

**BRECKLAND COUNCIL - PLANNING COMMITTEE - 3rd July 2017**

<b>Item No.</b>	<b>Applicant</b>	<b>Parish</b>	<b>Reference No.</b>
1	Mr & Mrs Wilkins	GREAT ELLINGHAM	3PL/2017/0507/F
2	Mr Holland	ATTLEBOROUGH	3PL/2017/0587/F
3	Mr & Mrs Justin & Nesha Wilkins	GREAT ELLINGHAM	3PL/2017/0559/F
4	Mr Maurice Wilkins	GREAT ELLINGHAM	3PL/2017/0394/F
5	Ricco Fabio Ltd	CASTON	3PL/2017/0438/F

<b>ITEM:</b> 1	<b>RECOMMENDATION:</b> APPROVAL
<b>REF NO:</b> 3PL/2017/0507/F	<b>CASE OFFICER</b> Heather Byrne
<b>LOCATION:</b> GREAT ELLINGHAM White House Farm 97 Long Street	<b>APPNTYPE:</b> Full <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> N <b>CONS AREA:</b> N <b>LB GRADE:</b> N <b>TPO:</b> N
<b>APPLICANT:</b> Mr & Mrs Wilkins White House Farm, 97, Long Street Great Ellingham	
<b>AGENT:</b> N J Myhill Architecture 13 Damgate Street Wymondham	
<b>PROPOSAL:</b> Erection of 2 no 3 bed houses	

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

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

#### **KEY ISSUES**

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

#### **DESCRIPTION OF DEVELOPMENT**

This application seeks full planning permission for the erection of two residential detached dwellings on land to the north of White House Farm, 97 Long Street, Great Ellingham. The proposal would provide two private accesses off Long Street to the west of the site serving each dwelling. The dwellings would be constructed of red facing bricks, render, timber cladding, and pantiles for the roof, (no specific details have been provided).

#### **SITE AND LOCATION**

The application site is currently used as a paddock in association with White House Farm to the south. To the east the site is bounded by agricultural land, to the west the highway, and to the north an area of paddock which has permission for two dwellings, which are currently under construction. The proposal is located outside of any defined Settlement Boundary. The surrounding area is generally characterised by both dispersed residential development and agriculture to the south of the site and more linear development to the north, with access gained via Long Street to the west.

#### **EIA REQUIRED**

No

**RELEVANT SITE HISTORY**

3PL/2016/1330/F                      Withdrawn                      10-01-17  
Erection of Two x 3 bed dwellinghouses

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**POLICY CONSIDERATIONS**

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

CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.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**

**GREAT ELLINGHAM PARISH COUNCIL**

No objections subject to a lighting condition to minimise light pollution.

**NORFOLK COUNTY COUNCIL HIGHWAYS**

As with other recent applications in the vicinity of the site , I remain concerned that no safe walking route exists along Long Street to link to village services and amenities. It is therefore likely that residents would either walk in the carriageway of an unlit highway or would travel by car.

It is noted that the applicant has offered to provide some kerbing along Long Street to protect the highway verge. This has not been requested by this Authority as mitigation and we would need to approved detailed drawings in this respect to ensure that the kerbing would not reduce the carriageway width nor would it have

an adverse effect on surface water drainage.

Given that other applications adjacent ,and opposite, to this site have received approval I consider it would be difficult to substantiate a highway objection. If approved conditions should be imposed relating to access, gates, visibility splay, parking, turning, off-site highway improvement works, and an informative relating to works within the public highway.

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

The application is supported by an ecological assessment, (Ecological Appraisal, Wild Frontier; Jan 2016). The report and the survey are fit for purpose. The report finds that ecological impacts from the proposed development are considered negligible. No further surveys are recommended. If approved conditions should be imposed relating to biodiversity enhancements and an informative relating to nesting birds.

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

Operations on site shall take place in complete accordance with the approved Arboricultural Impact Assessment, (AIA), Tree Protection Plan, (TPP) and Arboricultural Method Statement, (AMS), supplied by A.T Coombes, dated 3rd April 2017.

#### **CONTAMINATED LAND OFFICER**

Initially requested additional information regarding imported soil. This was provided and the Contaminated Land Officer recommends approval providing the development proceeds in line with the application details and subject to the imposition of a condition relating to unexpected contamination.

#### **ENVIRONMENTAL HEALTH OFFICERS**

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

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

### **REPRESENTATIONS**

1 local representative received making the following comments:

- Application submitted piecemeal with no s106 funding;
- Impact upon highway and pedestrian safety;
- Cramped development;
- Is outside the Settlement Boundary; and
- Loss of farmland would impact upon rural views.

### **ASSESSMENT NOTES**

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

2.0 Principle of development

2.1 This application seeks full planning permission for the erection of two residential detached dwellings on land to the north of White House Farm, 97 Long Street, Great Ellingham. The site is located outside any defined 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.

2.2 Two recent appeal decisions have made reference to the Local Planning Authority not being able to robustly demonstrate that it has a five year housing land supply. These appeal decisions are material planning considerations in the determination of this application. The inspector at a hearing appeal stated that the most appropriate vehicle for determining strategic housing land supply issues such as evidence base, the Liverpool v Sedgefield method for calculating five year supply and the Objectively Assessed Housing Need, (OAN), is during an examination of a Local Plan. As set out in Section 38(6) of the Planning and Compulsory Purchase Act, (2004) and the NPPF, the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. Following on from this, 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 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".

2.3 In the most recent appeal the Inspector stated that 'the RSS based target, now significantly predates the emerging OAN approach advocated by the Council and that the OAN approach has been accepted by other Inspectors. I am also mindful that the emerging plan is still at a very early stage, and to reach a conclusion on whether Liverpool or Sedgefield is most appropriate in this case would require me to make early assumptions in relation to the timescale for the longer term delivery of Strategic Urban Allocations, which I am reluctant to do'.

2.4 It is the Council's opinion that the Central Norfolk Strategic Housing Market Assessment, (2015), the Council's latest assessment of housing need, is a material planning consideration, which clearly sets out the position with regards to these matters and is an up to date assessment which should be afforded maximum weight. This document sets out that using the OAN and either methodology for calculating five year supply the Council can demonstrate a five year supply of housing land.

2.5 The inspector did state that the decision of which method to apply does relate to assumptions regarding the timescales for the delivery of the SUEs. Work is continuing between the local authority and developers of the SUEs to reflect their future projections. These will be used in any update to the five year supply position.

2.6 Finally, the Inspector stated that she "could not confidently conclude that a five year supply has been demonstrated" and decided to apply "substantial weight" to the contribution that the proposal would make to 'housing supply'. Based on the information and evidence as set out above, at this time, the Council does consider it can robustly demonstrate a five year land supply and due weight can be given to relevant policies for the supply of housing, which can be considered up-to-date. On this basis the recent appeals

should only be afforded limited weight.

2.7 Notwithstanding the above, a new Strategic Housing Market Assessment (SHMA) is due to be published following the publication of this agenda. The publication of this document may result in the requirement for officers to change their advice with regards to five year housing land supply. Officers will update members with regards to this matter at the Planning Committee meeting.

2.8 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.

2.9 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.

2.10 In terms of the economic and social criteria, the proposal would provide two new dwellings and would therefore 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 of commencement.

2.11 The social role of sustainable development seeks to ensure, amongst other matters, the creation of a high quality built environment with accessible local services. Great Ellingham is identified as a Local Service Centre Village and has a number of facilities to meet the day to day requirements of its residents, which include a primary school, shop, post office, community hall and public house. These are located approximately 0.9 miles away from the site; however there is no footpath provision connecting the site to these facilities. The facilities are within cycling distance and if trips are made via car these would be short. In terms of public transport, the nearest bus stop is located near the junction of Attleborough Road and Chequers Lane, approximately one mile from the site, which is served by an infrequent service. Pedestrian access to the bus stop would also be along the highway with no pedestrian provision.

### 3.0 Impact upon character and appearance of area

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

dimension of sustainable development, as is design.

3.2 Although outside any Settlement Boundary, the proposed development would be bounded by existing development to the north and White House Farm to the south and would appear as infill development and therefore it is considered the proposal would not intrude into the open countryside.

3.3 The proposed dwellings are situated on generous plots, which is consistent with existing development situated along this part of Long Street. The dwellings are also set back within the plots, which is also in keeping with surrounding development. The site currently contains a hedge along the front boundary; however, this would be removed to provide access and visibility. It is therefore considered if approved a condition should be imposed for landscaping to be agreed to enhance the character of the immediate area. Fencing is also proposed to the rear and side boundaries, which could appear intrusive in terms of rural appearance; however it is considered landscaping could mitigate its appearance. A condition would also be imposed for precise boundary treatments to be agreed.

3.4 Development in the vicinity of the site comprises mainly detached dwellings set back from the road within generous sized plots. Architectural styles vary, but most properties are of broadly traditional design. The application seeks approval for two, two storey detached dwelling with detached garages to the front, which would be constructed of red facing bricks, white render, timber cladding, and pantiles for the roof. These materials are deemed acceptable, and if approved a condition would be imposed for precise details to be agreed to ensure the proposed dwellings would remain in keeping with surrounding development. Also in line with the adjacent site permitted development rights would be removed to ensure the proposal remains in keeping and does not result in overdevelopment of the site.

3.5 In light of the above site-specific context, it is concluded that the development would not appear visually intrusive and would not result in an isolated development in the countryside.

#### 4.0 Impact upon amenity

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

4.2 As highlighted above, if approved a condition would be imposed for boundary treatments / landscaping to be agreed to maintain and protect amenity.

#### 5.0 Impact upon highway safety

5.1 The Highways Authority raise concerns that no safe walking route exists along Long Street to link the site to the village services and amenities and therefore it is likely that residents would either walk in the carriageway of an unlit highway or would travel by car. The Highways Authority state if approved conditions should be imposed relating to access, gates, visibility splay, parking, turning, off-site highway improvement works, and an informative relating to works within the public highway.

## 6.0 Impact upon Protected Species

6.1 The Ecologist states the application is supported by an ecological assessment, (Ecological Appraisal, Wild Frontier; Jan 2016) and are fit for purpose. The report finds that ecological impacts from the proposed development are considered negligible and therefore no further surveys are recommended. If approved the Ecologist requests the imposition of a condition relating to biodiversity enhancements and an informative relating to nesting birds.

## 7.0 Other matters

7.1 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) supplied by A.T Coombes, dated 3rd April 2017.

7.2 The Contaminated Land Officer initially requested additional information regarding imported soil. This was provided and the Contaminated Land Officer recommends approval providing the development proceeds in line with the application details and subject to the imposition of a condition relating to unexpected contamination.

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

## 8.0 Conclusion

8.1 The proposal would conflict with Policy CP14 due to its location outside of the defined Settlement Boundary. As highlighted above Great Ellingham is identified as a Local Service Centre Village and has a number of facilities to meet the day to day requirements of its residents. In economic terms the development would support growth and the local economy albeit in a limited manner. The proposal would be compatible with the form and character of the surrounding area and would not result in an isolated development in the countryside. It is therefore considered, on balance, that the proposal is acceptable and therefore is recommended for approval subject to conditions.

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

<b>CONDITIONS</b>
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<b>3006</b>	Full Permission Time Limit (2 years)
<b>3047A</b>	In accordance with submitted plans NEW 2017
<b>HA08</b>	New access - construction over verge
<b>HA24</b>	Provision of parking and servicing - when shown on plan

## BRECKLAND COUNCIL - PLANNING COMMITTEE - 3rd July 2017

<b>HA39B</b>	Highway improvements off-site B	
<b>3920</b>	Tree condition	
<b>3920</b>	Ecology - enhancement	
<b>3302</b>	No P.D. for extensions, roof alterations, porches	
<b>AN60</b>	NOTE NCC Inf 1 When off-site road improvements are required	
<b>3994</b>	Note ecology	
<b>3994</b>	Note - wildlife act	
<b>MT03</b>	External wall and roof materials to be agreed	This condition will require to be discharged
<b>3547</b>	Lighting Pollution	This condition will require to be discharged
<b>HA14</b>	Access gates - restriction	This condition will require to be discharged
<b>HA20</b>	Provision of visibility splays - conditioned	This condition will require to be discharged
<b>HA39A</b>	Highway improvements-offsite A	This condition will require to be discharged
<b>3946</b>	Contaminated Land - Unexpected Contamination	This condition will require to be discharged
<b>3402</b>	Boundary screening to be agreed	This condition will require to be discharged
<b>3408</b>	Landscaping - details and implementation	This condition will require to be discharged

<b>ITEM:</b> 2	<b>RECOMMENDATION:</b> REFUSAL
<b>REF NO:</b> 3PL/2017/0587/F	<b>CASE OFFICER</b> Lisa ODonovan
<b>LOCATION:</b> ATTLEBOROUGH Land adjacent 6 Dodds Lane	<b>APPNTYPE:</b> Full <b>POLICY:</b> In Settlemnt Bndry <b>ALLOCATION:</b> N <b>CONS AREA:</b> N <b>LB GRADE:</b> N <b>TPO:</b> N
<b>APPLICANT:</b> Mr Holland 6, Dodds Lane Attleborough	
<b>AGENT:</b> Patterson DESIGN Ltd Patterson DESIGN Ltd Suva House	
<b>PROPOSAL:</b> Erect a three-bedroomed dwelling with associated parking facilities and a new turning area and passing point for all users of Dodd's lane	

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

The application is brought to Committee at the request of the Ward Representative.

#### **KEY ISSUES**

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

#### **DESCRIPTION OF DEVELOPMENT**

This application seeks full planning permission for the erection of a detached two storey, three bedroom dwelling with associated parking adjacent to 6 Dodds Lane. It is proposed to construct the dwelling using a mix of red brick and timber cladding with a clay pantile roof.

#### **SITE AND LOCATION**

The application site is located within the Settlement Boundary for Attleborough. The site currently forms part of the amenity space associated with 6 Dodds Lane. The site is bounded to the south east by the highway and beyond residential dwellings, and on all other sides by residential dwellings.

#### **EIA REQUIRED**

No

#### **RELEVANT SITE HISTORY**

3PL/2016/1543/F - Erect 1 No. three-bedroomed dwelling with parking & passing point for all users of Dodd's

lane on the land adj to 6 Dodd's lane - 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

CP.04	Infrastructure
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

**OBLIGATIONS/CIL**

Not Applicable

**CONSULTATIONS**

**ATTLEBOROUGH TC**

Refuse due to concerns about the access, highways concerns and infill.

**NORFOLK COUNTY COUNCIL HIGHWAYS**

Objection. The private road is inadequate to serve the development proposed.

**TREE AND COUNTRYSIDE CONSULTANT**

No comments.

**CONTAMINATED LAND OFFICER**

No objection / comments.

**ENVIRONMENTAL HEALTH OFFICERS**

I have looked at the application submitted and, based on the information provided to me at this time; there are no objections or comments on the grounds of Environmental Protection, providing the development proceeds in line with the application details.

**REPRESENTATIONS**

Site notice erected: 18-05-017

Consultations issued: 12-05-2017

Two letters received raising concerns in respect of: highway safety, removal of large trees, design and overlooking of No.5 and the ownership of the access.

<b>ASSESSMENT NOTES</b>
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1.0 Principle and character impact

1.1 This application seeks full planning permission for the erection of a detached two storey dwelling with associated parking adjacent to 6 Dodds Lane.

1.2 The application site lies within the Settlement Boundary of Attleborough and as such the principles of development is in accordance with Policy DC02 of the Breckland adopted Core Strategy and the NPPF.

1.3 The site currently forms part of the amenity area associated within 6 Dodds Lane. It is considered that the proposed scheme is of an acceptable design and appearance. The proposal would result in a density of development that is similar to surrounding plots and would not result in a cramped form of development. In terms of materials the proposal would be constructed of bricks and timber cladding for the walls and clay tiles for the roof, which would not be out of character with surrounding development. If approved, a condition would be imposed for precise details of external materials to be approved to ensure the proposal is in keeping with the surrounding properties and streetscene.

2.0 Impact on amenity

2.1 The dwelling proposed has been sensitively designed in terms of its positioning, orientation and window placements in order to reduce any adverse impact on the level of amenity currently received by neighbouring occupiers. In addition, separation distances are good between the proposed dwelling and the dwelling at No.6 at some 13.1 metres. The dwelling opposite the track, No.5, sits gable end facing the track with no windows facing and therefore overlooking will not be an issue for this dwelling. All other dwellings are protected by further separation distances and boundary screening. The proposed dwelling also provides a sufficient private rear amenity space for any future occupiers, as a result, the proposal is considered to have due regard to Policy DC01.

2.2 The representations made by the neighbours are addressed below:

The concerns in respect of highway safety are shared and addressed in the main body of the report below. The removal of trees in this location is not a material planning consideration, as the trees were not protected by a Preservation Order, nor is the site located within a Conservation Area. In terms of design, the scale and form of the dwelling is considered to match the development type in the area and the variation of dwelling types and materials used in the locality make the use of materials acceptable. In terms of overlooking, it is considered that the position of the dwelling proposed in relation to the dwelling at No.5 will ensure that any views are oblique and across the front area of the dwelling which is considered a less sensitive amenity interface than that of the rear, private garden area. As a result, overlooking is not considered to be a matter upon which the application could be refused.

### 3.0 Highway Impact

3.1 It has been acknowledged that the application has been amended to try and overcome the initial highway comments raised via the previous application which was withdrawn. Notwithstanding these amendments, the Highway Authority has stated that the current submission includes the same widening along the site frontage, but this is located some 45m from the junction of Dodds Lane with Dodds Road and would still not allay the concern regarding the potential for two vehicles meeting in the access and one reversing back out into Dodds Road.

3.2 The submission also includes a form of turning provision which, whilst not acceptable as drawn, could be improved within land under the applicant's control. However, this provision would not outweigh the concerns regarding the substandard level of visibility at the junction of Dodds Lane with Dodds Road nor the inadequate width of the access track.

3.3 The highway objection is maintained based on the following assessment.

3.4 The site is served by a private access track, (Dodds Lane), which joins the county highway network via Dodds Road.

3.5 Dodds Road, (Unc 33123), runs between London Road, (C527) and Hargham Road, (C153) and is a well-used through route and bus route.

3.6 In the vicinity of Dodds Lane, Dodds Road is subject to a 30mph speed limit for which Government safety guidance, set-out in Manual for Streets, recommends that clear visibility of 43m is available to either side from a 2.4m set-back.

3.7 Visibility to the north west of Dodds Lane where it meets Dodds Road is obtained entirely by looking over land which lies outside of the applicant's control. It has been demonstrated by a site photograph that visibility in this direction is already being restricted by planting and would be further obscured if a vehicle was present in the parking space of the adjacent dwelling.

3.8 It is estimated that the extent of visibility obtainable within highway limits would be in the region of around 9m from a 2.0m/2.4m set-back. This achieves only some 21% of the recognised safety standard.

3.9 Whilst it is appreciated that the substandard visibility is in the "non-traffic" direction it should be noted that no physical barrier exists to prevent cars overtaking in this location. If a car driver or motorcyclist travelling south eastwards were to overtake a parked vehicle or cyclist they would be totally out of the sight of a driver of an exiting vehicle. Consequently it is still important that visibility is obtainable to the nearside kerb in this direction.

3.10 Dodds Lane is restricted in width and does not allow a two-way flow of vehicular traffic. Manual for Streets advises the absolute minimum width to enable two cars to pass is 4.1m. The running width of Dodds Lane is 3.2m, with a maximum overall width of 3.7, which falls well below the minimum standard required to allow a two-way flow of traffic. Consequently any intensification in its use would increase the likelihood of a vehicle needing to wait in the carriageway of Dodds Road whilst allowing another to leave or, worse, a vehicle reversing out into Dodds Road to enable another to leave. The passing place proposed adjacent to the application site is located remotely from the county highway and would not overcome any highway safety concerns in respect of the foregoing.

3.11 Dodds Lane already serves three dwellings. It is estimated that a single dwelling can generate in the order of six vehicular movements per day plus those associated with visitors and deliveries. It is accepted that the existence of this track is historic and it is a matter of fact that a degree of conflict already exists. However, in my professional opinion increasing the use of this wholly substandard means of access will also increase the likelihood of collision and personal injury accidents.

3.12 The Highways Authority therefore recommend refusal.

#### 4.0 Other issues

4.1 Attleborough Town Council recommend refusal due to concerns about the access, highways concerns and infill.

4.2 The Contaminated Land Officer raised no objections or comments on the grounds of Environmental Protection, providing the development proceeds in line with the application details.

4.2 Environmental Health Officer raise no objection or comments

#### 5.0 Conclusion

5.1 The private road serving the site is considered to be inadequate to serve the development proposed, by reason of its restricted width / lack of passing provision / substandard construction / restricted visibility at adjacent road junctions. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety, contrary to Policy CP04 and paragraph 32 of the NPPF.

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

<b>REASON(S) FOR REFUSAL</b>
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<b>9900</b>	Impact upon highway safety
<b>2002</b>	Application Refused Following Discussion - No Way Forward
<b>2009</b>	Criterion E - Planning Apps Where Refused

<b>ITEM:</b> 3	<b>RECOMMENDATION:</b> REFUSAL
<b>REF NO:</b> 3PL/2017/0559/F	<b>CASE OFFICER</b> Heather Byrne
<b>LOCATION:</b> GREAT ELLINGHAM White House Farm 97 Long Street	<b>APPNTYPE:</b> Full <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> N <b>CONS AREA:</b> N <b>LB GRADE:</b> N <b>TPO:</b> N
<b>APPLICANT:</b> Mr & Mrs Justin & Nesha Wilkins White House Farm, 97, Long Street Great Ellingham	
<b>AGENT:</b> N J Myhill Architecture 13 Damgate Street Wymondham	
<b>PROPOSAL:</b> Replacement of existing Farmhouse within garden curtilage	

#### REASON FOR COMMITTEE CONSIDERATION

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

#### KEY ISSUES

Principle of development  
Impact upon the character and appearance of the 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 a replacement dwelling. The application is proposing a two storey dwelling with detached garage, which would be located further south within the plot than the existing farmhouse. The proposal would be constructed of red facing bricks, white render and timber cladding for the walls and terracotta pantiles for the roof.

#### SITE AND LOCATION

The application site is located outside of the defined Settlement Boundary and currently consists of a modest scale farmhouse with outbuildings / agricultural buildings also situated within the site. Immediately north west of the site is a barn which is currently being converted to provide two holiday lets, approved under 3PL/2014/0912/F, which is within the applicants ownership. To the north of the site is an area of open land used as a paddock in association with White House Farm, which is currently subject to an application for two dwellings, reference 3PL/2017/0507/F. To the east and south the site is bounded by agricultural land, and to the west by the highway.

#### EIA REQUIRED

No

**RELEVANT SITE HISTORY**

3PL/2016/1386/F                      Withdrawn                      10-01-17  
Erection of one 5 bed dwellinghouse

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**POLICY CONSIDERATIONS**

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

DC.01	Protection of Amenity
DC.03	Replacement Dwellings and Extensions in the Countryside
DC.12	Trees and Landscape
DC.16	Design
DC.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

**OBLIGATIONS/CIL**

Not Applicable

**CONSULTATIONS**

**GREAT ELLINGHAM PARISH COUNCIL**

No objections subject to restrictions relating to outdoor lights.

**TREE AND COUNTRYSIDE CONSULTANT**

Operations on site shall take place in complete accordance with the approved Arboricultural Impact Assessment, (AIA), Tree Protection Plan, (TPP) and Arboricultural Method Statement, (AMS), supplied by A.T Coombes, dated 3rd April 2017.

**NORFOLK COUNTY COUNCIL HIGHWAYS**

No highway objections subject to the imposition of conditions relating to access, visibility splays, parking, turning, and an informative relating to works within the public highway.

**CONTAMINATED LAND OFFICER**

Recommend approval providing the development proceeds in line with the application details and subject to the imposition of a condition relating to unexpected contamination and informatives relating to asbestos and extensions to alleviate environmental concerns.

## REPRESENTATIONS

1 objection received making the following comments:

- Cramped and overdeveloped site;
- Proposed size of replacement would be out of character and oversized;
- Would not be within the building line; and
- Would be a shame to knock the existing farmhouse down.

## ASSESSMENT NOTES

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

2.0 Principle of development

2.1 This application seeks consent for the demolition of an existing dwelling and the erection of a replacement dwelling.

2.2 The application site is located outside of any defined Settlement Boundary and therefore Policy DC03 'Replacement dwellings and extensions in the countryside' applies, which states:

The replacement of existing dwellings in the countryside will only be permitted where:

- A) The scale of the replacement is not disproportionate to the original dwelling; and
- B) Evidence is provided that the use of the dwelling has not been abandoned; and
- C) The replacement dwelling is located within the existing curtilage, unless it can be demonstrated that an alternative location would be visually less prominent; and
- D) The size and design of the replacement is appropriate to the landscape character of the location; and
- E) There is no increase in the number of units.

2.3 The reasoned justification goes on to state 'The Strategic Housing Market Assessment, (SHMA), identifies that the greatest need for housing in the District is for smaller properties. This policy gives protection to traditional smaller properties in the countryside, therefore helping to meet the objective of providing appropriate housing for the needs of the population.'

2.4 The residential use of the site has not been abandoned and the scheme proposes no net increase in the number of dwellings on-site.

2.5 The existing dwelling is a modest scale farmhouse with a floorspace of approximately 93 sqm. The proposed dwelling would have a footprint of approximately 178sqm, (238sqm including the detached

garage). This would result in a 90% increase in footprint, (155% including the garage). It is noted there are existing outbuildings / agricultural buildings which are due to be removed; however given their use they have not been included in the above calculation.

2.5 The proposal would result in the loss of a modest farmhouse and its replacement with a significantly larger two storey dwelling. Whilst it is noted the existing dwelling could be extended under permitted development rights such extensions would still result in a significantly smaller floorspace than the proposed dwelling. The proposal would therefore result in a dwelling significantly disproportionate to the existing dwelling, contrary to Policy DC03.

### 3.0 Impact upon character and appearance of area

3.1 The application site lies outside of the defined Settlement Boundary of Great Ellingham, which lies approximately 90m to the north of the existing dwelling. The proposed dwelling would be sited approximately 4m further south than the existing and given its width of 20.4m the proposal would extend the residential development by approximately 24m into the countryside to the south, including the garage this would be 29m. To the north of the site is an area of open land used as a paddock in association with White House Farm and within the applicants ownership, which is currently subject to an application for two dwellings, reference 3PL/2017/0507/F.

3.2 It is considered the erection of a substantial two storey dwelling and a detached three bay garage with a room above further south within the site would extend the built form further into the countryside and would result in an unwarranted intrusion into the rural setting to the detriment of the character and visual amenities of the area. The proposal would therefore be contrary to Policies, DC01, DC03, and DC16 of the Core Strategy.

3.3 Whilst it is noted existing outbuildings are located further south of the existing dwelling these are single storey outbuildings/agricultural buildings, which are characteristic of rural locations and given their scale do not impact upon the character of the area.

3.4 It is noted the applicant wishes to remain in the existing house until the proposed dwelling is completed. If approved a condition would be imposed to ensure the existing was demolished prior to occupation of the proposed dwelling to ensure the proposal does not result in an additional dwelling on the site with an unacceptable relationship given their close proximity and the fact the site is located outside of any defined Settlement Boundary.

### 4.0 Impact upon amenity

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

### 5.0 Impact upon highway safety

5.1 The Highways Authority raised no objections subject to the imposition of conditions relating to access, visibility splays, parking, turning, and an informative relating to works within the public highway.

#### 6.0 Impact upon trees

6.1 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), supplied by A.T Coombes, dated 3rd April 2017.

#### 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 a condition relating to unexpected contamination and informatives relating to asbestos and extensions to alleviate environmental concerns.

#### 8.0 Conclusion

8.1 The proposal would result in the replacement of a modest scale farmhouse with a substantial two storey dwelling with detached garage and room in the roof, which would result in a dwelling disproportionate in scale to the original dwelling, with a 155% increase in floorspace. The scale of the proposal, coupled with the fact it would be located further south extending development into the countryside the proposal would result in an unwarranted intrusion into the rural setting to the detriment of the character and visual amenities of the area. The proposal would therefore be contrary to Policies, DC01, DC03, and DC16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

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

<b>REASON(S) FOR REFUSAL</b>
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**9900**                      Disproportionate dwelling and intrusion into countryside

<b>ITEM:</b> 4	<b>RECOMMENDATION:</b> REFUSAL
<b>REF NO:</b> 3PL/2017/0394/F	<b>CASE OFFICER:</b> Natalie Levett
<b>LOCATION:</b> GREAT ELLINGHAM Land at North corner of Bow Street & Hingham Road	<b>APPNTYPE:</b> Full <b>POLICY:</b> Out Settlement Bndry
<b>APPLICANT:</b> Mr Maurice Wilkins New 'Wayside' Attleborough Road	<b>ALLOCATION:</b> N <b>CONS AREA:</b> N
<b>AGENT:</b> N J Myhill Architecture 13 Damgate Street Wymondham	<b>LB GRADE:</b> Adjacent Grade 2 <b>TPO:</b> N
<b>PROPOSAL:</b> Erection of 4 no four bed dwelling houses with garages off private drive	

#### KEY ISSUES

- Principle of Development
- Sustainable Development
- Design and Impact on the Landscape Character and Appearance of the Area
- Impact on the Historic Environment
- Access and Highway Impact
- Amenity Impact
- Impact on Trees

#### DESCRIPTION OF DEVELOPMENT

The application seeks full planning permission for four residential dwellings on greenfield land to the north of the corner of Bow Street and Hingham Road in Great Ellingham. The application proposes four detached four bedroom two storey dwellings each with a detached double garage. The development would be served via a shared private access directly from Bow Street. As part of the application, the applicant is proposing a 1.5 m wide footway between the site and the existing footway provision approximately 500 metres to the south. This is an exact resubmission of 3PL/2016/1357/F, which was refused on 5th January 2017 supplemented with a statement entitled "Matters arising from previous application".

#### SITE AND LOCATION

The application site comprises a roughly square parcel of land to the north of the corner of Bow Street and Hingham road in Great Ellingham. The site is approximately 500m from the defined settlement boundary of Great Ellingham. The site extends to approximately 0.3 hectares. Residential development exists to the south on the opposite side of Bow Street. To the east of the site is an agricultural business. Surrounding land use is largely agricultural.

Trees, which are subject to an area Tree Preservation Order, exist along all boundaries of the site. Rose

Farmhouse lies to the south of the site on the opposite side of Bow Street - Listing description as follows:

Farmhouse. Mid C17. Timber frame on plinth with clay lump infill, Pantiled roof. Lobby entrance plan, two storeys. Door to left by late C19 kitchen extension, two sash windows right of door with glazing bars, two small first floor windows, gabled roof, ridge stack with three brick diamond shafts. At rear door is below stack flanked by one sash window with glazing bars right and left of mid C19. Small leaded casement further right of C17. First floor with 4-light vertically mullioned timber window, a similar 2-light window and 2 mid C20 casements. Parlour and living room contain many chamfered and stopped ceiling beams. Close studding of heavy scantling. Tie beam roof on arched braces and single spine beam in one bedroom. Most fireplaces removed, but most doors with hinges intact.

**EIA REQUIRED**

Not required.

**RELEVANT SITE HISTORY**

3PL/2016/1357/F: Erection of 4 x four bed dwellings with garages - Refused 5th January 2017

**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.09	Pollution and Waste
CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
CP.13	Accessibility
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.12	Trees and Landscape
DC.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**

Not applicable.

<b>CONSULTATIONS</b>
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### **GREAT ELLINGHAM P C**

Object on the grounds that it is outside of the settlement boundary and concerns about highways safety. Should permission be granted, in view of Great Ellingham's "dark sky" status, Councillors request that a lighting clause is included. National Planning Policy Framework Clause 125 and Norfolk County Council's Environmental Lighting Zones Policy both recognise the importance of preserving dark landscapes and dark skies. In order to minimise light pollution, we recommend that any outdoor lights associated with this application should be:

- 1) fully shielded, (enclosed in full cut-off flat glass fitments).
- 2) directed downwards, (mounted horizontally to the ground and not tilted upwards).
- 3) switched on only when needed, (no dusk to dawn lamps).
- 4) white light low-energy lamps, (LED, metal halide or fluorescent) and not orange or pink sodium sources.

### **NORFOLK COUNTY COUNCIL HIGHWAYS**

This is a resubmission of application 3PL/2016/1357. The site is located to the north of the main settlement some 900m from the primary school and around 1.2km from the village shop. In the vicinity of the site, Bow Street allows a two-way flow of vehicular traffic and is considered acceptable to cater for the additional level of traffic proposed. No adequate walking route currently exists between Bow Street and the nearest provision on Attleborough Road is approximately 500m to south. As part of this application the applicant proposes providing a footway between the site and the existing provision. On that basis, given the size of the proposal together with the benefit a footway would provide to other residents in the vicinity, the Highway Authority would have difficulty in substantiating a Highway objection. If your Authority is minded to grant permission, conditions are recommended.

### **HISTORIC BUILDINGS CONSULTANT**

As per comment regarding the previous application, the site is immediately opposite Rose Farmhouse and its associated former farm buildings. The farmhouse is Grade II listed and this dictates that the adjacent pre 1948 former farm buildings are curtilage listed, all of which are therefore designated heritage assets. Consequently, the applicant will, in my opinion, be required to submit an assessment describing the significance of the assets and how the proposed development may affect the setting of the assets, (paragraph 128 of the NPPF refers particularly). Furthermore, design proposals should ideally be formulated following an appropriate level of contextual analysis, to ensure that they offer an appropriate response to both the immediate and the wider context; this, in my opinion, has not been demonstrated by the current design proposals.

### **TREE AND COUNTRYSIDE CONSULTANT**

The trees around the boundaries of the site are subject to TPO 2016 no.12, (unconfirmed). The proposed dwellings will experience prolonged levels of shade, this, as well as other issues relating to the proximity of trees to dwellings such as leaf drop, falling debris, apprehension to occupiers etc, is likely to put future pressure on removal, or heavy pruning of trees and is therefore not acceptable.

### **CONTAMINATED LAND OFFICER**

No objection subject to conditions.

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

No comments.

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

**REPRESENTATIONS**

A Site Notice was displayed on 6th April 2017, advertised in the EDP and nine neighbours were directly notified.

Four objections have been received in response to the application, raising the following matters:

- this is no different to the previous application;
- houses approved since 2011 exceed the amount in the Local Plan requirements for the next 20 years;
- tree felling;
- out of keeping/character with the existing area;
- outside of the settlement boundary;
- lack of lighting along the footway;
- poor layout;
- loss of habitat;
- detrimental impact on listed building opposite, supported by other refusals nearby;
- poor access;
- highway concerns due to the speed of the road (60mph);
- lack of nearby amenities/unsustainable location;
- residents not asked about the footpath;
- questioning who would pay for the maintenance of the footway;
- crossing the road to access the footpath is dangerous;
- cramped and inappropriate development;
- misleading information in the application submission;
- a moratorium needs to be imposed against all new applications until a better understanding of the impact of those approvals already given can be evaluated.

**ASSESSMENT NOTES**

1.0 Reason for Committee.

1.1 The application has been referred to committee at the request of the Local Member.

2.0 Principle of Development

2.1 This application seeks full planning permission for the erection of four, four-bed, two-storey dwellings on land outside of any Settlement Boundary. For this reason, the proposal conflicts, in principle, with Policies DC02 and CP14 of the Core Strategy and Development Control Policies Development Plan Document, (2009), which seek to focus new housing within defined Settlement Boundaries.

2.2 Breckland Council can demonstrate that it has a five-year housing land supply. The current assessment, dated 30 September 2016, indicates that using both the Sedgfield Method and Liverpool Method of

calculation, the Council has a five year housing land supply, which uses the most up to date Objectively Assessed Need as well as a 20% buffer.

2.3 Having regard to paragraph 49 of the National Planning Policy Framework, (NPPF), this means that policies for the supply of housing in an up-to-date Development Plan are considered to be relevant and are to be afforded full weight in the decision making process.

2.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that where there is a Development Plan, decisions on planning applications should be made in accordance with it, unless material considerations indicate otherwise.

2.5 Paragraph 12 of the NPPF states that:

"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."

2.6 This is detailed in case law, which stresses the importance and primacy of the development plan in the decision making process and that the NPPF is guidance but is a material consideration in the decision making process.

2.7 Development which conflicts with the development plan, when read as a whole, should, therefore, be refused unless other material considerations indicate otherwise. Development that conflicts with the development plan is considered to be inherently unsustainable and does not enjoy the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF.

2.8 It is important, as detailed in case law, that the decision maker clearly sets out the harm to policy and assesses weight to it as well as setting out the benefits of development and ascribing weight to it. This will then enable a clear and transparent balancing exercise to be made.

2.9 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, therefore, amongst other things, be encroachment into the open countryside, and will be further away from services and facilities.

2.10 Case law identifies that benefits should be exceptional to outweigh the harm to development plan but does not define what "exceptional" is.

2.11 The NPPF is a material consideration, as is the continuing need to provide housing. In the context of having a five year housing land supply that weight is reduced, although proper provision of affordable housing may be a significant consideration in favour of development. Economic benefits as well as ease of access to services and facilities may well be seen as benefits, these may well increase depending on the settlement the development is related to. However, lack of harm is not a proper material consideration.

2.12 The application is for four 4-bed market houses and none are to be affordable dwellings, the site is Greenfield land and as a result, there is no reason to justify approval on an exceptional basis.

2.13 The additional information submitted stated that the previously refused application was "not only to provide four new houses but also proposed a much needed footway connection more than 550 metres to the nearest footway leading to the village school and other amenities. However, the footpath was considered as part of the previous application and it was considered that this did not outweigh the planning balance to recommend approval.

2.14 The proposal, therefore, conflicts with the principle of development and the additional information submitted does not address this matter, therefore, the first reason for refusal on 3PL/2016/1357/F has not been overcome.

2.15 In terms of other material considerations, these include the design, impact on amenity and the surrounding area, impact on the historic environment, highways and impact on trees / hedges, as will be outlined below.

### 3.0 Sustainable Development

3.1 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, (DPD), 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.

3.2 In relation to settlement boundaries, the objectives of Policy CP14 include focusing development in sustainable locations with access to key services and protecting the form and character of settlements. These objectives are consistent with the NPPF's key aims and so in this respect Policy CP14 can be afforded significant weight in accordance with paragraph 215.

3.3 The site is located outside the settlement boundary of Great Ellingham in an area of open countryside to the north west of the village, (as defined by policies SS1, DC02, CP01 and CP14 of the Core Strategy and Development Control Policies Development Plan Document 2009), where development is heavily restricted. As such the proposed residential development would be contrary to the development plan.

3.4 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.

3.5 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. The provision of housing to meet local needs is identified as a key component of sustainable development and, in this respect, the NPPF seeks to boost significantly the supply of housing. The conservation of the natural environment is also central to the NPPF, including protecting valued landscapes and minimising effects on biodiversity. In order to promote sustainable development in rural areas, the NPPF indicates that housing should be located where it will enhance or maintain the vitality of local communities.

3.6 The site is located approximately ½ mile from the defined settlement boundary of Great Ellingham, a village currently identified in the Council's Spatial Strategy as a Local Service Centre where adequate services exist to meet the day to day requirements of existing residents. At present, Great Ellingham benefits from a primary school, public house, post office and village store, village hall, and bus stops which provide a twice daily service, (Watton - Great Ellingham - Norwich). The application proposes a 1.5 m wide footway between the site and the existing provision, 500 metres to the south, primarily along the eastern boundary of Hingham Road but also a small part from Bow Street / Hingham Road southern corner and opposite side of Hingham Road when it crosses the road at the end. However, the site is located to the north of the main settlement around 1 km from the primary school and the village shop and whilst there would be footways, they would not be lit and these facilities are not considered walkable in terms of distance. Paragraph 55 of the NPPF allows for exceptional developments, but the provision of a footway does not constitute "exceptional" and does not outweigh the issues for refusing planning permission.

3.7 This would not, therefore, enable easy accessibility to local services and for these reasons the occupants of the dwellings would rely on the use of the private car to gain access to local facilities. This would not accord with the core planning principle in paragraph 17 of the National Planning Policy Framework which is to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. The proposal would also not accord with paragraph 34 of the NPPF in terms of ensuring the need to travel will be minimised and the use of sustainable transport modes will be maximised. Further to this, paragraph 55 states that housing should be located where it will maintain the viability of rural communities and isolated dwellings in the countryside should be avoided.

3.8 Whilst the construction of the development would have some short-term economic benefits, the development would not 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.

3.9 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.

3.10 The economic and social benefits of the development can be summarised as follows:

- The provision of 4 new 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;
- Provision of a footway.

3.11 The site is detached by some 500 m from the settlement boundary and has poor access to facilities and local services in Great Ellingham which would provide for some daily needs of future residents. The existing local bus service from Great Ellingham is also limited.

3.12 In terms of other environmental considerations, there will be a significant change to the character and appearance of the site in an area where residential development is limited and the proposal would result in a significant harmful intrusion into the surrounding countryside, as detailed below.

#### 4.0 Design and Impact on the Landscape Character and Appearance of the Area.

4.1 Policy DC16 requires high standards of design in new developments and sets out criteria to be met.

4.2 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 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. The policy also makes reference to the Council's Landscape Character Assessment, (LCA). These aims are reiterated in paragraph 17 of the NPPF.

4.3 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".

4.4 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".

4.5 Development within the District 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.

4.6 The Breckland District Landscape Character Assessment, (2007), indicates that the landscape is classified as part of the River Thet Tributary Farmland, (B3). The character area forms a narrow band of gently undulating farmland intersected by tributaries draining southwards into the River Thet. Settlement density is low and limited to small, generally linear villages and isolated hamlets scattered along the rural road network. It is generally a medium scale and semi enclosed landscape, with views essentially contained

by landform and field boundary vegetation. The areas of wet woodland associated with narrow tributaries crossing the landscape create a smaller scale, more intimate and enclosed character, with interest and colour provided by the variety of vegetation cover.

4.7 The proposed development would increase the amount of the built form to the north of Bow Street where residential development is limited to just six dwellings further to the east. The appearance of the site would clearly change from a wooded area, (albeit the internal area of the site has been cleared and now grassland), to a small residential development. Whilst trees along the site's boundaries would provide screening this would offer only some mitigation and the character of area would be greatly impacted with the introduction of housing in this location. The proposed dwellings are of a standard design and are not in keeping with the character of the surrounding properties. Built form to the north of Bow Street is currently limited, the proposed dwellings would result in a significant and harmful intrusion into the rural landscape and the proposal would therefore conflict with Core Strategy Policies CP11, DC02 and DC16, and the policies set out in paragraphs 58 and 109 of the NPPF.

## 5.0 Impact on the Historic Environment

5.1 Policy DC17 seeks to ensure that new development will preserve or enhance the character, appearance and setting of Conservation Areas, Scheduled Monuments, Historic Parks and Gardens and other areas of historic interest. 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.

5.2 Any decisions relating to listed buildings and their settings and conservation areas must address the statutory considerations of the Planning, (Listed Buildings and Conservation Areas), Act 1990, (in particular sections 16, 66 and 72), as well as satisfying the relevant policies within the National Planning Policy Framework and the Development Plan. National policy states 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. Core Strategy Policy DC17 seeks to ensure that new development preserves and enhances the character, appearance and setting of conservation areas and listed buildings.

5.3 The significance of the listed building derives principally from its historic fabric and architectural features.

5.4 The site is immediately opposite Rose Farmhouse and its associated former farm buildings. The farmhouse is Grade II Listed and this dictates that the adjacent pre 1948 former farm buildings are curtilage listed, all of which are, therefore, designated heritage assets.

5.5 Development that affects the setting of listed buildings must be subject to a comprehensive assessment with regard to the impact upon the integrity and appearance of the buildings, as required, in particular, by paragraph 128 of the NPPF. Furthermore, design proposals should ideally be formulated following an appropriate level of contextual analysis, to ensure that they offer an appropriate response to both the immediate and the wider context; this has not been demonstrated by the current design proposals.

5.6 In response to the reason for refusal, the applicant's agent advised "On the opposite corner of Bow Street is Rose Farm House which is Grade II listed facing out toward the Hingham Road, a cluster of barns and other outbuildings lie to the North at the rear of the Farm House forming part of the listed curtilage, such buildings face inwards to the site and are in a state of disrepair, proposals are currently in planning for redevelopment of said barns. In our opinion the impact of our proposed development on the setting of a listed building is negligible; furthermore our site is surrounded by a margin of semi mature trees that naturally screen development from view".

5.7 However, this is not backed up with details or the required assessment and it has not, therefore, been satisfactorily demonstrated that the proposal would not lead to loss of significance of the applicable designated heritage assets and the proposal has, therefore, not addressed the second reason for refusal on 3PL/2016/1357/F.

5.8 The proposed development therefore would not be in accordance with Policy DC17 of the Core Strategy, the NPPF and Section 66 of the Planning, (Listed Buildings and Conservation Areas), Act 1990.

6.0 Access and Highway Impact.

6.1 Policy DC19 sets out the car parking requirements.

6.2 Paragraph 34 of the NPPF seeks to ensure that the need to travel will be minimised and the use of sustainable transport modes will be maximised.

6.3 The proposal incorporates 16 car parking spaces, equating to four per house, which is above the threshold but acceptable.

6.4 An off-site footway is proposed if planning permission is granted for the houses, for which the applicant's agent states, "The applicant has not applied for the four new houses in isolation, the objective of the proposal is also to establish a much needed footway to the village to benefit the many existing residents already in the vicinity. The proposed footway starting at the proposed site entrance provides in excess of 550 metres of safe pedestrian access to link this established dormitory, (currently outside the defined envelope), to the school, bus stop, post office, shop, pub and restaurant as well as the village church and chapel. A number of site photos are included in the vulnerable end use report and a further collection of offsite photos have also been provided by the applicant for the reference of the planning committee members" and that "Prior to submission of the application, the applicant consulted with NCC Highways whose response indicates the benefit to the village in respect of the proposed footway vastly outweighs the impact the small development has. All highways improvements works shall be carried out to highways approval including new crossover access from Bow Street to the site including 43m vision splays, plus all off site footway and crossing provisions".

6.5 The Highway Authority was consulted and advised that the site is located to the north of the main settlement some 900m from the primary school and around 1.2km from the village shop. In the vicinity of the site, Bow Street allows a two-way flow of vehicular traffic and is considered acceptable to cater for the

additional level of traffic proposed. No adequate walking route currently exists between Bow Street and the nearest provision on Attleborough Road is approximately 500m to south. As part of this application, the applicant proposes providing a footway between the site and the existing provision. On that basis, given the size of the proposal, together with the benefit a footway would provide to other residents in the vicinity, the Highway Authority would have difficulty in substantiating a Highway objection and recommend conditions if permission is granted.

## 7.0 Impact on Amenity

7.1 DC01 seeks to protect residential amenity.

7.2 The layout submitted with the application illustrates a scheme with four detached dwellings on land to the north of the corner of Bow Street and Hingham Road. It is considered that the site could satisfactorily accommodate the proposed development with no detrimental harm caused to amenity of existing and neighbouring residents.

7.3 As a result, the proposal complies with Policy DC01.

## 8.0 Impact on Trees

8.1 Policy DC12 seeks the protection of the district's trees and hedgerows.

8.2 The applicant's agent, in the additional information, states that, "The trees on the periphery of proposed development site are now subject to a tree preservation order and the applicant has no wish to further remove trees on site, however, those that are scheduled for removal for access and development are multi stem and self sown category B trees for which the loss is to be mitigated elsewhere on site as set out in the Arboriculture Impact Assessment, which formed part of the original submission".

8.3 The Tree and Countryside Consultant was consulted on the application and advised that the trees around the boundaries of the site are subject to Tree Preservation Order 2016 Number 12, (unconfirmed). The proposed dwellings will experience prolonged levels of shade, this, as well as other issues relating to the proximity of trees to dwellings such as leaf drop, falling debris, apprehension to occupiers etc, is likely to put future pressure on removal, or heavy pruning of trees and is, therefore, not acceptable.

8.4 This was raised in the previous application and the additional paragraph cited does not address the issues raised. As a result, the third reason for refusal on 3PL/2016/1357/F has not been addressed. The proposal, therefore, conflicts with Core Strategy Policies DC12 and the policies set out in paragraph 109 of the NPPF.

## 9.0 Other Matters

9.1 Two recent appeal decisions have made reference to the Local Planning Authority not being able to

robustly demonstrate that it has a five year housing land supply. These appeal decisions are material planning considerations in the determination of this application. The inspector, at a hearing appeal, stated that the most appropriate vehicle for determining strategic housing land supply issues such as evidence base, the Liverpool v Sedgefield method for calculating five year supply and the Objectively Assessed Housing Need, (OAN), is during an examination of a Local Plan. As set out in Section 38(6) of the Planning and Compulsory Purchase Act, (2004) and the NPPF, the determination of planning applications must be made in accordance with the development plan, unless material considerations indicate otherwise. Following on from this, 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.

9.2 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".

9.3 In the most recent appeal the Inspector stated that "the RSS based target, (as set out in the adopted Core Strategy), now significantly predates the emerging OAN approach advocated by the Council and that the OAN approach has been accepted by other Inspectors. I am also mindful that the emerging plan is still at a very early stage and to reach a conclusion on whether Liverpool or Sedgefield is most appropriate in this case would require me to make early assumptions in relation to the timescale for the longer term delivery of Strategic Urban Allocations, which I am reluctant to do".

9.4 It is the Council's opinion that the Central Norfolk Strategic Housing Market Assessment, (2015), the Council's latest assessment of housing need, is a material planning consideration, which clearly sets out the position with regards to these matters and is an up to date assessment which should be afforded maximum weight. This document sets out that, using the OAN and either methodology for calculating five year supply, the Council can demonstrate a five year supply of housing land.

9.5 The inspector did state that the decision of which method to apply does relate to assumptions regarding the timescales for the delivery of the Strategic Urban Extensions, (SUEs). Work is continuing between the local authority and developers of the SUEs to reflect their future projections. These will be used in any update to the five year supply position.

9.6 Finally, the Inspector stated that she "could not confidently conclude that a five year supply has been demonstrated" and decided to apply "substantial weight" to the contribution that the proposal would make to 'housing supply'. Based on the information and evidence as set out above, at this time, the Council does considered it can robustly demonstrate a five year land supply and due weight can be given to relevant policies for the supply of housing, which can be considered up-to-date. On this basis the recent appeals should only been afforded limited weight.

9.7 Notwithstanding the above, a new Strategic Housing Market Assessment, (SHMA), is due to be published following the publication of this agenda. The publication of this document may result in the requirement for officers to change their advice with regards to five year housing land supply. Officers will update members with regards to this matter at the Planning Committee meeting.

## 10.0 Conclusion

10.1 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 any Settlement Boundary, the proposed development would conflict with policies SS1, CP14 and DC02 of the Core Strategy, which set out the approach to directing housing developments in the district and which are considered to carry significant weight. Therefore, it is necessary to consider whether any such material considerations, including national planning policy, which would justify a departure from policy.

10.2 Whilst the proposal would provide for four new dwellings, these would be located contrary to the policies set out in the adopted core strategy designed to provide for sustainable housing growth in the district. It is concluded that the benefit of the provision of the footpath associated with the proposed dwellings would not significantly and demonstrably outweigh the harm caused by the development being contrary to core policies in the development plan, taking into account the development plan and the policies of the NPPF as a whole.

10.3 It is acknowledged that the provision of the footpath could be viewed as a benefit but it does not outweigh the harm caused by the proposed development. The additional information received does not address the previous reasons for refusal and there are no exceptional circumstances to grant planning permission. As a result, planning permission is recommended for refusal for the following reasons:

- a) The site is outside any settlement boundary and the proposed development is contrary to policies SS1, CP14, and DC02 of the Adopted Breckland Core strategy and Development Control Policies Development Plan Document and as a result the proposals would not form sustainable development. Furthermore there are no material considerations that would outweigh the harm caused and the proposal would be contrary to the policies contained within the National Planning Policy Framework, in particular paragraphs 12, 14, 17.
- b) The proposed development would have an adverse impact on the setting of the adjacent listed buildings and the applicant has not provided evidence that fully assesses the impact of the development on heritage assets, or demonstrated that public benefits exist that would outweigh this harm. The proposal is contrary to Policy DC17 of the Adopted Breckland Core Strategy Development Control Policies Development Plan Document, the National Planning Policy Framework and Section 66 of the Planning, (Listed Buildings and Conservation Areas), Act 1990.
- c) The proposed four houses are not of an exceptional design that would outweigh the balance to approve planning permission. The design is more akin to an estate-style homes and out of keeping with the character and appearance of the limited houses within the vicinity. As a result, the proposal does not comply with Policy DC16 of the Adopted Core Strategy Development Control Policies Development Plan Document and, in particular paragraphs 55 and 64 of the National Planning Policy Framework.
- d) The application as submitted provides insufficient details to demonstrate that the proposal would not result in the loss of, or the deterioration in the quality of, important natural features within the application site. The

proposed development is therefore contrary to Policy DC12 of the Adopted Core Strategy and Development Control Policies Development Plan Document, (2009) and paragraph 109 of the National Planning Policy Framework.

**RECOMMENDATION**

**Refusal of Planning Permission**

**REASON(S) FOR REFUSAL**

9900	Non-std reason for refusal
9902	Non-std reason for refusal
9904	Non-std reason for refusal
9906	Non-std reason for refusal
2009	Criterion E - Planning Apps Where Refused

<b>ITEM:</b> 5	<b>RECOMMENDATION:</b> APPROVAL
<b>REF NO:</b> 3PL/2017/0438/F	<b>CASE OFFICER</b> Rebecca Collins
<b>LOCATION:</b> CASTON Land adjacent Walnut Tree Cottage Attleborough Road	<b>APPNTYPE:</b> Full <b>POLICY:</b> Out Settlement Bndry <b>ALLOCATION:</b> N <b>CONS AREA:</b> N <b>LB GRADE:</b> N <b>TPO:</b> N
<b>APPLICANT:</b> Ricco Fabio Ltd Lakeside House Fakenham Road	
<b>AGENT:</b> Andrew P R Love architecture.design.planning ltd Cherry Tree Farm Wymondham Road	
<b>PROPOSAL:</b> Erection of four detached dwellings with detached garages and carports	

#### KEY ISSUES

Principle of development  
Impact on character and appearance of the area  
Amenity  
Highway safety  
Trees  
Ecology  
Flood Risk and Drainage  
Other matters  
Conclusion

#### DESCRIPTION OF DEVELOPMENT

This full application proposes the residential development of the site to provide four detached dwellings, access and garaging / carports. The proposed dwellings include two storey houses. The site is to be cleared of vegetation and trees and hedgerows at the edges of the site retained. Access to the site would be via a newly constructed private drive off Attleborough Road. Dwellings would be constructed in facing bricks/render/flint panels with traditional pantiles / slates to the roofs.

#### SITE AND LOCATION

The application site is located at the eastern end of the village outside but adjacent to the defined settlement boundary. The overall site area is approximately 0.43 hectares and comprises paddock / grassland with overgrown shrubs and bushes across the site and more mature trees on its boundaries. Beyond the site to the east is a stream, and as a consequence part of the site lies within Flood Zones 2 and 3.

#### EIA REQUIRED

No

### RELEVANT SITE HISTORY

3PL/2002/0374/O - Erection of 2 dwellings - Refused June 2002. Appeal dismissed.  
3PL/2006/0018/O - Residential development of 8 dwellings - Withdrawn.  
3PL/2015/0147/F - Four detached dwellings, access and garaging - Approved.  
3PL/2016/1532 - Erection of 5 dwellings - Withdrawn.

### POLICY CONSIDERATIONS

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

CP.01	Housing
CP.04	Infrastructure
CP.05	Developer Obligations
CP.10	Natural Environment
CP.12	Energy
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.04	Affordable Housing Principles
DC.12	Trees and Landscape
DC.13	Flood Risk
DC.16	Design
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

### OBLIGATIONS/CIL

The application site exceeds the 0.17 ha as set out in Policy DC04 of the adopted Core Strategy and therefore could trigger a S106 Agreement for affordable housing. However, there is no requirement for affordable housing at this time and this is further explained in the officers report, below.

### CONSULTATIONS

#### CASTON P C

Support the application provided the dwellings are connected to mains sewage and drainage; the overlooking of properties to the west should be avoided through the removal of windows on the facing elevations; bat and

birds boxes should be incorporated; and a flint wall be incorporated to the front of plots 1 and 2 with softer landscaping to the roadside.

**NORFOLK COUNTY COUNCIL HIGHWAYS**

No objection subject to conditions with regards to access, parking and turning provision, avoiding surface water drainage onto the highway and visibility splays.

**ENVIRONMENTAL HEALTH OFFICERS**

No objections on the basis that each plot has its own package treatment plant for the disposal of foul water, should the dwellings have a shared treatment plant then conditions would be required to ensure maintenance and ownership rights are clear.

**CONTAMINATED LAND OFFICER**

No comments subject to a condition with regards to unexpected contamination.

**ENVIRONMENT AGENCY**

No objection.

**TREE AND COUNTRYSIDE CONSULTANT**

Previously raised concerns with regards to the positioning of plot 2 and its proximity to an ash tree. The amended plans have addressed this concern to the satisfaction of the tree officer.

**FLOOD & WATER MANAGEMENT TEAM**

Refer to standing advice.

**ECOLOGICAL AND BIODIVERSITY CONSULTANT**

Initially raised concerns with regards to the ecological survey. Further information has been submitted and the application is considered acceptable with regards to ecology subject to a condition with regards to construction and ground clearance works.

**HOUSING ENABLING OFFICER**

If the Gross Internal Area (GIA) is actually below 1km<sup>2</sup>, then no affordable housing contribution is required. However, given how close the declared GIA is to 1,000m<sup>2</sup>, I feel we would be justified in undertaking monitoring to ensure that what is built reflects the plans.

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

**REPRESENTATIONS**

Two letters have been received in response to the consultation. One raising observations from the neighbouring property to west of the application site. They stated that the proposals will overlook their property and garden and affect privacy.

A further letter has been received, not objecting to the principle of dwellings on this site but on highway safety grounds as the proposed access exits onto a corner.

**ASSESSMENT NOTES**

**1.0 Principle of development**

**1.1** The application site is located outside the defined settlement boundary. For this reason the proposal

conflicts in principle with Policies DC02 and CP14 of the Core Strategy and Development Control Policies Development Plan Document, (2009), which seek to focus new housing within defined Settlement Boundaries. However, extant consent for this site exists for the granting of four dwellings and on this basis the principle of development has been established by the granting of this consent.

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

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

2.2 The previously approved scheme for this site consisted of four dwellings two chalet bungalows and two dwellings. The scheme had a significantly reduced footprint to that of the proposed scheme, however, the dwellings lacked architectural merit and given the principle established by their granting it is considered that there is an opportunity to improve the quality of the design of the site and therefore the impact on the character and appearance of the area through the creation of gateway site into Caston.

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

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

2.5 One of the four 'development considerations' set out in the LCA is to ensure that new development reflects the existing 'material and stylistic vernacular' within settlements and that their individual and separate identities are preserved. The proposal is for four large dwellings. At this end of the village development is sparsely located and comprises of a variety of housing types. Adjacent to the site is Walnut Tree Cottage, a single storey white rendered dwelling. The proposal would have significantly higher ridge and eaves heights to that of the neighbouring property and those further along the street heading west, as well as much larger footprints. The applicants state that the dwellings have been design to reflect local Norfolk vernacular with forward projecting gables, flint insets and detailing.

2.6 Concerns were raised with the applicants with regards to the original plans submitted, these related to scale, layout and design of the dwellings proposed. Some changes have been made and amended plans submitted. It is still considered that the scale of dwellings is out of character with the traditional vernacular of the village. The proposed layout does not reflect the traditional building line, which traditionally is either well set back from the highway with large green frontages or abutting it. However, the design of the frontage dwellings, as amended, is much improved with narrower projecting front gables. The front elevation of plots 1 and 2 could have been improved through the removal of the canopy porch and use of regular fenestration. The dwellings to the rear are significant in size and bulk, however, views to these properties will largely be blocked by plots 1 and 2. Garages within the site have also been moved to have less highway presence.

2.7 The proposals although not completely reflective of the existing built form at this edge of village location in terms of scale and positioning along the building line, it is an improvement on what was previously permitted, the removal of such an expanse of tarmac off the Attleborough Road would improve the street scene and the new properties will create an 'entrance' to the village even if the size and scale of them is not typical to local vernacular. The applicants propose traditional materials and subject to the use of these as well as good quality landscaping then the application, on balance is deemed acceptable.

2.8 The Parish Council have requested a wall and landscaping to the front boundary of the site. The exact boundary details will be conditioned, as well as the landscaping.

2.9 On balance, the proposal is considered an improvement to that previously approved and subject to the proposed amends, the use of good quality materials and landscaping, it is not considered to significantly harm the character of the area, in accordance with adopted Core Strategy Policies CP11, DC01 and DC16 and paragraphs 59 and 63 of the NPPF.

### 3.0 Amenity

3.1 The site is bounded by existing development to the west. The neighbouring property and the Parish Council have raised concerns with regards to overlooking and loss of privacy from windows facing the property to the west. The applicant has amended the plans and removed first floor and above windows which face the property to the west. The submitted layout shows that the proposed dwellings can be accommodated successfully without significantly harming the amenities of future neighbouring properties. On this basis the proposal has adequately demonstrated that the proposal accords with the requirements of Core Strategy Policy DC01.

### 4.0 Highway Safety

4.1 Access to the site is via a newly created access off the Attleborough Road. Despite the concerns raised by the objector, the junction has been sited to allow for adequate visibility splays and no objection has been raised by the Highway Authority subject to the imposition of conditions. Therefore, subject to conditions with regards to provision of the access, car parking and turning, protection of the highway from surface water run off and the provision of appropriate visibility splays, then the scheme is considered acceptable in terms of highway safety and in accordance with CP04 of the adopted Core Strategy.

## 5.0 Trees

5.1 Initially the tree officer raised concerns with regard to the proximity of plot 2 to an existing Ash Tree, to be retained. The layout has been amended so as plot 2 has been moved away from the canopy of the Ash tree and on this basis the tree officer has withdrawn their objection. The applicant has submitted with the application a tree survey which states how trees and hedgerows at the boundaries of the site would be protected. Subject to conditions, the application is therefore considered in accordance with policy DC12 of the adopted Core Strategy.

## 6.0 Ecology

6.1 A full ecological appraisal has been submitted with the application, however, it was dated December 2015 with surveys undertaken in March 2015. Initially the ecologist had concerns that the ecology information submitted could be out of date and further information has subsequently been provided. This information has addressed the ecologist concerns and they raise no objection to the application subject to the imposition of conditions with regards to construction works. On this basis the proposals are considered in accordance with Policy 11 of the NPPF and CP10 of the adopted Core Strategy.

## 7.0 Flood Risk / Drainage

7.1 Although part of the site is within Flood Zones 2 and 3, the Flood Risk Assessment submitted has adequately demonstrated that any proposed development would be outside of these areas, (in Flood Zone 1). The Environment Agency and LLFA raise no objection to the application, which is considered to accord with paragraph 9 of the Technical Guide to the NPPF and adopted Core Strategy policy DC13. Conditions will be appended to any permission requiring precise details of foul and surface water drainage and this would address the Parish Councils comments in this regard.

## 8.0 Other matters

### 8.1 Planning Obligations

8.2 Policy DC04 of the adopted Core Strategy states that 40% affordable housing should be provided on developments of more than 5 dwellings or if the application site comprises an area of 0.17ha or larger. The development exceeds 0.17ha in size. The previous permission for the site, for four dwellings was granted without a contribution for affordable housing. Subsequent to adopting the Core Strategy for Breckland, a ministerial statement was released advising that contributions for affordable housing could not be sought on developments of 10 dwellings or less or developments 1000sqm gross internal area, (GIA). The application states that the development comprises of 999.20sqm GIA. On this basis, Housing have confirmed that no request for affordable housing can be made. However, if the application was to be amended and house types changed resulting in an increase of GIA then this may trigger the requirement for affordable housing, this would include the infilling of the car ports or porches proposed.

## 9.0 Conclusion

9.1 Despite the concerns raised with regards to design and character of the area, it is not considered that the proposed dwellings would cause significant harm to the character and appearance of the area, subject to the proposed amendments nor would the proposal cause significant harm to the amenities of neighbouring properties. On balance, it is concluded that the adverse impacts of the proposal would not significantly and demonstrably outweigh its benefits of improving a gateway site at the entrance to the village in comparison to the scheme previously approved. The application therefore accords with Policies CP11, DC16 of the Core Strategy and paragraphs 7, 8, 12, 49, 58, 59 and 64 of the NPPF. Consequently, the application is recommended for approval.

**RECOMMENDATION**

**Planning Permission**

**CONDITIONS**

<b>3006</b>	Reduced time limit (2 years)	
<b>3047A</b>	In accordance with submitted plans NEW 2017	
<b>3214</b>	Obscure glass	
<b>PD01</b>	No additional windows at first floor	
<b>3302</b>	No P.D. for extensions, roof alterations, porches	
<b>3250</b>	In accordance with ecological mitigation	
<b>CL03</b>	Unexpected Contamination	
<b>9850</b>	Non-std NOTE - Highways	
<b>4000</b>	Variation of approved plans	
<b>3996</b>	Note - Discharge of Conditions	
<b>2001</b>	Application Approved Following Revisions	
<b>2014</b>	Criterion E - Planning Apps Where Approved	
<b>3106</b>	External materials and samples to be approved	This condition will require to be discharged
<b>3140</b>	Prior approval of slab level	This condition will require to be discharged
<b>3402</b>	Boundary screening to be agreed	This condition will require to be discharged
<b>3408</b>	Landscaping - details and implementation	This condition will require to be discharged
<b>3414</b>	Fencing protection for existing trees	This condition will require to be discharged
<b>HA08</b>	New access - construction over verge	This condition will require to be discharged
<b>HA20</b>	Provision of visibility splays - conditioned	This condition will require to be discharged
<b>HA24</b>	Provision of parking and servicing - when shown on plan	This condition will require to be discharged
<b>3802</b>	Precise details of surface water disposal	This condition will require to be discharged