

Agenda item 8 - Schedule Item 2:

DEREHAM: LAND NORTH OF THE OLD A47, GRANGE FARM, ETLING GREEN

Applicant: Mrs Cathy Dixon;

Reference: 3PL/2016/0770/F

RECOMMENDATION: APPROVAL

Assessment Section of Report

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

2.0 Principle of development and material considerations

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

2.2 The site is located outside the settlement boundaries in an area of open countryside between Dereham and Etling Green, (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 three new dwellings would therefore conflict with the objectives of policy CP14 of the development plan.

2.3 With regards to the other elements of the proposals, policy CP14 does allow for the appropriate re-use of existing rural buildings, for which the criteria are set out in policy DC20. Given the site's location, its accessibility to the various services and facilities within Dereham, that satisfactory access could be provided, that the proposed conversion would cause no significant landscape impact and the condition, appearance and construction of the barns would make them appropriate for conversion, it is considered that the proposals would comply with the tests set out in Policy DC20. The proposed demolition, extension and alterations to the existing farmhouse are considered to be acceptable in principle subject to consideration against other policy requirements.

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

2.5 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. 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 It is noted in this case that the site is located within an accessible location, in close proximity to the market town of Dereham. Dereham is one of five market towns in the District and is identified as delivering significant employment growth together with focused housing growth to enhance its position as the administration centre of Mid-Norfolk and exploit its employment base and its position on the A47 trunk road. Policy SS1 also notes that Dereham has a good range of retail and service uses including convenience and comparison shopping, services, entertainment and community facilities, and identifies Dereham to provide up to 2,000 new homes over the plan period. Therefore, it is considered that the proposals would provide a small amount of additional family sized dwellings in a sustainable location.

2.7 With respect to other social and economic benefits, it is noted that the new households would provide some limited economic support for existing shops and facilities which would in turn assist in contributing to the vitality of the local community, with some short-term economic benefits derived during construction and in the subsequent supply chain. The proposals would also provide limited financial gains through the New Homes Bonus.

2.8 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. The application is submitted in full and there is nothing to suggest that there are any technical constraints which would prevent the development coming forward in the short term.

2.9 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.

2.10 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.

2.11 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 and Impact on Character and impact on surrounding area and landscape

3.1 Development within the District is further expected to be of the highest design quality in terms of both architecture and landscape. 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.

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

3.3 The proposed development by adding three two storey dwellings would introduce new built form into the site. However, these buildings would be limited to the extent of the former farm building complex and this impact would be partially off set by the removal of some of the existing buildings on the site. The proposed development would also retain the existing important landscape features that border the site on all sides and alongside Etling Green and Shillings Lane that would help screen the proposals and soften their impact from public view to the north, south and east. The proposed dwellings would be no nearer Neatherd Common and Shillings Lane than the existing farm buildings at the site. The landscaped gardens and belt of trees being retained towards the northern boundary of the site would retain a soft edge to Shillings Lane and Etling Green. It is also noted that the proposals would represent a continuation of the wider ribbon pattern of built form characterising Etling Green to the northeast. As a result, it is not considered that the proposals would cause significant harm by way of intrusion into the open countryside and landscape.

3.5 Having regard to the above, whilst there would be localised harm as a result of the introduction of three new two storey dwellings, given the secluded nature of the site, it is not considered that there would be significant harm caused to character and openness of the open countryside and quality of the surrounding landscape. Therefore, the proposals would not conflict to a significant degree with Core Strategy Policies CP11, DC02 or DC16, and the policies set out in paragraphs 58 and 109 of the NPPF.

4.0 Heritage and Archaeological implications

4.1 With regard to the planning application, Section 66(1) of the Planning, (Listed Building and Conservation Areas), Act 1990 states that in considering whether to

grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, the Court of Appeal has held that decision makers should give considerable importance and weight to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise.

4.2 Paragraphs 132 and 133 of the NPPF identifies that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

4.3 The proposed development would provide for the re-use of the existing curtilage listed barns at the rear of the farmhouse and that border the farmyard. Further farm buildings would be renovated and re-used as ancillary accommodation to the farmhouse and plots two and three. This would enable their viable reuse and long term retention. In addition, existing unsympathetic two storey flat roof extensions to the grade II listed farmhouse itself would be removed. The improvements made to the listed farmhouse together with the retention of the most important barns, and the surrounding farmyard would preserve and enhance the significance of these heritage assets.

4.4 Having regard to the above, it is considered that the proposed development would preserve and enhance the character, appearance and significance of the listed farmhouse and associated curtilage listed farm buildings, in accordance with the NPPF and the tests set out in the Planning, (Listed Building and Conservation Areas), Act 1990.

4.5 With regards to the implications on archaeological assets, it is noted that the access road would have the potential to impact on archaeological deposits from the medieval and early post-mediaeval settlement. The Historic Environment Service consider that any impact on the can be mitigated by way of condition securing the a programme of archaeological mitigatory work. A condition has therefore been recommended accordingly, and subject to this the proposed development would accord with paragraph 141 of the NPPF.

5.0 Ecology and Arboricultural Implications

5.1 Both Core Strategy Policy CP10 and the NPPF require that development should contribute to a net gain in biodiversity with an emphasis on improving ecological networks and linkages where possible. Furthermore, in order to accord with Section 40 of the 2006 Natural Environment & Rural Communities, (NERC), Act, paragraph 118 of the 2012 National Planning Policy Framework, (NPPF) and policies CP06, CP08, CP10 and CP11 and of the 2012 Breckland Adopted Core Strategy & Development Control Policies Development Plan, all of which promote the conservation and enhancement of biodiversity through sustainable development.

5.2 With regards to implications on protected sites the site is located adjacent to the Neatherd Common and Etling Green Country Wildlife Sites. Natural England and the Councils Ecologist have raised no objections to the proposed development. Given the significantly reduced scale and extent of the proposals, it is considered that there would be no significant adverse impacts by way of the physical development and recreational use on the surrounding statutorily and non-statutorily protected sites.

5.3 The application site includes a number of existing barns, hedgerows, trees and rough grassland with ponds also providing habitats for great crested newts within the surrounding area. Following comments of the Councils Ecologist, the applicant has submitted additional information proposing mitigation measures with respect to bats and it is noted that the proposals would also provide replacement and additional tree, hedgerow and shrub planting. The Council's ecologist has confirmed the proposed measures would be acceptable and a European Protected Species Licence, (EPSL), is likely to be issued based on these measures. Precautionary working practices with respect to great crested newts are proposed and to which it is noted the applicants do not consider a EPSL would be required. Therefore, conditions have been recommended to secure the mitigation and enhancement measures, and submission of EPSL if necessary. The comments of the Norfolk Wildlife Trust are also noted and conditions in line with the Councils Ecologist comments have been recommended accordingly.

5.4 The proposed development would retain the majority of the existing trees within the site. Whilst some lower value trees within the centre of the site would be lost the more mature and important landscape features formed by the hedgerow and trees along the perimeter of the farmyard complex would be retained, and the Council's Arboriculture Officer has raised no objections to the proposed development.

5.5 In conclusion, it is considered that subject to comments being received from the Council's ecologist, and to conditions securing submission and approval of mitigation and enhancement measures, the proposed development would accord with the objectives of the NPPF and Core Strategy Policy CP10.

6.0 Highway Safety and Traffic Implications

6.1 The proposed development would provide a new access into the site and driveway following the line of an historic entrance into the farm with the existing access track via Etling Green closed other than for pedestrian and cycle access. The Highways Authority have reviewed the amended proposals that also include a footpath along the northern side of the B1147 to link the site to the existing footpath to the south of the adjacent cemetery site, and an extended 40 mph speed restriction and have raised no objections. With regards to traffic generation, given the scale of development it is considered there would be no significant increase in vehicular traffic on the surrounding highway network. However, it is not considered that a residential development of the size indicated would cause severe impacts on the capacity of the surrounding network. The layout also demonstrates that safe access could be provided and sufficient vehicular parking would be provided for each dwelling on site.

6.2 Having regard to the above it is considered that the proposed access arrangements would be acceptable and the application is considered to accord with paragraph 32 of the NPPF, which states that, 'development should only be refused on transport grounds, where the residual cumulative impacts of development are severe'.

7.0 Flood risk and drainage

7.1 The application has been supported by a site specific flood risk assessment and preliminary drainage strategy. The application site is located within flood zone 1 and is therefore within an area at lowest risk of flooding from various sources including that from rivers, surface water, tidal, reservoir and canal sources. Furthermore, the Environment Agency have raised no objections to the proposed development.

7.2 With regards to managing surface water flows, it is noted that the proposals would increase the extent of hardstanding. However, the majority of the site would remain undeveloped and it is considered that conditions could secure satisfactory measures ensure the dwellings proposed would not be at risk of flooding themselves and the proposals would not significantly increase the risk of flooding elsewhere.

7.3 Originally the proposed scheme proposed to discharge foul water via the existing mains system. It is noted that Anglian Water previously confirmed that due to existing capacity issues in the main foul sewerage network, mitigation would need to be provided to accommodate the flows from the proposed development. Following the amendments to the proposed development it is now proposed to provide each dwelling with separate on site package treatment plant. Given the proposals now result in only four additional dwellings at the site, the distance to mains connections and existing capacity issues in the main system, it is considered that the proposals would be acceptable in this instance. Subject to a condition preventing the occupation of the dwellings until they have been connected to their own package treatment plant in accordance with details to be approved in writing, it is considered that satisfactory foul water infrastructure would be provided for the proposed dwellings.

7.4 In this instance it is noted that the Environment Agency, Anglian Water and the LLFA have not raised objections to the proposed development subject to conditions. Having regard to the above the proposed dwelling would be safeguarded from flood risk and it would not increase the risk of flooding elsewhere. The proposals would therefore accord with paragraphs 103 and 120 of the NPPF and Core Strategy Policy DC13.

8.0 Other material considerations

Land contamination

8.1 Paragraph 121 of the NPPF indicates that planning policies and decisions should ensure that: The site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that

remediation. The application has been reviewed by the Council's Contaminated Land Officer who has raised no objections to the proposed development subject to conditions. Therefore, it is considered that subject to conditions the proposed site would be suitable for residential development and the guidance contained within the NPPF would be met.

9.0 Conclusion

9.1 As noted above, whilst the proposals to renovate the existing farmhouse and convert the barn to a dwelling would comply with the policies in the development plan, the proposed development of three 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.

9.2 The National Planning Policy Framework, (NPPF), is clear and explicit that Local Planning Authorities should consider favourably sustainable development. In this case the proposals would provide a small number of new dwellings in a sustainable and accessible location on the edge of the Market Town of Dereham which has been allocated significant growth in the current plan period. The proposals provide footpath improvements along Hoe Road South, (B1147), to connect the site to existing footpaths, bus route and services along Norwich Road and further west in Dereham town centre.

9.3 The benefits of the development also include the renovation and re-use of curtilage listed barn and the removal of unsympathetic extensions and the enhancement of the significance of the existing grade II listed farmhouse, and providing for the most viable use and long term conservation of this nationally important heritage asset. The existing farmhouse and timber framed barn are acknowledged to be in a poor state of condition and the proposed three new dwellings would provide the funds necessary to repair and convert the timber framed barn and to renovate the farmhouse building. Given the statutory requirements set out in the Planning, (Listed Building and Conservation Areas), Act 1990, significant weight has been given to the benefits of enhancing the significance of the listed building.

9.3 There would also be some limited social and economic benefits through the provision of an additional four 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. Having regard to the above, it is considered that the benefits deriving from the development would outweigh the harm caused by way of conflict with development plan policy and the proposal would help address need for growth in a sustainable location and would form sustainable development when taking into account the development plan and the policies of the NPPF as a whole.

10.0 RECOMMENDATION

10.1 The application is therefore recommended for approval, subject to conditions and completion of a Section 278 Agreement for off-site highway works.

Agenda item 8 - Schedule Item 5:

BRIDGHAM: LAND ADJACENT 60 THE STREET

Applicant: Mr Nightingale

Reference: 3PL/2017/0168/O

RECOMMENDATION: APPROVAL

Assessment Section of Report

1.0 Principle

1.1 The application site lies outside of any 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.

1.2 The NPPF identifies three dimensions of sustainable development:

- Economic, in terms of building a strong economy and in particular by ensuring that sufficient land 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 Economic - whilst 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 small scale of development means that this will be minimal. The land lies outside of the settlement boundary, therefore this land is not considered to be the right type or within the right place as defined by paragraph 7 of the NPPF.

1.5 The social role of sustainable development seeks to ensure, amongst other matters, the creation of a high quality built environment with accessible local services. Bridgham is classed as a 'Rural Settlement' in Policy SS1. These villages contain limited services and facilities. The spatial strategy states that these villages are not capable of supporting consequential growth as they rely on higher order settlements for the majority of these services and facilities. The occupiers of any new dwellings here would therefore be highly reliant on car use to get to higher order settlements.

1.6 The nearest Service Centre village is East Harling which is approximately 2-3 miles to the east and the nearest Market Town, which would provide many of the day-to-day facilities and services is approximately 7 miles to the south-west along predominantly unlit roads with no pavement. The likelihood is therefore high for car use to reach these services. In addition, there is no regular bus service in Bridgham village which would enable the steady use of public transport to reach these higher order settlements.

1.7 Environmental - It is accepted that there are other dwellings to the north, east and west of the site and also that the dwelling will be situated in what is currently garden land and will therefore not intrude further into open countryside, however it is not considered that these issues will materially outweigh the harm caused by approving further development in an unsustainable location.

1.8 In light of the above factors, the proposal is not considered to offer significant benefits in order to outweigh the harm caused by approving the erection of an additional dwelling contrary to the above mentioned policies and taking account of paragraphs 7, 8, 11, 12, 13 and 14 of the NPPF.

2.0 Impact on character and appearance

2.1 The application is in outline with all matters reserved, therefore no details in respect of the proposed design have been submitted. The application does state that any dwelling will be similar to those adjacent. On this basis, and subject to an appropriate scale and form, I cannot foresee any material objection to the application in terms of its likely impact on the form and character of the area given the proximity of other dwellings, having due regard to policies DC01 and DC16.

3.0 Impact on amenity

3.1 The application is in outline and therefore amenity would be properly assessed when the final siting and design is submitted. Notwithstanding this, the current submission provides an indicative drawing which shows the siting. On the basis of this, the orientation of the site and the track to the west, it is considered that neighbour amenity is unlikely to be adversely affected to a material degree subject to an appropriate internal layout and considerate positioning of windows. In terms of amenity for any future occupiers, the indicative siting shows a dwelling can be accommodated on the site so as to provide the occupiers with sufficient private amenity space and also space for parking and turning on site. The proposal is considered to have due regard to Policy DC01.

3.0 Highway impact

3.1 Norfolk County Council as the Highway Authority was consulted on the proposal. There were concerns raised by them in respect of all parking for the existing dwelling at No.60 being removed and insufficient on-site turning being provided on site. However, it was subsequently concluded by the Highways Authority that an objection on the lack on on-site turning provision could not be substantiated but the loss of parking could be. In respect of the parking, it is noted that an element of on-street

parking already takes place, however this in itself is not reason enough to exacerbate the current problem which could result in up to 2-3 cars parking on the roadside. As a result there are concerns in respect of highway safety and the proposal fails to meet the requirements of the Parking Standards-Policy DC19 and paragraph 32 of the NPPF.

4.0 Other matters

4.1 The Contaminated Land Officer has raised no objection or comment on the scheme.

4.2 The Tree and Countryside Officer has raised no comment on the scheme.

4.3 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.

4.4 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.

4.5 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".

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

5.0 Conclusion

5.1 The site is outside of any settlement boundary and therefore the proposal does not accord with Policies SS1, CP14 and DC02 of the adopted Breckland Council Core Strategy and Development Control Policies DPD. The development would not accord with the Development Plan and there are no material considerations that would outweigh this harm, in addition, the provision of one dwelling is unlikely to contribute significantly to the delivery of the five year housing land supply. As a

result the proposed development is therefore not considered sustainable and would be contrary to paragraphs 12, 13, 14 and 17 of the NPPF.

5.2 The proposal also fails to provide adequate parking provision for the host dwelling, No.60, contrary to Policy DC19.

Reasons for Refusal

1. The site falls outside of any defined settlement boundary and therefore the proposal does not accord with Policies SS1, CP14 and DC02 of the adopted Breckland Council Core Strategy and Development Control Policies DPD. The development would not accord with the Development Plan and there are no exceptional material considerations that would outweigh this harm. In addition, the provision of one dwelling is unlikely to contribute significantly to the delivery of housing and a five year housing land supply. As a result the proposed development is not considered sustainable and would also be contrary to paragraphs 12, 13, 14 and 17 of the NPPF.
2. The proposal would create an additional dwelling on parking and garden land adjacent to No.60, as a result, the proposal would leave the existing dwelling No.60 with no on-site parking provision, leaving vehicles to park along the highway, contrary to Policy DC19 which requires dwellings to have two parking spaces. As a result the proposal is considered to have a material adverse impact on highway safety, contrary to Policy DC19 and paragraph 32 of the NPPF.