

BRECKLAND COUNCIL - PLANNING COMMITTEE - 3rd April 2017

Item No.	Applicant	Parish	Reference No.
1	Easterly Wind Energy Co-operat	LONGHAM	3PL/2014/1163/F
2	Wensum Valley Hotel, Golf & Country Club	BILLINGFORD	3PL/2016/0533/H
3	Mr Michael Nunn,	MATTISHALL	3PL/2015/0589/O
4	Mcintyre Gant Homes Ltd	ATTLEBOROUGH	3PL/2016/0825/F
5	Abel Homes Ltd	MATTISHALL	3PL/2016/1414/D
6	H&B Developments Ltd	ATTLEBOROUGH	3PL/2016/1101/F
7	Mr Stephen Hackett	GUIST	3PL/2017/0138/F
8	Mrs Amanda Wilcox	GRESSENHALL	3PL/2016/1360/F
9	Mr Bernard John Bell	NECTON	3PL/2017/0048/O
10	Mr Dunning	BESTHORPE	3PL/2016/1399/F
11	Mr Tim Davidge	GREAT ELLINGHAM	3PL/2016/1312/F
12	Mr M Mitchell	GRESSENHALL	3PL/2017/0243/F
13	Vantage Construction (EA) Ltd	ATTLEBOROUGH	3PL/2017/0172/F

ITEM: 1	RECOMMENDATION: REFUSAL
REF NO: 3PL/2014/1163/F	CASE OFFICER Matt Ellis
LOCATION: LONGHAM The Old Airfield Wendling Farm	APPNTYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: N CONS AREA: N LB GRADE: N TPO: N
APPLICANT: Easterly Wind Energy Co-operat Energy4All Limited Unit 33, Trinity Enterprise Centre	
AGENT: Farmwind Limited The Old Stables, Bosmere Hall Kettle Lane	
PROPOSAL: Installation of wind turbine (77m) - new access track, hardstanding area, small substation, mast & assoc. infrastructure	

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 / Landscape impact
Heritage
Civilian / Military Safeguarding
Amenity
Access / Highways
Ecology.
Other Matters

DESCRIPTION OF DEVELOPMENT

Planning permission is sought for a wind turbine with a blade height of 77m with a maximum generating capacity of 500kw together with associated infrastructure, (access track, concrete pad & equipment housing).

Access is proposed through the existing turkey farm onto Honeypot Lane via the existing priority junction to the east of the site.

The application is supported by a number of documents and technical reports, including an environmental report, windspeed database search, turbine noise data & noise memo / impact statement, heritage statement, landscape and visual impact assessment, (LVIA), TV interference chart and contaminated land report.

SITE AND LOCATION

The application site is located on a former airfield now in use as a turkey farm between the villages of Beeston, Longham and Wendling approximately 2km north of the A47.

The site extends to around 0.25 hectares and is comprised of agricultural land.

EIA REQUIRED

No - Screening opinion issued 23rd March 2012

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 and National Planning Policy Guidance 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.04 Infrastructure
CP.08 Natural Resources
CP.10 Natural Environment
CP.11 Protection and Enhancement of the Landscape
CP.14 Sustainable Rural Communities
DC.01 Protection of Amenity
DC.12 Trees and Landscape
DC.15 Renewable Energy
DC.16 Design
DC.17 Historic Environment

Breckland District Landscape Character Assessment (May 2007).

NPPF With particular reference to paragraphs 14, 17, 32, 34, 98, 118, 128, 129, 131 & 134.

NPPG National Planning Practise Guidance

Ministerial Statement on Wind 18 Jun 2015

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

BEESTON P C

Members raised no objection to the application but there were concerns as to whether there would be a proliferation of this size of wind turbine in the area. It would have been helpful if there had been on site a system such as a balloon that would have given some indication of the size of the turbine in relation to the surrounding area.

NORFOLK COUNTY COUNCIL HIGHWAYS

As with similar proposals this Authorities main concern is whether the surrounding road network is capable of accommodating the size and number of vehicles associated with the delivery and construction of the components parts of the turbine. In this instance the applicant proposes that all construction vehicles will travel to the site via A47 and then C470 Swaffham Road and C229 Longham Road/Honeypot Lane -the later being classed as an HGV access route. Whilst this is acceptable in principle it is noted in Para 1.90 of the Environmental Report that a series of reverse bends exist on Honeypot Lane where the applicant "anticipates" delivery vehicles will be able to negotiate without improvement but offers "temporary verge improvements "if not. The extent of the highway boundary in this location is not altogether clear and to avoid a situation where it comes to light that third party land is required at a later date, please will you obtain a drawing showing the swept-path analysis of the largest vehicle involved so that it is clear whether improvements will be required and also the extent of these. I will then be able to identify whether these lie within the public highway boundary. I also consider it likely that the Keep Left bollards at the junction of A47 and C470 will need to be temporarily removed but will would be useful of have swept-path analysis here also to confirm this is the case

CIVIL AVIATION AUTHORITY

The CAA has no responsibilities for safeguarding sites other than its own property, and a consultation by a Council is taken as a request for clarification of procedural matters. Councils are reminded of their obligations to consult in accordance with ODPM/DfT Circular 1/2003

There is an international civil aviation requirement for all structures of 300 feet (91.4 metres)* or more to be charted on aeronautical charts. However, on behalf of other non-regulatory aviation stakeholders, in the interest of Aviation Safety, we request that any feature/structure 70 feet in height, or greater, above ground level is notified to the Defence Geographic Centre mail to dvo@mod.uk, including the location(s), height(s)* and lighting status of the feature/structure, the estimated and actual dates of construction and the maximum height of any construction equipment to be used, at least 6 weeks prior to the start of construction, to allow for the appropriate notification to the relevant aviation communities.

Cumulative effects of turbines may lead to unacceptable impacts in certain geographic areas.

The Ministry of Defence will advise on all matters affecting military aviation.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

The Planning Application Documentation and Environmental Report (Farmwind, October 2014) adequately addresses all the ecological concerns in relation to the proposed development at the site. Provided that the that the working methods detailed within Table 7 are set as a condition to planning approval, there are no objections to the development

ENVIRONMENTAL HEALTH OFFICERS	No Comments Received
CONTAMINATED LAND OFFICER	No Comments Received
WENDLING P C	No Comments Received
LONGHAM P C	No Comments Received
NORFOLK WILDLIFE TRUST	No Comments Received
MINISTRY OF DEFENCE (WIND TURBINES)	No Comments Received
NATIONAL PLANNING CASEWORK UNIT	No Comments Received

REPRESENTATIONS

4 representations received of which 3 object, comments summarised as follows;

predicted that the village would not be affected by its new neighbour

At 77m this is far too large in proximity to houses in this area and will be seen from the village.

Only a very small number of villagers were directly informed of the NEW application

At 77m this is far too large in proximity to houses in this area and will be seen from the village.

Only a very small number of villagers were directly informed of the NEW application

I have never received a notification from the planning department regarding this planning application.

I note that English Heritage and The MOD have indicated they oppose the development. There is nothing from the applicant to suggest the concerns of these two organisations have been addressed.

Note that the MOD has requested infra red 'flash' to address their interrupted radar concerns. I would like assurances that in a 'dark' area these would not impact the night environment.

Suggest that the wind speed checks be undertaken before any development of the site takes place.

The environmental impact include the cost of removing the below ground works and that a planning condition requiring the below ground concrete be removed after the end of the normal life of the installation.

I also note that the noise impact does not consider the incremental noise factor over and above the existing noise impact of the turkey farm - and for which I have an undertaking from Bernard Matthews not to breach between the hours of 10.00 pm and 7.00 am.

Finally suggest a planning condition be included regarding no future increase in the number of wind turbines on this site.

1 representation received in support, comments summarised as follows;

Write in support of the application for the development as Chairman of Four Winds Energy Cooperative, which has recently erected a similar turbine at Duckmanton, near Chesterfield in Derbyshire.

I write to share the positive experience of our comparable project.

The most vocal supporters of the Duckmanton wind turbine have come from the village itself who have supported the project from the start. Indeed the people who live closest to the turbine spoke in favour of it at the planning determination meeting and are delighted with it now that it is up and producing electricity.

Many people worry about noise from turbines. A conversation today with someone working at the local school (which is probably the closest building to the turbine) might shed light on this position. The turbine has been working for over a month in some pretty strong winds yet this person asked me "What noise does the turbine make?" They clearly had not heard it at all, never mind being bothered by it. This is what I would have expected since the turbine noise profile predicted that the village would not be affected by its new neighbour

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 in an area of open countryside on agricultural land associated with a turkey farm.

2.2 In relation to proposals for renewable energy para 98 of the NPPF states that when determining planning applications, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and

- approve the application if its impacts are, (or can be made), acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

2.3 This advice has, however, been tempered by the written Ministerial Statement dated 18th June 2015 which states;

'When determining planning applications for wind energy development involving one or more wind turbines, local planning authorities should only grant planning permission if:

- the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and

- following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.

In applying these new considerations, suitable areas for wind energy development will need to have been allocated clearly in a Local or Neighbourhood Plan. Maps showing the wind resource as favourable to wind turbines, or similar, will not be sufficient. Whether a proposal has the backing of the affected local community is a planning judgement for the local planning authority.

As the application was submitted on 31/10/14 the following transitional provision also applies;

'Where a valid planning application for a wind energy development has already been submitted to a local planning authority and the development plan does not identify suitable sites, the following transitional provision applies. In such instances, local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing.'

As such the proposed turbine can be considered acceptable if the relevant material considerations weigh in favour of the development and, following consultation, the Council are satisfied the proposal has addressed the planning impacts identified by affected local communities and therefore has their backing.

2.4 Core Strategy Policy DC15 - Renewable Energy states that proposals for renewable energy development will be supported in principle and that permission will be granted for these developments unless it, or any related infrastructure such as power lines or access roads etc, has a significant detrimental impact or a cumulative detrimental impact upon:

- a. Sites of international, national or local nature and heritage conservation importance;
- b. The surrounding landscape and townscape;
- c. Local amenity as a result of noise, fumes, electronic interference or outlook through unacceptable visual intrusion;
- d. Highway safety.

There are site specific allocations in the Core Strategy or other subsequent planning documents which support the development proposals in this case.

2.5 The proposal would make a limited contribution to the supply of energy, (500mw) and whilst it is clear that the Council can not require the need for the development to be demonstrated, (para 98 NPPF), the public benefit arising from the proposal would be limited. In light of the ministerial statement local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing. In these terms objections have been received on the basis of the visual impact of the development arising from its height and proximity to houses together with concerns regarding the noise from the turbine. The objections from Historic England and the MOD are also noted by neighbours. The parish council, (Beeston), had no particular objections to the proposals other than a concern about a potential to set precedent for further turbines. In terms of support the application has received one letter from a group in Derbyshire who would not be considered part of the 'local' community affected by the development.

2.6 In terms of the principle of the development it is not considered that the proposed turbine has the 'support' of the local community and it must therefore be considered whether the other planning benefits of the scheme would outweigh this consideration.

3.0 Local character / Landscape impact

3.1 In terms of the potential landscape impacts of the proposal the application is supported by a LVIA which identifies that the application site lies within the E. Plateau Farmland character type in the Breckland District

Landscape Character Assessment, (May 2007).

3.2 The application site lies to the end of a ridge to the east and drops over the length of the site gently to the west. With the exception of views through various gaps in the hedge the existing low lying buildings and hard standing on site are generally well screened. The LVIA describes the landscape as being of 'community' or 'ordinary everyday' value which has a low sensitivity to change and there is no reason to disagree with this.

3.3 The LVIA goes on to consider the harm likely to be caused by the development proposal and concludes that there would be some impact but this would be greatest at a local level diminishing with distance from the turbine. Again there is no reason to disagree with the conclusions reached and whilst Policy DC16 requires design proposals to preserve or enhance the existing character of an area this does not mean that change can not occur.

3.4 For these reasons, it is not considered that the proposal would cause harm to the character and appearance of the area and the proposal would thus accord with Core Strategy Policies DC01(e) and (f), DC12 and DC16, and with relevant guidance in the NPPF. It should be noted, however, that this does not mean that the development has an acceptable impact on the setting of heritage assets which is considered in section 4 below or that the proposal is considered to have the support of the local community as it is clear that it does not.

4.0 Heritage

4.1 Paragraph 134 of the NPPF sets out 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, including securing its optimum viable use. Policy DC17 states that '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'.

4.2 It is clear from the objections from Historic England and the Historic Environment Service that the proposed development is likely to have an effect on the setting of a number of designated and non - designated heritage assets including Old Hall moat scheduled monument and the grade II* church of St Andrew and St Peter. The turbine might also impact upon the setting of the scheduled monuments of Mileham Castle and the Devil's Dyke.

4.3 Historic England advise that the proposal would result in harm to the significance of these designated heritage assets and this would be 'less than substantial' harm for the purposes of interpreting the NPPF. As para 134 of the NPPF, (cited above), informs us this harm has to be weighed against the public benefits of the proposal and it is not considered that this has been adequately demonstrated.

4.4 The Historic Environment Service raise concerns in relation to the detail of field evaluations for archaeology, however, this could realistically be dealt with by way of conditions requiring appropriate investigations.

4.5 In conclusion it is not considered that the applicant has demonstrated that due regard has been paid to the setting of Listed buildings nor has it been demonstrated that the harm likely to be by the development would be outweighed by the public benefits of the proposal and as such it is considered contrary to policy DC17 of the Core Strategy and paragraph 134 of the NPPF.

5.0 Civilian / Military Safeguarding

5.1 There are unresolved technical objections to the proposals in relation to the likely impact of the proposal on both military and civilian radar systems. It is abundantly clear that the limited benefits derived from the development in terms of generation of renewable energy would not outweigh an increase to the risk to civilian aircraft or impact upon national defence interests.

5.2 The HSE have commented on the proposals with regard to the proximity of the development to major accident hazards in the vicinity but state that they have no objection due to the development not increasing the number of people likely to be present in the area.

6.0 Amenity

6.1 There is not considered to be any evidence that the proposals would be harmful to the amenities of local residents in terms of noise, vibration, shadow flicker or glare. It is noted that the only objection received in terms of amenity relates to noise which the applicant demonstrates through submission of technical reports would not adversely affect the amenities of nearby residential dwellings.

6.2 In terms of noise the development would comply with ETSU-R-97 standards which are advocated by the Planning Practise Guidance and conditions could also be imposed requiring adherence to these noise levels.

7.0 Access

7.1 Access to the development would be gained principally via an existing priority junction to the east of the site onto Honeypot Lane which leads south onto the A47.

7.2 Whilst NCC Highways raise a number of concerns regarding the access route to the site and request a swept path analysis to demonstrate that key 'pinch points' could be overcome this does not appear to be a fundamental issue and could be dealt with via the imposition of appropriate conditions.

7.3 In light of the above it is considered that the that the proposal is acceptable on the grounds of Highway Safety and the proposed development would comply with policy CP4(e) of the adopted Core Strategy DPD.

8.0 Ecology

8.1 The application is accompanied by an Ecological Appraisal.

8.2 The Councils Ecologist notes that the Planning Application Documentation and Environmental Report, (Farmwind, October 2014), adequately addresses all the ecological concerns in relation to the proposed development at the site. Provided that the working methods detailed within Table 7 are set as a condition to planning approval, there are no objections to the development

8.3 The applicant has thus demonstrated that the proposal would not have an adverse effect upon matters of ecological and the proposal thus accords with policies CP10 of the adopted Core Strategy DPD and paragraph 118 of the NPPF.

9.0 Other Issues

9.1 Issues of TV interference are not raised by neighbours but the applicant has submitted a technical report which demonstrates that this is unlikely to be an issue.

9.2 The land does not appear to have been in a previous industrial use and issues of land contamination can also be dealt with by appropriate conditions.

10.0 Conclusion

10.1 It is not considered that the proposal has the support of the local community and it is clear there are a number of other concerns regarding the development in terms of its impact upon designated and undesignated heritage assets and safeguarding objections from the MOD and the Safeguarding Officer at Norwich International Airport.

10.2 Furthermore it is not considered that the applicant has demonstrated that due regard has been paid to the setting of Listed buildings nor has it been demonstrated that the harm likely to be by the development would be outweighed by the public benefits of the proposal.

10.3 Taking all of these matters into account, it is concluded that the benefits of the proposal would not outweigh the likely disbenefits and the application should be refused.

RECOMMENDATION

Refusal of Planning Permission

REASON(S) FOR REFUSAL

- 9900 No community backing
- 9900 Air traffic safeguarding
- 9900 Heritage impact

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9900 Note
9900 Note: Appeals

ITEM: 2	RECOMMENDATION: APPROVAL
REF NO: 3PL/2016/0533/H	CASE OFFICER: Simon Wood
LOCATION: BILLINGFORD AND SWANTON MORLEY Billingford Lakes Elmham Road	APPNTYPE: Hybrid POLICY: Out Settlemnt Bndry ALLOCATION: N CONS AREA: N LB GRADE: N TPO: N
APPLICANT: Wensum Valley Hotel, Golf & Country Club Beech Avenue Taverham	
AGENT: BD+M (UK) LTD The Garage 35 Cutler Way	
PROPOSAL: Erection of visitor centre and change of use of land for campsite, outdoor recreation & centre with associated works and outline permission for 8 holiday lodges	

REASON FOR COMMITTEE CONSIDERATION

The application is referred to Planning Committee as it is a major application

KEY ISSUES

Principle of development / Need for tourism related development
Design and appearance
Environmental impact including ecology and the impact on the SAC and SSSI
Amenity
Highway safety
Flood risk
Impact on archaeology
Contaminated land
Other matters and material considerations

DESCRIPTION OF DEVELOPMENT

This is a hybrid planning which seeks, (as more fully set out in the Applicant's Planning and Design and Access Statement of November 2016):

1. Full planning permission for main entrance; visitor centre with associated parking; and facility blocks.
2. Retrospective consent for track side bund mounds, electricity transformer housings, bird hides, fisherman's huts, track ways and landscape screening; and
3. Outline consent for the uses indicated on the plan titled "Masterplan - Uses" ("Masterplan") accompanying the Application. This includes the construction and siting of a total of eight holiday lodges in two separate locations marked Areas 6 and 15 of the Masterplan. Two holiday lodges are proposed in Area 6 and six

lodges are proposed in Area 15.

The development and uses shown on the Masterplan includes in summary:

- 1.area at the north of the site near entrance for 20 touring caravans, (Area 1);
- 2.area at the north of the site for camping, (up to 30 tents) (Area 1);
- 3.three further camping sites, (one area to be used for youth organisations); (Areas 18, 20 and 21);
- 4.fishing on lakes;
- 5.bird watching/bird hides;
- 6.two areas for lodges, (2 lodges on Area 6; 6 on Area 15)
- 7.football pitch;
- 8.perimeter walk;
- 9.agriculture, activity and wildlife areas, (Areas 12, 16, 22, 23, 24); and
- 10.fenced areas of grazing adjacent to the River Wensum, (Area 11); and
- 11.Woodland incorporating a "woodcraft area" ,(Area 10).

Since the application was received there have been discussions between the Applicant, officers and statutory consultees. That resulted in revised details which were received on 23rd December 2016.

The revised details consisted of the following new or updated documents:

- 1.Planning, Design and Access Statement;
- 2.Plans detailing the visitor centre;
- 3.Flood Risk Assessment;
- 4.Masterplan;
- 5.Ecological Survey;
- 6.Habitat mark up plan; and
- 7.Outline Landscape and Ecological Management Plan.

All other documents submitted with the application remain up to date and inform this assessment.

A Landscape, Habitat and Environmental Management Plan was submitted on 15th February 2017.

The proposed visitor centre and facilities block are the two new buildings for which full permission is sought. The proposed visitor's centre shall be approximately 652 sq. m of gross internal floorspace, with the facilities block comprising of approximately 68 sq. m of gross floorspace. Together these two new buildings will include:

- 1.reception/display area;
- 2.office;
- 3.exhibition/display area;
- 4.cafe;
- 5.toilets/shower facilities;
- 6.kitchen;
- 7.storage area for equipment/materials; and
- 8.external service/goods yard.

The visitors block is of a modern design with a mono-pitch roof. It would be 3.29m high at its lowest point rising to 5.29m. The revised proposals have reduced the height of the roof by 1.3 meters at the highest point as compared to the previous building proposed. Its principal facing material would be timber boarding with

olive green metal cladding for the roof. A planning condition is to be imposed requiring the Applicant to agree the exact details of the materials prior to commencement. There would be a total of 36 parking spaces, of which 4 would be disabled parking spaces. There would also be parking for two coaches plus cycle parking.

The proposed facility block would comprise toilet, shower and laundry facilities. It would be single storey and have dimensions of 6.9m x 12.85m, with a hipped pitched roof with a ridge height of 5m. The facing materials would be timber cladding on a brick plinth with olive green metal cladding on the roof. Again, it is proposed that a planning condition seeks approval of the materials prior to commencement of development. Access would be via the existing access point.

Retrospective consent is also sought for soil bund mounds that were previously constructed to define the road tracks around the perimeter of Area 21, which create a natural weather screening for the proposed camping uses in this area. These bunds are a maximum of 3m wide at their base, with a height of a maximum of approximately 1.5m. Retrospective consent is also sought for 4 viewing hides and angler's huts in Areas 7, 9, 16 and 27, each with approximate dimensions of 3m x 2.4m x 2m, and also two anglers' huts in Areas 10 and 17 measuring approximately 2.4m x 1.8m x 2m. These viewing hides and anglers' huts buildings constructed with treated softwood sawn feather-edged wooden boards with a mono-pitch profile roof. Retrospective consent is also sought for various landscape screening as detailed in the Application, in addition to two electricity sub-stations on the western perimeter of Area 4 and in the north east corner of Area 21. Each sub-station measures approximately 2.27m x 1.92 x 1.90 high, constructed in a fair-faced dense concrete block work with green profile sheet roofing.

SITE AND LOCATION

The site has an area of 56.36ha, (139.26acres) and lies to the east of the village of Billingford, south of Elmham Road and north of the River Wensum. Historically, the land formed part of a former gravel workings and comprises a mixture of fallow agricultural land, woodland and ponds which were created when the site was operated as a quarry. Part of the site is a designated Scheduled Ancient Monument and lies adjacent to the River Wensum Special Area of Conservation and Site of Special Scientific Interest. The site is known to be of archaeological interest. The majority of the site lies within Flood Zones 2 and 3 with the remainder within Flood Zone 1.

A Public Footpath runs through the site connecting with Public Footpath RB3 which runs along the eastern boundary of the site. There is also an area of common land to the south eastern edge of the site known as Billingford Common.

The River Wensum runs along the southern boundary of the upper part of the site and along the northern boundary of the lower part of the site. There is also a Scheduled Ancient Monument to the north of the site comprising of approximately 5.88 hectares under monument reference: 130984 "Roman Roadside Settlement". This is shown as being within Areas 1 and 2. .

EIA REQUIRED

No. The Application has been screened following submission under the Town and Country Planning, (Environmental Impact Assessment Regulations), 2011, (as amended); ("EIA Regulations"). It has been concluded that the proposed development is not EIA development and not likely to lead to likely significant impacts on the environment. The revised details submitted in December 2016 by the Applicant sought to reduce the height of the visitors centre and make other changes that are considered to be beneficial in

environmental terms. The Applicant has varied its proposal to re-locate all buildings, (visitor's centre, holiday lodges and facility block) and all land designated for camping uses outside the Flood Risk Zone and within Flood Zone 1. The conclusions that the development is not EIA development and that no likely significant effects are likely therefore remain up to date for these reasons, in addition to those reasons contained in the screening opinion dated 18 July 2016, in this report and following the statutory consultation responses.

Further, as competent authority under the Habitats Directive, it has been considered whether or not the Application and development proposed is likely to have significant effects on the River Wensum Special Area of Conservation based on the details contained within the Application and the consultation responses. Natural England has confirmed that the proposals are unlikely to impact on the SAC and that there is no risk of contaminates entering the River Wensum. The Applicant has confirmed that the drainage solution for the new buildings and impermeable areas shall be controlled locally and any surface water run-off shall be attenuated and discharged into the adjoining lakes at green-field run off rates. The Applicant's Flood Risk Assessment details the drainage proposals and plans are provided that details the drainage mitigation measures and indicative locations. All foul water from the visitors centre / facility blocks is proposed to be discharged into sealed storage tanks with suitable indicator alarms to avoid any risk of contamination into the watercourse as detailed on the plans appended to the Flood Risk Assessment. Such drainage proposals are considered to be standard drainage solution and form of mitigation; the precise details and implementation of which will be secured by condition. Natural England and the Council's Ecologist are satisfied with these measures and raise no objection in this regard subject to a standard condition being imposed. Further, the Council's Ecologist is of the view that if the measures set out in the Applicant's Landscape, Habitats and Environmental Management Plan document are implemented it is unlikely a significant effect will occur to the River Wensum SAC. A revised management plan has been submitted by the Applicant and this shall again be secured by condition.

For these reasons, (and those set out in this report), it is not considered that the proposals will lead to likely significant effects on the River Wensum SAC and it is not therefore considered that any further Appropriate Assessment is required.

RELEVANT SITE HISTORY

3AG/2010/0013/AG	Withdrawn INVALID	27-07-10
Erection of general purpose agricultural building		
3AG/2012/0026/AG	Withdrawn INVALID	25-09-12
Erection of general purpose building in connection with agricultural/fishing uses		
3AG/2012/0030/AG	No Prior Approval	16-10-12
Portal frame structure with 2 no. access doors for storage of machinery		
3PL/2007/0798/F	Refusal	03-09-08
Construction of 3 no. timber cabins for lakeside accommodation and extended lake		
3PL/2010/0307/F	Withdrawn INVALID	04-06-10
Proposed country park incorporating visitor centre & 35 no. pitch touring caravan site		
3PL/2010/0794/F	Refusal	16-09-10
Erection of a single storey general purpose agricultural building to provide secure storage		

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3PL/2011/1366/F	Withdrawn INVALID	04-01-12
Proposed touring caravan site, visitor centre & site maintenance building		
3PL/2012/0265/F	Withdrawn	21-06-12
Proposed touring caravan site, visitor centre, maintenance building & camping pods		
3PL/2012/1197/F	Refusal	27-03-13
Proposed visitor centre & camping pods		
3PL/2012/1315/F	Refusal	27-03-13
Agricultural general purpose building (Part Retrospective)		
3PL/2014/0056/F	Refusal	24-07-14
Recreation & agricultural facilities with visitor centre		

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 and National Planning Policy Guidance have also been taken into account, where appropriate

CP.06	Green Infrastructure
CP.08	Natural Resources
CP.09	Pollution and Waste
CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
CP.13	Accessibility
DC.01	Protection of Amenity
DC.08	Tourism Related Development
DC.12	Trees and Landscape
DC.13	Flood Risk
DC.16	Design
DC.17	Historic Environment
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

Members will be aware of their duty under sections 70 (2) of the Town and Country Planning Act 1990 and section 38 (6) of the Planning and Compulsory Purchase Act 2004, i.e. that to the extent that development plan policies are material to an application for planning permission, the decision must be made in accordance with the development plan, unless there are material considerations that indicate otherwise. Such material considerations include the National Planning Policy Framework and relevant policies within it.

Core Strategy Policy DC18 permits the development of community facilities in market towns, local service centre villages and other rural settlements, subject to need and sustainability criteria. However, it does not

refer and therefore relate, to developments in the open countryside. It is considered that this policy is therefore irrelevant for the purposes of this application. Further, it is not considered that Policy DC07 applies as this policy only applies to development for employment uses, which this proposal is not. The proposal is a leisure use and not one which is likely to be found on an employment area and it is not therefore considered that these proposals fall within the ambit of this policy.

OBLIGATIONS/CIL

Not Applicable. . Any mitigation that is required to ensure the development is acceptable in planning terms may be adequately secured through condition as detailed in this report.

CONSULTATIONS

BILLINGFORD P C

At its meeting on 21st June 2016 the Parish Council voted on the application. Out of the 5 Councillors present, 3 Councillors voted in favour, 1 abstained from voting, and 1 voted against. The vote against was because of a number of issues, such as increased noise, traffic and safety.

A further vote was undertaken. 3 Parish Councillors voted in favour and 3 voted against. One of the Parish Councillors that voted against stated it was due to concerns over increases in noise, light and traffic.

SWANTON MORLEY PC

Swanton Morley Parish Council objects to this application on the grounds that it is contrary to policies CP6, CP10, and CP11 and the visual impact of the caravan site from the fishing platforms at Burgh Common would negate the investment made in this area by the Environment Agency. Swanton Morley Parish Council also objects to any structure being erected on either common or public access land.

Swanton Morley Parish Council continues to objects to this application as being contrary to policies CP6, CP10 and CP11. Swanton Morley Parish Council does however, acknowledge the movement of the proposed caravan site off the common/public access land and away from the sightline of Burgh Common, as a positive amendment to the application.

HOE & WORTHING P.C.

Hoe and Worthing Parish Meeting strongly object to the proposal in its entirety. It is their view that this application is the third attempt to obtain development consent for this whole site; both previous attempts being refused by the local authority, decisions which were upheld on appeal of the site. The application is contrary to policies CP11, DC1, DC8, DC13, DC18, CP8 and the NPPF. The application is of a much greater magnitude, wider footprint and sprawling nature, does not show a need for the facility and will have a negative environmental impact. The response is very detailed and can be seen in full on the Council website.

Hoe and Worthing Parish Meeting unanimously concluded that the proposal should be opposed. There remains little information on the supported need for the application. The proposed development is wholly inappropriate and undesirable in a particularly sensitive location which should enjoy a high degree of protection.

ENVIRONMENT AGENCY

The Environment Agency objects in principle to the application because the proposed development falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located and recommended that the application is refused on that basis.

The Environment Agency has removed the flood risk objection as the flood risk advice that was provided in the previous response has been considered. The ecology considerations are still lacking, but it is considered that this aspect can be covered adequately through planning conditions to secure a construction management plan and 10 year site management plan. Therefore, planning permission could be granted to the proposed development as submitted if appropriate conditions are included. Without these conditions, the proposed development poses an unacceptable risk to the environment and the objection would remain. .

NORFOLK RIVERS INTERNAL DRAINAGE BOARD

The site falls within the Norfolk Rivers IDB boundary and the increased impermeable area, as stated in the FRA, will result in more water being processed via the IDB system. Land Drainage consent will be required as will a surface water development contribution. The engineering report also states that a site specific management plan of the drains will be produced. We welcome this and would like to work with the applicant on the development of this. Being an IDB adopted main drain we would need to be the delivery body for any maintenance proposed, which would need to conform with our SMO. We would also like to confirm the pollution control measures that will be integrated into the development, given the risks to the SSSI to which the water will flow, (May 2016).

HISTORIC ENGLAND

The development area includes an archaeological site of national importance which is designated as a Scheduled Monument. Historic England have been involved in pre-application discussion with the owners and although the development has the potential to harm the significance of the designated heritage asset, we consider that if reasonable safeguards are put in place then we would not object to application on heritage grounds.

The northern part of the development area is designated as a Scheduled Monument known as the Roman roadside settlement 150m south-west of Billingford Hall (List Entry Number: 1021458).

We are satisfied that the applicant has identified the significance of the scheduled monument and we note that a legal agreement to protect the monument is also proposed. Safeguards are however needed to protect the significance of the monument. Specifically we would like to ensure that the caravan and campsites are used for only part of the year, specifically that the area comprising of the monument is not used in the winter and early spring when there are risks to buried archaeological deposits from vehicular movements and erosion. We also want to ensure that any infrastructure that is required for the camping and caravanning sites, specifically stand pipes for water and electricity hook ups, are established outside of the monument, or are surface mounted. If these are to be surface mounted then they would need to be protected by soil bunds made of material taken from outside the monument. This is to ensure that there is no below ground disturbance of the designated scheduled monument from this development. We also note that screen planting is proposed for the northern edge of the site adjacent to the B1145 Elmham Road. We would not want this to encroach onto the monument and would request that when a detailed scheme is drawn up, it does not include planting within the designated area. We also note however that at least 75% of the monument will be retained under pasture and maintained as grazing and activity area. We support this use and consider that this would be a positive management outcome. This part of the site is currently used as a football pitch and we would be happy for this to remain provided that it would not result in any below ground disturbance.

We have also considered the remainder of the application in relation to the setting of the scheduled monument. In particular, this is the full planning permission for the visitor centre and the outline permission for the holiday chalets.

Any harm to the significance of the monument from these aspects of the proposal would in our view be less than substantial.

We therefore confirm that the application in our view would meet the requirements of the NPPF in particular paragraphs 132 and 134 and that Historic England has no objection to the application on heritage grounds. The planning authority would also need to be aware that Scheduled Monument Consent (SMC) would also be necessary before the works could be implemented, and further information would also be needed to enable this to be granted, although we would be happy with the principle of an SMC application.

We are broadly supportive of the application and would ask that your authority take our representation into account when determining the application.

HISTORIC ENVIRONMENT SERVICE

The proposed development sits within a former quarry, immediately to the south of the scheduled monument of Billingford Roman settlement. The settlement was occupied during the Roman period, and runs along the line of a section of Roman road, and continued as a focus for settlement and activity after the end of the Roman administration of Britannia. While the scheduled area is limited to the field, the settlement extended to the west of the site, probably down to the river, and exploitation of the river resources may have continued to the south of the settlement limit. If planning permission is granted, we request that it be subject to conditions. These secure approval and implementation of a written scheme of investigation and post investigation assessments

Given the development has the potential to damage the Scheduled Monument and archaeological remains to the south of it, the Historic Environment Service recommends applying four standard conditions to any planning permission granted for the proposed development to ensure that there is no excavation from the Scheduled Monument and a written scheme of investigation to be agreed and complied with.

RAMBLERS ASSOCIATION: NORFOLK AREA

The Ramblers Association would express concern about the impact on the visual amenity and current non intensive use of this area. The application estimates the Number of annual visitors as 38,254. This amounts to more than 100 people per day on average, but no doubt more during the warmer months and fewer 'off season'. This level of presence would have a major impact on the ability to have quiet enjoyment of the area. It notes the applicant's recognition of the existence of Billingford FP4 (running through the site) and Billingford RB3 which lies to the east, and is immediately adjacent to the site at its southern end. Given past difficulties, it is also welcome to hear the commitment to ensuring that these routes remain open to legitimate users. It is wondered if, given the plan to develop the southern part of the site south of the river, the applicant would consider extending the public footpath across the river to emerge on Worthing Road and so create an additional route for walkers. Billingford FP4 passes very close to a number of the site's proposed facilities, and they would have some concern that neither site visitors nor walkers are inconvenienced by each others' activities.

All of our original comments are unaffected by the revisions proposed and still apply

NATURAL ENGLAND

Natural England does not object in principle to the development, but requires further information on foul sewerage proposals to be satisfied that effluent will not escape into the nearby River Wensum Special Area of Conservation and Site of Special Scientific Interest during a flooding event. We consider that impacts upon the interest features for which this site is designated are otherwise unlikely. The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the Habitats Regulations). The

application site is in close proximity to the River Wensum Special Area of Conservation (SAC) which is European site. The site is also notified at a national level as the River Wensum Site of Special Scientific Interest (SSSI). Natural England advises that the LPA, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The consultation documents provided do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment. It is Natural England's advice that the proposal is not necessary for the management of the European site. At this time there is insufficient information to enable Natural England to provide a substantive response to this consultation. Recreational use is not considered likely to impact upon the interest features for which the SAC has been designated and Natural England does not object in principle to the development. It is, however, important to ensure that contaminants are not allowed to enter the watercourse, particularly in the event of flooding. Further details of the drainage solution are required. This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF.

Natural England has no objections to the application following confirmation from the developer that all cesspits located within the flood zones will be sealed and alarmed with a full maintenance plan. Natural England considers, however, the appropriate foul drainage system should be secured through condition

NORFOLK WILDLIFE TRUST

The Design and Access Statement seeks to redress previous planning issues and the trust supports the intentions set out in the statement and note that the applicant has talked to Natural England, Environment Agency and Hawk and Owl Trust in order to seek to reduce impacts on biodiversity. As a result, the current application has gone some way towards addressing biodiversity issues, particularly in relation to impacts on the River Wensum SAC and Natural England has stated that they have no objection in principle regarding impacts on the River Wensum SAC. However, they still retain an objection with regard to the need for further information with regard to foul sewage disposal. We also note that EA have objected, partly on ecological grounds. An ecology and protected species survey accompanies the development documents. As a result of the shortcomings of that document, the current position is to object pending further information. In our view no planning decision should be made until information required by Natural England is submitted and before further information is presented regarding impacts of visitors to the site on priority species that are present on site. This should include impacts on breeding and wintering waterfowl. The issue also remains that the ecological value of the land before unauthorised development took place is unknown, except via submissions of local people, who know the site. Whilst we accept that the ecology surveys and mitigation proposals can only assess the proposals in terms of the current baseline, nevertheless, given previous loss of habitat we recommend that there should be a strong level of biodiversity enhancement secured by planning conditions or agreement if this application is approved.

NORFOLK COUNTY COUNCIL HIGHWAYS

This Authority has previously commented on two planning applications, for a similar use of this site, submitted under planning references 3PL/2012/0265/F and 3PL/2012/1197. This Authority raised objections to the original proposal. A similar application was subsequently submitted under planning ref 3PL/2012/1197. This application was subsequently the subject of an Appeal where this Authority advised that it would not object to the proposal in principle subject to satisfactory access arrangements being included. The current proposal again seeks to provide a visitors centre, shop, improvements to the existing recreational fishing and public access area, together with a 20 pitch caravan site, 30 pitch camping site and 8 Holiday Lodges.

The site is served by B1145 which is designated as a Main Distributor Route in the County Council's adopted Route Hierarchy and which provides an important cross county link between A1067 at Bawdeswell with A149 at Kings Lynn. Whilst this proposal re-introduces an element of provision for caravans this is significantly less than the original proposal, given the level of traffic already on this part of the network it is not considered that the additional traffic generated by the proposed use will have a material impact on the highway network. The applicant seeks to address highway safety concerns in the vicinity of the access by improving forward visibility in order that drivers already travelling on B1145 have a clear view of slowing stopping and turning traffic. There are also proposals to improve the level of visibility for drivers leaving the access. On balance, and on the basis of the submitted information, I am of the view that it would be difficult to substantiate an objection to the proposal in particular as the use will, in the main, be seasonal. If your Authority is minded to grant approval please include the attached conditions .

FLOOD & WATER MANAGEMENT TEAM

The County Council as Lead Local Flood Authority has no comments to make. (January 2017)

TREE & COUNTRYSIDE OFFICER

The proposed works will not impact on the trees on site and therefore a tree survey and implication assessment will not be necessary.

Having visited site I can confirm that there are no significant arboricultural implications linked to the proposal. I therefore have no objections.(February 2017)

ECOLOGICAL AND BIODIVERSITY CONSULTANT

See below.

ENVIRONMENTAL HEALTH OFFICERS

No objection subject to conditions to ensure: all foul water is disposed-off in underground tanks to minimise the risks of pollution; no mechanical noise generating equipment will be permitted outside of buildings without the Local Planning Authority's approval; the Air Source Heat Pump system shall be mounted on anti-vibration mounts in the interest of residential amenity; and no loudspeakers or other personal announcement or audio equipment shall be used outside the building without the written approval of the Local Planning Authority again for amenity reasons, (May 2016).

With regards to health and safety implications, it is difficult to comment without seeing what precautions the duty holder will have in place in relation to the hazards that the development will present and the details of the site management. It will be up to the duty holder to comply with the duties under the Health and Safety and Work Act and obtain approvals from the Adventure Activity Licensing Authority as appropriate and comply with relevant legislation. (10 November 2016).

CONTAMINATED LAND OFFICER

The site was formerly used for the extraction of aggregates and there is the potential for backfilled ground. The nature of the infill is unknown. The applicant would need to assess the risks posed by the backfilled ground as well as any other issues on and off-site which may affect the development. As such, I would recommend appropriate conditions be imposed concerning site investigation and remediation and to address any unexpected contamination.

PRINCIPAL PLANNER MINERAL & WASTE POLICY

The area of the planning application is located on a Mineral Safeguarding Area (sand and gravel) identified through the Norfolk Minerals and Waste Core Strategy policy CS16-safeguarding. A duty is placed upon Mineral Planning Authorities to ensure that mineral resources are not needlessly sterilised, as indicated in paragraphs 143 and 144 of the National Planning Policy Framework, Core Strategy Policy CS16. However, the planning application site is mainly on an area of former sand and gravel extraction. Those areas of the

planning application site that are not located on former sand and gravel extraction, are located within a Core River Valley (see Norfolk Minerals and Waste Core Strategy Policy DM2). Therefore, it is considered that the planning application would not result in sterilisation of a safeguarded mineral resource.

NORTH ELMHAM P C

No Comments Received

Ecological Consultant

Further information required in order to ensure negative impacts to biodiversity can be avoided or adequately mitigated, .

Previous responses have highlighted that there was a risk of a likely significant effect resulting from this development on the River Wensum Special Area of Conservation. This was due to proximity of holiday lodges, camping/caravan and recreation areas to the SAC and an anticipated significant increase in visitor numbers and associated recreational impacts.

The development has been re-scoped in that 6 holiday lodges are now proposed solely in the north of the site on open grassland along with camping/caravan facilities, and two near to woodland in the centre of the site north of the lake identified as 13 on the masterplan. The recreational access of the lake for boating activities has been clarified that this is not for use by all visitors, but purely for occasional use by local scout groups and will be managed. Dogs and cattle will be excluded from the land adjacent to the River Wensum and the Applicant will erect gates, fencing and interpretation boards to limit access directly along the River Wensum on site. We believe the applicant has entered into a management agreement with Natural England in relation to the management of the River Wensum for the benefit of the protected site. Foul drainage would be handled by septic tank with no risk of run off or discharge into the River Wensum.

If these measures are implemented it is unlikely a significant effect will occur to the River Wensum SAC. The applicant should submit a statement confirming the measures they intend to adopt to avoid likely significant effects and a revised assessment of anticipated visitor numbers. We require this information to support our Appropriate Assessment as it is only with these avoidance and mitigation measures that we believe would avoid the development resulting in an adverse effect on the integrity of the protected site. The Landscape, Habitat and Environmental Plan outlines a range of habitat conservation, creation and management proposals and recommendations that are identified for inclusion in the scheme.

There is a need for these measures to be specified prior to determination of the application for full planning permission. It was stated that no trees were being removed although the Landscape, Habitat and Environmental Plan does state some selective thinning may take place. This has been itemised as a method for biodiversity enhancement of existing wooded habitats and should follow best practice. The Plan includes measures to enhance biodiversity as well as deal with ecological constraints such as protected species. The implementation of this should form a planning obligation to be secured through the determination process. Details relating to species composition of newly created habitats, the location of receptors and amphibians will need to be fully detailed so may need to be dealt with through Reserved Matters. Surveys to date indicate that great crested newts are less likely to be present on site but it is not known if reptiles will be encountered or in what numbers. It will therefore be necessary to ensure that the measures listed in the Landscape Plan are adopted and if a significant number of reptiles or amphibians are found and require translocation during the works this is conducted providing a suitable amount of habitat and refugia for the numbers found. The masterplan should be updated to include all mitigation and enhancement proposals and be accompanied with species lists for habitats to be created. As long as the measures in the plan are adopted and fully

defined prior to determination, we believe there is the potential for the scheme to achieve a net gain in biodiversity through the improvement of former agricultural habitats, enhancement of existing habitats and management of access and recreation on site to avoid degradation of habitats.

The ecologist's letter included with the recent consultation assists in clarifying my previous queries. I acknowledge that in my previous comments I had misunderstood the locations of holiday lodges which are confirmed as 8 timber lodges: 2 in the wooded area and 6 in the north east corner (Area 15) marked by orange rectangles on the Masterplan Habitat Map in the Outline Management Plan 2017-2027. For the two lodges in the woodland area these will need to be located outside the 30m buffer zone from badger setts with access within the buffer zone during operation restricted to avoid disturbance to badgers and their setts. The letter also outlines the management of foul sewage which Natural England had highlighted as an issue they wanted more information on. In the fourth bullet point of the letter above the method for handling foul sewage is outlined and the detail of this must be submitted with the maintenance plan prior to approval of the full permission.

The Outline Management Plan highlights that the rotational grazing alongside the river will need to be devised in consultation with Natural England. Sight of confirmation of agreements with Natural England would be useful as the permission progresses, to provide evidence that Natural England have agreed with the management proposed and that it meets their objectives for managing the River Wensum SSSI/SAC.

Our conclusion remains, as outlined in our advice letter dated 19 January 2017, that with the latest location of the holiday lodges, the exclusion of dogs year round and management of cattle grazing along the side of the River Wensum SSSI/SAC and the foul sewage measure outlined there should be no likely significant effects or adverse effect on the integrity of the River Wensum SAC.

The proposals in the Outline Management Plan 2017-2027 Billingford Lakes are broadly suitable and if implemented will result in biodiversity management of habitats on site as well as enhancements. Species are listed for new planting such as hedgerows are largely native or naturalised. These are suitable but I would indicate a preference for not including sycamore or similar non-native but naturalised species including purely native species with greater biodiversity value.

We would recommend that the implementation of the Outline Management Plan is required as a condition and that it is refined to a fully detailed plan with full species lists and a programme for management and implementation prior to granting of full planning permission.

The applicant's ecologist has commented that the applicant is prepared to commit to a 10 year management plan which is welcomed as a tangible commitment to managing habitats on site that should benefit biodiversity and the protected site. Any changes should be discussed between the applicant and the LPA if and when these occur.

All the consultation responses may be viewed in full online under the application reference. The issues raised have been considered fully and addressed where necessary and relevant in this report.

REPRESENTATIONS

All third parties were re-consulted following the receipt of the additional information detailed above.

To date 63 separate representations have been received on the revised plans. These can be split as follows:

19 in support of the application, 44 objecting to the application.

Support:

- many villagers support scheme
 - will provide employment and business opportunities for village and general area
 - economic benefits generally
 - will improve area and village
 - previously used for gravel extraction
 - will improve ecology of area
 - will provide educational and conservation benefits
 - will be a sustainable rural development
 - will be an improvement over the disturbance caused by the previous use
 - issues raised by residents have all been addressed
 - will ensure site is well managed into future
 - ample parking and no traffic issues
 - asset to area
- has provided lifeline for Billingford Football team

Objections

- caravans will be in a visually prominent position
- will impact on a local fishing business
- lakes pose a danger to children
- illegal slab to be used to house visitor centre
- River Wensum SSSI should be protected
- support is only from people outside village and area
- Enforcement Notice not complied with
- will create noise, traffic and light pollution
- harmful visual impact
- will harm ecosystem of Wensum Valley
- is a holiday camp in a sensitive location
- no need for development
- currently functions well as it is
- buildings, caravans and lodges will be visible from residential properties
- health risks associated with previous use.

Representations have also been received from George Freeman MP following a meeting with local residents dated 5 December 2016 concerning unauthorised works; ecological concerns; location of the proposed camping and caravan sites on the floodplain; and outstanding responses being required from the Environment Agency and Natural England. Representations have also been made by Richard Buxton solicitors concerning harm to the landscape and habitats; lack of need; lack of ecological assessment; impact on the scheduled ancient monument and the SAC; and a request that the application be deferred pending its freedom of information act request to Natural England concerning modification of the SAM designation.

All the above representations may be viewed in full online under the application reference. The issues raised have been considered fully and addressed where necessary and relevant below.

ASSESSMENT NOTES

1.0 Introduction

1.1 This is a Hybrid application which proposes new tourist facilities in the form of a visitor centre, facilities buildings, caravan park, camping areas, retention of bunds, fishing lakes, retention of other buildings associated with the use of the site for fishing and other recreational uses.

1.2 Members need to be aware that there have been two appeals in relation to this site as explained in the site history section above and further details are available on the Council's website under the relevant references. Both appeals were dismissed. One appeal involved an Enforcement Notice. Again the appeal was dismissed and the Enforcement Notice upheld. There are outstanding matters in relation to the Enforcement Notice which this application seeks to address as part of this Application. These relate to the retention of the bunds, the electricity transformer housings, bird hides, fisherman's huts, track ways and screening. If Members are minded to refuse this application there will need to be consideration of further action to secure the removal of these features.

1.3 As explained above, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. This is repeated in paragraph 12 and emphasised again in paragraph 14 of the National Planning Policy Framework, (NPPF). The development plan consists of the Breckland Core Strategy and Development Control Policies DPD 2009, (CS). Whilst other policies are relevant, given the nature of the use it is considered that the principle of development is required to be assessed primarily against policy DC08 of the Core Strategy. However, it is necessary to consider all relevant policies and these have been considered and reported below.

2.0 Principle of development in the countryside

2.1 Policy SS1 of the Breckland Core Strategy & Development Control Policies DPD sets out the overall approach to development in the District. It states that the open countryside is not considered generally to represent a sustainable option for development and only minimal development in the countryside outside defined settlements is allowed, predominantly comprising the diversification of rural enterprises. Some other employment uses may be accommodated, but only 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.

2.2 The National Planning Policy Framework, (NPPF), promotes economic growth in the countryside. Paragraph 28 provides 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.

2.3 Given the application site's location in the countryside, Policy SS1 is an over-arching 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 only supporting rural enterprise diversification and requiring need to be demonstrated for other employment uses. Other uses do not appear to be permitted. Consequently, it is considered that Policy SS1 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 which is a material consideration in the determination of this Application.

3.0 Tourism Facilities

3.1 Policy DC08 deals with new tourist facilities and new tourist accommodation.

3.2 The policy states that new tourist facilities will be permitted where a need can be justified; the proposals would contribute to Breckland's tourism objectives; there are no significant effects on European habitats or species; the proposals are well related to Local Service Centre villages or those with facilities; or the proposal involves a re-use of a rural building or sustainability located previously development land.

3.3 The policy also encourages new proposals for tourist accommodation where a need may be shown; the proposals form part of a rural diversification or expansion of an existing attraction; it is well related to existing settlement facilities; and it is ensured through condition or Legal Agreement that no permanent residential use is permitted. As this proposal will include new buildings within the countryside, the sustainability advantages of requiring new buildings, the particular countryside attraction that the new buildings will support and the consideration of any existing suitable buildings within the vicinity, should all also be considered.

3.4 Paragraph 28 of the National Planning Policy Framework under the heading supporting a prosperous rural economy states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. They should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

3.5 The site adjoins Billingford village and also adjoins North Elmham parish which is a designated Local Service Centre village. The site is just under 1 km from the edge of the Settlement Boundary of North Elmham. The site lies within open countryside.

3.6 When considering the need for the facility it is considered relevant to consider the nature of the site that is the subject of the application. The site is a former gravel extraction site which has been reclaimed. It has areas of ecological and historic interest with public footpaths passing through the site. It is reasonable to expect that these interests will attract visitors and therefore the site has an intrinsic interest that cannot, by definition, be provided by any other site. The site is also considered to be an attractive site which attracts wildlife to it and again this provides an intrinsic reason to visit the site, which shall also offer a range of educational and conservation benefits and attractions that are unique to these proposals as compared to other local facilities.

3.7 The Applicant accepts that whilst there are other sites in the area offering caravan and camping facilities, they are not similar to the application site in terms of the overall package and range of leisure uses being offered. No substantive evidence to contradict this has been provided and therefore there is no reason to

doubt these conclusions.

3.8 The two previous appeal decisions questioned the need for the development. The applicant has provided more detailed evidence and details about the need for the development in the application documentation including the "Proposed Business Summary". Tourism is a growing economic sector within the area and it is considered that policies are designed to encourage this, subject to detail. The need has, it is considered, been demonstrated and it is considered that the requirements to identify a need for the proposal pursuant to Policy DC08 are satisfied.

3.9 It is also considered that the proposals will contribute towards the tourism objectives of Breckland and, as explained in this report, it is considered that there are no likely significant effects on European habitats or species. Therefore the provision of tourist facilities is supported by policy DC08.

3.10 In addition, with regards to the proposed tourism accommodation, for the above reasons, it is again considered that the need for the proposals has been established. Further, the proposals will form part of an expansion of the existing use of the site for recreational purposes and it is considered that the site is well related to the existing settlement and facilities at Billingford which is a short, (less than 20 minutes), walk away. Conditions shall also be imposed to ensure that permanent residential use of the holiday lodges will not be permitted.

3.11 Further, it is considered that the proposed new buildings, (and those for which retrospective consent is sought) and camping proposals are sustainable and unlikely to have significant impacts on the character and appearance of the area, (for all those reasons set out in this report), nor is it considered that these buildings will lead to any significant impacts on the environment or integrity of the SAC. It is also considered that these buildings and camping and touring caravan provisions will contribute significantly to the overall leisure and tourism facilities and uses within the site and are a necessary part of the proposal to reflect the needs of visitors who shall come to the site to enjoy the recreation, leisure and conservation activities. Therefore, it is considered that there are clear sustainability advantages of the requirement for these new buildings and in the context of the wider attraction of the site and tourism uses the new buildings will support. The Council is also satisfied that there are no other suitable existing buildings in the locality that may be used for the new visitors centre or facility block.

3.12 It is therefore considered that the Application complies fully with Policy DC08 and the proposals are supported by this policy. Whilst concerns have been raised by third parties as to the need for the proposed development, it is the Council's view that the need is satisfied for the above reasons. In any event, and to the extent that there is any conflict with Policy DC08, it is none the less considered that the proposals need to be judged against the context of the site as explained above and against the significant material considerations including the public, economic and ecological benefits explained in this report that would none the less justify the grant of planning permission.

3.13 Policy CP14 supports new enterprises, (including tourism proposals), in countryside locations. It is considered that this policy is complied with in full for the above reasons and it is not considered the proposals would lead to any significant detrimental environmental, landscape, conservation or highways impacts, (as explained further in this report).

4.0 Design and Appearance and Landscape

4.1 The Council's Landscape Character Assessment classifies the site as being within the river valley character area. Policy CP11 seeks high protection for river valleys recognising their defining natural features, rich biodiversity and the undeveloped character of their shallow valleys.

4.2 Policy DC16 also seeks to ensure that all new development should achieve the highest standards of design. The relevant design principles from this policy requires proposals to: preserve or enhance the existing character of the area; complement the natural landscape in terms of form and character; the preservation of natural features on the site; and ensuring the materials used are appropriate and of sufficient quality.

4.3 The previous appeal decisions raised significant issues in relation to the cumulative impact of the built development on the character and open nature of the development. In relation to the application under consideration, the main impacts will be provided by the visitor centre and the caravan park. The caravan park is located close to the site entrance within Area 1 on the Masterplan. Whilst this is close to the site frontage, the topography of the land and the existing and proposed landscaping and extensive screening will result in the caravans, and camping area, not being visually intrusive and help integrate them into their landscape surroundings.

4.4 In previous schemes the built development was grouped together around the existing hard standing area. This proposal separates the built development. The caravans are to the front of the site as described above, the visitor centre is on the existing hard standing and the lodges will be located within the site in two small groups.

4.5 It is considered that this has significantly reduced the ability of the built development to be read as a single built form and reduced the cumulative impact of the built development. It is considered that given this fact, the temporary nature of the caravans and camping and the existing and proposed screening along the road frontage significantly reduced the cumulative impacts and impression of the built form on the site. The retrospective elements of the application are relatively minor in nature and comprise of small buildings that are considered to be constructed and designed in a way sympathetic to their surroundings. The proposals are now therefore considered to be acceptable.

4.6 It is also considered that the design and appearance of the proposed visitor centre building is satisfactory and that whilst it would have some impact on the character and appearance of the area, this would not be significant and it is not considered that the landscape character of the area shall be changed as a result of the proposals, and the screening measures that are proposed. The visual impact of the proposed visitor centre is mitigated by the nature of the landscape, screening proposed and the levels of the site which mean it is likely to be only partially visible in views across the site from the main road. The applicant has demonstrated that the proposed building is significantly less, (by 1.3m in height at the highest point), than the original unauthorised agricultural building. This is given little weight, though is a material change from the situation as considered by the previous Inspectors.

4.7 It is considered that the scheme is materially different from those previously considered by the Inspectors at previous appeals and is acceptable in design terms and having regard to its impact on the character and appearance of the landscape in which it is located. It is also relevant to consider that the built form is away from the river and will not be visible from it.

4.8 Further, whilst a condition may be imposed to agree exact details of the materials to be used for the new buildings, it is noted that the Applicant intends to use external materials that are contemporary in nature whilst ensuring that they are sympathetic to its surroundings. Timber cladding is proposed for the visitor's centre to help ensure that the buildings blend into the landscape with gabion stone walls proposed to bring an architectural interest to the buildings. The proposed facilities block shall be finished in green profiled steel with black painted / stained weatherboarding which shall integrate the building into the surroundings.

4.9 For all the above reasons, it is considered that the proposals fully comply with policy CP11 and DC16.

5.0 Ecology and Impact on the SSI and SAC

5.1 Policy CP10, in summary, requires that open areas of ecological and biodiversity interest shall be protected, with particular protections afforded to designated local and European sites. Further enhancements and promotion of biodiversity are also required by this policy. Policy CP08 recognises that the River Wensum SAC should be protected from flooding and risks of pollution.

5.2 It should be noted that previous appeal decisions that related to schemes that were similar in terms of the uses proposed did not raise any issues in terms of the impact of the development on the River Wensum SSI and SAC.

5.3 As explained above, the Council, (and the Council's Ecologist and Natural England), are satisfied that the proposals are not likely to lead to significant impacts on the integrity of the SAC and therefore no appropriate assessment is required. The Council remain satisfied that the foul water drainage solutions proposed by the Applicant that include privately maintained sealed underground tanks shall ensure that there is no risk of pollutants entering the River Wensum SAC. The surface water drainage proposals are also deemed acceptable with discharge into the adjoining lakes restricted to current green-field run off rates.

5.4 Ecological surveys have been submitted to support the application and these have been considered by Natural England, the Environment Agency and the Council's own Ecological Consultants. Natural England and the Environment Agency all consider that the development is unlikely to have any significant impact on the SAC.

5.5 Further, the Council's Ecologist has no substantive objection to the proposal and the Applicant's ecological assessment concludes the significance of the ecological impact to be - at worst - moderate in the short term during the construction phases. The areas of construction for the new buildings were considered to have a low diversity of habitats and of a low ecological value. Whilst certain protected species may be present across the wider site and could potentially be affected by visitors and the use and operation of the site, the applicant has submitted an Habitat and Preliminary Species Survey which confirms that the

construction and operational phases of the development have been assessed and a range of ecological mitigation measures have been proposed which may be secured through condition. The Landscape, Habitat and Environmental Management Plan includes a range of biodiversity enhancements and detailed mitigation measures to ensure that there are no impacts on protected species. A construction management plan is also proposed within this document to ensure protected species are protected during the construction phase; compliance with which shall be secured by a standard condition in the usual way.

5.6 It is considered therefore that the proposals will result in considerable benefits in ecological and biodiversity terms through the improvement of the former agricultural habitats, enhancement of existing habitats and through the management of access throughout the site and recreation uses. For these reasons, it is considered that Policy CP10 is complied with in full and the ecological and conservation benefits of the proposals weigh heavily in favour of this scheme.

5.7 For the same reasons, it is also considered that Policy CP06 is complied with as the existing green infrastructure on the site is considered to be protected and enhances linkages between the various leisure, conservation and tourism uses and areas as shown on the Masterplan.

6.0 Amenity and Site Safety

6.1 Policy DC01 seeks to protect amenity. 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 quality of the landscape.

6.2 Concerns have been raised by local residents with regard to potential noise nuisance. Highway impacts are considered separately below.

6.3 The Applicant has confirmed that the site would be open all year from 8am closing at 4pm in the Winter and 8pm in the Summer months. The Visitors Centre would include a Cafe area for up to 30 covers, Exhibition Area to display details of the Roman Camp, and small shop for visitor's essentials. Touring Caravan and Camping areas would be open from Good Friday or 1st April each year and close at the end of October. This would be controlled by condition in the usual way.

6.4 In summary, the activities on site could include walking, bird watching, fishing, painting, sketching, canoeing, sailing and camping including caravans and occupation of the lodges. The Applicant does not envisage that these uses would create sound levels that would create a nuisance, save for some sound from machinery used on the site for maintenance purposes which would be kept to a minimum.

6.5 It is nonetheless considered that this is a large site and the proposed uses are contained within it. The Council's Environmental Health Officer has been consulted and raises no objection subject to conditions to control the noise emissions from the site outside the buildings permitted. Separate legislation shall also control any matters relating to health and safety. The Applicant also proposes to agree details of and implement a health and safety management plan which shall be secured through condition to ensure the site

safety of visitors is ensured. In terms of noise and disturbance, the relationship of the development to other properties, the nature of the site, the nature and hours of operation together with the screening proposed, means that there are unlikely to be any significant impacts in terms of general noise and disturbance. For those reasons explained above, it is also considered that the proposals will not lead to any unacceptable impacts on the character or quality of the area or landscape and it is considered that the proposed drainage solution is acceptable to prevent the risk of pollutants entering the River Wensum.

6.6 It is therefore considered that Policy DC01 is complied with as the Council are satisfied that there shall not be any unacceptable impacts in terms of amenity of the area or neighbouring or future occupants. It is also considered for the same reasons that Policy CP09 is complied with as the Council are satisfied that there shall be no unacceptable impacts in terms of noise, odour, light, waste materials or pollution.

7.0 Transport and Highway Safety

7.1 Norfolk County Council Highways raise no objections to the proposals subject to the imposition of conditions which have been detailed in their consultation response of 19 January 2017. The County Council has confirmed that they are satisfied that the additional traffic generated from the proposal is unlikely to have a material impact on the highway network. The use of the existing site access onto Elmham Road, (B1145), a busy main distributor route, is considered to be acceptable as is the level of parking within the site. The applicant has agreed to reinstate the access at the north-east corner of the site to its original form to serve the adjacent property and paddocks and that all access to the application site will be via the access onto the B1145 in the north-western corner of the site. Details and implementation of the access solution and improvements shall be secured by condition.

7.2 The Council is therefore satisfied that the proposals are acceptable in highway terms. Further, in consideration that the site shall remain accessed from the B1145 by vehicles, and pedestrian access is available along the designated footpath from Billingford that links with Billingford RB3 to the south-east of the site, it is considered that Policy CP13 is complied with.

8.0 Flood Risk

8.1 Policy DC13 requires that all new development should be located in areas at least risk of flooding. Policy CP08 also requires new development to be located in a way to minimise risks from flooding.

8.2 The application has been submitted with a Flood Risk Assessment. Whilst the majority of the site falls within Flood Zone 2 and 3, the Applicant through its revised proposals has now moved all of the new buildings within Flood Zone 1 which has the lowest probability of flooding. The Environment Agency has been consulted on these revised proposals and no longer raises any objection subject to the imposition of suitable conditions. This shall include a requirement for the Applicant to agree and implement a flood evacuation plan as has been proposed in the Applicant's Flood Risk Assessment.

8.3 For the above reasons, it is also considered that policies DC07 and CP08 are complied with and the Council are satisfied that the proposals shall not lead to any unacceptable flood risks.

9.0 Impact on Scheduled Ancient Monument / Archaeology

9.1 Policy DC17 seeks to protect and preserve Scheduled Monuments, in addition to listed buildings, conservation areas and historic parks and gardens.

9.2 Both Historic England and the Historic Environment Service at Norfolk County Council have been consulted on the proposals as the proposals have the potential to affect the Scheduled Ancient Monument to the north of the site comprising of approximately 5.88 hectares under monument reference: 130984 "Roman Roadside Settlement" which is situated 150m south-west of Billingford Hall.

9.3 The Scheduled Monument is regarded as a designated heritage asset and paragraphs 132 - 134 of the NPPF provides how the impact of the proposals on the heritage asset should be assessed. This relates to the setting of the asset as well as to the asset itself. The SAM is considered to be a nationally significant asset and its importance is recognised and assessed accordingly.

9.4 The proposal for the visitors centre does not have a direct impact upon the Scheduled Monument and is situated on land to the south of the same. The camping and caravan area is proposed within the Scheduled Monument (in Area 1), as is the retention and continued use of the football pitch. The rest of the SAM would be left to grazing.

9.5 The Council agrees with the conclusions of Historic England, who raise no objection to the proposals on heritage grounds. It is considered by Historic England that the proposals will lead to less than substantial harm to the significance of the Scheduled Monument as the monument may be fully preserved through the imposition of standard conditions preventing the excavation of any part of the monument. Conditions shall also ensure that the Scheduled Monument is not used during winter and early spring and any landscape mitigation that may be agreed avoids any harm to the Scheduled Monument. The Council is also satisfied, in accordance with the conclusions of Historic England, that the harm to the setting of the Scheduled Monument will be less than substantial. This is in consideration of the proposed landscaping mitigation and limited viewpoints of the Scheduled Monument from the road.

9.6 Paragraph 134 of the NPPF requires that where there is less than substantial harm this should be weighed against the public benefits of the scheme.

9.7 The benefits set out by the applicant are:

- Help to support the regeneration of the town of Dereham and provide further facilities in the village;
- Be part of the catalyst for growth in tourist activity as desired by Breckland Council;
- Raise the profile of Dereham and Breckland as a holiday destination;
- Provide direct and indirect employment opportunities;
- Economic benefits and promotion of the local economy; and
- It is recognised that at the national, regional and local levels that tourism is a significant industry and brings with it a range of economic benefits.

9.8 The Council does consider that the above public benefits of the proposals, (in addition to the education and conservation benefits of the proposals), outweigh the less than substantial harm that shall be caused to the Scheduled Monument., For these reasons, and following the advice of Historic England, it is considered that the Application is acceptable in heritage terms and complies with Policy DC17.

10.0 Contaminated Land

10.1 The Council's Contaminated Land Officer has been consulted on the application and has raised no objections to the proposals. Standard conditions are proposed to mitigate against risks from contamination found.

11.0 Trees and Landscape

11.1 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.

11.2 It is understood that whilst the proposed Landscape, Habitat and Environmental Management Plan recommends some thinning to the woodland, the proposals and creation of new buildings will not lead to the loss of any protected trees or hedgerows and the Council's tree officer has raised no objection to these proposals. Furthermore and in any event, the proposed Landscape, Habitat and Environmental Management Plan shall secure significant new tree, hedgerow and shrub planting to improve the landscape and biodiversity value of the site and sufficiently mitigate the impacts from the new buildings and proposals in landscape terms. Landscape considerations are also fully assessed above. For these reasons it is considered that Policy DC12 is complied with.

12.0 Other matters

12.1 The PROW through the site is not proposed to be diverted, affected or otherwise altered or extended. This is a material consideration but it is considered, notwithstanding the views of the Ramblers Association, that there will be no material impact on the PROW. It is not considered that an extension of the public right of way over the river is necessary to make the development acceptable in planning terms.

12.2 The common land is located partly within and outside the application site. No development is proposed on the common land and the access is maintained. It is therefore considered that this element of the development is acceptable.

12.3 With regards to mines and minerals, Norfolk County Council as local minerals authority has raised no objection and satisfied that the proposals shall not result in sterilisation of a safeguarded mineral resource.

12.4 All other relevant matters, including those raised by third parties and statutory consultees, are considered to have been detailed and addressed above.

13.0 Conclusion and Planning Balance

13.1 The paragraphs above have assessed the individual policies of the development plan. It is considered that whilst policy SS1 may not be complied with, limited weight should be afforded to this policy due to its inconsistency with paragraph 28 of the NPPF. Otherwise, it is considered that the proposals comply with the relevant policies in the development plan for those reasons set out above. It is therefore considered that the proposals comply with the development plan as a whole and would represent sustainable development as defined in the NPPF.

13.2 In addition and in any event, if it is considered that there are conflicts with the development plan policies, (which may include policy SS1 if afforded full weight), it is nonetheless considered that there are a number of significant material considerations that support the proposal including the economic and conservation benefits and the considerable landscape and ecological enhancements proposed through the proposed management plan that would outweigh any conflicts and justify the grant of planning permission. There are no other material considerations that would justify refusal.

13.3 It is therefore recommended that the Application be approved subject to conditions.

RECOMMENDATION

Planning Permission

CONDITIONS

3007	Full Permission Time Limit (3 years)
3005	Outline Time Limit (3 years)
3047A	In accordance with submitted plans NEW 2017
3519	No loudspeaker etc outside the buildings
3522	No generators/air handling plant without consent
3545	Holiday accommodation
3556	Touring caravans only
3923	Contaminated Land - Informative (Extensions)
HA08	New access - construction over verge
HA19	Provision of visibility splay on approved plan
HA24	Provision of parking and servicing - when shown on plan
3935	Non-standard condition
3940	Non-standard condition
3935	Non-standard condition
3940	Non-standard condition
3935	Non-standard condition
3935	Non-standard condition
3958	NOTE: Public right of way across site

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3972	NOTE: Bats and Owls	
3996	Note - Discharge of Conditions	
3998	NOTE: Reasons for Approval	
AN61	NOTE NCC Inf 2 When Vehicular access works required	
3060	Standard outline landscaping condition	This condition will require to be discharged
3385	Archaeological condition	This condition will require to be discharged
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
3949	Contaminated Land - Site Investigation/Remediation	This condition will require to be discharged
HA50	Non standard highway condition	This condition will require to be discharged
3104	External materials to be approved	This condition will require to be discharged

ITEM: 3	RECOMMENDATION: REFUSAL
REF NO: 3PL/2015/0589/O	CASE OFFICER Matt Ellis
LOCATION: MATTISHALL Land north of Dereham Road	APPNTYPE: Outline POLICY: Out Settlemnt Bndry ALLOCATION: CONS AREA: N LB GRADE: N TPO: N
APPLICANT: Mr Michael Nunn, c/o Agent	
AGENT: Bidwells 16 Upper King Street Norwich	
PROPOSAL: Residential development of up to 16 dwellings including access with all other matters reserved	

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.
Flooding
Ecology.

DESCRIPTION OF DEVELOPMENT

Outline permission is sought for residential development on land to the north of Dereham Road and East of Howes Lane, Mattishall. All matters except for access are reserved although indicative plans have been submitted which show 16 units comprised of a mix of 5 and 4 bed detached dwellings together with 2 blocks of 1 and 2 bed apartments totalling 16 units.

Access is proposed via a priority junction onto Dereham Road to the South of the site.

The application is supported by a number of documents and technical reports, including a Design & Access Statement, Heritage Statement, Planning Statement, Utility appraisal, Contaminated Land Survey, Tree Survey, Biodiversity / protected species surveys, (Bats / Owls) and a Transport Assessment.

SITE AND LOCATION

The application site is located to the western side of Mattishall on the northern side of Dereham Road. The western boundary of the site abuts Howes Lane. A foul water pumping station is located on the western boundary and a foul water pipe runs east-west across the site.

The site extends to around 0.83 hectares in total and is broadly rectangular in shape and is comprised of former agricultural land.

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 and National Planning Policy Guidance 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.04 Infrastructure

CP.05 Developer Obligations

CP.08 Natural Resources

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.19 Parking Provision

NPPF With particular reference to paragraphs 14, 17, 32, 34, 35, 49, 103 & 118

NPPG National Planning Practise Guidance

'Manual for Streets' 2007

Mattishall Neighbourhood Plan - This was submitted to Breckland District Council on 2nd February 2017 and is currently undergoing public consultation. The deadline for comments was 15th March 2017.

OBLIGATIONS/CIL

The site falls under the threshold for comment by the County Council but would trigger a requirement for affordable housing, the applicant has indicated that policy compliant 40% affordable housing will be provided on site.

CONSULTATIONS

MATTISHALL P C

The Parish Council opposes this application.

The proposed development is at the extreme western end of the village, and outside the current village development boundary. The principle services in the village, post office, doctors surgery, school, C of E Church, main grocers shop, public house, butchers shop, scout HQ are all situated at the eastern end of the village.

The application states that the development is within walking/cycling distance of village services. Local experience suggests that residents who live at locations within the village that are as distant as this site generally use their car when visiting village services.

The Parish Council agrees that the site is within cycling distance of village services, but disagrees that (for most people) it is within walking distance.

A recent planning application for 8 houses, (Ref. 3PL/2014/1303/O), was refused, the principle reason being: The proposal site is in an unsustainable location remote from local service centre provision. The site of this current application for 16 houses is at a slightly greater distance from the main centre of service provision, (as measured to the doctors surgery).

The proposed access from the site onto Dereham Road is too close to the bend to the west. This will make entrance and exit from the development dangerous.

Local knowledge indicates that the flood risk for the site is greater than stated in the application.

The proposed development will effectively extend the boundary of the built area of the village, and will detract from the form and character of the area.

There are currently housing development proposals for 90 or 65 houses on a nearby site and for 35 houses on a site elsewhere in Mattishall. This application and these other proposals should be considered as a whole in the light of the emerging Breckland Local Plan, and the Mattishall Neighbourhood Plan. To approve this application on an ad hoc basis is not how the planning system should work.

One of the guiding principles of Sustainable Development is Promoting Good Governance. The Parish Council believes that in view of the above this development would not represent Sustainable Development at this time. It is contrary to the principles of good governance. Conclusion The Parish Council's main objection to the application is that to approve it would be contrary to the spirit and intentions of the 2011 Localism Act.

Significant progress has been made with the Breckland Local Plan and the Mattishall Neighbourhood Plan. In

these circumstances the Parish Council believes that approval of the application now would be contrary to Promoting Good Governance which is one of the guiding principles of Sustainable Development. It therefore fails the Sustainable Development criteria of the National Planning Policy Framework. The Parish Council considers that this application does not represent Sustainable Development at this time. It should be refused.

ENVIRONMENT AGENCY

Consider that planning permission could be granted to the proposed development as submitted if planning conditions are included to secure a scheme for surface water disposal.

ANGLIAN WATER SERVICE

The sewerage system at present has available capacity for flows from the site. There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site and request that these are taken into account.

NORFOLK COUNTY COUNCIL HIGHWAYS

The developer proposes to extend the 30mph local speed restriction and provide visibility splays of 2.0m x 70m. Having assessed the site and submitted documents the Highway Authority do not consider such splays can be provided, and irrespective of this actual vehicle speeds in the vicinity of the site would warrant larger splays to be provided. The highways report submitted in support of the application demonstrates that existing 85th percentile speeds in the vicinity of the site are some 39mph westbound and 36mph eastbound. The agent has provided additional information showing that the survey was carried out in the vicinity of the existing speed terminal signs. This information shows that vehicles are already exceeding the speed limit as they exit the village and as such it is unrealistic to assume the proposed extension of the 30mph limit will have a significant effect on vehicle speeds to the west, especially given the characteristic of Dereham Road will remain unchanged. Advice set out in the Norfolk County Council document Safe, Sustainable Development states for vehicle speeds of 40mph sightlines of 120m are required in both directions. The Highway Authority would also expect the setback to be at least 2.4m, rather than 2m as proposed by the applicant. From inspection of the site it is clear that the level of available visibility falls significantly short of the above guidance, measuring some 40m only to the east and around 65m to the west from a 2.4m setback. It is noted that to the east the applicant proposes cutting back of an adjacent hedge (fronting West End House) to facilitate visibility; however at the time of inspection this hedge was already well trimmed with no evidence of overgrown vegetation causing an obstruction to the footway. If approved the development would result in the creation of a severely substandard junction where the level of available visibility falls significantly short of the recommended guidance. It is recognised that outline consent is sought with all matters reserved and there is potential for the proposed access therefore to be relocated elsewhere along the site frontage. However, given the alignment of Dereham Road and the limited site frontage available the Highway Authority do not consider adequate visibility can be provided wherever the access is sited. If the access is located towards the west to improve visibility to the east, this would further limit the availability of visibility to the west. If the access was relocated to the east the opposite would happen. It is the view of the Highway Authority that the applicant has failed to demonstrate that adequate visibility splays can be secured onto Dereham Road. On the basis of the above evidence the Highway Authority has no option but to recommend the application be refused

FLOOD & WATER MANAGEMENT TEAM

Entire site is at medium to high risk of surface water flooding, (1 in 30 and 1 in 100 year flood event), as shown in the Environment Agency Surface Water Flood Map. Do not see how this water can be managed through the site, allowing development without increasing the risk of flooding elsewhere

TREE AND COUNTRYSIDE CONSULTANT

Final layout should take into account constraints highlighted in supplied arboricultural report. All category A and B trees should be retained and given sufficient space for future growth. Dwellings should be kept away from trees in order to avoid future conflict and future pressure to remove trees. It will be necessary to provide

an Arboricultural Impact Assessment, Tree Protection Plan and Method Statement. All must be in accordance with BS5837:2012

HOUSING ENABLING OFFICER

Breckland's adopted housing policy DC04, as modified by Government guidance, requires 40% of all developments over 10 units to be affordable housing. The proposed 6 units of affordable housing would appear to comply with this policy. Breckland's present need is for smaller units of accommodation, which the proposed 1 and 2-bed units would meet. In order to secure affordability in perpetuity, we would expect the units to be transferred to an RP at a price which assumes no public subsidy is payable, and recommend the applicants engage with RPs at an early stage

ECOLOGICAL AND BIODIVERSITY CONSULTANT

GREAT CRESTED NEWTS

Surveys have confirmed the presence of great crested newts within Pond 1, which is 85 m from the site. However, there are no ponds on the site and the terrestrial habitats are sub-optimal. Therefore based on Natural England's recent shift towards avoiding an 'over-precautionary' approach to licensing, we are of the opinion that a mitigation licence is not required in this instance.

Construction Phase

The Ecological Appraisal Report, (Atmos, 2015), states that the site has potential to support foraging badgers, (5.5.3); commuting great crested newts; bats and nesting birds. Working methods are set out in Section 5.5 of the Ecological Appraisal. These should be adhered to throughout the development; as such an Ecological Clerk of Works, (Project Ecologist), should be employed for the development and the production of a Construction Ecological Management Plan, (CEMP), should be added as a condition. This should include methods of working in regards to:

Great crested newts
Vegetation clearance
Trench management

Badgers
Pre-construction check
Vegetation removal
Trench/excavation management

Bats
Construction lighting

Birds
Timing of works/pre-construction checks

Operational Phase

In order to minimise any disturbance to foraging and commuting bats and badgers, lighting should be low level, directional lighting that does not illuminate any hedgerows, trees or woodland edges. In line with the National Planning Policy Framework, (NPPF), in aiming to achieve sustainable development and the obligations on public bodies to conserve and enhance biodiversity as required by the Natural Environment and Rural Communities (NERC) Act 2006, it is advised that the set out in the Habitat Enhancement sections

(5.5) of the Ecological Appraisal are adopted.

CONTAMINATED LAND OFFICER

Most of the site has been in agricultural use since 1882. There is the potential for chemicals associated with agricultural activity to be present. There is an Anglian Water Pumping station on site. There is therefore the potential for contaminants, including hydrocarbons, and ground water monitoring should take place. There is a discharge pipe on site, which presents the possible presence of contamination. The phase 1 report recommends targeted contamination testing at the northern boundary. The end use is sensitive and the land quality of landscaping and gardens will need verifying. There is therefore a requirement for further sampling, testing and remediation, and if the Local Planning Authority is minded to grant permission conditions will be necessary to require further sampling, testing and remediation.

ENVIRONMENTAL HEALTH OFFICERS

Recommends conditions to alleviate environmental concerns including surface water disposal and foul water disposal.

HISTORIC ENVIRONMENT OFFICER

The proposed development site is located in an area of known archaeological interest, including a possible Roman road running SW-NE to the immediate north of the proposed development site. Recent archaeological investigations to the south of Dereham Road have revealed the remains of a medieval common edge settlement and it is possible that a similar area of settlement existed to the north of the common. Earthworks of a medieval common edge settlement also survive c. 300 m to the south east of the development site and a probable post medieval enclosure with associated artefacts is visible on aerial photographs a similar distance to the south west. Consequently there is potential that significant heritage assets with archaeological interest (buried archaeological remains) may be present at the site and that their significance may be affected by the proposed development. We advised the agent preapplication that any planning application for this development should be accompanied by the results of an archaeological evaluation in accordance with National Planning Policy Framework para 128. Subsequently we agreed with the archaeological consultant that this evaluation should take the form of geophysical survey. The results of an archaeological evaluation have not been submitted with this application. In view of this we recommend that a geophysical survey be undertaken prior to determination of the planning application in order to establish the significance of the site, in accordance with National Planning Policy Framework (2012), (paras 128 and 141).

PRINCIPAL PLANNER MINERAL & WASTE POLICY No Comments Received

REPRESENTATIONS

45 representations received of which 43 object, comments summarised as follows;

- Access dangerous due to proximity to blind bend
- Could set precedent for larger number of houses
- On agricultural land outside village boundary.
- Impact on wildlife
- Out of keeping with the village
- Site unsustainable due to distance from village amenities
- Doctors and schools oversubscribed
- Premature to neighbourhood plan.
- Area prone to flooding

Will increase traffic and add to parking issues
Impact on wildlife
School and doctors already stretched
Contrary to transport review road carries busses and HGV's
32 traffic movements per day, over 11,000 a year
Not in keeping with village
Will swamp village infrastructure

2 representations received in support, comments summarised as follows;

Flooding issues are resolved
Entrance is far enough from the corner
Much needed housing in village.

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 Mattishall and would be bound partly on the eastern side by existing housing. Mattishall is identified in the Council's Spatial Strategy as a service centre village which contains adequate services and facilities to meet the day-to-day requirement of residents. The strategy for all Local Service Centre villages is primarily around service protection and enhancement and development to meet local needs. Mattishall along with Banham, Great Ellingham, 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. The site is outside of the residential development boundary for Mattishall as set in the Site Specific Policies and Proposals DPD and for this reason the proposal conflicts in principle with Policies SS1, DC02 and CP14 of the Core Strategy and Development Control Policies Development Plan Document, (2009), which seek to focus new housing within defined Settlement Boundaries.

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 currently considers that it has a five year supply of housing land and that relevant policies for the supply of housing can be considered up-to-date. In a recent 'written representations' appeal decision in respect of the Council's refusal of a development of one dwelling in the countryside the Inspector made reference to the Local Planning Authority as not being able to demonstrate the robustness of the Council's five year housing land supply. This appeal decision is a material planning consideration in the determination of this application, especially with regards to the Council's five year housing land supply. However, it is important to note that given the nature of the appeal, the Inspector had only limited access to information demonstrating the deliverability of individual housing sites.

Furthermore, it is considered that the Inspector gave insufficient weight to the Central Norfolk Strategic Housing Market Assessment, (2015), (the Council's latest assessment of housing need), especially given that paragraph 30 of the national Planning Practice Guidance, (PPG), the starting point for calculating a five year

land supply, states: "Considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light. It should be borne in mind that evidence which dates back several years, such as that drawn from revoked regional strategies may not adequately reflect current needs.

Where evidence in Local Plans (such as the housing requirement in the Breckland Core Strategy, (2009), has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered".

On this basis, it is considered by the Council that this appeal decision can only be afforded very limited weight.

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 the application site, comprised of undeveloped land and the garden area to residential dwellings would not be classed as previously developed land.

2.4 Affordable housing is proposed at 40% which weighs in favour of the proposal, however, this would be expected of any site in unless it could be demonstrated that it was not viable.

2.5 As such the proposal is contrary to Policies SS1, DC02 and CP14 of the Core Strategy and must demonstrate exceptional circumstances as to why it should be approved contrary to the development plan.

3.0 Effects on local character, amenity and trees

3.1 Whilst the application has been submitted in outline with access only included at this stage the applicant has submitted an indicative layout plan which shows a single point of access to the site via a priority junction off Dereham Road to the south of the site serving 16 dwellings / flats.

3.2 The application site is characterised by its open setting on the rural fringe of the village with trees present to the northern, eastern and western boundaries. Whilst the submitted indicative details indicate that the majority of trees to the boundaries could be retained the development of the site would have a significant and detrimental urbanising effect.

3.3 In respect of local character Policy DC16 requires design proposals to preserve or enhance the existing character of an area and in relation to form and character it states that development should complement the natural landscape, natural features and built form that surround it. I find that the development proposals as drafted fail to preserve or enhance the existing character of the area and do not complement the rural character of the area.

3.4 For these reasons, it is not considered that the proposal would be in keeping with the character and appearance of the area and the proposal would thus accord with Core Strategy Policies DC01(e) and (f), DC12 and DC16, and with relevant guidance in the NPPF.

4.0 Access

4.1 Access to the development would be gained principally via a priority junction to the Dereham Road to the South of the site.

4.2 NCC Highways do not consider that adequate visibility splays can be provided to the proposed access and the proposed set back of the splay does not meet the usual requirement of 2.4m, measuring some 40m only to the east and around 65m to the west from a 2.4m setback where sightlines of 120m are required in both directions. Highways further comment that if approved the development would result in the creation of a severely substandard junction where the level of available visibility falls significantly short of the recommended guidance and recommend that the application be refused.

4.5 In light of the above it is considered that the applicant has not demonstrated that the proposal is acceptable on the grounds of Highway Safety and the proposed development would comply with policy CP04(e) of the adopted Core Strategy DPD.

5.0 Flooding

5.1 Whilst the application is accompanied by a surface water drainage strategy Norfolk County Council and the Lead Local Flood Authority object to this planning application on the grounds that it may place people and property at flood risk.

5.2 The LLFA comment that the entire site is at medium to high risk of surface water flooding, (1 in 30 and 1 in 100 year flood event), as shown in the Environment Agency Surface Water Flood Map and they do not see how this water can be managed through the site, allowing development without increasing the risk of flooding elsewhere.

5.3 Core Strategy Policy DC13 requires new development to be located in areas at least risk of flooding. It further states that new development will be expected to minimise flood risk to people, property and places. Whilst the application is accompanied by a drainage strategy it is not considered that the applicant has adequately demonstrated that the development would minimise the risk of flooding to people, property or places and is contrary to policy DC13 of the adopted Core Strategy and Development Control Policies DPD.

6.0 Ecology

6.1 The application is accompanied by an Ecological Appraisal and follow up reports for bats and owls.

6.2 The Councils Ecologist notes that whilst the site has the potential to support a range of wildlife the impact of the development can be managed through the requirement for a condition that would secure a Construction Ecological Management Plan, (CEMP), to mitigate against any impact on protected species.

6.3 The applicant has thus demonstrated that the proposal would not have an adverse effect upon matters of ecological and nature conservation interest and the proposal thus accords with policies CP10 of the adopted Core Strategy DPD and paragraph 118 of the NPPF.

7.0 Other Issues

7.1 Concerns are raised regarding sewage capacity, however, Anglian Water have stated that they have adequate capacity to accept flows from the development.

7.2 The land does not appear to have been in a previous industrial use and issues of land contamination can also be dealt with by appropriate conditions.

8.0 Conclusion

8.1 The site is outside of the existing settlement boundary, for this reason the proposal conflicts in principle with policies which seek to focus new housing within defined Settlement Boundaries. No exceptional circumstances have been advanced as to why the development should be allowed in this context.

8.2 Further to the above the proposal would have a significant urbanising effect and it would not be in keeping with the character and appearance of the area. In addition to this there are concerns regarding flood risk, and the highways safety implications of the proposals.

8.3 Whilst the proposal would result in some economic and social benefits derived from the delivery of additional housing these would be limited and would be outweighed by the disbenefits identified above and as such the application should be refused.

RECOMMENDATION

Refusal of Outline Planning Permission

REASON(S) FOR REFUSAL

9900	Outside Settlement Boundary
9900	Character and appearance
9900	Flood Risk
9900	Highways safety
2002	Application Refused Following Discussion - No Way Forward
9900	Note re. appeals

ITEM: 4	RECOMMENDATION: APPROVAL
REF NO: 3PL/2016/0825/F	CASE OFFICER: Rebecca Collins
LOCATION: ATTLEBOROUGH Land off Hillsend Lane London Road	APPNTYPE: Full POLICY: Out Settlement Bndry ALLOCATION: N CONS AREA: N LB GRADE: N TPO: N
APPLICANT: Mcintyre Gant Homes Ltd Alderely The Street	
AGENT: N H Building Design 18 Plasset Drive Besthorpe	
PROPOSAL: Erection of 5 dwellings	

REASON FOR COMMITTEE CONSIDERATION

The application is located outside the designated settlement boundary for Attleborough.

KEY ISSUES

Principle of development
Design and Impact on the Landscape Character and Appearance of the Area
Impact on trees
Impact on amenity
Access and highway impact

DESCRIPTION OF DEVELOPMENT

This application seeks full planning permission for the construction of five four bedroom two storey detached dwellings on land to the north east of Hillsend Lane in Attleborough.

The site would be served via a single access originally proposed to the south west of the site directly from Hillsend Lane. An amended layout now proposes an access from the south east of the site serving the development via a single access directly from Hillsend Lane, previously a vehicle access to the garage site.

SITE AND LOCATION

The application site comprises an odd shaped parcel of land approximately 0.052 hectares to the north east of Hillsend Lane in Attleborough. The site wraps around 'The Bungalow' a detached single storey dwelling fronting Hillsend Road. The amended access cuts through a part of the garage site to the east.

The site lies immediately adjacent to Attleborough Settlement Boundary enclosed by a large agricultural site recently granted planning permission for a mix of residential development, employment and open space. The site currently comprises rough grassland with a number of trees bordering and within the site, previously the garden to neighbouring properties. The site is generally flat and level and well screened by established

landscaping. It is bordered along its north boundary by the gardens of two detached dwellings also accessed via Hillsend Lane.

Hillsend Lane is a narrow rural road with no through access. Leading to a large two storey property at the end of the Lane.

EIA REQUIRED

No.

RELEVANT SITE HISTORY

No relevant site history for this site.

Neighbouring site to north-east:

3PL/2011/0528/H - Erection of 375 dwellings with assoc. parking, garages & landscaping (Full) & Outline for Employment Development

3CM/2016/0014/CM - New 630 pupil primary school and associated external works and a stand alone 52 place nursery building

3PL/2016/0416/O - Erection of 16 dwellings and associated works

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 and National Planning Policy Guidance have also been taken into account, where appropriate

CP.01	Housing
CP.04	Infrastructure
CP.09	Pollution and Waste
CP.10	Natural Environment
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.12	Trees and Landscape
DC.16	Design
DC.19	Parking Provision
NPPF	With particular regard to paragraphs 14, 47 and 49
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

OBLIGATIONS/CIL

Not Applicable.

CONSULTATIONS

ATTLEBOROUGH TC

Refusal - outside development area, highways issue, a narrow lane. With number of cars coming onto London Road, It is not well lit and no foot paths, generating extra vehicles, with no contributions coming in to the town.

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection to the amended layout subject to conditions.

HUGH COGGLES

Previously raised concerns with regards to the cumulative effect of the proposals which were considered harmful to the existing tree cover, incursions on root protection areas, removal of category B high amenity trees, shading issues and overbearing. The layout has failed to take into account the arboricultural constraints. However, the amended layout appears to address the majority of my earlier concerns and the application can be approved subject to conditions.

CONTAMINATED LAND OFFICER

No objection subject to conditions.

REPRESENTATIONS

Three representations have been received in response to the application with concerns relating to: revised access being too close to their existing access; mud created by development; additional traffic along Hillsend Road; removal of trees and grass verge; flooding; and septic tank on site.

ASSESSMENT NOTES

1.0 Principle of 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 Policy Guidance.

1.2 The site is located outside the settlement boundary of Attleborough in an area of open countryside to the south west of the town, (as defined by policies SS1, DC02 and CP01 of the Core Strategy and Development Control Policies Development Plan Document 2009), where development is heavily restricted. As such the proposed residential development would be contrary to the development plan.

1.3 Planning law requires that planning applications are determined in accordance with the development

plan unless material considerations indicate otherwise. It is necessary to consider therefore whether in this case any such material considerations, including national planning policy, would justify a departure from policy.

1.4 Paragraph 49 states that housing applications should be considered in the context of a presumption in favour of sustainable development. The NPPF defines sustainable development in broad terms by reference to economic, social and environmental considerations and indicates that planning should seek gains in relation to each element. The provision of housing to meet local needs is identified as a key component of sustainable development and in this respect the NPPF seeks to boost significantly the supply of housing. The conservation of the natural environment is also central to the NPPF, including protecting valued landscapes and minimising effects on biodiversity.

1.5 Attleborough is currently identified in the Council's Spatial Strategy as a major focus for employment and residential growth, and whilst the application site falls beyond its settlement boundary it is immediately adjacent to it, also benefiting from the newly laid footways adjacent to London Road leading to the town centre. In considering the site's accessibility to the services and facilities, the route to Attleborough Town Centre is approximately 800m and would provide a footway / cycle along most of its length. There are also bus stops within walking distance of the site that provide a regular and frequent service. This would therefore enable easy accessibility to local services and for these reasons the occupants of the dwellings would not need to rely on the use of the private car to gain access to these nearby facilities.

1.6 This would 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 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.

1.7 The construction of the development would have some short-term economic benefits, and the proposal would be consistent with the NPPF principles that housing should be located where it will maintain or enhance the vitality of existing communities, minimise the need to travel and support economic growth.

1.8 In terms of availability and delivery, paragraph 47 of the NPPF requires new sites for housing development to be deliverable, which is defined as being available now, suitable in terms of location and be achievable in respect of housing being developed on the site within the next five years. To ensure the deliverability of the development a planning condition would require a reduced permission time period.

2.0 Design and Impact on the Landscape Character and Appearance of the Area

2.1 The NPPF highlights in paragraph 56 that "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people."

2.2 Paragraph 64 further states that "Permission should be refused for development of poor design that fails

to take the opportunities available for improving the character and quality of an area and the way it functions."

2.3 Development within the District is further expected to be of the highest design quality in terms of both architecture and landscape. It should have regard to good practice in urban design and fully consider the context within which it sits. It should embrace opportunities to enhance the character and appearance of an area and contribute to creating a sense of local distinctiveness. The importance of the character and form, height, scale, massing and layout amongst other key design considerations are also set out in policy DC16 of the Core Strategy.

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

2.5 The proposed development would increase the amount of the built form on this side of Hillsend Lane where residential development is at present limited and the area is rather green and wooded. The appearance of the site would clearly change from greenspace, trees and grassland to dense residential development in comparison to the modest amount of residential which currently exists along this lane. The application proposes to remove a number of trees, the majority of which are low category trees within the site, to allow for the development.

2.6 The site is fairly well screened from the new development to the north of the application site. A hybrid planning application was granted for new residential, employment and open space development off London Road to the north of this site. Land to the immediate north of the site was granted outline planning permission for employment and to the west, wrapping around the two cottages, is shown on the masterplan as open space. Further applications for planning permission have been received for the land to the north (previously the site granted outline permission for employment). These permissions include a school and for two small parcels of land adjacent to London Road to be residential (not covering the whole site). Given the planning permissions previously granted, there is no detailed consent for development to directly abut the north-east boundary of the site and this contributes to the green and rural feel of the application site.

2.7 As previously stated, development along Hillsend Lane is relatively sparse and primarily comprises large properties in large plots surrounding by greenspace and trees. There are approximately 6 properties served off this narrow lane, therefore the proposals would almost double the number of properties off this narrow lane. Despite the character of the lane and the limited number of properties served off it, it is noted that Attleborough is identified within the spatial strategy as a major focus for growth, the sites location directly abuts the settlement boundary and there are residential properties on both sides of Hillsend Lane. Furthermore, the proposals would not lead to further development outside the settlement boundary given the contained nature of the plot.

2.8 It is considered that five dwellings along this lane is a significant number which could change the character of the lane given that they are large detached properties with limited plot sizes. The properties

themselves would be much larger than those currently down the lane and introduce irregular fenestration and large dormers windows, not in character with the existing. The inward facing nature of the development detaches it from lane but given that the majority of properties along here have limited street frontage this is considered acceptable. Subject to the use of good quality materials as proposed, including red multi bricks, weathered pantiles, wooden windows and doors, black boarding and oak framed porches and given that properties largely at the front of the site will screen those to the north; that there is significant planting and tree coverage to the boundaries of the site; and the potential for dense development, (the principle has been established by previous permissions), up to the north-eastern boundary of the site then the proposed design and layout is considered acceptable in this instance.

2.9 The proposals are therefore considered in accordance with Core Strategy Policies SS1 and despite being located outside the designated settlement boundary for Attleborough, in terms of housing mix and density, the application is considered in accordance with DC02 and DC16, and the policies set out in Policy 6 and 7 of the NPPF.

3.0 Impact on Trees

3.1 Policy DC12 of the Core Strategy states that new development resulting in the loss of important natural features, including protected trees and hedgerows, should be resisted. The policy goes on to state that where the benefit of development is considered to outweigh preserving natural features, adequate compensatory provision should be made. Furthermore, appropriate landscaping schemes to mitigate against landscape impact and complement new development will be required.

3.2 The proposals included the removal of a number of trees to allow for the development. Initially, the Tree and Countryside Consultant considered that the cumulative effect of the proposals would result in harmful impacts to the existing tree cover, incursions on root protection areas, removal of category B high amenity trees, shading issues and overbearing, and that the layout had not taken into account the arboricultural constraints. It was expected that over and above the initial tree loss there would be future pressure for further removal and additional pruning.

3.3 The layout has subsequently been amended to push development away from the southern boundary of the site with Hillsend Lane, this has subsequently reduced shading and increased the area to allow for root protection. This would also limit pressure for further removal and pruning in the future. The majority of trees to be removed within the site have low amenity value. On the basis of the amended layout and subject to conditions to ensure tree protection measures as set out in the submitted Arboricultural Impact Assessment are carried out and the provision of further landscaping to complement the new development, then the revised proposals are considered in accordance with paragraph 109 of the National Planning Policy Framework and Policy DC12 of the Core Strategy.

4.0 Impact on Amenity

4.1 Policy DC01 and paragraph 17 of the NPPF aim to protect the amenity of existing and future occupants from new development. The site layout has been altered and properties have been moved into the site. There is approximately 18 metres in-between the bungalow and the new two-storey property to the rear, which is considered, along with existing planting to protect the amenity of this property. There is also 10

metres between plot 1 and the property to the north-west, however, the properties are offset at an angle from each other to prevent overlooking. Where the side elevations of new dwellings face existing residential properties and their gardens, PD will be removed via condition to restrict the insertion of windows at first floor level and above, to protect the amenity of existing residents. On the basis of the revised plan the proposals are considered in accordance with Policy DC1 and paragraph 17 of the NPPF.

5.0 Access and Highway Impact

5.1 The proposal is accessed off a narrow lane, however, the access point has been amended to be to the rear of the garage, off a previous access point to the garage, at the top of the lane. The Highway Authority have raised no objections to the intensification of this lane and subject to conditions with regards to construction of the access, visibility splays and offsite highway works consider the development to be acceptable.

5.2 The resident of the property opposite the application site has raised concerns with regards to the proximity of the proposed access to their property/access, particularly with regards to traffic during the construction period. Objectors believe that access to the site should be off London Road. The Town Council also raises concerns about the narrowness of the lane and the ability of vehicles to turn and reverse. Given the limited period of construction likely for five dwellings and subject to the imposition of conditions including a construction management plan to prevent noise and unacceptable impact such as mud on the road and to require vehicles to manoeuvre within the application site, then the proposed position of the access is considered acceptable.

5.3 The proposal includes sufficient car parking in accordance with policy DC19 of the Core Strategy.

6.0 Other matters

6.1 Contamination

Policy 11, paragraphs 120 and 121 of the NPPF aim to prevent unacceptable risks from pollution. The proposal is considered acceptable in this regard, subject to the imposition of a standard contaminated land condition, as advised.

7.0 Conclusion

7.1 Planning law requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In this instance being located outside of the settlement boundary the proposed development would conflict with policies SS1 and DC02 of the Core Strategy which set out the approach to directing housing developments in the district to within settlement boundaries and which are considered to carry significant weight.

7.2 The economic and social benefits of the development have been summarised within the report, which notes the provision of 5 dwellings that would provide additional housing and support businesses and facilities by increased expenditure within the local economy from the new households; initial job creation during construction phase; and additional employment opportunities generated by subsequent supply chain.

Improvement to connectivity to the town centre through the construction of a linking footway would improve walking conditions and the site is considered to be within walking distance of shops and services within the town centre. However, in terms of environmental considerations, whilst the site abuts existing limited built form along its western boundary, the proposal would result in significant change to the character and appearance of this site.

7.3 Despite the character of the lane and the limited number of properties served off it, it is noted that Attleborough is identified within the spatial strategy, Policy SS1, as a major focus for growth. The sites location directly abuts the settlement boundary and there are residential properties on both sides of Hillsend Lane. Furthermore, the proposals are for a small development which would not lead to further development outside the settlement boundary given the contained nature of the plot. Therefore, it is concluded that despite the location of the site, outside the designated settlement boundary, the matters of sustainability and growth accordance with Policy SS1 and the NPPF outweigh the harm caused by the development and the application is recommended for approval.

RECOMMENDATION

Planning Permission

CONDITIONS

3006	Full Permission Time Limit (2 years)	
3047A	In accordance with submitted plans NEW 2017	
3150	Non-standard materials condition	
3212	No additional windows at first floor	
3716	Set back gates and splays	
3750	Non-standard highways condition	
3760	Non-standard highways condition	
3770	Non-standard highways condition	
3450	Non-standard landscaping condition	
NR01	No machinery/ processes or deliveries outside specified hour	
3923	Contaminated Land - Informative (Extensions)	
3994	Non-standard note	
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
3140	Prior approval of slab level	This condition will require to be discharged
3402	Boundary screening to be agreed	This condition will require to be discharged
ER18	Construction Method Statement	This condition will require to be discharged
LS01	Landscaping scheme to be submitted - hard and soft	This condition will require to be discharged

ITEM: 5	RECOMMENDATION: APPROVAL
REF NO: 3PL/2016/1414/D	CASE OFFICER: Rebecca Collins
LOCATION: MATTISHALL Land off Cedar Rise	APPNTYPE: Reserved Matters POLICY: Out Settlemnt Bndry ALLOCATION: N CONS AREA: N LB GRADE: N TPO: N
APPLICANT: Abel Homes Ltd c/o Agent	
AGENT: David Futter Associates Ltd Arkitech House 35 Whiffler Road	
PROPOSAL: Residential development	

REASON FOR COMMITTEE CONSIDERATION

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

KEY ISSUES

Principle of development
Design, Layout and Amenity
Open Space
Flooding and Drainage
Landscaping

DESCRIPTION OF DEVELOPMENT

The application is a reserved matters application for 35 dwellings seeking approval of appearance, layout, scale and landscaping.

The application is supported by the following documents:

Planning statement
Design and access statement
Flood risk and drainage assessment
Phase 1 survey and ecological appraisal, (including great crested newt assessment)
Arboricultural impact assessment
Archaeological evaluation report

SITE AND LOCATION

The site is located on the southern edge of Mattishall and extends to approximately 1.8 hectares. The northern boundary of the site abuts the Mattishall designated Settlement Boundary and to the south east of the Mattishall Conservation Area.

The site is located on the fringe of Mattishall village, bordered to the east by mature trees and the Mattishall footpath no. 14. Beyond this a school playing field for use in association with Mattishall Primary School. To the south of the site is native informal hedging and a ditch. West of the site is an established coniferous hedgerow. The Mattishall footpath no. 21 runs directly east/west through the application site.

There is existing residential development beyond the northern boundary of the site comprising Cedar Rise, and beyond the north west of the site comprising Willow Close. The site is well related to the existing settlement. The immediate neighbourhood to the north and northwest of the site is characterised largely by 1960's single storey and two storey dwellings.

The application site currently comprises agricultural land, with the predominant surrounding land use, other than residential and the nearby school, is largely agricultural. The site and surrounding landscape is generally flat with a slight fall within the site to the south.

EIA REQUIRED

No.

RELEVANT SITE HISTORY

3PL/2015/0279/O - Outline planning consent for 'residential development', (all matters reserved except access), permitted August 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 and National Planning Policy Guidance have also been taken into account, where appropriate

CP.01	Housing
CP.06	Green Infrastructure
CP.08	Natural Resources
CP.09	Pollution and Waste
CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
CP.13	Accessibility
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.14	Energy Efficiency
DC.16	Design
DC.17	Historic Environment

DC.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

OBLIGATIONS/CIL

The following obligations were secured with the outline planning permission:
40% affordable housing - split 70/30 between rent and intermediate products.
Education contributions towards Primary and 6th Form provision.
Contributions towards libraries.
Open space and one Local Area for Play, (LAP), to be provided on site.

CONSULTATIONS

NORFOLK COUNTY COUNCIL HIGHWAYS

The outline permission, (3PL/2015/0279/O), considered and approved the point of access. The Highway Authority raised a number of comments with regards to the layout proposed, which have been addressed by amended plans submitted during the course of the application.

ENVIRONMENT AGENCY

No objection to this application. Any SUDs need to meet the criteria in our Groundwater Protection: Principles and Practice, (GP3), position statements G1 to G13.

TREE AND COUNTRYSIDE CONSULTANT

A condition is required for development to be carried out in accordance with the submitted Arboricultural Impact Assessment, (AIA), Tree Protection Plan, (TPP) and Arboricultural Method Statement, (AMS).

HOUSING ENABLING OFFICER

The affordable housing mix as proposed is acceptable, consisting as it does of small, 1 and 2 bed units. The high proportion of bungalows is also welcome.

CONTAMINATED LAND OFFICER

If the Local Planning Authority is minded to grant permission, then we recommend conditions regarding the discovery of unexpected contamination to be reported in writing to the LPA and a further investigation and risk assessment undertaken.

ENVIRONMENTAL HEALTH OFFICERS

Approval is recommended providing the development proceeds in line with the application details and subject to a condition requiring works to proceed in accordance with the submitted information to alleviate environmental concerns and to prevent the risk of flooding.

RAMBLERS ASSOCIATION: NORFOLK AREA

Currently, and until such time as the right of way is extinguished by due legal process, walkers are entitled to use FP21, and to connect with FP14 which runs almost due south from the eastern end of FP21 to cross FP12 and ultimately reach Thynnes Lane. The applicants proposal would, as well as removing a substantial section of FP21, also turn the northern section of FP14 into a dead end, with a consequent double loss of amenity. We note that FP21 is not clearly delineated across the site, but that in this field, as in adjacent areas, there is a well established network of walked routes, some following public rights of way, others not,

but apparently without challenge. Rather than lose these routes, and the benefits they clearly bring to local people in particular, we would suggest that the applicant provides a suitable route through the site.

HISTORIC BUILDINGS CONSULTANT

I have considered the potential impact of the proposed development on the significance of the applicable designated heritage assets, and in my opinion, the proposed development would not lead to either harm or loss of significance of the applicable designated heritage assets.

MATTISHALL P C

The Parish Council would prefer to see the green areas in the centre of the land rather than around the edges. We would like it to be clarified who will be responsible for the maintenance green areas. We are not overly enamoured with the look of the property designs and ask that the planners work with the developer to improve the facades.

FLOOD & WATER MANAGEMENT TEAM

This application falls below our current threshold for providing detailed comment. This is because the proposal is for less than 250 dwellings or 5ha in size and is not within a surface water flow path as defined by Environment Agency mapping. The LPA should satisfy themselves that the development is in compliance with the NPPF paragraph 103, by ensuring that the proposal would not increase flood risk elsewhere; and the written Ministerial Statement HCWS 161 by ensuring that Sustainable Drainage Systems for the management of run-off are put in place. The applicant should also demonstrate how the proposal accords with national standards and relevant guidance.

PUBLIC RIGHTS OF WAY OFFICER

Public footpath, Mattishall Footpath 21, is directly affected by the development layout in its current form. The Highways response to the outline application and the current response to the indicative layout was that the footpath should be retained on its legal line within the development within an area of open green space. Any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic.

The design and access statement, (page 3), that accompanies this application states that FP21 would be unusable if the school were to enforce a complete boundary fence. Firstly FP21 links in with another right of way, Mattishall FP14, which runs through land to the west of the school playing field. If the school were to fence the school playing field, they would not be able to block and prevent the public use of FP14. Hence the existing legal line of FP21 does link with another existing public right of way, which is another reason to retain FP21 on its existing line. The site layout does not indicate the route of the existing right of way, FP21, or any immediately adjacent rights of way. Government guidance states that all public rights of way crossing or adjoining the proposed development site must be marked on the plan submitted with the planning application. With the above in mind, we would like to see the site layout amended to accommodate the public right of way.

HISTORIC ENVIRONMENT SERVICE

No Comments Received

ANGLIAN WATER SERVICE

No Comments Received

OBLIGATIONS OFFICER, NORFOLK COUNTY COUNCIL

No Comments Received

ECOLOGICAL AND BIODIVERSITY CONSULTANT

No Comments Received

CRIME REDUCTION & ARCHITECTURAL LIAISON OFFICER

No Comments Received

REPRESENTATIONS

Five letters of representation have been received, raising the following concerns:

The site is too close to the existing homes;

Access to the site is on a 90 degree bend causing a danger to oncoming traffic and children in the area;

Sewage and drainage - The watercourse on the south western boundary must be maintained in a good condition and the watercourse behind Willow Close needs attention to avoid any risks of flooding;

The design is inappropriate and the development is out of character with the surrounding area;

The site is not close to the centre of village or local amenities;

Village infrastructure is not sufficient to cope with this level of growth, (doctors and roads);

Green areas in this location have been reduced and the site is a village amenity area enjoyed by dog walkers, ramblers, children playing and a huge variety of natural wildlife;

Agricultural land should not be built on;

A fence would be constructed between the site and existing buildings, no details have been provided;

There is no indication of the proposed footpath to the school or the promised play area and memorial tree;

There should be more space and landscaping between properties;

The proposal would have significant environmental impact on the village;

The proposal will affect house prices.

ASSESSMENT NOTES

1.0 Principle of development

1.1 Previously on this site outline planning permission has been granted for residential development, (application reference 3PL/2015/0279/O), with all matters reserved except for access. This application is the reserved matters application to approve matters of appearance, landscaping, layout and scale. On this basis the principle of development has been established by the granting of outline planning permission despite the site's location outside the designated settlement boundary for Mattishall. Matters of appearance, landscaping, layout and scale, (the reserved matters), are further discussed in the sections below.

2.0 Design, Layout and Amenity

2.1 Policy 6 of the NPPF and DC16 of the Core Strategy requires all new development to achieve the highest standards of design.

2.2 The proposed dwellings are to be red brick or render with UPVC windows and doors, grey tiled roofs and timber cladding to all house types. Given the style and materials in the surrounding area is mixed it is considered, subject to exact details of materials to be submitted and approved then the proposed materials and house types are considered acceptable in this location.

2.3 The application site layout has been amended on the advice of the case officer during the course of the application. The resultant site layout and design of house types is considered acceptable with properties

types, sizes and density reflecting that of the local character of the area. To the northern boundary of the site the properties are all single storey to reflect properties adjacent to the site and so as not to unduly overlook these properties and their rear gardens. The gardens to these properties are relatively small, a minimum of 7 metres at the closest point with the northern boundary of the application site, however, the new properties are single storey and there is a condition on the outline planning permission requiring details of boundary treatments to be submitted and approved. Subject to suitable a boundary treatment and given the separation distances are in excess of 10 metres as a minimum, and that the properties are single storey, the layout here is considered acceptable and the impact on the amenity of existing properties is considered acceptable on this basis.

2.4 The dwellings to the centre of the site are set in large plots and as set out above, the dwellings to the north of the site are set in smaller plots with smaller rear gardens. A difference in ground levels and the location of the open space to the south of the site has contributed to this arrangement resulting in a variance in house types. Despite the difference in size of plots, the properties all have street frontage and address the internal roads in a similar way with gaps between properties to allow views across the site and re-enforce a spacious low-density feel to the development. Affordable housing has been provided in accordance with the requirements of the section 106 and on this basis the layout and property sizes are considered acceptable.

2.5 Paragraph 17 of the NPPF and Policy DC01 of the Core Strategy requires a good standard of amenity for all existing and future occupants of land and buildings. The site layout has been designed to limit any potential overlooking and overshadowing between proposed properties with good separation distances between dwellings and acceptable garden sizes, although of varying sizes.

2.6 There is sufficient car parking provided for the development as required by Policy DC19 of the Core Strategy. The materials to be used for the construction of roads, particularly secondary streets and car parking areas will be particularly important in improving the character of this area, as well as demonstrating an hierarchy of streets spaces and maintaining a rural feel across the site. The submission of a specification for roads and access areas including materials is required by condition 4 of the outline permission and therefore no further condition is required.

3.0 Open space

3.1 Policy DC11 of the adopted Core Strategy requires new development to contribute towards outdoor playing space. The proposed layout shows a total of 2353m² of open space, which is far in excess of the 840m² of open space required by policy DC11. The S106 Agreement for the outline planning permission requires the submission of plans, drawings and a specification for the laying out of open space. The open space as proposed forms a linear strip along the western boundary of the application site running along the southern boundary of the site also. This would not only serve as open space but is a flood risk measure, to keep dwellings away from the south-west boundary of the site where flood risk is highest. Given the excess of open space proposed within the application site then this is considered an acceptable dual use of open space, subject to the suitable laying out of this space, (as required by the S106 and SUDs condition) and suitable landscaping, (to be secured by condition), is acceptable in this instance.

3.2 In accordance with Policy DC11, developments of over 25 dwellings should include a LAP. A condition is therefore required demonstrating the positioning of the LAP within the proposed areas of open space. This

should be towards the entrance to the site and away from the south-western corner to ensure its usability.

4.0 Flooding and drainage

4.1 No objections have been raised by the Environment Agency with regards to flooding and flood risk, subject to the detailed designs of SUDs. A condition has been added to the outline planning permission requiring the details of SUDs to be submitted and approved. This will ensure the adequate imposition of flood risk measures to ensure the development is in accordance with policy 11 of the NPPF.

5.0 Landscaping

5.1 Policy DC12 of the Core Strategy requires the retention of trees and hedgerows and the imposition of appropriate landscaping schemes to mitigate against landscape impact and complement the design of new development. The outline planning consent for this site requires the submission of a tree protection plan and an arboricultural impact and method statement to be submitted prior to the commencement of works on site. This will ensure the protection of important trees and hedgerows to the boundaries of the site. It is also considered necessary to condition the submission of a landscaping plan to demonstrate the future landscaping scheme for this site including the open spaces. As well as how these spaces will be maintained.

6.0 Public Footpath

6.1 Currently there is a public footpath which runs east/west through the application site which will need to be diverted to accommodate the development. The entry points to the site will remain and it will be possible to walk through the site to connect with wider routes either across proposed roads and highways or across new open space. The proposed diversion is necessary for the development to be carried out, and resolution is given to undertake an order under section 257 of the Town and Country Planning Act 1990. This development has not commenced and therefore is not "substantially complete". A plan has been submitted showing the proposed route. Concerns have been raised that this route is partially along residential roads, however, this will only be for a small section of the right of way and ensure a link is maintained. The applicants have said that it will be marked by a 1 metre wide raised section of the footway. Details of roads and footways are required by condition on the outline planning consent. It is considered that the development provides sufficient walking opportunities.

6.2 Concern has been raised about having a connecting footpath to the south of the site to the school playing field. This is a private playing field where public access is not allowed despite being currently possible due to there not being a fence. The applicants do however provide a circular route around the site which would also allow access in this location.

7.0 Other matters

7.1 Concerns have been raised with regards to access, sewage and drainage, loss of green space, impact on local amenities and services and the distance to them. All these matters were considered at outline planning application stage and the principle of residential development was accepted in this location through the permitting of that application. Conditions were also added to that permission with regards to drainage, open space and highways to ensure an acceptable development would come forward. There is no need to

repeat those conditions on this permission.

7.2 Impact on local house prices is not a material consideration in the determination of this application.

8.0 Conclusion

The principle of the development has been established through the granting of outline planning consent. The proposed reserved matters of appearance, landscaping, layout and scale, submitted as part of this application are considered acceptable and the application is considered in accordance with the NPPF and the adopted Development Plan and is therefore recommended for approval.

RECOMMENDATION

Approval of Reserved Matters

CONDITIONS

3047A	In accordance with submitted plans NEW 2017
LS17	non standard condition - Position of LAP to be submitted
3996	Note - Discharge of Conditions
3992	Non-standard note re: S106
3106	External materials and samples to be approved This condition will require to be discharged
LS01	Landscaping scheme to be submitted - hard and soft This condition will require to be discharged

ITEM: 6	RECOMMENDATION: APPROVAL
REF NO: 3PL/2016/1101/F	CASE OFFICER Heather Byrne
LOCATION: ATTLEBOROUGH The Poplars Carvers Lane	APPNTYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: N CONS AREA: N LB GRADE: N TPO: N
APPLICANT: H&B Developments Ltd The Poplars Carvers Lane	
AGENT: David Futter Associates Ltd Arkitech House 35 Whiffler Road Norwich	
PROPOSAL: Demolition of existing dwelling and construction of 4 new dwellings	

REASON FOR COMMITTEE CONSIDERATION

The 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
Impact upon trees

DESCRIPTION OF DEVELOPMENT

This application seeks consent for the demolition of an existing dwelling and the erection of four detached dwellings with detached single garages. The proposed dwellings would have a ridge height of 8.4m. The dwellings would be constructed of red brickwork with a section of cladding for the walls and pantiles for the roof, (no specific details have been provided).

The scheme originally proposed the erection of five dwellings detached dwellings with three fronting Carvers Lane and two to the rear of the site.

SITE AND LOCATION

The application site is located outside of any defined Settlement Boundary and is bounded to the east by the highway, to the north by land which has permission for residential development, to the north west by the A11, and to the south by further residential dwellings. The boundaries to the site consist of mature vegetation and trees.

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 and National Planning Policy Guidance have also been taken into account, where appropriate

CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.12	Trees and Landscape
DC.13	Flood Risk
DC.16	Design
DC.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

ATTLEBOROUGH TC

Approve as in line with other development.

NORFOLK COUNTY COUNCIL HIGHWAYS

The Highways Authority note that a requirement of the proposed redevelopment of land to the north and south of the application site, approved under ref 3PL/2014/1264, is that Carvers Lane be closed immediately to the north of the site and diverted through a new estate road layout to the south. These proposals, once completed, would overcome my objections to the inadequacy of the adjacent road network.

Whilst the Highways Authority consider the current submission to be premature pending the completion of the off-site works which form part of 3PL/2014/1264, the Highways Authority would not raise a highway objection subject to it being possible to impose a Grampian style condition preventing occupation of the dwellings until the revised access arrangements are in place. If that were to be the case they would also require the section of Carvers Lane fronting the site to be widened from 3.5m to 4.5m and this would need to form part of the current submission. Further, in relation to the proposal indicated on Drawing 6581/PO1B, they would wish to see a refuse bin collection point at the junction of the private access with Carvers Lane,

the parking for Plot 2 relocated so that it joins Carvers Lane at a 90 degree angle and visibility splays measuring 2.4m x 33m from the private access onto Carvers Lane.

TREE & COUNTRYSIDE OFFICER

The removal of trees requiring removal will have low landscape impact which can be mitigated with additional planting. However the Tree Consultant has concerns regarding the proposed layout with regards to post development issues relating to trees. Plot 5 in particular will experience long periods of shade and it is very likely that occupants will have concerns over the proximity of large poplar trees, which are fast growing trees prone to failure through either branch drop or wind throw. I would expect that there will be future pressure for either heavy pruning or removal of trees if this layout were given permission.

An amended plan was provided, which included the reduction in dwellings to four and an amended layout and the Tree Consultant still raised concerns over the proximity of trees located outside the site boundary to the west. These are third party trees which will cause shading to dwellings and gardens. These trees are tall and brittle and it is likely that there will be post development pressure from occupants to reduce or remove these trees, particularly given that there are garages and hard surfaces very close, (within the root protection area RPA). The Tree Consultant does not consider that the proposed layout takes these issues into consideration and states any construction within the RPA should be avoided.

CONTAMINATED LAND OFFICER

Recommend approval providing the development proceeds in line with the application details and subject to the imposition of conditions relating to the ground diesel tank, unexpected contamination, and an informative relating to extensions and asbestos.

ENVIRONMENTAL HEALTH OFFICERS

Recommend approval providing the development proceeds in line with the application details and subject to the imposition of a condition relating to the submission of a noise protection scheme and an informative relating to Breckland Council's information leaflet on construction and demolition works.

REPRESENTATIONS

1 local representation received in support stated the following:

- Appears aesthetically pleasing and suitable for the setting;
- Is the developer intending to improve existing noise protection from the A11; and
- Will provision be made to create a passing place near to the development given the narrow nature of the lane.

10 representations have been received raising the following concerns / comments:

- Not opposed to the principle of development; however there are inconsistencies in the information provided;
- Proposed dwellings are 2.5 storey, not two storey;
- There is no tree line currently between the development and the properties opposite as shown;
- Is the site capable of accommodating 5 dwellings of the proposed scale;
- Access, turning and parking issues;
- Would the proposal involve the re-routing of existing electricity and telephone cables

underground;

- Proposal would greatly reduce the countryside setting currently enjoyed by existing properties;
- Traffic would increase;
- Would devalue properties;
- Would impact upon amenity in terms of overlooking, loss of light, outlook, noise and disturbance during construction,;
- Impact upon ecology and trees;
- Would not be in keeping with existing development and would result in overdevelopment of the site;
- Drainage issues and soakaways would be unsuitable for this area;
- No mains sewer connection available currently;
- Noise impact on future occupiers due to close proximity to A11; and
- The application site is located outside of the defined Settlement Boundary.

ASSESSMENT NOTES

1.0 The application is referred to planning committee as it is contrary to policy.

2.0 Principle of development

2.1 This application seeks consent for the demolition of an existing dwelling and the erection of four detached dwellings with detached single garages.

2.2 The site is located outside the Attleborough Settlement Boundary and therefore the application is contrary to Policies SS1, DC02 and CP14 of the Core Strategy and Development Control Policies Development Plan Document 2009. The principle of the proposal is therefore not accepted.

2.3 In a recent 'written representations' appeal decision in respect of the Council's refusal of a development of one dwelling in the countryside the Inspector made reference to the Local Planning Authority as not being able to demonstrate the robustness of the Council's five year housing land supply. This appeal decision is a material planning consideration in the determination of this application, especially with regards to the Council's five year housing land supply. However, it is important to note that given the nature of the appeal, the Inspector had only limited access to information demonstrating the deliverability of individual housing sites.

2.4 Furthermore, it is considered that the Inspector gave insufficient weight to the Central Norfolk Strategic Housing Market Assessment, (2015); (the Councils latest assessment of housing need), especially given that paragraph 30 of the national Planning Practice Guidance (PPG), the starting point for calculating a five year land supply, states: "Considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light. It should be borne in mind that evidence which dates back several years, such as that drawn from revoked regional strategies may not adequately reflect current needs.

2.5 Where evidence in Local Plans such as the housing requirement in the Breckland Core Strategy, (2009),

has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered".

2.6 On this basis, it is considered by the Council that this appeal decision can only be afforded very limited weight.

2.7 Paragraph 12 of the NPPF states that the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.

2.8 The Council's Core Strategy and Development Control Policies Document is considered up-to-date and therefore the material considerations are assessed in line with the sustainable development roles:

- economic, in terms of building a strong economy and in particular by ensuring that sufficient land of the right type is available in the right places
- social, by supporting, strong vibrant and healthy communities by providing the supply of housing required to meet future need in a high quality environment with accessible local services and
- environmental, through the protection and enhancement of the natural, built and historic environment.

2.9 In terms of economic and social criteria, the proposal would provide a net gain of three residential dwellings for market sale, which would make a positive, albeit small, contribution to the housing supply. The proposal would provide limited short-term economic benefits through labour and supply chain demand required during construction. However, given the small scale nature of the development these benefits are not considered to be significant and not definitive in this instance. It should be noted if the application is approved to ensure the deliverability of the development a planning condition would require a reduced time period for commencement.

2.10 The social role of sustainable development seeks to ensure, amongst other matters, the creation of a high quality built environment with accessible local services. Within the Core Strategy, Attleborough is identified as a market town for substantial growth, harnessing economic expansion along the A11 corridor between Cambridge, Thetford and Norwich and providing the necessary balance of housing to support the enhancement of the Snetterton Heath employment site. It has had the most active commercial market outside Thetford and Dereham in recent years and it also has access to main line rail connections. It has a range of services commensurate with its position as a lower order centre and is able to serve the day to day needs of local residents.

2.11 The site is located approximately 25m from the Attleborough Settlement Boundary; however the site lies adjacent to existing development to the south and east and proposed to the north. The site is located approximately 1.1 miles from Attleborough Town Centre and therefore it is considered that the site would have easy access to the services and facilities within Attleborough and would not need to rely on the use of the private car to gain access to these.

2.12 Taking into account the above, it is considered the site is located in a sustainable location and would not result in an isolated development.

3.0 Impact upon character and appearance of area

3.1 The environmental role of sustainable development seeks to, in part, contribute towards protecting and enhancing the natural, built and historic environment. Consideration of a proposals impact on the character and appearance of the area within which it is situated is therefore, integral to the environmental dimension of sustainable development, as is design. Core Strategy Policy CP11 says, amongst other things, that the countryside will be protected for its intrinsic beauty and rural character and that the design of new development should be sympathetic to landscape character, informed by the Council's Landscape Character Assessment, (LCA). Core Policy DC02 deals with housing mix and density, whilst Policy DC16 promotes good design.

3.2 The site lies outside of any defined Settlement Boundary and currently contains a residential dwelling and its associated curtilage. Although outside the Settlement Boundary, the site is currently residential in nature and would adjoin existing development to the south and east and proposed to the north. The proposal would not be isolated from existing development and would not have a significant detrimental impact on the wider landscape as the site is visually well contained, being located between the A11 corridor and existing development.

3.3 Concerns were initially raised regarding the proposed scale of the development and it was considered the erection of five dwellings on the site in the manner proposed would result in overdevelopment of the site and would be out of character with existing development within the vicinity of the site.

3.4 Currently the site contains a single storey bungalow and is bounded to the south by two existing bungalows. To the east is estate type development comprising a range of properties, including detached and semi-detached properties. The land to the north of the site has approval, under reference 3PL/2014/1264/F, as part of a larger scheme for the erection of 91 dwellings, with detached two storey properties proposed adjacent to the site to the north. The lane currently has a rural appearance due to the limited development it currently serves and existing planting along the lane; however it is noted the above approval would alter this to some degree.

3.5 The scheme was reduced to four detached dwellings with garages with two fronting Carvers Lane and two set to the rear of the site. The two properties to the front would have direct access from Carvers Lane with the two to the rear being served by a private drive from Carvers Lane. The dwellings are proposed to all be the same house type, one and a half storey, and would be constructed of pantiles for the roof and red bricks and cladding for the walls. No precise details have been provided and therefore if approved a condition would be imposed for these to be agreed to ensure the proposal would utilise good quality materials and would be in keeping with surrounding development.

3.6 Given the nature of surrounding development it is considered the proposal would not impact significantly

impact upon the surrounding character of the area. New landscaping is proposed as part of the development; however no details have been provided and therefore if approved a condition would be imposed for precise details to be agreed to ensure the proposal would remain in keeping.

4.0 Impact upon amenity

4.1 As highlighted above the scheme has been amended since initially submitted, with the proposed dwellings now sitting relatively centrally within their plots with the detached garages being located adjacent to boundaries.

4.2 The relationship of the development to neighbouring dwellings and private open space is such that visual dominance, loss of light, overlooking and overshadowing impacts all fall within acceptable parameters. The domestic nature of the development will ensure the proposal does not give rise to any undue form of disturbance. This considered that the proposal would maintain an acceptable level of residential amenity for neighbouring occupants, consistent with Policy DC01.

4.3 If approved a condition would be imposed for precise boundary treatments to be agreed to ensure the proposal maintains and protects neighbour amenity.

4.4 Further consultation has been undertaken on the amended scheme and any representations will be summarised and reported verbally at the meeting.

5.0 Impact upon highway safety

5.1 The Highways Authority initially commented stating Carvers Lane in its present form is unsuitable for any further intensification due to its restricted width, lack of passing provision and substandard alignment which in places, severely restricts forward visibility. However it is a requirement of the proposed redevelopment of land to the north and south of the application site, approved under 3PL/2014/1264/F, is that Carvers Lane be closed immediately to the north of the site and diverted through a new estate road layout to the south which, once completed, would overcome this objection to the inadequacy of the adjacent road network.

5.2 The Highways Authority did request a Grampian style condition preventing occupation of the proposed dwellings until the revised access arrangements are in place; however this is considered reasonable. Given the net increase of three dwellings to be accessed off Carvers Lane it is considered this would not result in a severe impact upon highway safety and therefore is deemed acceptable.

5.3 Amendments were requested in regards to visibility splays from each access, increase in size of the garages so they form a parking space, and widening of the private access drive. An amended plan was provided to include these and the Highways Authority have been re-consulted. Their response will be reported verbally at the meeting and will include any proposed highway conditions.

6.0 Impact upon trees

6.1 The Tree Consultant stated the trees proposed to be removed have low landscape impact which could be mitigation with additional planting as part of the proposal. However concerns are raised regarding the proposed layout and post development issues relating to the trees adjacent to the site to the west outside the applicants control, which would cause shading to properties and concerns of future occupants due to proximity of large poplar trees. If approved this may result in future pressure for either heavy pruning or removal.

6.2 As highlighted above the scheme was reduced to four dwellings; however the Tree Consultants above concerns still remain.

6.3 It is considered the amended layout would not significantly impact upon amenity with plots more centrally located a sufficient distance from adjacent trees. It should also be noted future occupiers would be aware of the existing trees prior to purchase. If approved a condition would be imposed for tree protection measures to be agreed prior to commencement.

7.0 Other matters

7.1 Whilst the site is located within Flood Zone 1 the rear of the site has a medium to high risk of surface water flooding. A Flood Risk Assessment was requested and provided which states the floor levels of the proposed dwellings would be elevated above the maximum flood level and states soakaways would be an appropriate form of surface water drainage for the scheme.

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 the ground diesel tank, unexpected contamination, and an informative relating to extensions and asbestos.

7.3 The Environmental Health Officer recommends approval providing the development proceeds in line with the application details and subject to the imposition of a condition relating to the submission of a noise protection scheme and an informative relating to Breckland Council's information leaflet on construction and demolition works.

8.0 Conclusion

8.1 Planning law requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In this instance being located outside of the settlement boundary the proposed development would conflict with policies SS1 and DC02 of the Core Strategy which set out the approach to directing housing developments in the district to within settlement boundaries and which are considered to carry significant weight.

8.2 It is considered the sustainable location of the site, whilst located outside of the Settlement Boundary is within easy walking distance of the town centre, which is a major focus for residential growth, would outweigh the harm caused by the development and therefore the application is recommended for approval, in

accordance with Policy SS1 and the NPPF.

RECOMMENDATION

Planning Permission

CONDITIONS

3006	Full Permission Time Limit (2 years)	
3047A	In accordance with submitted plans	
3920	Environmental Health - Noise protection	
3920	Contaminated Land - Ground diesel tank	
3920	Tree Condition	
3994	Note - Construction Guidance	
3923	Contaminated Land - Informative (Extensions)	
3994	Note - Asbestos	
3104	External materials to be approved	This condition will require to be discharged
3402	Boundary screening to be agreed	This condition will require to be discharged
3408	Landscaping - details and implementation	This condition will require to be discharged
3946	Contaminated Land - Unexpected Contamination	This condition will require to be discharged

ITEM: 7	RECOMMENDATION: APPROVAL
REF NO: 3PL/2017/0138/F	CASE OFFICER Lisa O'Donovan
LOCATION: GUIST Building Plot to the South of The Barn Malthouse Lane	APPNTYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: N CONS AREA: N LB GRADE: N TPO: N
APPLICANT: Mr Stephen Hackett The Barn Malthouse Lane	
AGENT: Mr S & Mrs J P Hackett The Barn Malthouse Lane	
PROPOSAL: Erection of one two storey dwelling	

REASON FOR COMMITTEE CONSIDERATION

The application is asked to be considered by Committee as is contrary to Policy.

KEY ISSUES

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

DESCRIPTION OF DEVELOPMENT

The application seeks consent for the erection of one, two storey dwelling on land to the south of The Barn at Malthouse Lane. The dwelling has already received consent, albeit it was granted with a shorter time consent, (two years), as was approved due to the Council's lack of five year housing land supply. The application was subsequently amended via application, (detailed below), to change the orientation of the dwelling and the design. The application has been submitted in line with these amendments. The red line has been altered slightly to that of the original approval.

SITE AND LOCATION

The site is situated towards the end of Malthouse Lane, a private unadopted lane that serves a number of dwellings of varying sizes and styles. The area forms a defined group of dwellings in an otherwise dispersed parish; a fact recognised by there being separated settlement boundaries forming the settlement of Guist.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2012/1180/F - New dwelling Allowed on Appeal (opposite)

3PL/2012/1180/F - Conversion from holiday let to a dwelling Allowed on Appeal (Barn adjacent the site to the north)

3PL/2014/1247/F - Erection of new dwelling - Permission

3PL/2015/0747/F - MMA 3PL/2014/1247/F variation of design - Permission

3PL/2015/1453/F - Variation of condition 2 on 3PL/2015/0747/F in respect of re-orientation of dwelling - Permission

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 and National Planning Policy Guidance have also been taken into account, where appropriate

CP.04	Infrastructure
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.16	Design
DC.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

NORFOLK COUNTY COUNCIL HIGHWAYS

You will be aware that this Authority raised objections to the original application, 3PL/2014/1247, on the grounds of the substandard visibility at the junction of Malthouse Lane with A1067. I note that , notwithstanding the objection, planning permission was granted and I therefore consider it would be difficult to substantiate an objection to the current submission. In addition to all previous conditions being imposed I would also recommend the following informative note is appended since Malthouse Lane also forms part of a Public Right of way Guist FP 4.

CONTAMINATED LAND OFFICER

No objection subject to conditions.

TREE AND COUNTRYSIDE CONSULTANT

No comments.

ENVIRONMENTAL HEALTH OFFICERS

No objection subject to condition.

GUIST PARISH COUNCIL

No Comments Received

REPRESENTATIONS

Site notice erected: 09-03-2017

Consultation letters issued: 03-03-2017

Two letters received raising the following: Malthouse Lane is unable to cope with additional traffic and concern in respect of the sewerage system not being able to cope.

ASSESSMENT NOTES

1.0 Principle

1.1 The site has previously received approval by the planning committee in February 2015, in line with the officer's recommendation. The application is the subject of a re-submission following the recent lapse of this permission, (February 2017).

1.2 The application site lies outside of the defined Settlement Boundary. For this reason the proposal conflicts in principle with Policies SS1, DC02 and CP14 of the Core Strategy and Development Control Policies Development Plan Document, (2009), which seek to focus new housing within defined Settlement Boundaries. The application is therefore assessed against the benefits provided in relation to the sustainable development tests as set out in the NPPF.

The NPPF identifies three dimensions of sustainable development:

- Economic, in terms of building a strong economy and in particular by ensuring that sufficient land is of the right type and is available in the right places.
- Social, by supporting, strong and healthy communities by providing the supply of housing required to meet future need in a high quality environment with accessible local services and
- Environmental, through the protection and enhancement of the natural, built and historic environment.

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

1.4 In terms of the economic and social criteria, the proposal would provide a single dwelling for market sale. The development of this site would therefore make a positive, albeit modest, contribution to the housing

supply shortfall and provide some short-term economic benefits through its construction.

1.5 With regard to whether this is a suitable location, Guist is classified as a rural community that has some key local services through Core Strategy Policy CP14. In this case the local village shop and post office is located at the end of Malthouse Lane, and the town of Fakenham is approx. five miles away. Paragraph 55 of the NPPF states that rural housing should be located where it will enhance and maintain the vitality of existing rural communities. Whilst the settlement of Guist itself has limited facilities, the application site is located within easy walking distance of the village shop, and is close to bus connections onwards to Fakenham and Norwich. Despite this, the site is not considered to be a sustainable location by reason of it being outside of the settlement boundary.

2.0 Amenity

2.1 The proposed dwelling is modest in scale, being only single storey with a bedroom in the roof. No windows would overlook adjoining dwellings, and the dwelling would not appear dominant. Adequate separation distances to adjoining properties have also been achieved. A small semi-private garden area to the south of the dwelling provides for adequate amenity space given the dwelling's modest size. The proposal therefore accords with the requirements of Core Strategy Policy DC.01.

3.0 Character & Appearance

3.1 The dwelling has been designed having regard to its context, resulting in it being of a cottage style appearance, with steep roof pitches and exposed rafters to the eaves. The building is split level in terms of its roof height with the smaller part of the dwelling, (single storey), adjoining its neighbour to the north. This step down in terms of roof height helps to reduce the impact of the building when viewed approaching the site from the north. The proposed building materials include red brick and flint, which is characteristic of the area and in line with its context. The proposal would not harm the character and appearance of the area and is of a design appropriate for its context, and therefore accords with the requirements of Core Strategy Policy DC16.

4.0 Highway Safety

4.1 Access to the site is via Malthouse Lane, a private track that has a poor surface. The visibility at its junction with the A1067 Norwich Road is also acknowledged to be sub-standard, with there being a splay of only 2.4 x 18 metres to the northwest. Notwithstanding this, the Highways Authority was consulted and mindful of the previous approvals, (won via appeal) and have therefore considered it difficult to substantiate an objection in this instance. An informative note has been requested in respect of any damage to the public right of way which will be added to any approval. As a note, a previous application for a new dwelling opposite the site was applied for in 2012. Planning permission was refused but subsequently granted on appeal. The Inspector concluded that

"although visibility from Malthouse Lane across Norwich Road is less than ideal, in all the circumstances it is not so defective as to cause the junction to be unsafe to a significant degree."

He also stated that:

"given the modest nature of the proposal, I consider that the volume of vehicle movements generated by it would be low and would not represent a significant increase in current movement levels generated by properties served by Malthouse Lane."

4.2 Taking into account the previous Inspector's conclusions in respect of a similar proposal opposite the site, it is concluded that the impact on the highway network and highway safety resulting from the construction of a single modest two bed dwelling, would not be significant enough to warrant a refusal of the application.

5.0 Other issues

5.1 The comments in respect of the sewerage system will be properly addressed at the Building Regulations stage. The applicant states that he will be connecting to the mains pipe which is acceptable in principle, subject to consent from Anglian Water.

6.0 Conclusion

6.1 Given that the principle of development is established by the granting of the earlier permissions, despite the sites location then the proposal is recommended for approval subject to conditions.

6.2 Whilst the sub-standard nature of the junction of Malthouse Lane and Norwich Road, and the poor condition of the surface of Malthouse Lane count against the proposal, paragraph 32 of the NPPF states that, 'development should only be refused on transport grounds, where the residual cumulative impacts of development are severe'. Taking into account the previous Inspectors conclusions in respect of a similar proposal opposite the site, it is concluded that the impact on the highway network and highway safety would not be significant enough as to warrant a refusal of the application.

RECOMMENDATION

Planning Permission

CONDITIONS

3007	Full Permission Time Limit (3 years)	
3047A	In accordance with submitted plans NEW 2017	
MT02	External materials as approved	
3920	Foul sewage	
HA24	Provision of parking and servicing - when shown on plan	
3923	Contaminated Land - Informative (Extensions)	
AN63	NOTE NCC Inf 4	
2000	NOTE: Application Approved Without Amendment	
2014	Criterion E - Planning Apps Where Approved	
3402	Boundary screening to be agreed	This condition will require to be discharged

3946

Contaminated Land - Unexpected
Contamination

This condition will require to be discharged

ITEM: 8	RECOMMENDATION: REFUSAL
REF NO: 3PL/2016/1360/F	CASE OFFICER Chris Hobson
LOCATION: GRESSENHALL Land to be known as Church Farm Church Lane	APPNTYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: N CONS AREA: N LB GRADE: N TPO: N
APPLICANT: Mrs Amanda Wilcox Brackenbrae Green Lane	
AGENT: Sketcher Partnership Ltd First House Quebec Street	
PROPOSAL: Erection of dwelling and double garage	

REASON FOR COMMITTEE CONSIDERATION

The application has been requested to be determined at committee by a local ward member, and the proposed development would be contrary to the development plan.

KEY ISSUES

- Principle of development;
- Design and impact on character and appearance of surrounding area;
- Highway and traffic implications;
- Ecological, and arboricultural implications;
- Amenity implications;
- Other material considerations

DESCRIPTION OF DEVELOPMENT

The application seeks full permission for the erection of a one and half storey dwelling and detached double garage on land off Church Lane, Gressenhall. The proposed dwelling would be sited towards the northern boundary of the site and comprise kitchen, utility, dining room, living room, study, bathroom, W.C. and four bedrooms and two en-suite bathroom. The proposed scheme would also include the repositioning of the existing access on to Church Lane further to the south, and replanting of hedgerow either side of new access.

SITE AND LOCATION

The application site is located in open countryside to the south of the village of Gressenhall. The site forms an irregular shape bordered by Church Lane to the southeast, a wooded area borders the site to the north, with open fields bordering the site to the east and west. The site itself is relatively flat with hedgerows and trees bordering the site to the north, east and west boundaries.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2016/0801/F - Erect dwelling, garage/shower block & machinery store in connection with use of land for standing 5 shepherds huts for holiday accommodation & camping area - Withdrawn.

POLICY CONSIDERATIONS

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

Policy SS1 Spatial Strategy
Policy CP01 Housing
Policy CP04 Infrastructure
Policy CP06 Green Infrastructure
Policy CP10 Natural Environment
Policy CP11 Protection and Enhancement of the Landscape
Policy CP13 Accessibility
Policy CP14 Sustainable Rural Communities
Policy DC01 Protection of Amenity
Policy DC02 Principles of New Housing
Policy DC11 Open Space
Policy DC12 Trees and Landscape
Policy DC13 Flood Risk
Policy DC16 Design
Policy DC17 Historic Environment
Policy DC19 Parking Provision

National Planning Policy Framework (NPPF)

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

NPPG National Planning Practice Guidance

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

NORFOLK COUNTY COUNCIL HIGHWAYS

No objections subject to conditions.

CONTAMINATED LAND OFFICER

No objections.

TREE AND COUNTRYSIDE CONSULTANT

No objections subject to approval of tree and hedgerow protection measures.

GRESSENHALL P C

Object to proposal for following reasons:

- outside the settlement boundary;
- loss of agricultural land;
- no material benefits to village;
- significant number of local objections.

ECOLOGICAL AND BIODIVERSITY CONSULTANT No Comments Received

Ecological Consultant - No objections subject to conditions.

REPRESENTATIONS

The application was publicised by way of letters to nearby properties, notice displayed at the site and within the local press. The Council has received 31 letters objecting to the proposal raising the following matters:

- Outside of the settlement boundary and contrary to the policies in the development plan.
- Proposals would not form sustainable development and would be contrary to the policies in the NPPF.
- Detrimental impact on character and appearance of the site, surrounding area and landscape.
- Proposals would form a precedent.
- Proposal would be contrary to the emerging local plan.
- No significant economic, social or environmental gains.
- Loss of farm land.
- Highway safety concerns.
- Loss of hedgerow and wildlife habitat.

The Council has also received 32 representations in support of the proposals raising the following matters:

- Provide a modest home for a local family.
- No significant impacts.
- Well screened from surrounding area and in keeping.
- Provide support to local businesses, services and facilities.
- Meet need for housing in the local area.
- No significant impacts on the village.

ASSESSMENT NOTES

1.0 This application is referred to Committee as a development proposal outside of settlement boundaries.

2.0 Principle of Development

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

2.2 In relation to settlement boundaries, the objectives of Policy CP14 include focusing development in sustainable locations with access to key services and protecting the form and character of settlements. The settlement boundary policy derives from the spatial strategy which seeks to ensure that development is directed to the most sustainable locations in the district. Development outside a settlement boundary will be an encroachment into the open countryside, may well dissuade developers to build on harder to develop brown field sites within the built up area, and will be further away from services and facilities. These objectives are consistent with the NPPF's key aims and so in this respect Policy CP14 can be afforded some weight in accordance with paragraph 215.

2.3 Planning law requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The site is located outside the settlement boundaries in an area of open countryside, (as defined by policies SS1, CP01 and CP14 of the Core Strategy and Development Control Policies Development Plan Document 2009), where development is heavily restricted. The addition of a new dwelling would therefore conflict with the objectives of policy CP14 of the development plan. It is necessary to consider therefore whether in this case any such material considerations, including national planning policy, would justify a departure from policy.

2.4 Paragraph 49 of the NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development. 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 conservation of the natural environment is also central to the NPPF, including protecting valued landscapes and minimising effects on biodiversity. In order to promote sustainable development in rural areas, the NPPF indicates that housing should be located where it will enhance or maintain the vitality of local communities.

2.5 Gressenhall is defined as a rural settlement through policy SS1 of the adopted Core Strategy and Development Control Policies DPD. As a result it is not envisaged that the village would see any significant growth and the village's position in the settlement hierarchy is unlikely to change in the emerging plan. The village does benefit from a post office and shop, public house, social club and playing fields, bowling green. It is clear that the level of service provision in the village is such that whilst some needs could be met within the village, future residents would be dependant on other settlements for most shopping, employment, education and leisure purposes. Consequently, the proposal would conflict to a degree with certain objectives in the NPPF to minimise the need to travel. However, it is noted that the centre of Dereham is located approximately three miles to the southeast, and that the NPPF recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. It is noted that there is a bus route, (Konectbus route 21), that runs through Gressenhall with bus stops within walking distance of the site. This runs five services during the daytime Monday to Saturday and provides some links between Gressenhall and the market towns of Dereham and Fakenham.

2.6 In addition, that paragraph 55 notes that development in one village may help support the services in a nearby village, such as Beetley located within close proximity to the northeast and which includes primary school, village hall and recreation ground. In a recent appeal decision, (reference 3PL/2014/0461/O), in Gressenhall the Inspector concluded that a site on the edge of Gressenhall was not in an unsustainable location. Furthermore, the proposal in seeking to provide one single storey dwelling is considered proportionate to the settlement, and although lying outside the settlement boundary, is a short distance from the southern edge of the village and therefore is not considered to result in remote or isolated development in the countryside.

2.7 In a recent 'written representations' appeal decision in respect of the Council's refusal of a development of one dwelling in the countryside the Inspector made reference to the Local Planning Authority as not being able to demonstrate the robustness of the Council's five year housing land supply. This appeal decision is a material planning consideration in the determination of this application, especially with regards to the Council's five year housing land supply. However, it is important to note that given the nature of the appeal, the Inspector had only limited access to information demonstrating the deliverability of individual housing sites.

2.8 Furthermore, it is considered that the Inspector gave insufficient weight to the Central Norfolk Strategic Housing Market Assessment, (2015), (the Council's latest assessment of housing need), especially given that paragraph 30 of the national Planning Practice Guidance (PPG), the starting point for calculating a five year land supply, states: "Considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light. It should be borne in mind that evidence which dates back several years, such as that drawn from revoked regional strategies may not adequately reflect current needs.

2.9 Where evidence in Local Plans such as the housing requirement in the Breckland Core Strategy, (2009), has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. On this basis, it is considered by the Council that this appeal decision can only be afforded very limited weight.

2.10 With regards to other benefits of the proposed development, it is noted that there would be some social and economic benefits through the provision of an additional dwelling, there would also be the generation of labour in the short term during construction; and the support to local services and facilities in the longer term, together with the financial benefit from the new homes bonus. However, given the limited scale of development being proposed these are not considered to be significant either individually or cumulatively and would not outweigh the conflict with the core policies in the development plan that manage sustainable growth across the district.

3.0 Design, Impact on Character and Appearance of the Surrounding Area

3.1 Both local and national planning policies require careful consideration to be given to the impact of new development on the character of its surroundings. Core Strategy Policy CP11 says, amongst other things, that the countryside will be protected for its intrinsic beauty and rural character, and that the design of new development should be sympathetic to landscape character, informed by the Council's Landscape Character Assessment, (LCA). Core Policy DC02 deals with housing mix and density, whilst Policy DC16 promotes

good design. The NPPF indicates that planning should contribute to the protection and enhancement of valued rural landscapes and that the design of new development should respond to local character and use streetscapes and buildings to create attractive places to live.

3.2 The proposed development would provide an additional dwelling and detached garage beyond the settlement boundary separated from the rest of the built form of the village by the brook and mature belt of trees running to the north of Church Lane and Dereham Road. There is a clear distinction between the village envelope to the north and the area beyond this and to the south, east and west of Church Lane which is characterised by open countryside and only very sporadic built form. The resultant buildings would therefore result in the encroachment of built development into the open countryside detracting from the character and openness of the site.

3.3 The proposed dwelling would be sited adjacent to a belt of trees running to the north of the site, and it is noted that the mature hedgerow planting along the Church Lane boundary of the site would provide screening from public view to the south and east along Church Lane. The proposal due to its limited height and siting set back from Church Lane, would therefore have limited impact in wider landscape context and to long distance views. Whilst a section of hedgerow would be removed once replacement hedgerows were mature there would be no over-riding impact on the rural character of Church Lane.

3.4 The proposal would therefore result in harm by way of introduction of further built development into an open field distinct from the built form of the village. However, this would be localised to the site itself, and not be widely perceptible and as such it is not considered that the proposals would cause significant harm to the character and appearance of the surrounding landscape.

4.0 Access and Highway Impact

4.1 The proposal seeks to re-site and widen an existing access into the site from Church Lane. The Highway Authority initially raised concern with regards to the visibility afforded at the existing access to the site. However, following the submission of further information to amend the proposed access showing the provision of 2.4 metre by 43 metre visibility splays in either direction along Church Lane the Highways Authority have raised no objections to the proposal.

4.2 The site lies within walking distance of local services and bus stops in Gressenhall and given the existing use of the surrounding road network, it is considered that additional traffic movements associated with one additional dwelling would not be severe. In light of the proposed amended access arrangements and the comments of the Highway Authority subject to conditions relating to access improvement works, visibility, provision of parking, it is also considered that safe access could be secured.

5.0 Ecology

5.1 An Ecological Assessment, (Philip Parker Associates, July 2016) and Badger Survey report, (June 2016), were submitted as part of the application which showed the proposal to have limited impacts on local ecology with only direct impacts on semi-improved grassland and loss of a section of hedgerow and no significant impact on designated sites the nearest being 330 metres from the site, and highlighted the

presence of badgers within and around the site.

5.2 Following review by the Council's Ecologists, they have confirmed that they are satisfied with the scope and robustness of the report and raise no objections to the development provided conditions are included in the permission to ensure precautionary mitigation measures set out in Section 7 of the above Ecological Survey Report are provided and adhered to throughout the development; that badger mitigation strategy is submitted and result of a pre-commencement badger survey are submitted; and that sufficient compensation is provided for the loss of a section of hedgerow. In line with the National Planning Policy Framework, (NPPF) and policy CP10 of the Core Strategy, it is considered that subject to conditions to secure the recommendations made in the Ecological Report, pre-commencement badger surveys, implementation of an approved badger mitigation strategy and replacement hedgerow planting, the proposals would cause no significant impact nature conservation interests in and around the site and would preserve and enhance the biodiversity value of the site.

5.3 The proposed development would require the removal of a section of hedgerow to the south of the existing access to achieve the necessary visibility requirements. The proposals include the provision of replacement planting of native species along Church Lane and the entrance into the site. The Council's Tree Officer has raised no objections to the proposals subject to protection measures being provided, which it is considered would be necessary and could be secured by way of condition on any permission in line with policy DC12 of the Core Strategy.

6.0 Impact on Amenity

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

6.2 Due to the site's location and separation distances retained to nearest residential properties it is not considered that the proposed development would cause any significant impact on the amenity of local residents. Given the limited amount of additional vehicular traffic associated with the proposal during construction and operation is also not envisaged to cause significant harm to amenity to surrounding properties by way of noise, odour and disturbance.

7.0 Other Matters

7.1 With regards to drainage and flood risk implications of the proposed development, the site is located within Flood Zone one and is therefore in an area at least risk of flooding from rivers, tidal flows, canals, groundwater, and surface water. The site is not located within an area identified as a critical drainage area, but is in an area identified as having poor drainage. Therefore, the proposal would accord with the principles set out in the NPPF in directing new residential development to areas at lowest risk of flooding. The principle of a vulnerable type use such as residential is considered acceptable in principle.

7.2 With regards to surface water drainage it is noted that the proposed scheme would replace permeable areas of open field with hard surfaced and impermeable areas required for the dwelling themselves and

associated access and parking areas. Nevertheless, it is considered that there would be sufficient space retained within the site to provide for on site surface water attenuation and sustainable drainage systems to mitigate for additional hard surfaced areas and prevent the increased risk of surface water flooding elsewhere. Therefore, it is considered that in principle a scheme of sustainable urban drainage could be provided on site in accordance with the guidance contained within the NPPG and subject to a condition securing the submission and approval of a detailed surface water drainage strategy there would be sufficient measures in place to ensure that the development would not be a risk from flooding or increase the risk of flooding elsewhere.

7.3 In terms of ground conditions given the previous use and historic use of the site for agriculture, and that there is no recent history of buildings, chemical or waste storage on the site, the site is not considered to be at significant risk of ground borne contamination and that in principle this would not prevent the site from being used for residential purposes.

7.4 Paragraph 112 of the NPPF states that "Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Whilst it is noted that the proposed development would result in the loss of part of an agricultural field, it is noted that there is a large amount of similar quality agricultural land within the surrounding area and given the relatively small amount to be lost, it is not considered that the proposals would result in any significant loss or shortfall in the availability of high quality agricultural land in the surrounding area and District.

8.0 Conclusion

8.1 As noted above, the proposed development would conflict with policies SS1, DC2 and CP14 of the adopted Core Strategy and there would be some localised impact on the site from the proposed buildings. Planning law requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. It is necessary to consider therefore whether in this case any such material considerations, including national planning policy, would justify a departure from policy.

8.2 The National Planning Policy Framework, (NPPF), is clear and explicit that Local Planning Authorities should consider favourably sustainable development. In this case the site benefits from extant permission for the erection of 6 dwellings, and the proposed development would not give rise to significant adverse impacts to policy objectives set out in policies CP14 and DC20 over and above the already permitted development.

8.3 There would also be some social and economic benefits through the provision of an additional dwelling, the generation of labour in the short term; the support to local services and facilities in the longer term, and the financial benefit from the new homes bonus. However, given the limited scale of development being proposed these economic and financial benefits would not be significant and the proposals would not significantly increase the provision of, mix, availability and supply of housing in the local area and District.

8.4 Having regard to the above it is considered that there would be no exceptional considerations and public benefits that would outweigh the conflict with the core policies in the development plan that manage sustainable growth across the district. Therefore, it is concluded that the proposal would not form sustainable development, taking into account all material considerations and the policies in the development

plan and NPPF and is therefore recommended for refusal.

RECOMMENDATION

Refusal of Planning Permission

REASON(S) FOR REFUSAL

- | | |
|-------------|---|
| 9044 | Policy not met outside settlement |
| 2002 | Application Refused Following Discussion - No Way Forward |
| 2009 | Criterion E - Planning Apps Where Refused |

ITEM: 9	RECOMMENDATION: REFUSAL
REF NO: 3PL/2017/0048/O	CASE OFFICER Matt Ellis
LOCATION: NECTON Pentes 63 Hale Road	APPNTYPE: Outline POLICY: Out Settlemnt Bndry ALLOCATION: N CONS AREA: N LB GRADE: N TPO: Y
APPLICANT: Mr Bernard John Bell Pentes, 63, Hale Road Necton	
AGENT: Parsons and Whittleby Ltd Architects 1 London Street Swaffham	
PROPOSAL: Residential development with new adoptable vehicle & pedestrian access & modify road layout	

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.
Flooding
Ecology.

DESCRIPTION OF DEVELOPMENT

Outline permission is sought for residential development on land to the rear of 63 Hale Road and part of the garden to 61 Hale Road, Necton. All matters except for access are reserved although indicative plans have been submitted which show 15 detached dwellings set around a private drive.

The existing house at 63 Hale Road would be retained, however, the garage to this property would need to be demolished to provide access which is proposed via a new roundabout on Hale Road forming a junction with Hale Road, with the drive to the proposed development and Kingfisher Drive opposite.

The application is supported by a number of documents and technical reports, including a Design & Access Statement, Preliminary Ecological Appraisal with bat and Great Crested Newt Survey, Arboricultural Report / Tree Survey and a Flood Risk Assessment.

SITE AND LOCATION

The application site is located to the south of Necton on the eastern side of Hale Road behind a row of

existing properties which front this road. The north of the site bounds Chantry Lane which is predominantly residential in character, however, the site and surroundings to the south and east are very much of a rural character. The Necton Brook flows through the site.

The site extends to around 1.3 hectares in total. The site is broadly 'L' shaped and is comprised of a mix of scrub grassland and wooded areas together with part of a domestic garden. There are a large number of trees within and bordering the site.

EIA REQUIRED

No

RELEVANT SITE HISTORY

No relevant site history

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance 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.04 Infrastructure

CP.05 Developer Obligations

CP.08 Natural Resources

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.19 Parking Provision

NPPF With particular reference to paragraphs 14, 17, 32, 34, 35, 49, 103 & 118

NPPG National Planning Practise Guidance

'Manual for Streets' 2007

OBLIGATIONS/CIL

The site falls under the threshold for comment by the County Council but would trigger a requirement for affordable housing and the applicant has indicated they are willing to enter into a legal agreement to provide 40% affordable housing on site.

CONSULTATIONS

NECTON PARISH COUNCIL

Necton Parish Council identified this site as one of their preferred sites to support the development needs required in the village according to the emerging Breckland Local Plan.

Recognise that the Lead Local Flood Agency, (LLFA), has identified a flood risk on this site. However, effective flood management can be achieved by considered development and incorporated into planning conditions

A site visit was undertaken earlier in February and it was noted that the open ditch ran freely and unobstructed. It was also noted that the proposed installation of a mini-roundabout at a new site entrance would assist with speed control at the point of entry to the village. The speed restriction sign would benefit the scheme if it were moved further out.

Robust flood risk management should be incorporated into planning conditions. Specifically the ditch should remain open and not culverted to assist in regular maintenance and early identification of debris collection.

Consideration should be given to the redirection of water flow into the neighbouring property's pond, thereby reducing the impact on current culverted infrastructure further along the ditch towards Hale Road.

ENVIRONMENT AGENCY

No objection to this application. Flood Risk / Surface Water Drainage Please consult the Lead Local Flood Authority, (LLFA). Contamination The site is located above a Principal Aquifer and within Source Protection Zone (SPZ) 3. However, we do not consider this proposal to be High Risk.

CONTAMINATED LAND OFFICER

Recommend approval providing the development proceeds in line with the application details and subject to conditions to alleviate environmental concerns

ANGLIAN WATER SERVICE

The foul drainage from this development is in the catchment of Necton Water Recycling Centre that will have available capacity for these flows.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management

HISTORIC ENVIRONMENT SERVICE

The proposed development will not have any significant impact on the historic environment

NATURAL ENGLAND

Natural England has no comments to make on this application

NORFOLK COUNTY COUNCIL HIGHWAYS

Norfolk County Council would not raise an objection in principle to this scale of development at this location. However, the proposed means of access via a mini-roundabout would not be considered acceptable. Any development at this location should be provided by a priority junction, which must not create a crossroads with Kingfisher Drive and would therefore require the demolition of 63 Hale Road. In addition, unless speed surveys are provided indicating reduced vehicle speeds at this location I would require any new junction to be provided with visibility splays measuring 2.4 x 59m in both directions. Furthermore there is also no footway provision on the east side of Hale Road between the proposed development and the junction with Chantry Lane, which would need to be addressed by any new development in order to provide a safe walking route to the school and other village services to the north

OBLIGATIONS OFFICER, NORFOLK COUNTY COUNCIL

Site is below our threshold for making comments

FLOOD & WATER MANAGEMENT TEAM

object to this planning application in the absence of an acceptable Flood Risk Assessment, (FRA) / Drainage Strategy relating to:

The demonstration that the development is in accordance with National Planning Policy Framework, (NPPF), with regard to the risk of flooding. There is currently insufficient information to demonstrate that surface water arising from the development would not result in flooding of the proposed building or by discharging it to a location which would lead to the increased risk of flooding elsewhere.

1. The Flood Risk Assessment (FRA) has not adequately assessed the risk of flooding from all sources, in particular the risk of flooding from the ordinary watercourses within the site;
2. That surface water or fluvial flow paths originating off site would not lead to flooding of buildings within the development.

Reason

To prevent flooding in accordance with National Planning Policy Framework paragraph 103 and 109 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the surface water drainage system operates as designed for the lifetime of the development.

We will consider reviewing this objection if the following issues are adequately addressed.

The applicant should include an assessment of the risk of flooding from all sources, as stated in the NPPF and associated Planning Practice Guidance. This should include an assessment of the risk of flooding to the site from the ordinary watercourses identified within the development site;

Consideration for how any high groundwater levels or risk of flooding would be incorporated into the FRA and inclusion of any mitigation if deemed required.

The Drainage Strategy is revised to indicate that houses, associated infrastructure and SuDS attenuation tanks/pipes are located outside the area shown to be at risk of flooding within the 1 in 30 and 1 in 100 year Risk of Flooding from Surface Water, (RoFSW) ,maps or

Detailed supporting information showing that flood water from elsewhere, including surface water flow and fluvial flood water from the watercourse would not flow into the development site can be can accommodated on site without flooding.

Unless the site is currently allocated in the development plan and that allocation was supported by a sequential test that addressed the sources of flooding the LPA should apply the sequential test to the application in accordance with paragraph 101 of NPPF.

Unfortunately the LLFA is not in a position to advise you whether there are alternative sites at lower risks of flooding. If it is accepted by the LPA that the application passes the sequential test, the application will also

need to meet the exception test, (NPPF paragraph 102).

HOUSING ENABLING OFFICER

The site area and number of dwellings proposed trigger the thresholds of the Council's affordable housing policy as per DC04 of the Council's Adopted Core Strategy and Development Control Policies Development Plan Document. At present a 40% provision is required on sites capable of accommodating five or more dwellings and/or 0.7ha. This is then further split into 65% being made available for rent and 35% for shared ownership, shared equity or any other intermediate product that meets the intermediate definition within NPPF, meets an identified need in the District and is agreed by the Council. In this instance five units would be required, three for rent and two for intermediate housing

ECOLOGICAL AND BIODIVERSITY CONSULTANT

The Ecological Appraisal, (Development at Hale Road, Wild Frontier, April 2016) and the Bat and GCN Survey Report ,(Land at 63 Hale Road, Greenlight, 14 June 2016) ,have been reviewed in line with the other submission documents on the planning portal at the time this was written. The Ecological Appraisal details that there were no detailed development proposals available for the site yet, so potential impacts to ecological receptors cannot be assessed in detail. It recommends further survey work to confirm the status of great crested newt, reptiles and bats at this site before a full impact assessment can be undertaken, however a reptile survey report has not been provided. The Ecological Appraisal also details anecdotal evidence from the owner that reptiles have been seen on site. The reptile surveys should be undertaken as recommended and reported to the local planning authority prior to determination with any required impact assessment and avoidance and mitigation strategy.

The Ecological Appraisal details the site as containing buildings, mixed woodland, a diverse area of grassland, diverse mixed plantation and a fast flowing stream with the potential to support numerous protected species and Species of Principal Importance.

It is unclear exactly what areas of habitat including the two buildings are required to be lost/impacted. The proposals may result in a net loss of biodiversity on site and impacts to protected species, therefore the development would not be considered to be sustainable. Habitat loss must be reduced wherever possible and an Ecological Impact Assessment must be undertaken in line with CIEEM guidelines based on the latest proposals and details of habitat loss.

This must be reported to the local planning authority prior to the determination of the application. This must include details of impact avoidance measures agreed with the applicant and architects and mitigation, (and compensation as a last resort), to ensure the development is sustainable and that protected species populations which use the site will not be harmed in the long term.

ENVIRONMENTAL HEALTH OFFICERS

No objections on the grounds of Environmental Protection. I note that an indicative surface water drainage scheme has been submitted for this outline application, however, given that there is a potential flood risk for this site I recommend that the scheme is reassessed as part of any full application and to include full details of the flood resilience measures proposed for each home

NORFOLK FIRE AND RESCUE SERVICE

Norfolk Fire and Rescue Service will require a hydrant to be installed on no less than a 90mm main. No development shall commence on site until a scheme has been submitted for the provision of the fire hydrant on the development in a location agreed with the Council in consultation with Norfolk Fire and Rescue Service

TREE AND COUNTRYSIDE CONSULTANT

No Comments Received

ENVIRONMENTAL PLANNING No Comments Received
NORFOLK RIVERS INTERNAL DRAINAGE BOARD No Comments Received
PRINCIPAL PLANNER MINERAL & WASTE POLICY No Comments Received

REPRESENTATIONS

5 Objections received, comments summarised as follows;

Precedent for further development
Noise from site during construction and occupation
Impact of street lighting
Privacy
Security
Lack of information about vehicular / foot traffic
Road narrow and already damage to verges from vehicles
Whole area is prone to surface water flooding
Site host to many species of animals / wildlife
If considered necessary to develop number of properties should be reduced
Land is green belt
Building on green field land when brownfield land is available to develop in Necton.

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 Necton and would be bound on the northern side by existing housing. Necton is identified in the Council's Spatial Strategy as a service centre village which contains adequate services and facilities to meet the day-to-day requirement of residents. The strategy for all Local Service Centre villages is primarily around service protection and enhancement and development to meet local needs. Necton along with Banham, Great Ellingham, Litcham, Mundford, Mattishall, North Elmham, Old Buckenham, Saham Toney and Weeting have not been given a housing allocation for the remainder of the plan period.

Whilst Necton PC refer to the site having been identified this site as one of their preferred sites to support the development needs required in the village according to the emerging Breckland Local Plan it has not been carried forward as a preferred allocation due to flooding concerns on the site.

The site is outside of the residential development boundary for Necton as set in the Site Specific Policies and Proposals DPD and for this reason the proposal conflicts in principle with Policies SS1, DC02 and CP14 of the Core Strategy and Development Control Policies Development Plan Document, (2009), which seek to focus new housing within defined Settlement Boundaries.

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 currently considers that it has a five year supply of housing land and that relevant policies for the supply of housing can be considered up-to-date.

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 the application site, comprised of undeveloped land and the garden area to residential dwellings would not be classed as previously developed land.

2.4 Affordable housing is proposed at 40% which weighs in favour of the proposal, however, this would be expected of any site in unless it could be demonstrated that it was not viable.

2.5 In a recent 'written representations' appeal decision in respect of the Council's refusal of a development of one dwelling in the countryside the Inspector made reference to the Local Planning Authority as not being able to demonstrate the robustness of the Council's five year housing land supply. This appeal decision is a material planning consideration in the determination of this application, especially with regards to the Council's five year housing land supply. However, it is important to note that given the nature of the appeal, the Inspector had only limited access to information demonstrating the deliverability of individual housing sites.

2.6 Furthermore, it is considered that the Inspector gave insufficient weight to the Central Norfolk Strategic Housing Market Assessment, (2015), (the Councils latest assessment of housing need), especially given that paragraph 30 of the national Planning Practice Guidance, (PPG), the starting point for calculating a five year land supply, states: "Considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light. It should be borne in mind that evidence which dates back several years, such as that drawn from revoked regional strategies may not adequately reflect current needs.

2.7 Where evidence in Local Plans such as the housing requirement in the Breckland Core Strategy, (2009), has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered".

On this basis, it is considered by the Council that this appeal decision can only be afforded very limited weight.

2.8 As such the proposal is contrary to Policies SS1, DC02 and CP14 of the Core Strategy and must demonstrate exceptional circumstances as to why it should be approved contrary to the development plan.

3.0 Effects on local character, amenity and trees

3.1 Whilst the application has been submitted in outline with access only included at this stage the applicant

has submitted an indicative layout plan which shows a single point of access to the site via a new roundabout off Hale Road and a private drive running into the site serving 15 dwellings. The houses are all either detached or link detached with one plot located in the side garden to no. 63 and another in the rear garden of 61 with the remainder of the plots situated on the land to the rear of Hale Road and to the east of the Necton Brook.

3.2 The application site is characterised by its setting on the rural fringe of the village with significant tree planting. Whilst the trees are of varying maturity with many on site being young trees and there is currently no preservation order to prevent their removal the development proposal would include felling a significant number of the trees on the site which, together with the development of the site would have a significant and detrimental urbanising effect.

3.3 In respect of local character Policy DC16 requires design proposals to preserve or enhance the existing character of an area and in relation to form and character it states that development should complement the natural landscape, natural features and built form that surround it. I find that the development proposals as drafted fail to preserve or enhance the existing character of the area and do not complement the natural landscape or existing verdant and rural character of the area.

3.4 Whilst final comments from the Council's Tree Consultant are awaited Policy DC13 states that the retention of trees, hedgerows and other natural features in situ will always be preferable and that where the loss of such features is unavoidable, replacement provision should be of a commensurate value to that which is lost and appropriate landscaping schemes to mitigate against the landscape impact of and complement the design of new development will be required, where appropriate. Whilst the application is in outline and landscaping is a reserved matter the applicant has not demonstrated that the loss of trees is unavoidable or that appropriate replacements can be planted and the proposal is considered to be contrary to policy DC13.

3.5 For these reasons, it is not considered that the proposal would be in keeping with the character and appearance of the area and matter that applicant has not demonstrated that the loss of trees is unavoidable or that appropriate replacements can be planted. The proposal would thus fail to accord with Core Strategy Policies DC01(e) and (f), DC12 and DC16, and with relevant guidance in the NPPF.

4.0 Access

4.1 Access to the development would be gained principally via a new roundabout to Hale Road to the western side of the site, pedestrian access is also proposed off Chantry Lane to the north.

4.2 NCC Highways have stated that they would not raise an objection in principle to the scale of development at this location but do not consider the proposed means of access via a mini-roundabout would be acceptable and that any development should be served by a priority junction, which must not create a crossroads with Kingfisher Drive. Highways have not made it clear whether it is a matter of preference for a priority junction, or whether they consider a roundabout to be inherently unsafe but such a junction layout would possibly necessitate the demolition of 63 Hale Road and has not been considered by the applicant.

4.3 In addition to the concerns expressed by highways regarding the roundabout they also express concerns regarding the visibility splays and require provision of splays measuring 2.4 x 59m in both directions unless speed surveys are provided which justify a lower distance.

4.4 Highways also express a concern regarding the lack of footway provision on the east side of Hale Road between the proposed development and the junction with Chantry Lane, which they state would need to be addressed by any new development in order to provide a safe walking route to the school and other village services to the north.

4.5 In light of the above it is considered that the applicant has not demonstrated that the proposal is acceptable on the grounds of Highway Safety and the proposed development would comply with policy CP04(e) of the adopted Core Strategy DPD.

5.0 Flooding

5.1 Whilst the Necton Brook flows through the site it falls within Environment Agency, (EA), flood zone 1 and the EA have no objections to the proposals. A flood risk assessment is submitted as the application site exceeds 1 hectare in area.

5.2 The submitted flood risk assessment concludes that whilst the risk of flooding mapped by the EA is low there is a greater probability of flooding from non - main rivers and a small area of the site consisting of the garden area of three plots adjacent to the watercourse would be at risk of flooding.

5.3 The flood risk assessment indicates that the proposed houses are located a minimum of 3m from the brook course and should be raised 0.3m above ground floor level to avoid the risk of flooding and incorporate resilient construction in the event that they are flooded.

5.4 With regard to pluvial flooding the submitted FRA acknowledges that part of the site containing three dwellings and access are at risk of flood events which would be considered dangerous. Personal flood action plans and alternative pedestrian access onto Chantry Lane is proposed as mitigation.

5.5 Anecdotal evidence of flooding is noted in objections to the proposals and the Local Lead Flood Authority also object to the application on the basis that the submitted Flood Risk assessment has not adequately addressed the risk of flooding from all sources and in particular the watercourse which flows through the site.

5.6 Core Strategy Policy DC13 requires new development to be located in areas at least risk of flooding. It further states that new development will be expected to minimise flood risk to people, property and places. It is not clear how placing the proposed dwellings in an area where there is a known risk of flooding and by the applicant's own admission is potentially 'dangerous' minimises the risk to people or property and whilst mitigation is identified that lowers the risk of flooding it only lowers a risk created by the development proposal itself and does not remedy an existing situation. As such it is not considered that the applicant has

adequately demonstrated that the development would minimise the risk of flooding to people, property or places and is contrary to policy DC13 of the adopted Core Strategy and DC policies DPD.

6.0 Ecology

6.1 The application is accompanied by an Ecological Appraisal, (Development at Hale Road, Wild Frontier, April 2016) and a Bat and GCN Survey Report, (Land at 63 Hale Road, Greenlight, 14 June 2016), which have been reviewed by the Council's Ecologist.

6.2 The Council's Ecologist notes that the Ecological Appraisal recommends further survey work to confirm the status of great crested newt, reptiles and bats at this site before a full impact assessment can be undertaken, however, a reptile survey report has not been provided. The Ecological Appraisal also details anecdotal evidence from the owner that reptiles have been seen on site. The reptile surveys should be undertaken as recommended and reported to the local planning authority prior to determination with any required impact assessment and avoidance and mitigation strategy.

6.3 The Council's Ecologist also comments that it is unclear exactly what areas of habitat are to be lost / impacted and that the proposals may result in a net loss of biodiversity on site and impacts to protected species. The Ecologist further comments that habitat loss must be reduced wherever possible and an Ecological Impact Assessment must be undertaken in line with CIEEM guidelines based on the latest proposals and details of habitat loss.

6.4 The applicant has not demonstrated that the proposal would not have an adverse effect upon matters of ecological interest including bats and reptiles and the proposal thus fails to accord with policies CP10 of the adopted Core Strategy DPD and paragraph 118 of the NPPF.

7.0 Other Issues

7.1 Issues of noise and impact upon amenity are raised by neighbours but the proposed dwellings would maintain adequate separation from neighbouring properties and noise from construction could be dealt with by appropriate conditions.

7.2 The land does not appear to have been in a previous industrial use and issues of land contamination can also be dealt with by appropriate conditions.

8.0 Conclusion

8.1 The Development Plan defines what is sustainable on a local level, the site is outside of the existing settlement boundary and for this reason the proposal conflicts in principle with policies which seek to focus new housing within defined Settlement Boundaries and the parameters of sustainability set out in the Local Plan. No exceptional circumstances have been advanced as to why the development should be allowed in this context.

8.2 Further to the above the proposal would have a significant urbanising effect and it would not be in keeping with the character and appearance of the area, the applicant has not demonstrated that the loss of trees is unavoidable or that appropriate replacements can be planted which would have a further impact upon character and appearance. In addition to this there are concerns regarding flood risk, highways safety and the ecological impacts of the proposals.

8.4 Whilst the proposal would result in social and economic benefits associated with additional housing these are limited and are considered to be significantly outweighed by the disbenefits which have been identified and the application should be refused.

RECOMMENDATION

Refusal of Outline Planning Permission

REASON(S) FOR REFUSAL

- 9900 Outside Settlement boundary
- 9900 Harm to character / appearance and trees
- 9900 Flood risk
- 9900 Highway safety
- 9900 Ecological impact
- 2002 Application Refused Following Discussion - No Way Forward
- 9900 Note: Appeals

ITEM: 10	RECOMMENDATION: APPROVAL
REF NO: 3PL/2016/1399/F	CASE OFFICER Chris Hobson
LOCATION: BESTHORPE Land between Oak House and Cameo Norwich Road	APPNTYPE: Full POLICY: Out Settlement Bndry ALLOCATION: N CONS AREA: N LB GRADE: N TPO: N
APPLICANT: Mr Dunning Manor Barn Caston Road	
AGENT: Peter Codling Architects 7 The Old Church St Matthews Road	
PROPOSAL: Erection of 5 new dwellings and garages, creation of new access to Norwich Road.	

REASON FOR COMMITTEE CONSIDERATION

This application is being referred to Planning Committee because the site is located outside the settlement boundary and a recommendation for approval would represent a departure from the development plan.

KEY ISSUES

- Principle of Residential Development;
- Design and Impact on Character and Appearance of the Surrounding Area;
- Residential Amenity;
- Highway Safety and Traffic Implications;
- Ecology and Nature Conservation Implications;
- Affordable Housing;
- Other Material Considerations

DESCRIPTION OF DEVELOPMENT

The application seeks full planning permission for the erection of five dwellings on land at Norwich Road, Besthorpe. The proposed site layout provides a row of five dwellings running east to west fronting on to Norwich Road, with frontage area of landscape open space and single vehicular access point centrally located along the northern boundary. The proposals provide for five no. two storey four bedroom dwellings for private sale. The proposed layout would provide for in curtilage parking for at least two vehicles per dwelling and provision of garages for the private dwellings served off a shared drive.

SITE AND LOCATION

The application site comprises a roughly rectangular piece of agricultural land approximately 0.68 Ha in area located at the junction of Norwich Road and Silver Street, Besthorpe. The application site sits just outside the Settlement Boundary of Besthorpe which runs immediately to the west and on the north side of Norwich Road. The application site sits between the A11 dual carriageway running to the south and Norwich Road to the north. The site sits adjacent to a single storey dwelling to the west, and faces single and two storey

dwellings to the north and east. The remainder of an open agricultural field adjoins the site to the south. The site is relatively flat and open with vegetation limited to trees and hedgerows running along the north, east and west boundaries of the site.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2015/1225/O - Erection of 6 dwellings - Permitted - 23/05/16.

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 and National Planning Policy Guidance have also been taken into account, where appropriate

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

National Planning Policy Framework (NPPF)

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

National Planning Practice Guidance (NPPG)

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

BESTHORPE P C

No objections.

NORFOLK COUNTY COUNCIL HIGHWAYS

No objections subject to conditions.

TREE AND COUNTRYSIDE CONSULTANT

No objections subject to conditions.

HOUSING ENABLING OFFICER

No affordable housing required provided development remains below 1,000 square metres GIA.

ENVIRONMENTAL SERVICES OFFICER

Hardstanding may be considered to provide temporary bin storage.

CONTAMINATED LAND OFFICER

No objections subject to conditions.

ENVIRONMENTAL HEALTH OFFICERS

No objections subject to conditions.

SOUTH NORFOLK DISTRICT COUNCIL

No comments to make.

ANGLIAN WATER SERVICE

No comments will be provided given scale of proposals.

ENVIRONMENT AGENCY

No objections.

Contamination

The site is located above a Principal Aquifer. However, we do not consider this proposal to be High Risk.

Infiltration Sustainable Drainage Systems, (SuDS) .

The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration, (SuDS). We consider any infiltration, (SuDS), greater than 2.0 m below ground level to be a deep system and are generally not acceptable. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels. All need to meet the criteria in our Groundwater Protection: Principles and Practice, (GP3), position statements G1 to G13. In addition, they must not be constructed in ground affected by contamination

NORFOLK RIVERS INTERNAL DRAINAGE BOARD No Comments Received

ECOLOGICAL AND BIODIVERSITY CONSULTANT No Comments Received

REPRESENTATIONS

Letters were sent to neighbouring residents, site notice displayed and notice displayed in the local press. The Council has received one representation raising the following concerns:

- Existing on street parking is limited and recent developments have resulted in construction vehicles parking on the highway. Suggest condition requiring construction vehicles to park on site.

ASSESSMENT NOTES

1.0 This application is referred to Committee as a development proposal outside of settlement boundaries.

Principle of Development

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

2.2 In relation to settlement boundaries, the objectives of Policy CP14 include focusing development in sustainable locations with access to key services and protecting the form and character of settlements. The settlement boundary policy derives from the spatial strategy which seeks to ensure that development is directed to the most sustainable locations in the district. Development outside a settlement boundary will be encroachment into the open countryside, may well dissuade developers to build on harder to develop brown field sites within the built up area, and will be further away from services and facilities. These objectives are consistent with the NPPF's key aims and so in this respect Policy CP14 can be afforded some weight in accordance with paragraph 215.

2.3 Planning law requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The site is located outside the settlement boundaries in an area of open countryside, (as defined by policies SS1, CP01 and CP14 of the Core Strategy and Development Control Policies Development Plan Document 2009), where development is heavily restricted. The addition of the five new dwellings would therefore conflict with the objectives of policy CP14 of the development plan. It is necessary to consider therefore whether in this case any such material considerations, including national planning policy, would justify a departure from policy.

2.4 It is noted in this particular case that the site benefits from extant permission, (3PL/2015/1225/O), for the erection of six dwellings at the site granted in 2016. The presence of a fall back position is a material consideration, which in this case could reasonably be implemented in the short term and provide for a very similar development. As such, the presence of a fall back position has been given significant weight in the consideration of this application, and whilst the proposal conflicts with the above policies, the proposals would not give rise to any significant additional harm over and above that that would occur by way of the extant permission.

2.5 Paragraph 49 of the NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development. 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 conservation of the natural environment is also central to the NPPF, including protecting valued landscapes and minimising effects on biodiversity. In order to promote sustainable development in rural areas, the NPPF indicates that housing should be located where it will enhance or maintain the vitality of local communities.

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

2.7 The proposal seeks to provide five dwellings on the application site which, although lies outside the settlement boundary, abuts the boundary to the north and west and sits contiguous with residential development to the east and west. The proposal would therefore not result in isolated development in the countryside and would be located within an accessible location within close proximity to the A11 dual carriageway to the south and within 1.7 miles of Spooner Row railway station to the northeast.

2.8 It is also noted that there is a regular bus route that runs along Norwich Road immediately to the north of the site with bus stops within a short walking distance of the site and served by an illuminated footpath. In addition to a hourly service, there is also service operated by a separate company every 30 minutes Monday to Saturdays with reduced levels of service on Sunday linking Besthorpe with Attleborough to the southwest and to the regional centre of Norwich further to the east and with a number of other settlements in between.

2.9 Furthermore, it is noted that the NPPF recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. In addition, Besthorpe is located within close proximity to Attleborough which is identified for significant growth within the Core Strategy and where there is a wide range of services available and there is regular bus connections between the settlements.

2.10 Paragraph 47 of the NPPF requires new sites for housing development to be deliverable, which is defined as being available now, suitable in terms of location, and be achievable in respect of housing being developed on the site within the next five years. The applicant has indicated that the site is available, and deliverable. Whilst the application is submitted in full and given the limited size of the scheme it is considered that the development could reasonably come forward in the short term.

2.11 In a recent 'written representations' appeal decision in respect of the Council's refusal of a development of one dwelling in the countryside the Inspector made reference to the Local Planning Authority as not being able to demonstrate the robustness of the Council's five year housing land supply. This appeal decision is a material planning consideration in the determination of this application, especially with regards to the Council's five year housing land supply. However, it is important to note that given the nature of the appeal, the Inspector had only limited access to information demonstrating the deliverability of individual housing sites.

2.12 Furthermore, it is considered that the Inspector gave insufficient weight to the Central Norfolk Strategic

Housing Market Assessment, (2015), (the Council's latest assessment of housing need), especially given that paragraph 30 of the national Planning Practice Guidance (PPG), the starting point for calculating a five year land supply, states: "Considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light. It should be borne in mind that evidence which dates back several years, such as that drawn from revoked regional strategies may not adequately reflect current needs.

2.13 Where evidence in Local Plans such as the housing requirement in the Breckland Core Strategy, (2009), has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. On this basis, it is considered by the Council that this appeal decision can only be afforded very limited weight.

3.0 Design, Impact on Character and Appearance of the Surrounding Area

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

3.2 The application site comprises an open field abutting the Settlement Boundary of Besthorpe which runs immediately to the north and west. Besthorpe is a small village located within the open countryside to the northeast of the Attleborough. It is noted that the A11 dual carriageway to the south of the site forms a prominent incursion into the countryside which is otherwise characterised by a gently undulating landscape open fields, small collections of woodland. The settlement of Besthorpe is largely linear in form extending along either side of Norwich Road to the north and west of the application site. Beyond the main built form of the village along Norwich Road to the east and west, dwellings continue in a more sporadic fashion.

3.3 The proposed development would infill a gap between the built form within the settlement boundary immediately to the west and a small collection of single storey dwellings to the east side of Silver Street. Whilst development on the site would result in the loss of an undeveloped gap in the built form it is noted from the indicative layout that a scheme could be provided that retains the open setting along the Norwich Road frontage and retain the boundary hedgerows and trees that provide an important landscape feature within the streetscene and important characteristic of the site itself. Furthermore, the indicative layout shows that six dwellings could be provided within a linear form which would continue the pattern of built development seen along Norwich Road immediately to the east and west of the application site.

3.4 It is also noted that unlike sites on the edge of the village further to the north, south and east, the proposed scheme when viewed from Norwich Road to the east would be seen within the context of built form that sits along Norwich Road to the north, east and west of the site and Hill Road to the north. When viewed from Silver Street to the south, a residential development of six dwellings would be seen within the back drop of the single and two storey dwellings located within the settlement boundary immediately to the north and

west of the site. Finally, when viewed from along Norwich Road to the west of the site, the proposed development would be seen within the context of dwellings in the immediate foreground along the south side of Norwich Road ,(to the west of the site) and those beyond the site to east of Silver Street.

3.5 In addition moving north to south, the proposed scheme would sit between the built form of Norwich Road to the north and the A11 corridor running beyond an open field to the south. As a result it is considered that the proposals would not cause significant incursion into the open countryside and cause over-riding harm to the character and appearance of the surrounding area.

3.6 It is noted that a scheme of two storey dwellings would be sympathetic with the scale and character of the surrounding dwellings and would sit comfortably within the streetscene. of predominantly two storey dwellings. The plot sizes, design and materials of the proposed dwellings are also considered sympathetic to those used within the surrounding streetscene. Having regard to the above, the proposal would not cause significant harm to the character and appearance of the area and is of a design appropriate for its context, and therefore accords with the requirements of Core Strategy Policy DC16 as well as paragraphs 59 and 63 of the NPPF.

4.0 Residential Amenity

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

4.2 The proposed scheme as shown on the site plan whilst indicative does demonstrate that a development of six dwellings could be provided whilst retaining adequate separation distances of in excess of 25 metres of dwellings to the north and west. With regard to the impact on the adjacent dormer bungalow to the west, it is noted that the proposed layout retains a gap of 9 metres between the two storey side gable of plot one and the west boundary and as a result increase the separation distance to the adjacent single storey dwelling.

4.3 With regard to the amenity of future occupants it is considered that each dwelling would provide for adequate light, outlook and private indoor and outdoor amenity space for the future occupants. Therefore, it is considered that subject to conditions and the detailed siting, scale and design of the scheme, in principle a scheme of six dwellings would not cause significant harm to the amenity of neighbouring residents, in accordance with policy DC01.

5.0 Highway Safety / Traffic Implications

5.1 Policy CP04 of the Core strategy seeks to ensure that all access and safety concerns are resolved in new developments. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

5.2 The proposed development would comprise a single new vehicular accesses on to Norwich Road to access six new dwellings. Whilst it is noted that the proposed development would generate additional vehicular traffic on the local highway network and additional vehicular movements along this part of Norwich

Road, it is not considered that this would be sufficient to cause any significant detriment to the safety and operation of the surrounding highway network.

5.3 The proposed layout demonstrates that an adequate vehicular access could be provided on to a straight stretch of Norwich Road and affording adequate visibility in both a northeast and southwest direction, whilst retaining the trees and hedgerows that run along the boundaries of the site. It is also noted that the site is located well within the 30mph speed restriction operating along this part of Norwich Road and there are adequate existing walking and cycling routes connecting the site to the limited services and facilities within the village.

5.4 The Highway Authority have raised no objections to the proposed development subject to conditions. Having regard to the above, it is considered that the proposed development of five dwellings at the site could be provided with a safe access and egress and in principle would not result in significant adverse impact on the safety and function of the surrounding highway network. As a result the proposals would accord with policy CP04 of the Core Strategy and the policies within the NPPF.

6.0 Impact On Ecology / Nature Conservation Interests

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

6.2 The site comprises an open field and paddock with tree coverage and mature hedgerows limited to the site boundaries and a pond in the northeast corner of the site. An updated Preliminary Ecological Appraisal, (February 2017), has been submitted in support of the application. Whilst comments from the Councils Ecological Consultant are awaited on this updated ecological report, it is noted that having reviewed the proposals and reports submitted in the previous application they raised no objections subject to the proposed mitigation measures and enhancement measures within the proposed development would provide satisfactory mitigation measures.

6.3 Conditions have therefore, been recommended to require the submission and approval of a construction ecological management plan, (CEMP), incorporating those mitigation measures and enhancement measures within the submitted ecological report. These include the retention of the existing vegetation, hedgerows, around the boundaries and provision for buffer around these; the strengthening of boundary planting; improvements to the existing pond; creation of wildflower meadow; provision of six no. bat boxes on retained trees, 12 no. bat boxes on the buildings; and creation of reptile hibernaculum.

6.4 With regards to the impact on the important landscape features, the proposed layout demonstrates that the proposed dwellings could be provided whilst retaining the mature trees and hedgerows on site and whilst

a section of the hedgerow would require removal to provide the vehicular access point into the site, the vast majority of the hedgerows would be retained. The Council's Tree Consultant has raised no objections subject to a full arboriculture impact assessment and scheme of tree protection measures being submitted.

6.5 Having regard to the above, the proposed development would not result in any loss of any valuable or priority habitats and subject to the above conditions there would be no significant harm caused to protected species on site and the ecological value of the site, in accordance with policy CP10 of the Core Strategy and the requirements set out in the NPPF.

7.0 Other Matters

7.1 With regards to drainage and flood risk implications of the proposed development, the site is located within Flood Zone one and is therefore in an area at least risk of flooding from rivers, tidal flows, canals, groundwater, and surface water. The site is not located within an area identified as a critical drainage area, but is in an area identified as having poor drainage. Therefore, the proposal would accord with the principles set out in the NPPF in directing new residential development to areas at lowest risk of flooding. The principle of a vulnerable type use such as residential is considered acceptable in principle.

7.2 However, with regards to surface water drainage it is noted that the proposed scheme would replace permeable areas of open field with hard surfaced and impermeable areas required for the dwellings themselves and associated access and parking areas and that the site includes a pond at its north-eastern corner and is identified as suffering from poor drainage. Nevertheless, from the layout it is considered that there would be sufficient space retained within the site to provide for additional on site surface water attenuation and sustainable drainage systems such as swales and / or the enlargement of the existing pond, to mitigate for additional hard surfaced areas and prevent the increased risk of surface water flooding elsewhere. Accordingly a condition has been recommended as such.

7.3 Therefore, it is considered that subject to a condition securing the submission and approval of a detailed surface water drainage strategy within reserved matters applications, there would be sufficient measures in place to ensure that the development would not be a risk from flooding or increase the risk of flooding elsewhere.

7.4 In terms of ground conditions given the previous use and historic use of the site for agriculture, and that there is no recent history of buildings, chemical or waste storage on the site, the site is not considered to be at significant risk of ground borne contamination and that in principle this would not prevent the site from being used for residential purposes. Nevertheless, in accordance with the recommendations of the Council's Environmental Health Officers a condition has been recommended requiring the carrying out of appropriate site investigation and if necessary remediation measures.

7.0 Conclusion

7.1 As noted above, the proposed development of five dwellings would conflict with policies SS1 and CP14 of the adopted Core Strategy and there would be some localised impact on the site from the proposed additional buildings. Planning law requires that planning applications are determined in accordance with the

development plan unless material considerations indicate otherwise. It is necessary to consider therefore whether in this case any such material considerations, including national planning policy, would justify a departure from policy.

7.2 The National Planning Policy Framework, (NPPF), is clear and explicit that Local Planning Authorities should consider favourably sustainable development. In this case the site benefits from extant permission for the erection of 6 dwellings, and whilst this extant permission secured the provision of two affordable dwellings, national planning guidance now only requires that larger schemes of 11 or more dwellings provide for affordable housing. Overall, the proposed development would not give rise to significant adverse impacts to policy objectives within the Core Strategy over and above the already permitted development.

7.3 There would also be some social and economic benefits through the provision of additional dwellings, the generation of labour in the short term; support to local services and facilities in the longer term, and financial benefits from the new homes bonus.

7.4 Having regard to the above and extant permission at the site it is considered that the proposals would cause no significant conflict with development plan policy and additional environmental and social implications over and above the extant permission. For the reasons summarised above, it is concluded that the proposal would form sustainable development, taking into account all material considerations and is therefore recommended for approval, subject to conditions and completion of a Section 278 Agreement for off-site highway works.

RECOMMENDATION

Planning Permission

CONDITIONS

- 3920 Outline
- 3012 Approval of Reserved Matters condition
- 3046 In accordance with submitted
- 3920 Levels
- 3920 Submission of detailed Drainage strategy
- 3920 Submission of Design and Access statement in REM
- 3920 Planting and retained trees
- 3920 Arboricultural Impact Assessment
- 3920 CEMP
- 3920 CMS
- 3920 Buffer to west boundary
- 3116 Roof of clay pantiles
- 3920 Bird nesting season
- 3962 NOTE: Highway notes attached

BRECKLAND COUNCIL - PLANNING COMMITTEE - 3rd April 2017

4000	Variation of approved plans	
2001	Application Approved Following Revisions	
2014	Criterion E - Planning Apps Where Approved	
3992	Non-standard note re: S106	
3946	Contaminated Land - Unexpected Contamination	This condition will require to be discharged

ITEM: 11	RECOMMENDATION: REFUSAL
REF NO: 3PL/2016/1312/F	CASE OFFICER Heather Byrne
LOCATION: GREAT ELLINGHAM Rose Farm Bow Street	APPNTYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: N CONS AREA: N LB GRADE: N TPO: N
APPLICANT: Mr Tim Davidge 42, Mill Lane Attleborough	
AGENT: Mr Ashley Broughton Patterson DESIGN Ltd Suva House	
PROPOSAL: Conversion & extension of barn to dwelling	

REASON FOR COMMITTEE CONSIDERATION

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

KEY ISSUES

Principle of development
Impact upon character and appearance of area
Impact upon amenity
Highway safety
Tree impact
Impact upon ecology and Protected Species

DESCRIPTION OF DEVELOPMENT

This application seeks full planning permission for the demolition of existing barns and conversion of a barn and extensions to a residential dwelling containing six bedrooms. The existing main double storey barn is to be converted with all other structures to be demolished with extensions proposed. The dwelling would utilise the existing access off Bow Street.

SITE AND LOCATION

The application site is located outside of any defined Settlement Boundary and consists of disused and derelict agricultural barns, comprised of a main double storey barn, which is to be converted, and single storey structures configured to form a central courtyard, which are to be demolished. The buildings are curtilage listed to the adjacent Grade II listed building, Rose Farmhouse, to the east. The application site is bounded to the north by the highway, to the west by a commercial property, and to the south by agricultural land.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2016/0383/F Withdrawn 07-06-16
Demolition of existing buildings and erection of a dwelling

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 and National Planning Policy Guidance have also been taken into account, where appropriate

CP.10	Natural Environment
DC.01	Protection of Amenity
DC.12	Trees and Landscape
DC.16	Design
DC.17	Historic Environment
DC.19	Parking Provision
DC.20	Conversion of buildings in the countryside
LBC	Planning(Listed Building & Conservation Areas) Act 1990
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

GREAT ELLINGHAM P C

Object on the following grounds:

- The proposed building is too large and is a new build rather than a barn conversion;
- No footpath between the site and the village; and
- Lighting should be restricted.

NORFOLK COUNTY COUNCIL HIGHWAYS

The site is located outside of the main village settlement in an area with no acceptable facilities for pedestrians and therefore it is considered that the occupants of the dwelling would be principally dependant

on travelling by car to access goods, services and employment. However it is noted that the existing use is already capable of generating a certain amount of vehicular traffic and that the Highways Authority would have difficulty in substantiating a highway objection. If approved conditions should be imposed relating to vehicular access, parking, turning, gates, and an informative relating to works within the public highway.

HISTORIC BUILDINGS CONSULTANT

No objection to the proposed revised scheme of conversion and new-build; however the proposed conversion of barn B will need to be assessed with additional information specifying the recommended 'conservation repairs' referred to in the submitted structural report. This was provided and the Historic Building Consultant confirms the revised schedule of works is acceptable in this instance.

TREE AND COUNTRYSIDE CONSULTANT

Initially requested the submission of a tree survey and protection plan in accordance with BS5837:2012. This was provided and 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), submitted by Plandescil dated January 2017.

CONTAMINATED LAND OFFICER

Recommend approval providing the development proceeds in line with the application details and subject to the imposition of conditions relating to unexpected contamination and asbestos.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

The Aurum Ecology Report has been reviewed for this application. Limited information has been provided in relation to features of the buildings that could be used by bats for roosting and no assessment of the building's potential to support bats has been provided. Bat droppings were recorded within the main barn at the site although no description or pictures of where these droppings were found has been provided. Evidence such as bat droppings indicates bats are either accessing the barn for foraging or roosting purposes and when evidence such as this is found it is usual to perform sufficient surveys to identify the use of the building by bats throughout the year so that avoidance or mitigation strategies can be designed proportionate to the current usage.

One emergence survey was undertaken by the applicant's ecologist and it appears one surveyor undertook the survey covering all structures, (Buildings A - M). This raises the concern that not all buildings could have been observed fully during the emergence survey ensuring that if any bats emerged it was recorded. Without detailed descriptions of the buildings features with the potential to support bat roosts, (or not), it is difficult for me to assess whether sufficient coverage of surveyors was achieved and whether it is likely that any bat roosts present at the site during this single survey would have been missed. For these reasons we do not consider that neither the survey nor the information in the report is sufficient to fully address ecological considerations. Therefore, further surveys should be undertaken to fully ascertain the usage of the barn prior to the determination of the application.

A letter was provided from the applicants ecologist to address the above; however the Ecological and Biodiversity Consultant states the survey and report are unsuitable with inaccurate comments, which is not in line with the best practice and expected minimum standards. It is still considered that one surveyor surveying all aspects of the buildings is not sufficient, (as they cannot possibly survey every potential access point in a complex of buildings such as those site) and is not in line with good practice to ensure a sufficiently robust survey is carried out to provide effective results. The Ecological and Biodiversity Consultant therefore still does not consider that the survey effort or information provided in relation to bats at the site is sufficient to ensure impacts to protected species have been fully addressed in line with the requirements of planning policy, guidance and ecological good practice and should not be permitted for this reason alone until an appropriately robust survey is carried out and the application amended to incorporate mitigation if bat roosts

are found.

REPRESENTATIONS

Three objections received stating the following:

- Is outside the settlement boundary and would form an isolated development;
- Dangerous access;
- No footpath connecting the site to the village and facilities;
- Is a large property;
- Is within close proximity to a Grade II listed farmhouse and should be curtilage listed;
- Scale, materials, and massing inappropriate;
- Existing buildings should be restored; and
- Impact upon amenity.

ASSESSMENT NOTES

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

2.0 Principle of development

2.1 The site lies outside of any defined Settlement Boundary and for this reason the proposal conflicts with Policies DC02 and CP14 of the Core Strategy and Development Control Policies Development Plan Document, (2009), which seeks to focus new housing within defined Settlement Boundaries. Paragraph 55 of the National Planning Policy Framework states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. One such circumstance is where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. Policy DC20, Conversion of buildings in the countryside, of the Core Strategy also makes provision for the conversion of buildings in the countryside.

2.2 Policy DC20 indicates that the re-use of buildings in the countryside for residential purposes would only be permitted where the commercial use of the building has been shown to be unviable. The applicant states the buildings are no longer used for agricultural purposes and would not be of functional use as they would not meet the requirements of modern farming techniques. On this basis it is considered that a commercial use is unviable.

2.3 Policy DC20 also states regard will be had to the following criteria for the conversion of all buildings in the countryside;

- a) The impact of the development on the character and appearance of the landscape and the quality of design. Development will not be permitted where it does not take the opportunity to make a positive contribution to the appearance of the locality;
- b) The sustainability of the location. In the case of conversions for economic purposes this will mean the relationship of the building to other employment areas and its accessibility from residential areas. In the case of residential conversion it will comprise the accessibility of the building to key services and facilities;

- c) Access to the highway and the ability of the highway network to accommodate the demands resulting from the proposed development; and
- d) In the case of residential conversions the building proposed to be converted should be substantially intact and capable of conversion without significant extension or rebuilding and should be of value to the landscape of the District. The residential re-use of modern agricultural or industrial buildings of no aesthetic value, regardless of their location, will not be considered appropriate.

2.4 With regards to Criteria A, the application site is located outside of any defined Settlement Boundary in an area characterised by sporadic development amongst agricultural fields. The site is adjacent to the public highway. The proposed conversion would result in the retention of one of the existing barns, which could otherwise fall into a worse state of disrepair. The proposal also involves the demolition of existing disused and derelict clay block barns and timber and steel corrugated metal barns, which would enhance the site through their removal, in particular the corrugated barns.

2.5 The application site and buildings are curtilage listed and the Historic Building Consultant raises no objection to the proposed revised scheme of conversion and new-build; however requested further information specifying the recommended 'conservation repairs' referred to in the submitted structural report. This was provided and the Historic Building Consultant confirms the revised schedule of works is acceptable in this instance. It is therefore considered that the proposal would not impact upon the setting, appearance of historic fabric of the Listed Building and therefore is in accordance with Section 66 of the Town and Country Planning, (Listed Building and Conservation Area), Act 1990 and the NPPF.

2.6 In regards to Criteria B, due to the location of the site it is envisaged that future occupants of the converted barn would be car dependant. It should be noted that in line with paragraph 55 of the NPPF the proposal would re-use a redundant building in the countryside and would prevent the building from falling into a worse state of disrepair.

2.7 In regards to Criteria C and the proposals impact upon highway safety this will be considered below in section 3.

2.8 In regards to Criteria D, a condition report has been provided which considers the barns suitability for conversion to residential use and includes a visual inspection only and due to vegetation and stored material within the barns has hindered a full inspection. This states that all of the barns are in poor condition and also states that some of barns, including the barn to be converted due to their poor condition, their stability and robustness must be immediately assessed. The report recommends that Barn B, the barn to be converted, could be converted; however this would involve significant conservation repair and building techniques, reinstatement and strengthening works.

2.9 The proposal includes a significant degree of alterations to the barn to be converted, including installation of insulation, repair / replacement of brickwork, repair / replacement of clay blocks, erection of an internal steel frame to support the additional loads of the conversion, structural upgrading, replacement of timber work, reinforcement of existing timber work, replacement / installation of windows and doors, replacement of damaged clay tiles, and replacement rainwater goods.

2.10 The Conservation Repair Statement advises a full evaluation of the barn would be conducted prior to commencement to assess the condition of all elements to establish which elements can be restored and what would need to be replaced. The applicant is therefore unable to advise of the full level of proposed works required to convert the barn as the statement is based on a visual inspection only.

2.11 It is therefore considered, on the basis of the information provided, that the proposal fails to comply with Policy DC20, in particular criteria D, by virtue of the significant level of re-build and alterations proposed in order for the building to function as a dwellinghouse. The proposed development is therefore contrary to Policy DC20 and the NPPF.

3.0 Highway impact

3.1 The Highways Authority states the site is located outside of the main village settlement in an area with no acceptable facilities for pedestrians and therefore it is considered that the occupants of the dwelling would be principally dependant on travelling by car to access goods, services and employment. However it is noted that the existing use is already capable of generating a certain amount of vehicular traffic and that the Highways Authority would have difficulty in substantiating a highway objection. If approved conditions should be imposed relating to vehicular access, parking, turning, gates, and an informative relating to works within the public highway.

4.0 Impact upon neighbour amenity

4.1 In terms of neighbour amenity, it is considered due to the orientation of the buildings, separation distances, and existing/proposed boundary treatments that the proposal would not significantly impact upon amenity in terms of loss of light, privacy, overlooking, or by being overbearing and therefore is deemed acceptable.

4.2 Ground floor windows are proposed along the eastern elevation adjoining the adjacent sites access and therefore if approved a condition would be imposed for precise boundary treatments to be agreed to ensure neighbour amenity is maintained. It is noted a first floor window is proposed in the east elevation facing the courtyard; however this is serving a gallery/sitting area and would be partially screened from Rose Farm House by the proposed re-build single storey elements and therefore is deemed acceptable.

4.3 If approved a condition would be imposed for precise boundary treatments to be agreed prior to occupation.

5.0 Tree impact

5.1 The Tree Consultant initially requested the submission of a tree survey and protection plan in accordance with BS5837:2012. This was provided and the Tree Consultant states 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), submitted by Plandescil dated January 2017.

6.0 Impact upon ecology and Protected Species

6.1 The Ecological and Biodiversity Consultant states the report has been reviewed and that limited information has been provided in relation to features of the buildings that could be used by bats for roosting and no assessment of the building's potential to support bats has been provided.

6.2 A letter was provided from the applicants ecologist to address the above; however the Ecological and Biodiversity Consultant states the survey and report are unsuitable with inaccurate comments to ensure impacts to protected species have been fully addressed. The Ecological and Biodiversity Consultant does state if the application is approved contrary to the above a condition should be imposed relating to the submission of a biodiversity method statement prior to the commencement of the development.

6.6 As no further surveys have been undertaken it is considered the application contains insufficient information to fully assess the proposals impact upon biodiversity and Protected Species, in particular bats. The proposed development is therefore contrary to policy CP10 of the Core Strategy.

7.0 Other matters

7.1 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 unexpected contamination and asbestos.

8.0 Conclusion

8.1 In conclusion, the proposed development is recommended for refusal.

9.0 Reasons for refusal

9.1 The proposed development fails to comply with Policy DC20, in particular criteria D, by virtue of the significant level of re-build and alterations proposed in order for the building to function as a dwellinghouse. The proposed development is therefore contrary to Policy DC20 and the NPPF.

9.2 The application as submitted contains insufficient information to fully assess the proposals impact upon biodiversity and Protected Species, in particular bats. The proposed development is therefore contrary to policy CP10 of the Core Strategy and Development Control Policies Document, (Adopted 2009), which seeks to protect and enhance biodiversity in new developments.

RECOMMENDATION

Refusal of Planning Permission

REASON(S) FOR REFUSAL

9900 Contrary to DC20

9900 Insufficient info - ecology

ITEM: 12	RECOMMENDATION: REFUSAL
REF NO: 3PL/2017/0243/F	CASE OFFICER Lisa O'Donovan
LOCATION: GRESSENHALL Lodge Farm Barn Chequers lane	APPNTYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: N CONS AREA: N LB GRADE: N TPO: N
APPLICANT: Mr M Mitchell Lodge Farm Barn Chequers Lane	
AGENT: Jonathan W Burton 12 Park Road Dereham	
PROPOSAL: Retention of sited caravan for residential use (retrospective)	

REASON FOR COMMITTEE CONSIDERATION

The application has been called in at the request of the Ward Representative.

KEY ISSUES

Principle of development
Impact on the form and character of the area
Impact on neighbour amenity
Highway safety

DESCRIPTION OF DEVELOPMENT

The application seeks retrospective permission for the retention of a caravan for residential use at Lodge Farm, Chequers Lane.

The application states that the dwelling is required in connection with the rural operations being carried out on the site.

SITE AND LOCATION

The site lies on the north corner of Chequers Lane and is surrounded by agricultural land which is also in the applicant's ownership. The main body of development along Chequers Lane is on the opposite side however there was a recent permission (3PL/2015/0386/O) approved for two dwellings on land next to the site. The site does appear 'stand-alone' however given its position. The site is partly screened to the south boundary by 6ft fencing and to the front by established hedging. There are also various stable buildings within the site.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2016/1354/F - Retention of sited caravan for residential use (retrospective) - 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 and National Planning Policy Guidance have also been taken into account, where appropriate

CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.16	Design
DC.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

GRESSENHALL P C

Gressenhall Parish Council have no comments on this application.

NORFOLK COUNTY COUNCIL HIGHWAYS

On the basis that, by living on site, the applicant would not be creating additional traffic movements over those experienced by him travelling to and from the site on a daily basis, this Authority would not wish to restrict the grant of permission. I would however wish for the use to be tied to the adjacent smallholding.

CONTAMINATED LAND OFFICER

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

REPRESENTATIONS

Site notice erected: 15-03-2017

Consultation letters issued: 14-03-2017

Several letters of support received.

ASSESSMENT NOTES

1.0 Principle

1.1 Principle and functional need for a rural workers dwelling

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

1.3 The application is for the retention of a sited caravan on the site for the applicant to live, in association with the agricultural land within which the application site forms part of. Some justification has been submitted which states that the applicant needs to remain on site to look after and maintain his stock of 25 cattle, with one bull, and it is stated that this is the main income for the farm which has been in operation as a viable business for the past 20 years, although no details of the income have been provided. The justification statement advises that the applicant needs to be on hand at all times to ensure that calves are adequately cared for at calving, ensuring that colostrum is fed within 6 hours of birth in order to minimise disease and minimise calf mortality. In addition to this, the cow at calving requires careful attention and care, particularly during the first 24 hours after calving which requires an on-site presence.

1.4 In addition to the cattle, the applicant states that there are also 14 riding horses kept on the site, and occasional horses for sale which also provides a source of income.

1.5 It should be noted that whilst the keeping of horses in itself does not require planning permission, the ancillary buildings in order to house them do. It is noted that several stables have been erected on the site which have no accompanying planning permission.

1.6 Whether a dwelling is essential depends on the particular needs of the enterprise rather than the personal circumstances of any individuals. Whilst, there would be some benefits to the business in having a residential premises for the applicants, overall, it is not considered at this stage that the need for a dwelling on the enterprise has been robustly demonstrated. It is considered that the cattle stock is relatively small and there are sufficient market dwellings for sale in the nearby locality that could fulfil the need, no detail has been provided in terms of why these dwellings are not fit for purpose.

1.7 In light of the above, there is not considered to be a principal need for a residence on site to support the rural enterprise at its current scale in this instance.

2.0 Impact on the character of the area

2.1 The building is situated behind various stables and other large outbuildings which are screened to the south-west / road elevation by hedging and planting, however there are views of the building when looking north-west along Chequers Lane. Chequers Lane is characterised by large detached dwellings and whilst they vary in terms of their ages and styles, the majority of the dwellings are constructed using traditional brick and tile with the use of flint in places. It is considered that the building as erected appears discordant due to its temporary nature and stark appearance which is a vast contrast to the dwellings in the area and does not secure a high quality design, contrary to Policy DC16 and paragraph 17 of the NPPF.

3.0 Impact on neighbour amenity

3.1 Policy DC01 of the Core Strategy and Development Control Policies Document relates to the Protection of Amenity. The policy states;

For all new development consideration will need to be given to the impact upon amenity.

- a. Overlooking and/or privacy loss.
- b. Dominance or overshadowing.
- c. Odour, noise, vibration or other forms of disturbance.
- d. Other forms of pollution (including contaminated land, light pollution or the emission of particulates).
- e. Important features or characteristics of the area; or.
- f. Quality of the landscape or townscape.

3.2 Given the siting, orientation and separation distances between the application site and the neighbouring dwellings, the proposal is unlikely to give rise to undue noise and disturbance, overlooking or loss of light to these occupiers. It is noted that the adjacent site has recently received outline planning permission for two dwellings, however the site is considered to be a sufficient distance from Lodge Farm so as not be affected by the building in this location.

3.3 In terms of visual amenity the proposal is not considered to have had due consideration to the characteristics of the area, nor the quality of the landscape which is rural by nature. The building as erected does not reflect the rural nature or character of the area. In terms of Policy DC01, the proposal fails to comply with parts e. and f.

4.0 Highway safety

4.1 There is an existing farm access to the site and the applicant already resides on site within the mobile home. On this basis, the Highways Authority has not raised an objection to the scheme however would like to the dwelling tied to the holding should an approval be forthcoming.

5.0 Conclusion

5.1 Insufficient justification has been provided to demonstrate that there is an essential need for a dwelling on site to serve the rural enterprise. Therefore in this instance no special circumstances exist and as the site lies outside of any defined Settlement Boundary the proposal does not accord with Policies SS1, CP14 and DC02 of the Breckland Core Strategy and paragraphs 12, 13, 14, 17 and 55 of the National Planning Policy Framework.

5.2 In addition, due to the nature of construction the building and by virtue of its temporary appearance and stark materials, as erected it appears as a discordant feature in stark contrast to the pattern, character and form of development in the area. The development would therefore also be contrary to Policy DC01, DC16 and paragraph 17 of the NPPF and is therefore recommended for refusal with enforcement action to be taken in respect of the erection of the stables on site.

RECOMMENDATION

Refusal of Planning Permission

REASON(S) FOR REFUSAL

- | | |
|------|---|
| 9900 | Insufficient justification |
| 9900 | Design and character |
| 2002 | Application Refused Following Discussion - No Way Forward |
| 2009 | Criterion E - Planning Apps Where Refused |

ITEM: 13	RECOMMENDATION: APPROVAL
REF NO: 3PL/2017/0172/F	CASE OFFICER Lisa O'Donovan
LOCATION: ATTLEBOROUGH Woods View Poplar Road	APPNTYPE: Full POLICY: Out Settlement Bndry ALLOCATION: N CONS AREA: N LB GRADE: N TPO: N
APPLICANT: Vantage Construction (EA) Ltd c/o Agent	
AGENT: Artisan PPS Ltd Berwick House Baylham	
PROPOSAL: Erection of 2no. two storey dwellings with integral garages, shared access and associated works	

REASON FOR COMMITTEE CONSIDERATION

The application is to be heard at committee as the recommendation is contrary to Policy.

KEY ISSUES

Principle of development
Impact upon the character and appearance of the area
Impact upon neighbour amenity
Highway safety
Impact on the trees
Ecological impact
Other issues

DESCRIPTION OF DEVELOPMENT

The application seeks approval for the erection of two, two storey dwellings on land adjacent to Woods View. Both dwellings will accommodate four bedrooms and will be constructed using brick and part render.

SITE AND LOCATION

The site lies outside the Settlement Boundary of Attleborough but is immediately adjacent, (east) and separated by the railway track. The site comprises a rectangular parcel of land currently comprising garden land to the west of Woods View which is an existing two storey four bedroomed detached dwelling. Opposite the site lies Old Keepers House which is an existing three storey six bedroomed property, (extensively extended from a one storey two bedroomed railway cottage). To the east of the site is the Norwich to Cambridge railway line.

There is an existing laurel hedge across the front of the site and a high leylandii hedge to the west of the site.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2016/1313/D - Erection of dwelling - Permission

3PL/2015/0190/O - Erection of a new two-storey four bedroomed detached dwelling with double garage - Permission

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 and National Planning Policy Guidance have also been taken into account, where appropriate

CP.04	Infrastructure
CP.10	Natural Environment
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.12	Trees and Landscape
DC.16	Design
DC.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

ATTLEBOROUGH TC

Refuse as overdevelopment of site and out of context with the street scene.

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection subject to conditions.

CONTAMINATED LAND OFFICER

No objection subject to conditions.

ENVIRONMENTAL HEALTH OFFICERS

No objection subject to conditions.

RAMBLERS ASSOCIATION: NORFOLK AREA

No comments.

TREE AND COUNTRYSIDE CONSULTANT

No Comments Received

PRINCIPAL PLANNER MINERAL & WASTE POLICY

No Comments Received

REPRESENTATIONS

Site notice erected: 24-02-2017

Consultation letters issued: 21-02-2017

Letters received raising concerns in respect of: lack of access during development; concern regarding foul water drainage and query regarding the visibility of the site from a public road.

ASSESSMENT NOTES

1.0 Principle of development

1.1 The application seeks full planning permission for the erection of two, two storey dwellings on land outside a settlement boundary. For this reason the proposal conflicts in principle with Policies SS1, DC02 and CP14 of the Core Strategy and Development Control Policies Development Plan Document, (2009), which seek to focus new housing within defined Settlement Boundaries. The application site is however located adjacent to the Attleborough Settlement Boundary which is identified by Policy SS1 as a growth area.

1.2 It should also be noted that permission for a single dwelling has already been granted for this site via a previously approved Outline and Reserved Matters approval.

1.3 The NPPF identifies three dimensions of sustainable development:

- Economic, in terms of building a strong economy and in particular by ensuring that sufficient land is of the right type and is available in the right places.
- Social, by supporting, strong and healthy communities by providing the supply of housing required to meet future need in a high quality environment with accessible local services and
- Environmental, through the protection and enhancement of the natural, built and historic environment.

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

1.5 In terms of the economic and social criteria, the land is in the applicant's ownership and is therefore available and would cause some economic benefit by way of providing jobs in relation to the construction, the

land is closely related to the existing Attleborough Settlement Boundary and is surrounded to the south-west, north-west and east by other residential properties and will therefore not appear as isolated development.

1.6 Attleborough benefits from frequent bus services linking the town to Wymondham and Norwich which would be likely to derive some support from the development also and will also enable the future occupiers to be less reliant on car use. The application is therefore considered in line with paragraph 55 of the NPPF.

1.7 Environmentally - The site is situated in close proximity to the existing Attleborough Settlement Boundary, the site is in a semi-rural location within a loose knit group of existing development. There are other residential uses immediately to the south-west, north-west and east of the site. As such the site is considered to be appropriate infill. The site is not considered an important gap within the street scene. The proposal would not extend the existing development into an undeveloped area. Whilst this will result in some loss of character, the harm would be limited given the following factors:

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

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

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

2.0 Impact on the character and appearance of the area

2.1 The application proposes two, two-storey dwellings on a similar building line to that of Woods View, set back from the road frontage. No details have been provided in terms of materials however the scale, form and character of the dwellings and plot sizes proposed are in keeping with the adjacent dwellings at Woods View and that of Old Keepers House opposite. Ample parking and turning is shown to the front of the dwellings with adequate private amenity space to the rear. The application is considered to accord with Policy DC01 and DC16.

3.0 Impact on neighbour amenity

3.1 The scale, orientation, separation distances of the proposed dwellings are such that the impact on the neighbouring properties, particularly the nearest dwellings at Woods View and Old Keepers House, (opposite), are minimal, particularly in respect of overlooking, overshadowing and a dominant form of development. The only first floor window proposed to the side elevation will serve an en-suite bathroom and a distance of approximately 22m will remain from the front elevations to the nearest part of Old Keepers House which will help to ensure that overlooking is kept to a minimum to this property.

3.2 In terms of amenity for the future occupiers, it is acknowledged that the site is situated close to the railway line, however, the dwellings are not considered any closer than that at Old Keepers House or the

dwellings in the nearby development at Poplar Way. A noise and vibration assessment has also been submitted and Environmental Health consulted on this. They have acknowledged that noise can be mitigated against whilst inside the dwelling however not as well for the outside space. Notwithstanding this, a condition requiring adequate boundary screening can be added to any approval and consideration has to be given to the siting of existing dwellings near to the line. On balance the proposal is considered to accord with Policy DC01 and paragraph 17 of the NPPF.

3.3 Objections and concerns have been raised by several nearby neighbours in respect of the following issues: sewerage and drainage; road blocking during construction and the fact that the site is visible from public roads.

3.3 In respect of damage to the road and verges and road blocking following/during construction work, this matter is outside of the control of planning, however, a note will be placed on any approval to bring this to the applicants attention. In terms of the drainage issues raised, the application was submitted with a letter from Anglian Water who advise that there is sufficient capacity to connect. Notwithstanding this, this will be properly assessed at the Building Regulations stage.

4.0 Highway safety

4.1 Whilst this section of road is narrower / single track it does serve dwellings currently and is capable of serving an additional dwelling, particular one with adequate access and parking on site.

4.2 The Highways Authority was consulted on the proposal and have raised no objection to the proposal subject to conditions in respect of: the visibility splay to be provided as indicated; the proposed access and parking area shall be laid out, demarcated levelled surfaced and drained in accordance with the approved plan and an informative note in respect of the public right of way. These will be attached to any forthcoming approval.

5.0 Impact on the trees

Add when comments received.

6.0 Ecological impact

6.1 The ecology team have raised no objections to the scheme subject to the following: the details contained within section 7.1 - 7.3 of the submitted Ecological Scoping Survey Report be conditioned to be implemented; a note in relation to lighting and it was also requested that the landscaping proposals incorporate native species. These conditions/notes will be applied to any forthcoming approval. The proposal is therefore considered to have due regard to Policy CP10.

7.0 Other issues

7.1 The comments raised by Network Rail in respect of the hedge have been considered, however on

balance, it is considered that the removal of the hedge to the front, as well as the reduction of the hedge to the north-west boundary to 4 metres is sufficient to enable adequate views of the level crossing. The hedge is considered necessary in order to reduce any noise impact resulting from the passing trains and therefore its retention is preferred in this regard. The other advisory comments will be drawn to the applicant's attention.

8.0 Conclusion

8.1 Whilst outside of the Settlement Boundary, the application site is located adjacent to the Attleborough Settlement boundary which is considered to be acceptable for growth. In addition, the principle of building a single dwelling here has been established via an approved outline and reserved matters permission which has established the principle of development here, the increase of one dwelling is not considered to generate significant additional impacts and the proposed dwellings present a similar form and character to the other dwellings in close proximity. The application is recommended for approval subject to conditions.

RECOMMENDATION

Planning Permission

CONDITIONS

3007	Full Permission Time Limit (3 years)	
3047A	In accordance with submitted plans NEW 2017	
HA24	Provision of parking and servicing - when shown on plan	
3920	Noise and vibration protection	
3920	Tree/hedge removal	
3920	Biodiversity enhancements	
9850	NOTE: Network Rail	
3994	Public right of way	
4000	Variation of approved plans	
3996	Note - Discharge of Conditions	
2001	Application Approved Following Revisions	
2014	Criterion E - Planning Apps Where Approved	
3104	External materials to be approved	This condition will require to be discharged
HA20	Provision of visibility splays - conditioned	This condition will require to be discharged
3946	Contaminated Land - Unexpected Contamination	This condition will require to be discharged