this, as explained below, and taking into account advice from the Council's solicitors, it is considered that the evidence and legal arguments put forward in the Applications are sound and that there is no reason to doubt the evidence on the balance of probabilities.
36. In addition, consideration has been given to whether a material change of use the site has occurred within the 10 year period ending on the date of the Applications, whether through intensification or otherwise.
37. More detailed assessments of the Applications are set out below.

Application 3PL/2016/0318/EU

38. This application relates to the use of all developments constructed on the site up to 2005, (items 1 to 42), excluding the grinder house, (items 10 and 46). plus the access and hard standing areas upon which buildings are not situated. This application seeks a certificate for “current” and “continued” use of those listed buildings, access and hard standing areas at the site “as a feed mill and hatchery”. The developments listed are the same as those included in the July 2015 Certificate, although this certificate only confirms that the operational development is lawful, (i.e. building works), rather than the use of land and buildings, which is what this application now seeks. The current application also includes the use of the remainder of the site outside the footprint of buildings, together with the construction and use of access and hard standing areas, all in connection with the overall use of the site as feed mill and poultry hatchery.
39. Of the various developments listed, the July 2015 Certificate confirms that, (in respect of operational development), five items of development benefit from express planning permissions, (granted between 1969 and 2004), 13 developments were constructed pursuant to permitted development rights, with the remaining 26 developments immune from enforcement action as they were substantially complete over 4 years ago or did not constitute development. For the purposes of the current application it is also noted that a number of developments have been demolished previously and that no certificate is required or may be granted for these. This includes items 2(d), 7, 9, 12 to 14, 20, 22 to 24, 26, 28, 30, 32 33, (removal of workshop only), 40 and 41.
40. Accordingly, in respect of those developments numbered 8, 18, 25, 27 and 39, it is considered that the construction of these buildings is lawful pursuant to express planning permissions, as confirmed in the July 2015 Certificate. Furthermore, it is considered that the use of these buildings as part of the site as an animal feed mill and hatchery is lawful under section 75 (3) of the Act. Section 75 (3) provides that where no use is specified, a planning permission granted for the erection of a building may be construed as including permission to use the building for the purposes for which it was designed, which in this case is considered to include use as part of the use of the site as a feed mill and hatchery.
41. In any event, it is also clear from the evidence summarised at paragraphs 32 and 33 above that these buildings have been used as part of the site as an animal feed mill and hatchery for over 10 years and that no material change of use within this period has occurred. Consideration has also been given to the question of material change of use through intensification. Local representations relating to the scale and nature of the activities undertaken at the site have been considered together with the impacts identified in the Environmental Statement submitted by the applicant. It is considered that as a matter of fact and degree there has been no material change of use through intensification because there has been no material / definable change in the character of the use within the 10 year period ending on the date of the Applications.
42. It is considered therefore that the current use of these buildings is lawful as part of the site as an animal feed mill and hatchery. No enforcement action could be taken in respect of such uses.
43. In respect of those developments numbered 2 (a), 2 (b), 2 (c), 6, 10, 11, 16, 17 and 19 it is noted that the construction of these buildings was authorised

under permitted development rights, as confirmed in the July 2015 Certificate. For the same reasons as stated in paragraph 40 above, the use of these buildings as part of the site as an animal feed mill and hatchery is lawful under section 75 (3) of the Act.

44. In any event, it is clear from the evidence, (summarised at paragraphs 32 and 33 above), that the use of these buildings occurred for more than 10 years prior to and as of the date of the application, and it is considered that no material change of use within this period has occurred for the reasons referred to in paragraph 40 above. It is also considered therefore that the current use of these buildings as at the date of the application is lawful as part of the site as an animal feed mill and hatchery. No enforcement action could be taken in respect of such uses.
45. In respect of those developments numbered 1, 3, 4, 5, 15, 21, 29, 31, 33, 34, 35, 36, 37, 38 and 42, it is noted that the July 2015 Certificate confirms the lawfulness of the construction of these buildings. It is clear from the evidence, (summarised at paragraphs 32 and 33 above), that the use of these buildings as part of the site as an animal feed mill and hatchery has taken place for over 10 years prior to and as of the date of the application, and that no material change of use within this period has occurred for the reasons referred to in paragraph 41 above. The current use of these buildings as part of the site as an animal feed mill and hatchery is lawful therefore. No enforcement action could be taken in respect of these uses.
46. In respect of those areas of the site that currently do not comprise of buildings, i.e. hard standing and access, it is clear from the evidence, (summarised at paragraphs 32 and 33 above), that these areas have been constructed and used for a period exceeding 10 years prior to and as of the date of the application as part of the site as an animal feed mill and hatchery. This includes all those areas within the site where buildings stood previously and which continue to be used as part of the feed mill and hatchery. It is also clear that the use of these areas has not intensified so as to constitute a material change of use within the preceding 10 years for the reasons referred to in paragraph 41 above. Accordingly, such operational development and uses are now immune from enforcement action.

Application 3PL/2016/0317/EU

47. This application relates solely to the development and use of the grinder house and its subsequent refurbishment, (items 10 and 46 respectively). Again, this application seeks a certificate for “current” and “continued” use of these buildings at the site “as a feed mill and hatchery”.
48. It is claimed by the applicant that the original grinder house was built pursuant to permitted development rights and has in any event been in use for more than 10 years having been constructed in or around 1970. According to the applicant’s evidence, the grinder house was refurbished starting in or around 2010 and completed in early 2011. It is argued that the work undertaken is immune from enforcement action as it was substantially complete more than 4 years ago and did not result in material use of the land. The applicant has supported this position through evidence, including witness statements, and there is no reason to doubt this on the balance of probabilities.
49. On the basis of the above, the following conclusions have been reached. In respect of the grinder house, (item 10) and its refurbishment, (item 46), it is noted that these buildings are deemed lawful under the July 2015 Certificate.

As the construction of the grinder house, (item 10), was deemed lawful pursuant to permitted development rights, its use in connection with the animal feed mill and hatchery is lawful under section 75 (3) of Act for the same reasons as set out in paragraph 38 above.

50. Further and in any event, it is considered that the grinder house,(including items 10 and 46), is wholly integral to the operation of the feed mill use which has occurred for a period exceeding 10 years prior to the date of the application. The use of these buildings has not intensified within the last 10 years and no material change of use has occurred. It is considered therefore that the current use of these buildings is now immune from enforcement action and lawful as part of the site as an animal feed mill and hatchery.

Assessment (Environmental Impact Assessment)

51. Although not legally required by the EIA Regulations, as with the July 2015 Certificate application, the applicant has voluntarily submitted an Environmental Statement ('ES') that assesses the likely significant environmental effects of the operational development and current uses at the site. The ES has been treated and considered as if it were legally required under the EIA Regulations and publicised and consulted upon in the usual way.
52. It is noted that the assessment of effects in the ES is based upon a defined baseline year of 1980, as the operational development prior to this pre-dated the introduction of the EIA regime, (and thus EIA considerations are irrelevant) and the majority of which were constructed pursuant to permitted development rights or express permission. The ES therefore assesses those developments constructed over a 30 year period during 1980–2011 and their use as at the date of the assessment in 2015, (the 'development').
53. An ES should assess the likely significant environmental effects of the development and the interaction between them. The EIA Directive, (as amended), also requires that the effects deriving from the vulnerability of the development to risks of major accidents and / or disasters should be assessed where relevant.
54. The ES identifies key impacts from the identified development that have occurred between 1980 and 2015 under the following headings: i) employment and economy, ii) transport, iii) noise, iv) drainage, v) ecology and vi) cumulative effects. A number of matters have been scoped out by the ES, including air quality and landscape impacts. Taking into account the nature of the development and its location, it is considered that the scope of the ES, as submitted, is satisfactory and considers all relevant environmental impacts.
55. The findings of the ES are summarised as follows.

Employment and Economy

56. The applicant indicates that employment related to the development grew from 137 in 1980 to 386 in 2015, an increase of 282%. Furthermore, this employment was in the agricultural and manufacturing sectors, the workforces of which halved in size in Norfolk and Suffolk over the same period. The ES has assessed this impact to be moderate / minor positive. This is considered to be a reasonable conclusion.

Transport

57. The ES concludes that whilst the proposed development has resulted in an increase in output from the mill, this has not led to an increase in transport movements. This is due to the increased capacity vehicles used in 2015, (20-29 tonnes), compared with 1980, (9 tonnes). Consequently, it is concluded in the ES that the adverse effects often associated with development, such as severance of communities or reduced amenity, are likely to be negligible due to the proposed development.
58. In reaching this conclusion, the ES categorised the sensitivity to this impact as being 'low', having regard to magnitude of effects as set out in the 'Guidelines for Environmental Assessment' provided by the Institute of Environmental Assessment, (IEA). This assumes less than 100 properties per day are affected by the increased traffic flow and there being no discernible change in local conditions or circumstances, based on the number of HGV trips to and from the site having reduced. Although it could be argued that the increase in the size of the vehicles has brought with it increased impacts in terms of noise and damage to road verges, given the overall level of traffic movements and the number of properties potentially affected, it is not considered that a significant environmental effect would result.
59. It is noted that the Highway Authority has commented previously about the substandard level of visibility available for vehicles emerging from the site entrance. Only 30 metres of the required 120 metres visibility splay is available in a southerly direction. However, in this respect, the adequacy of visibility splays is a matter of highway safety rather than an environmental impact. Moreover, and in any event, from the application material submitted, it is understood that there have been no reported road accidents attributable to traffic from Crown Milling Ltd for the period in question.
60. It is not considered therefore that the overall transport impact associated with the development is significant, as concluded in the ES.

Noise

61. Limited noise data is available for the period between 1980 and 2015. However, the ES does provide data for the years 2011 to 2013, which allows for a reasonable analysis of the noise impacts from the development. Survey work was also undertaken by the applicant in 2014.
62. The ES concludes that the changes in the site over the years would have resulted in a positive overall effect on noise emissions, save in two respects. Firstly, in respect of transport, due to the increased size of HGVs being used, and secondly, arising from the installation of new press lines. Nonetheless, the residual effects are considered in the ES to be minor negative.
63. The Council's Environmental Health Officer has raised no objection to the Applications and is satisfied that any adverse impacts in terms of noise may be resolved through the permitting regime. Any required works for the purposes of mitigation, (to the extent required), can be undertaken as part of the Environmental Permit and BAT, (Best Available Techniques), process.
64. The site is also subject to a unilateral undertaking that restricts HGV movements outside the hours of 7am to 11pm, and provides additional measures to minimise the noise impacts of waiting vehicles entering and leaving the site through the installation of appropriate signage. This was secured through process resulting in the July 2015 Certificate.
65. For these reasons, it is considered that the conclusions of the ES in respect of noise are soundly based.

Drainage

66. The ES notes that much of the necessary site infrastructure was already in place prior to 1980 and that the amount of hardstanding did not alter significantly up to 2015. As such, the development is unlikely to have had a significant effect on flood risk. Various measures were implemented between 1980 and 2015 to better manage both foul and surface water on the site, particularly the permitted lagoon to the north of the main site. Overall, the risk of pollution has been greatly reduced as a result of the development. The ES concludes a negligible adverse impact in terms of flood risk and minor positive in terms of pollution for drainage, which is considered to entirely reasonable for the reasons set out above.

Ecology

67. The ecology assessment finds that the site itself has little intrinsic ecological value. The hedgerow on the eastern side and the lagoon are the only features of note, but are only considered to be of local value. The ecology assessment considered the presence of protected species on site and concluded that it is unlikely that any would be significantly affected by the development, resulting in negligible effect overall.
68. It is noted, however, that since 1980 development has resulted in the loss of an arable field and approximately 70 metres of hedgerow. Moreover, there is no evidence of any ecological enhancements having taken place between 1980 and 2010.
69. On this basis, it is considered that there has been a minor adverse effect in relation to ecology. Nevertheless, as concluded in the ES, there is nothing to indicate that such effects have been significant.

Cumulative Impacts

70. The ES considers potential cumulative impacts, taking into account the effects of all development within the site, (including a recent CHP plant and hatchery extension) and other developments in the locality, (including a nearby solar farm and poultry farm redevelopment). The ES focusses on potential effects on traffic and noise. The ES concludes that there are no significant cumulative effects that are attributable to the development at the site.
71. Bearing in mind the overall findings in relation to likely environment effects, and taking into the scale and nature of nearby developments and their combined effects, together with the sensitivity of the surrounding area, it is considered that this conclusion is a reasonable one.
72. This view is also consistent with the findings of the appeal Inspector who considered proposals for the hatchery extension, solar farm and poultry farm³. He concluded that the proposals would not in any significant cumulative harm in relation to traffic or noise impacts.

Conclusion

73. For the above reasons, it is considered that the development and uses of the site subject to the Applications are unlikely to have significant adverse effects on the environment.

Overall Conclusion

³ Appeal references APP/F2605/A/14/2211564, 2209448 and 2211560.

74. For the reasons set out in paragraphs 32 to 50 above, it is considered that the legal arguments in respect of all of the separate areas of operational development and uses covered by the Applications are properly made out. Additionally, all of the evidence submitted in support of the Applications is accepted on the balance of probabilities. Certificates of Lawfulness on the basis of the Applications can be issued safely therefore.
75. Whilst it is noted that the Applications are not required to be determined under the EIA Regulations, the application has been following the voluntary submission of an ES by the applicant. For the reasons set out in paragraphs 51 to 73, it is concluded that the operational development and uses that are the subject of the Applications would not give rise to likely significant environmental impacts. Therefore, if the Applications were required to be determined under the EIA Regulations, this would not alter the finding that the Applications should be approved.

RECOMMENDATION

76. It is recommended that lawful development certificates are issued on the basis set out above in respect of applications, 3PL/2016/0317/EU and 3PL/2016/0318/EU.

APPENDIX 1

List of developments at Green Farm, Edge Green, Kenninghall.

- 1) Pre-1950: Clay Lump Offices constructed and converted in 1958 (Plan # 1), (Exhibit NA7 # 1).
- 2) 1964/1965: Original Mill development (Plan # 3, hatched red) (Exhibit NA7 # 2) completed in 1965 to include:
 - a. Bag Store.
 - b. Blending / Grinding Area (included presses 1 and 3).
 - c. 3 x Silos.
 - d. Intake Building.
- 3) 1965: Portable Storage Bins.
- 4) 1967: Office and Weighbridge (Plan # 2).
- 5) 1967: Portable Storage Bins.
- 6) 1968: Bag store extension.
- 7) 1969: 2 x Finished Product Bins (Exhibit NA7 # 7 – hatched red).
- 8) 1969: Bungalow and Hatchery Building (Plan # 7, hatched red) (Exhibit NA7 # 8).
- 9) 1970: Outside Grinder (Exhibit NA7 # 9 – hatched red)
- 10) 1970: Outside Grinder including incorporated office (Exhibit NA7 # 10)
- 11) 1971: Store/Workshop (Exhibit NA7 # 11).
- 12) 1972: Carpenters Workshop (Exhibit NA7 # 12).
- 13) 1972: Additional Finished Product Bin (Exhibit NA7 # 13).
- 14) 1974: 2 x Silos (Exhibit NA7 # 14).
- 15) 1975/1976: Barn and Farm Workshop (Plan # 6, hatched red) (Exhibit NA8 # 15).
- 16) 1976: Limestone Bins (Plan # 8A) (Exhibit NA8 # 16).
- 17) 1978: Boiler Room constructed (Plan # 8) (Exhibit NA8 # 17).
- 18) 1978: Switcher Room/Transformer (Plan # 9) (Exhibit NA8 # 18).
- 19) 1978: Mill Roof Extension for Press Line 2 (Exhibit NA8 # 19).
- 20) 1979: Finished Product Bins (one row) (Plan # 12, hatched blue) (Exhibit NA8 # 20).

- 21) 1980: Amino Tanks and Compression House. Separate Wheat Silo and Bunded Tanks (Plan # 11) (Exhibit NA8 # 21).
- 22) 1981: Original Intake Facility (Plan # 10) (Exhibit NA8 # 22 – hatched red).
- 23) 1982: Cladding of Finished Product Bins constructed in 1969 (Item 7 above) (Exhibit NA8 # 23)
- 24) 1983: Cladding of Finished Product Bins constructed in 1972 (Item 13 above) (Exhibit NA8 # 24).
- 25) 1986: The Lagoon (Plan # 13) (Exhibit NA8 # 25).
- 26) 1987: Finished Product Bins (one row) (Plan # 12, hatched blue) (Exhibit NA8 # 26).
- 27) 1990: Staff toilets and rest room (Plan # 13A) (Exhibit NA8 # 27).
- 28) 1992: Removal of Finished Product Bins built in 1969 and 1972 (items 7 and 13 above) (Exhibit NA9 # 28).
- 29) 1995: Two of three original Silos replaced (Plan # 4, hatched black) (Exhibit NA9 # 29).
- 30) 1996: Removal of Original Grinder House built in 1970 (Item 9 above) (Exhibit NA9 # 30).
- 31) 1997: Intake 2 constructed (Plan # 17) (Exhibit NA9 # 31).
- 32) 1997: Removal of Intake Building built in 1965 (Item 2 (d) above) (Exhibit NA9 # 32).
- 33) 1998: Removal of the workshop built in 1972 (Item 12 above) (Exhibit NA9 # 33).
Constructed housing for Press Line 4 and Finished Product Bins in place of removed building (Plan # 3 and # 12) (Exhibit NA9 # 33).
- 34) 1998: Wheat Cleaning Building (Plan # 14) (Exhibit NA9 # 34)
- 35) 2000/2001: Final of three original Silos replaced (Plan # 4, hatched black) (Exhibit NA9 # 35)
- 36) 2002: New Self-Emptying Silo constructed (Plan # 4, solid black) (Exhibit NA9 # 36)
- 37) 2003: Installation of Press Line 3 within existing footprint of building (Plan # 3) (Exhibit NA9 # 37).
- 38) 2003: Finished Product Bins constructed in 1979 and 1987 replaced and cladded (Plan # 12 (hatched blue) (Exhibit NA9 # 38).
- 39) 2004: Extension to Hatchery (Plan # 15) (Exhibit NA9 # 39).
- 40) 2004: Demolition of the Intake Facility. (Plan # 10 dotted) (Exhibit NA10 # 40).

- 41) 2004: Demolition of 2 Silos constructed in 1974 (Plan # 18) (Exhibit NA10 # 41).
- 42) 2004: Intake 1 was built in place of the building dotted on the Plan (Plan # 10 and 16) (Exhibit NA10 # 42).
- 43) 2008: New Silo constructed (Plan # 19, solid grey) (Plan # 4, solid blue). (Exhibit NA10 # 43).
- 44) 2008: Mixer extension to the west side of the Mill (Plan # 14A) (Exhibit NA10 # 44).
- 45) 2011: Day Old Chick Shelter. Constructed for animal welfare reasons. (Plan # 20) (Exhibit NA10 # 45).
- 46) 2011: Grinder House Refurbishment (Plan # 21) (Exhibit NA10 # 46).
- 47) 2011: Mechanical weighbridge installed. This is flat to the yard surface (Plan # 22) (Exhibit NA10 # 47).
- 48) 2012: Loading Bay and 4 x Bulk Bins (alternatively called High Hygiene Bins) (Plan # 24) (Exhibit NA10 # 48).
- 49) 2013: UKPN Electricity Steel Clad Shed. (Plan # 23) (Exhibit NA10 # 49).
- 50) 2013: Workshop Extension (Lean To) (Plan # 25) (Exhibit NA10 # 50).
- 51) 2013: Switchgear Steel Shed. (Plan # 26) (Exhibit NA10 # 51).
- 52) 2014: Underground Storage Tanks. (Plan # 27) (Exhibit NA10 # 52).

ITEM	7	RECOMMENDATION : APPROVAL
REF NO:	3PL/2016/0648/O	CASE OFFICER: Nick Moys
LOCATION:	GREAT ELLINGHAM Mellor Metals Attleborough Road	APPN TYPE: Outline POLICY: Out Settlemnt Bndry ALLOCATION: CONS AREA: N LB GRADE: Adjacent Grade 1 TPO: N
APPLICANT:	Mellor Metals Ltd. Attleborough Road Great Ellingham	
AGENT:	Cornerstone Planning Ltd Greenlands 7 Nelson Road	
PROPOSAL:	Development of up to 75 dwellings	

REASON FOR COMMITTEE CONSIDERATION

The application is referred to Committee as a major development proposal.

KEY ISSUES

Principle of development and policy matters.
Local character, amenity and trees.
Access.
Ecology.
Contamination.
Loss of Employment Site.
Heritage Issues.
Loss of Agricultural Land

DESCRIPTION OF DEVELOPMENT

Outline permission is sought for the erection of up to 75 dwellings on a site area 3.15 HA

All matters are reserved at this stage, however, the applicant has produced indicative drawings which show removal of the existing salvage yard and that 75 houses can be fitted on the site with access from Attleborough Road.

The application is supported by a number of documents and technical reports, including:

Design & Access Statement,
Preliminary Ecological Appraisal,
Arboricultural Impact Assessment
Flood Risk Assessment.
Transport Assessment,
Contaminated land survey.
Landscape and Visual Appraisal

SITE AND LOCATION

The application site is located to the south of Great Ellingham on the eastern side of Attleborough Road. The site is comprised of an existing salvage yard which is approximately 160m long by 100m wide together with a paddock to the south which is broadly triangular in shape and measures approximately 160m wide by 120m deep. A number of dwellings front the northern part of the site along Attleborough Road behind which sit a collection of buildings associated with the salvage yard.

EIA REQUIRED

No

RELEVANT SITE HISTORY

A number of applications have been made in respect of the existing salvage yard, however, these are not considered directly relevant to the application.

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

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

SS1 Spatial Strategy

CP.01 Housing

CP.03 Employment

CP.04 Infrastructure

CP.05 Developer Obligations

CP.09 Pollution and Waste

CP.10 Natural Environment

DC.01 Protection of Amenity

DC.02 Principles of New Housing

DC.04 Affordable Housing Principles

DC.11 Open Space

DC.12 Trees and Landscape

DC.13 Flood Risk

DC.16 Design

DC.17 Historic Environment

DC.19 Parking Provision

NPPF With particular reference to paragraphs 7, 8, 9, 10, 11, 12, 13, 14, 17, 34, 35, 49, 103 112, 118, 128 & 134

NPPG National Planning Practise Guidance

'Manual for Streets' 2007

CIL / OBLIGATIONS

Contributions towards education and library facilities have been requested by the County Council.

CONSULTATIONS

CRIME REDUCTION & ARCHITECTURAL LIAISON OFFICER

The final proposal should provide a design that uses proven crime prevention through environmental design principles.

A carefully designed lighting plan to cover all vulnerable areas should be in place. This will help to deter and reveal potential offenders and a uniform spread of White light to British Standard BS5489-1:2013 is advisable.

GREAT ELLINGHAM PARISH COUNCIL

Councillors resolved to support the application but would ask that certain conditions are requested, including:

- a) safe pedestrian access to village amenities and the school in the form of a footpath
- b) a measure to allow safe crossing
- c) given the scale of the development and the "dark sky" status of the village, the Parish Council would ask that CPRE recommendations relating to lighting are imposed, namely that any outdoor lights associated with this proposed development should be:
 - 1) fully shielded,(enclosed in full cut-off flat glass fitments)
 - 2) directed downwards,(mounted horizontally to the ground and not tilted upwards)
 - 3) switched on only when needed,(no dusk to dawn lamps)
 - 4) white light low-energy lamps,(LED, metal halide or fluorescent)and not orange or pink sodium sources

ENVIRONMENT AGENCY

Site Specific Information / Comments This site is located above a Principal Aquifer, Source Protection Zone (SPZ) 3 and is within 118m of a surface water course. It is anticipated that groundwater is potentially shallow <10 m bgl. We consider the previous metal recycling land use to be potentially contaminative. The site is considered to be of high sensitivity and could present potential pollutant / contaminant linkages to controlled waters.

Environment Agency Position; It considers that planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

Flood Risk / Surface Water Drainage

Please consult the Lead Local Flood Authority (LLFA)

Foul Drainage

No information was shown in the application about the intended method of disposing of foul drainage. If connection to the mains sewer is not proposed we wish to be re-consulted. Government guidance contained within the National Planning Practice Guidance, (Water supply, wastewater and water quality considerations for planning, applications, paragraph 020), sets out a hierarchy of drainage options that must be considered and discounted in the following order:
1. Connection to the public sewer

BRECKLAND COUNCIL - PLANNING COMMITTEE - 19th September 2016

2. Package sewage treatment plant,(adopted in due course by the sewerage company or owned and operated under a new appointment or variation).

3. Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

HISTORIC ENGLAND

The site lies on the south eastern side of the village and near the medieval Church of St. James, listed grade I. The development of the southern part of the site, currently a paddock, would change how the church is experienced in views on the southern approach into the village on the Attleborough Road. This would cause some minor harm to the significance of the church. In line with the requirements in the National Planning Policy Framework (NPPF), the harm should be weighed against any public benefits the proposal would deliver.

HISTORIC ENVIRONMENT SERVICE

There is moderate potential for heritage assets with archaeological interest .

We therefore request that the results of an archaeological evaluation,(trial trenching, are submitted prior to the determination of the application in accordance with National Planning Policy Framework paragraph 128 so that a fully informed planning recommendation can be made. A brief for the archaeological evaluation can be obtained from Norfolk Historic Environment Service.

Officer comment: A preliminary report following trial trenching has been provided and is with the Historic Environment Officer for comment.

NORFOLK COUNTY COUNCIL HIGHWAYS

Pedestrian links

New pedestrian improvements will be required to ensure there is a continuous link from the site back to the village centre and the primary school including to footpaths FP6 and FP8.

Links between the site and FP6 should be improved ,and the development should face the footpath.

Vehicular Access

The TS has outlined possible three vehicular access options for consideration, all of which propose to serve the development via a single point of access via a type three access road. Upon consideration of the 85%tile speeds recorded in principle all of three of these options look to be acceptable, however, I do note that option A has been used to develop the indicative layout.

Highway layout

The frontage footways should be 2m in width with the rear of footway running along the line of the visibility splays. It is essential that the development provides a good level of frontage development creating a street scene to provide a greater level of compliance to the 30 mph speed limit.

Site layout

BRECKLAND COUNCIL - PLANNING COMMITTEE - 19th September 2016

In addition to the above, detailed comments are made on the layout submitted.

Highways request that the applicant amend the proposals to address the concerns of the LHA as outlined above and place a Holding Objection on the scheme until these matters are resolved.

Further to these comments additional information has been received which shows an off site scheme of highway improvements that would provide a pedestrian link to the nearest primary school together with works to the surface of footpaths 6 & 8. Highways comments have been sought on the additional information.

OBLIGATIONS OFFICER, NORFOLK COUNTY COUNCIL

No objection subject to contributions to;
Great Ellingham pre School and Primary School and Attleborough Academy in accordance with standard multipliers.
Provision of a fire hydrant per 50 dwellings, contributions to library services.

Further comment regarding local Green Infrastructure (GI) network, including Public Rights of Way and ecological features.

FLOOD & WATER MANAGEMENT TEAM

No comment as application falls below threshold for providing detailed comment.

TREE AND COUNTRYSIDE CONSULTANT

No objection to the principal of development on the site. An arboricultural implication assessment and tree protection plan will be required based on final layout.

HOUSING ENABLING OFFICER

Breckland's adopted policy DC04 requires sites of this size to provide 40% of all units as affordable housing. This is further split into 65% for rent and 35% for shared ownership or other suitable ownership product.

It is noted that a reduced level of affordable housing is proposed due to viability constraints; the viability assessment will require external testing to confirm the appropriate level of affordable housing.

The units provided should be constructed to current HCA standards, and secured by a S106 Agreement to ensure affordability in perpetuity.

They should be well integrated into the overall site in reasonably sized clusters. They should be transferred to an RP at a price which assumes no public subsidy is payable.

FACILITIES MANAGEMENT

The application includes the provision of open space as part of the development, together with retained hedges and trees. If it is intended to offer the open space to BDC, Facilities Management would wish to be consulted on the details of the proposed open spaces at the appropriate time. However, BDC will only generally consider adopting areas of low maintenance open space, if provided with a perimeter knee rail fence to restrict vehicular access and it is possible that BDC might not be prepared to adopt the open spaces proposed.

Consequently the S106 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 Parish Council or a management company etc.

BRECKLAND COUNCIL - PLANNING COMMITTEE - 19th September 2016

The proposals show that surface water drainage for the site is to be achieved by the provision of an attenuation lagoon situated within one of the open spaces. Please be aware that the Council is not a drainage authority and would not consider adopting any part of the drainage infrastructure, or an open space that includes any drainage features such as storage lagoons, ponds, underground storage tanks / pipes or soakaways etc

ECOLOGICAL AND BIODIVERSITY CONSULTANT

Protected Sites

This development is unlikely to impact any designated sites due to the distance of the site from protected sites, i.e. over 2 km from any statutory designated site and 1.75km from any County Wildlife Site.

Protected Species

The Ecological Site Appraisal Report has identified the presence of this Great Crested Newts in nearby ponds from the ecology surveys for a nearby development and further presence / absence surveys should be undertaken.

Other Ecological Receptors

The Ecological Site Appraisal Report details a number of likely mitigation requirements which should be fully detailed in the ecological assessment report following further surveys.

Further comments 15/7/16;

Further information is required prior to the determination of the application in order to assess that proposals are suitable to maintain the favourable conservation status of the local great crested newt population throughout the development and the future usage of this site. This should include a great crested newt mitigation strategy with associated maps and landscape plans. Further measures for mitigation and biodiversity enhancement are detailed below to be incorporated into the development.

Officer Comment: Additional information on a great crested newt mitigation strategy was received 22/8/16, the ecologists comments on this strategy have been sought.

ENVIRONMENTAL HEALTH OFFICERS

Recommend approval providing the development proceeds in line with the application details and subject to conditions to alleviate environmental concerns. Assume the foul water will be discharged to the Anglian Water mains system and that Anglian Water are satisfied that the mains system has sufficient capacity to cope with the additional flow from the proposed Development.

CONTAMINATED LAND OFFICER

Based on both the accuracy of the information provided in the Phase 1 Desk Study Report Reference 72912.001 dated November 2015 by Mayer Environmental Ltd and the current records of contaminated land issues we hold to date. Recommends approval providing that the development proceeds in line with the application details and subject to conditions to alleviate environmental concerns. I would advise that the site investigation also comprises of ground water monitoring and that the Environment Agency is consulted.

RAMBLERS ASSOCIATION: NORFOLK AREA

BRECKLAND COUNCIL - PLANNING COMMITTEE - 19th September 2016

No comments

BRECKLAND ASTRONOMICAL SOCIETY

The proposal to change the use of this industrial area is welcome. As an astronomical society, we found the existing lighting detrimental to the village's dark sky. However, this application is for a large number of houses, each bringing the risk of individual careless lighting in the future, and moreover building on a green space,(the paddock), is of a great detriment to the general rural character.

Further comment 8/6/16:

We wholeheartedly object to the DUSK TIL DAWN lighting scheme proposed.

CPRE NORFOLK

CPRE Norfolk has a number of concerns about this application. 75 extra dwellings seems an excessive number for a settlement the size of Great Ellingham. We are especially concerned, given that the proposed development is in an area classified as Rural Dark Landscape in Norfolk County Council's Environmental Lighting Zones Policy, that such a large development could have a very negative impact on the dark skies and dark landscape that are enjoyed by local residents. Great Ellingham is an unlit village and CPRE wish to support the local community's desire to retain this unlit status. The village is also home to an observatory and light pollution created by a development of this nature could seriously impact on the operation of the observatory.

CPRE therefore recommends that this application be refused.

NORFOLK RIVERS INTERNAL DRAINAGE BOARD

The development is not located within the IDB District, however surface water runoff from the development will flow into the Boards District and Board maintained watercourse.

I comment on the Surface Water Drainage Strategy as follows:

1. A climate change allowance of 40% must be used unless it can be demonstrated that this is not achievable and that a lower allowance will not increase offsite flood risk.
2. Percolation testing conforming to BRE 365 should be undertaken to demonstrate whether any form of infiltration drainage is achievable, including permeable paving
3. A surface water drainage strategy compliant with SUDS Guidance, (including CIRIA C753), to be provided and an appropriate Condition to be included in any planning consent.
4. Means of ensuring no harm to the water environment to be demonstrated with this compliant with CIRIA 753, (note that reference is made in the Surface Water Drainage Strategy to C697 which is now superseded).

The IDB recommend that Breckland impose a Condition requiring a fully compliant SUDS based surface water drainage scheme is approved prior to commencement.

DISTRICT VALUER

We have assessed the scheme including 40% affordable housing, as required by Policy, together with S106 contributions totalling 420,900. This appraisal provides a surplus at 1,293,020 - the policy compliant scheme is considered viable.

Given the above, we do not agree with the conclusions of Pathfinder's assessment which suggests the scheme can only marginally afford to provide 7% affordable housing.

REPRESENTATIONS

BRECKLAND COUNCIL - PLANNING COMMITTEE - 19th September 2016

Two representations have been received from local residents concerns raised include;

Ruining of rural landscape.

Dark sky area.

No local jobs, everyone will have to drive to work.

No nearby facilities.

Insufficient capacity of mains drainage.

Access onto dangerous road.

The site includes a green field site outside the village settlement and building should not be allowed.

Children attending the primary school will have to cross and recross the Attleborough Road as there is no foot path along the site all the way to the school.

Residents currently park along Attleborough Road, will parking be removed?

Some access options could disrupt ability to access and egress neighbouring property

ASSESSMENT NOTES

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

2.0 Principle of development and policy matters.

2.1 The site is located adjacent to the village of Great Ellingham and would be bound on the northern and partially on the eastern sides by an existing salvage yard with some housing fronting the north western boundary. Great Ellingham is identified in the Council's Spatial Strategy as a service centre village which should contain adequate services and facilities to meet the day-to-day requirements of their existing residents. The strategy for all Local Service Centre villages is primarily around service protection and enhancement and development to meet local needs. Great Ellingham along with Banham, Mattishall, Litcham, Mundford, Necton, North Elmham, Old Buckenham, Saham Toney and Weeting have not been given a housing allocation for the remainder of the plan period and the site is outside of the residential development boundary for Great Ellingham set in the Site Specific Policies and Proposals DPD.

2.2 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 Council's July 2016 Housing Land Supply Statement confirms that Breckland has a 4.73 year Housing Land Supply (HLS). In the absence of a five year HLS paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date, case law has held that this also applies to 'counterpart' policies which restrict development such as open countryside protection policies. Footnote 9 to paragraph 14 of the NPPF sets out a few exceptions to this relating to particular ecological designations, land designated as Green Belt, Local Green Space, Areas of Outstanding Natural Beauty, Heritage Coast or National Parks,(including the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion. None of these designations apply to this site, however, the current proposal must still be considered with regard to the full material planning considerations relevant to the scheme.

2.3 The re-use of brownfield land, securing good design and managing development to make

fullest use of sustainable transport are also key objectives of the NPPF. In these terms whilst the application is submitted in outline it is clear that it would involve the re-use of brownfield land and the indicative layout plans show that the development would be consistent with the predominantly residential character of the area and its design and layout would be compatible with its surroundings,(see below). The proposal would make a significant contribution to the supply of housing in the area and the construction of the development would provide some economic benefits, albeit short-term. These considerations weigh in favour of the proposal.

2.4 Whilst only 7% affordable housing was initially proposed due to the claimed difficulties in developing the site due to contamination an independent assessment of the applicant's viability case has been undertaken by the District Valuer who confirmed that, in their opinion, 40% provision of affordable housing was viable. The applicant has subsequently agreed to provide the full level of 40% affordable housing and as such the proposal complies with the requirements of Policy DC04.

3.0 Effects on local character, amenity and trees

3.1 Whilst the application has been submitted in outline with all matters reserved at this stage the applicant has submitted an indicative layout plan from which some conclusions can be drawn regarding the possible impacts of the development of the land. It is considered that the submitted indicative site layout shows that a well designed scheme can be achieved within the site which would result in a relatively low density of 23.8 dwellings per hectare. Two indicative layout drawings have been submitted which show alternative ways in which the development could be set out. The first of these shows the development set back approximately 20m from Attleborough Road, fronted by a deep area of public open space. The second indicative layout shows a staggered set back of between 11m and 38m.

3.2 The proposal would inevitably have an urbanising effect on the paddock to the southern part of the site and this is a matter which has drawn comments from neighbours. The same would be true, however, of any development which involved Greenfield land but this is necessary to deliver the Council's housing aspirations and any harm which might result must be balanced with the need for the development. The retention of the existing houses fronting the northern part of the site would assist in retaining part of the existing character of the site and integrating it within the wider area and it is noted that the proposed set back of houses shown on the indicative layouts would provide a landscaped buffer to Attleborough Road which would soften the appearance of the development and ensure that the development was seen in the context of the existing village. A mix of detached, semi detached and terraced houses is shown on both indicative layouts which would not be inappropriate to the character of the wider area which is comprised of a wide variety of house types.

3.3 The site contains a large number of trees, many of which bound the site to the southern and eastern sides. The submitted tree survey identifies 103 individual trees within seven groups, of which the majority are categorised as category 'C' trees of low value with 9 category 'B' trees of moderate value and two Category 'A' trees classed as being of high value.

3.4 The Council's Tree and Countryside Officer has no objection to the principal of development

on the site stating that an arboricultural implication assessment and tree protection plan will be required based on final layout.

3.5 Whilst development of the scale proposed would inevitably have some impact on the amenities currently enjoyed by neighbouring residents, it is considered that an acceptable layout and design can be achieved which would avoid any significant harm. The submitted indicative plan shows good separation distances could be maintained between existing and proposed dwellings to help reduce overlooking, together with the retention of existing vegetation and scope for planting of new boundary screening. It is possible that some disturbance would be caused due to the increase activity and traffic, but this would need to be considered against the benefits gained in similar terms by the cessation of the use of the site as a salvage yard.

3.6 The Council's Environmental Health Officer has no concerns in relation to amenity other than in relation to potential for disturbance from construction works and requests that all construction works are carried out in accordance with Breckland Councils acceptable working hours policy and suggests a condition to limit noise levels and hours of works.

3.7 Concern is raised by the Parish Council, the local astronomical group and CPRE regarding the possibility of the effect that any artificial illumination of the site may have upon the dark sky status of the village. The illumination of the site is a matter which could affect the amenity of nearby residents and the character and appearance of the area as well as impact upon ecology such as bats. Whilst Norfolk Constabulary have commented regarding the need for a lighting scheme it is clear that this needs to be carefully controlled and considered. As such it is considered both reasonable and necessary to impose a condition requiring details of the illumination of the site to be agreed.

3.8 For these reasons, it is considered that a reserved matters scheme could be designed which would be in keeping with the character and appearance of the area and would not be likely to result in any significant adverse effects on residential amenity. The proposal would thus accord with Core Strategy Policies DC01, DC02, DC12 and DC16, and with relevant guidance in the NPPF.

4.0 Access

4.1 Access is reserved at this stage, however, it is clear that it would only be possible for access to the development to be gained from the B1077 Attleborough Road. The two indicative layouts show access being gained via the existing entrance into the salvage yard and the submitted Transport Statement,(TS),shows a further two options, one with the access located further to south into the paddock area and the other further to the north, which would involve the demolition of one of the dwellings currently fronting the site.

4.2 The submitted TS identifies that the application site is 480m from the nearest primary school, 600m from the nearest convenience store and 185m away from the nearest bus stops. There are some difficulties with pedestrian access due to the lack of a continuous footpath to some of these destinations from the site, in particular the local Primary School. The applicant has, however,

provided additional information which details a highway improvement plan that would provide a safe pedestrian route to the school from the site.

4.3 Norfolk County Council Highways concerns in relation to the lack of a footpath link to the school and village centre appear to be addressed by the proposed footway and crossing improvements, the applicant has also indicated that the surface of footpaths FP6 and FP8 can also be improved using unbound material.

4.4 Norfolk County Council Highways also raise concerns regarding the detailed layout of the site on the submitted indicative drawings, however, as these drawings are purely indicative at this point in time and consent is not sought for either access or layout such matters of detail will be addressed at reserved matters stage. Highways comments have been sought on the additional information.

4.5 It is noted that concerns are also raised by neighbours regarding matters of highway safety, however the concerns of County Highways appear to have been addressed and in the absence a technical objection such concerns cannot be upheld.

4.6 In light of the above the proposed development would therefore be considered to be in accordance with policy CP04(e) of the adopted Core Strategy DPD and paragraphs 17, 34 and 35 of the NPPF.

5.0 Ecology

5.1 The Habitat Survey submitted in support of the application notes the presence of features likely to be suitable for bats and a large great crested newt population in the vicinity. Subsequent to the comments of the Council's Ecologist which expressed a concern regarding the level of survey information provided, additional information regarding the presence of great crested newts and bats has been provided by the applicant. Whilst the Council's Ecologist is now satisfied that bats are not likely to be present on site a mitigation strategy for the great crested newts is required. This has been submitted and is with the Council's Ecologist for comment but it would appear that this issue has now been addressed and that conditions could secure the necessary mitigation.

5.2 Due to the distance of the site from any designated sites the proposals are considered unlikely to impact upon these features.

5.3 The submitted ecology report notes the importance of controlling artificial light on the site and this can be controlled by a condition restricting the type of illumination permitted on the site.

5.4 It is thus considered that the development would not have an adverse effect upon matters of ecological interest and the proposal is in accordance with policies CP10 of the adopted Core Strategy DPD and paragraph 118 of the NPPF.

6.0 Contamination

6.1 The northern part of the application site has a historic use as a salvage yard which gives rise to the potential for significant contamination of the site and the application is accompanied by a Phase 1 Desk Study dated November 2015 by Mayer Environmental Ltd. The Council's Contaminated Land Officer recommends approval of the development providing it proceeds in line with the application details and subject to conditions to alleviate environmental concerns.

6.2 The Environment Agency also notes that the site is located above a Principal Aquifer and is within 118m of a surface water course. The site is considered to be of high sensitivity and could present potential pollutant / contaminant linkages to controlled waters with the current metal recycling land use is considered to be potentially contaminative. Subject to conditions which mirror those requested by the Environmental Health Officer the EA consider that planning permission could be granted.

6.3 Subject to conditions the proposal is thus considered to accord with policy CP09.

7.0 Loss of Employment Site

7.1 The redevelopment of the salvage yard would involve the loss of an employment site however, the site is not identified as a general employment area in the employment land review and does not benefit from protection under Policy CP03.

7.2 In the case of this application the applicant has also indicated that if the site were to be redeveloped then they would look to move the existing salvage business to a more appropriate location elsewhere and whilst the application site may be lost it does not follow that there would be a loss of employment as a result.

8.0 Heritage Issues

8.1 The Grade I Listed St James Church lies approximately 85m to the north west of the existing site entrance.

8.2 Historic England has objected to the scheme citing minor harm to the setting of St James Church arising from the loss of the paddock to the south and state that in line with the requirements in the National Planning Policy Framework (NPPF), the harm should be weighed against any public benefits the proposal would deliver.

8.3 Paragraph 134 of the NPPF states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'. In addition section 66 of the Planning, (Listed Buildings 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'.

8.4 Whilst the application in this case would inevitably lead to the urbanisation of the paddock to the southern part of the application site St James Church is set within the village behind existing houses and does not have an open aspect to the south. Whilst it would be possible to see the church tower and the proposed development in the same context the same could be said of virtually any development proposal within Great Ellingham. Furthermore the applicant has shown in two indicative layout drawings that the development can include a substantial set back to the Attleborough Road frontage which would minimise the visual impact of the development on this approach into the village and preserve some of the currently open aspect of this approach. All of the proposed houses would also be seen in the context of existing residential development fronting Attleborough Road and any harm to the setting of the church would also be seen in this context.

8.5 With regard to the salvage yard Historic England consider this use and the piles of scrap associated to be temporary, however, this is a historic use and there are no conditions limiting the height or location of storage. Whilst the site currently appears to be well managed and maintained with scrap kept at a height which is generally well screened by existing boundary treatments the same may not apply if the site were to come under new management.

8.6 The application is also supported by a Landscape Visual Impact Appraisal, (LVIA), which concludes that the development will not necessarily detract from the setting of the village or the overall landscape character provided key constraints are respected including retention of mature trees and maintenance of a strong landscaped buffer to the western boundary.

8.7 In terms of the harm to the setting of St James church I consider this would be at the lower end of 'less than substantial harm' and the public benefits of the proposal in terms of boosting the supply of housing including the provision of the full 40% affordable housing requirement together with redeveloping a contaminated brownfield site would bring about considerable public benefits. Thus whilst the Council has given special regard to the desirability of preserving the setting of this Listed Building in accordance with section 66 of the Planning, (Listed Buildings and Conservation Areas) Act (1990), it is considered that the public benefits of the proposal would outweigh the 'less than substantial harm' to the setting of St James church.

8.8 The Historic Environment Officer notes that there is moderate potential for heritage assets with archaeological interest, (buried archaeological remains), of Roman date to be present at the site and moderate to high potential for those of medieval date to be present and also that the significance of these may be affected by the proposed development. The report does not, however, provide sufficient information about their likely form, extent, surviving condition and significance for an informed planning decision to be made. As such an archaeological evaluation, (trial trenching), was requested prior to the determination of the application in accordance with National Planning Policy Framework paragraph 128 so that a fully informed planning recommendation can be made. These works have been undertaken and the preliminary results indicate some evidence of medieval ditches on the site and fragments of Romano British pottery. These results have been provided to the Historic Environment Officer for

further comment but it is anticipated that the development can be undertaken provided it follows a watching brief in the event that any significant archaeological remains are found.

8.9 With regard to the above it is considered that the development complies with the requirements of policy DC17, section 66 of the Planning, (Listed Buildings and Conservation Areas) Act (1990), and paragraphs 128 & 134 of the NPPF.

9.0 Loss of Agricultural Land

9.1 The proposal would result in the loss of 1.4 HA of grade 2 agricultural land. Policy CP08 of the Core Strategy states that development should 'avoid the unnecessary loss of high grade agricultural land, through the maximisation of the re-use of previously developed land'. Paragraph 112 of the NPPF also states that 'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'.

9.2 The submitted planning statement refers to the small size and awkward shape of the land which makes it unsuitable for farming using modern machinery, as a result the land is currently being used as pasture and is considered unlikely to be farmed as arable land in the future.

9.3 The area of land to be lost at 1.4 HA is relatively small and it is noted that the threshold for consultation with Natural England is 20 HA. Given the difficulties in farming the land using modern agricultural practices it is not considered that the use of the land for housing will result in any material harm. It is also inevitable that some agricultural land will be lost as part of the Council's aspirations to deliver housing and the loss of the land must be viewed in the broader context of the proposal as a whole which will bring forward 1.46 HA of brownfield land for redevelopment.

9.4 With regard to Policy CP08 and the provisions of Para 112 of the NPPF the proposals are, on balance, considered acceptable.

10 Other Matters

10.1 Drainage - Neighbours have commented on difficulties with foul drainage in the locality, however, Anglian Water have not commented or objected to the proposals on the basis of a lack of capacity and the EA have simply advised that foul drainage should follow the waste water hierarchy with a preference for mains disposal. The applicants flood risk assessment and drainage strategy contains a pre-planning report from Anglian Water that confirms there is adequate foul water capacity to accommodate the development. Regarding surface water drainage the applicants flood risk assessment confirms that the site is in Flood Zone 1 - the area at lowest risk of flooding and that surface water can be disposed of via a sustainable drainage system. The conditions suggested by the internal drainage board requiring details of drainage to be agreed can be imposed.

11.0 Conclusion

11.1 In the context of the lack of a five year HLS the Councils policies for the supply of housing cannot be considered up to date. The proposal would make a significant contribution to the provision of housing, the development would also be compatible with the character of its surroundings and safe access could be provided. Whilst local concerns are acknowledged, there is no substantive evidence to suggest that the proposal would have a significant adverse effect on local infrastructure or residential amenity.

11.2 The proposal makes adequate provision for affordable housing at the required rate of 40% and concerns regarding the lack of pedestrian connectivity have been addressed.

11.3 Taking all of these matters into account, it is concluded that the benefits of the proposal would significantly and demonstrably outweigh the disbenefits and as such the application should be permitted.

RECOMMENDATION **Outline Planning Permission**

CONDITIONS

3005	Outline Time Limit (3 years)	
3058	Standard Outline Condition	
3047	In accordance with submitted	
3046	In accordance with submitted	
3395	Non standard archaeological condition	
3518	Noise level restriction	
3920	Non-standard condition	
3923	Contaminated Land - Informative (Extensions)	
3948	Contaminated Land (Full)	
3996	Note - Discharge of Conditions	
4000	Variation of approved plans	
3548	Full details of external lighting	This condition will require to be discharged
3802	Precise details of surface water disposal	This condition will require to be discharged
3804	Precise details of foul water disposal	This condition will require to be discharged
3946	Contaminated Land - Unexpected Contamination	This condition will require to be discharged
3947	Contaminated Land - Monitoring and Maintenance	This condition will require to be discharged
3949	Contaminated Land - Site Investigation/Remediation	This condition will require to be discharged

ITEM	8	RECOMMENDATION : APPROVAL
REF NO:	3PL/2016/0702/O	CASE OFFICER: Jemima Dean
LOCATION:	GUIST Land near 9 Bridge Road	APPN TYPE: Outline POLICY: Out Settlemnt Bndry ALLOCATION: CONS AREA: N LB GRADE: N TPO: N
APPLICANT:	Mr Lester Palmer 26 Batterby Green Hempton	
AGENT:	Mr Jerry Stone 21 Sea View Rise Hopton on Sea	
PROPOSAL:	Outline application for 10 bungalows of less than 100 square metres each	

REASON FOR COMMITTEE CONSIDERATION

The application is referred to planning committee as it is contrary to the development plan.

KEY ISSUES

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

DESCRIPTION OF DEVELOPMENT

The application seeks outline planning permission,(all matters reserved), for residential development on land to the west of Bridge Road in Guist. The application proposes ten two bedroom bungalows.

The ten bungalows would be set about a circular cul de sac most of which would be set back from Bridge Road in Guist. Whilst all matters are reserved, it is proposed that the development will be for ten single storey units with a total floor area of 1000 square metres or less.

One vehicular access point to serve the development is proposed directly via Bridge Road, which would lead to the cul de sac.

SITE AND LOCATION

The application site comprises an arable field approximately 0.9 hectares to the west of Bridge Road in Guist. The site has a gentle fall to the south.

The eastern boundary comprises mature native hedgerow which runs alongside Bridge Lane. Beyond the south and western boundary is further pasture land. To the north of the site is

BRECKLAND COUNCIL - PLANNING COMMITTEE - 19th September 2016

Sennowe Road and the junction where Sennowe Road meets Bridge Road. The boundary in this location comprises established native hedging.

The site is located to the south west of Guist, a small rather dispersed parish, a fact recognised by there being four separated settlement boundaries forming its settlement. On the opposite side of the Bridge Road is a group of nine pairs of semi-detached dwellings. These include single and two storey properties which comprises one of the four settlement groups within the village.

Other than residential surrounding land use is largely made up of arable farmland, pasture and woodland with the Wensum River SSSI and SAC to the south. Access to the site is currently gained directly via Sennowe Road to the north.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2015/1432/F - Development of eight bungalows, one two storey detached dwelling, and two blocks of three terraces - 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

SS1	Spatial Strategy
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.04	Affordable Housing Principles
DC.11	Open Space
DC.12	Trees and Landscape
DC.13	Flood Risk
DC.16	Design
DC.18	Community facilities, recreation and leisure
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CIL / OBLIGATIONS

Not Applicable

CONSULTATIONS

GUIST PARISH COUNCIL

The Parish Council of Guist is in favor of this application and feels that the new plans are better suited to the Parish, with the proviso that the Play Area be taken away as this is not suitable for the site and development.

NORFOLK COUNTY COUNCIL HIGHWAYS

Concerns are still raised regarding the sustainability of the site and the ability for residents to use alternative means to access local services including employment and schooling. If the committee are minded to approve the application conditions are recommended.

FLOOD & WATER MANAGEMENT TEAM

Officers have screened this application and it falls below our current threshold for providing detailed comment.

TREE AND COUNTRYSIDE CONSULTANT

The site is free of trees. It is likely that some hedgerow will require removal to achieve access and visibility splays.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

It is considered that the Ecological Report, (Wild Frontier Ecology, January 2016), sufficiently addresses any potential ecological issues. There are no further concerns in relation to ecology, provided that the mitigation measures set out in the report are adhered to throughout the development.

ENVIRONMENTAL HEALTH OFFICERS

No objection subject to conditions.

CONTAMINATED LAND OFFICER

No objection subject to conditions.

NORFOLK RIVERS INTERNAL DRAINAGE BOARD

The site falls on the boundary of the Norfolk Rivers IDB district and the stream mentioned in the proposal, to the South of the site, feeds directly into an IDB adopted and maintained watercourse. It is pleased to see that the developer believes an infiltration solution to surface water run off can be utilised and that no surface water will need to be passed into the IDB district directly, via the stream. Should this change however then please be aware that land drainage consent would be required and a development contribution could be required.

HISTORIC ENVIRONMENT SERVICE

No objection or recommendations.

RAMBLERS ASSOCIATION: NORFOLK AREA

It is noted that Guist RB5 runs along part of the north west boundary to the site, while Guist FP4 emerges on to Bridge Road near the south of the site, (but on the opposite side of the road). Should this application be approved, it is considered that the applicant might wish to consider providing a public right of way through the site to connect these two rights of way, enabling walkers to move between them without walking along the road.

NATURAL ENGLAND

No objection.

NORFOLK WILDLIFE TRUST

The site is adjacent to Guist Common, which is part of the Wensum SAC and SSSI and also close to County Wildlife Sites. No planning decision should be made until an ecological assessment is provided along with species surveys as may be required.

ANGLIAN WATER SERVICE

No objection.

REPRESENTATIONS

Six representations have been received in response to the application. Concerns relate to: the sites location beyond the settlement boundary; noise and disturbance; impact on protected sites and protected species; run off pollution and light pollution; out of character with locality; loss of hedgerow; road safety; no facilities / services in Guist; no pavement; no streetlights; limited bus service; sewage problem.

ASSESSMENT NOTES

1.0 Sustainable Development

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.

1.2 The site is located outside the settlement boundary of Guist in an area of open countryside, (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. The application is clearly contrary to these policies. Furthermore, the site is not being put forward for 100% affordable housing under the rural exceptions policy DC05.

1.3 The proposal should therefore be refused unless there are material considerations that dictate otherwise. The lack of a five year housing supply within Breckland district carries significant weight in the consideration of the application.

1.4 Paragraphs 47 and 49 of the National Planning Policy Framework (NPPF) state that where an authority does not have an up to date five year housing land supply, 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.

1.6 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.

1.7 The social role of sustainable development seeks to ensure, amongst other matters, the creation of a high quality built environment with accessible local services. Guist is classified as a rural settlement. In terms of facilities Guist has a local village shop with post office, which is located approximately 500m from the application site.

BRECKLAND COUNCIL - PLANNING COMMITTEE - 19th September 2016

1.8 North Elmham, approximately 4.5km to the south of the site is the nearest service centre village, where services and facilities exist to meet the day to day requirement of the existing residents. The proposed development would be approximately 8.5km from the town of Fakenham, defined as a 'principal settlement' in the North Norfolk Core Strategy 2008.

1.9 Although Guist is provided with a half hourly bus service, (Number X29), it runs during daytime only, (Norwich - Fakenham), a bus service to Dereham, (Number 18), operates only on Friday where it offers one return trip to Guist, (Dereham - Guist - Foulsham - Bawdeswell - Dereham). The application site is approximately 500m from bus stops that provide the Norwich to Fakenham service. Bus stops that serve Dereham are opposite the site.

1.10 The bus service from Guist is limited, providing a daytime only service. Consequently public transport is not considered to provide a satisfactory alternative to travelling by private car to access employment, education and other services needed on a daily basis. For these reasons future occupants of the dwellings would rely on the use of the private car to gain access to local facilities.

1.11 This would not accord with the core planning principle in paragraph 17 of the National Planning Policy Framework which is to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. The proposal would also not accord with paragraph 34 of the Framework in terms of ensuring the need to travel will be minimised and the use of sustainable transport modes will be maximised.

1.12 Paragraph 55 of the NPPF states housing should be located where it will enhance and maintain the vitality of existing rural communities and help sustain facilities in the surrounding settlements. The site is remote from local services and facilities, other than a post office and shop and due to the limited availability of local services, future residents would be largely reliant on use of the private car to access a range of day-to-day requirements. Consequently the proposal would perform poorly in relation to sustainable transport and would offer limited benefits in terms of support for local services.

2.0 Impact on the Character and Appearance of the Area

2.1 Policy CP11 of the Breckland Council Core Strategy and Development Control policies 2009 could be considered as a policy toward housing supply and therefore less weight is applied to it. The policy states that the landscape of the District will be protected for the sake of its own intrinsic beauty and its benefit to the rural character and in the interests of biodiversity, geodiversity and historic conservation. In addition new development should embrace opportunities to enhance the character and appearance of an area. The policy also makes reference to the Council's Landscape Character Assessment,(LCA). These aims are reiterated in paragraph 17 of the National Planning Policy Framework,(the Framework).

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 comprising a small arable field, is

BRECKLAND COUNCIL - PLANNING COMMITTEE - 19th September 2016

bordered by open land to the south and to the west. There is existing built form on the opposite side of Bridge Road which comprises a mix of single and two storey semi-detached dwellings fronting the highway network.

2.3 In visual terms it is evident that the proposed dwellings would result in development of an area where residential development is limited. The proposal would introduce ten single storey dwellings to the west of Bridge Road, where currently no residential properties exist.

2.4 Development within the village comprises linear, largely road frontage development typically on one side of the highway. Whilst the indicative layout comprising a cul-de-sac is dissimilar to the existing nearby pattern of development, the proposed dwellings would largely be set back from Bridge Road and all of them limited to single storey in height. To allow adequate visibility a significant amount of hedge would need to be removed, however this would be replaced, albeit set further back from Bridge Road. The impact in terms of character and appearance would therefore be significantly reduced when compared to the previous application,(3PL/2015/1432/F), which included fifteen dwellings including seven at two storeys in height.

2.5 The development of the site for the proposed ten dwellings would result in a development of an acceptable layout and scale and it is considered that the submitted indicative scheme would respond favourable to its surroundings and not adversely affect the character and appearance of the local area or the quality of the landscape to any significant level.

3.0 Access and Highway Impact

3.1 The Highway Authority raises concerns with regard to the development in that it would principally be car dependant, since public transport serving Guist is not considered to provide a satisfactory alternative to travelling by private car to access employment, education and other services needed on a daily basis. The Highway Authority consider the proposal would conflict with the aims of sustainable development. Concern is not raised in terms of highway safety and conditions are recommended in the event of an approval.

4.0 Impact on Amenity

4.1 The proposal seeks planning permission for ten bungalows on a parcel of land with no residential development surrounding it other than on the opposite side of Bridge Road. The development proposes single storey dwellings. The nature of the development and separation distances to neighbouring dwellings ensures there will be no unacceptable overlooking, overshadowing, loss of light or privacy impacts, compliant with Policy DC01.

5.0 Drainage and Flood Risk

5.1 The site falls within Flood Zone 1. A flood risk assessment and surface water drainage strategy has been submitted as part of the application which investigated the possibility of groundwater flooding and flooding from other sources at the site. The assessment concludes that there is a moderate risk of groundwater flooding and this would be mitigated by raising the

proposed dwellings by 150mm and adopting a design strategy based on the use of impermeable strategy materials / composite construction that will minimise the ingress of water into a property.

Surface and foul water drainage could be dealt with by condition should members be minded to approve the application.

6.0 Ecology

6.1 The site lies approximately 150 metres from the River Wensum Special Area of Conservation,(SAC) and Site of Special Scientific Interest,(SSSI). It is considered that the Ecological Report, (Wild Frontier Ecology, 2016), sufficiently addresses any potential ecological issues. The Council's Ecologists have no concerns in relation to ecology, provided that the mitigation measures set out in the report are adhered to throughout the development, which would be secured by condition.

7.0 Conclusion

7.1 The shortfall in the Council's five year housing land supply is relevant in assessing the application as Paragraph 49 of the Framework states that policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. The Planning Practice Guidance also advises against a blanket approach to restricting housing outside settlement boundaries. The restrictive approach to development outside settlement boundaries contained in policy CP14 of the DPD is not entirely consistent with the NPPF and in any event is out-of-date by virtue of the current housing land supply shortfall.

7.2 The proposal would have limited impact on the amenity of existing residential development to the east and not to any detrimental level. There would be some impact on the character of the area due to the development of the site, however it is not considered that this would be detrimental, particularly bearing in mind that the development is limited to single storey.

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 acceptable and in terms of access the proposal is considered acceptable in terms of highway safety.

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

Outline Planning Permission

CONDITIONS

BRECKLAND COUNCIL - PLANNING COMMITTEE - 19th September 2016

3005	Outline Time Limit (2 years)	
3047	In accordance with submitted	
3058	Standard Outline Condition	
3920	Highways	
HA02	Standard estate road condition	
HA03A	Road Surfacing	
HA39B	Highway improvements off-site B	
3920	Ecology	
3920	Birds nest	
3920	Foul water drainage	
4000	Variation of approved plans	
AN60	NOTE NCC Inf 1 When off-site road improvements are required	
AN61	NOTE NCC Inf 9	
3996	Note - Discharge of Conditions	
2000	NOTE: Application Approved Without Amendment	
2014	Criterion E - Planning Apps Where Approved	
HA01	Standard estate road conditions	This condition will require to be discharged
HA20	Provision of visibility splays - conditioned	This condition will require to be discharged
HA29A	Construction traffic management and routing/ exceptional wea	This condition will require to be discharged
HA29B	Construction traffic management and routing/ exceptional wea	This condition will require to be discharged
HA39A	Highway improvements-offsite A	This condition will require to be discharged
3802	Precise details of surface water disposal	This condition will require to be discharged
3941	Renewable Energy	This condition will require to be discharged
3944	Contaminated Land - Desk Study/Site Investigation	This condition will require to be discharged