

BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th September 2017

Item No.	Applicant	Parish	Reference No.
1	E Howell & Sons	FOXLEY	3PL/2017/0116/O
2	Peilamay Properties Ltd	SWAFFHAM	3PL/2017/0314/F
3	Mr & Mrs Johnson	BINTREE	3PL/2017/0695/F
4	Mr & Mrs R Croft	ATTLEBOROUGH	3PL/2017/0900/F
5	Mr M McManus	NORTH LOPHAM	3PL/2017/0909/F
6	Mr Stephen Thorley	OLD BUCKENHAM	3PL/2017/0927/F
7	Norfolk Holdings Limited	NORTH TUDDENHAM	3PL/2017/0928/F
8	Mr D Brock	NORTH LOPHAM	3PL/2017/0966/O

ITEM: 1	RECOMMENDATION: REFUSAL
REF NO: 3PL/2017/0116/O	CASE OFFICER Chris Hobson
LOCATION: FOXLEY Old Fakenham Road	APPNTYPE: Outline
	POLICY: Out Settlemnt Bndry
	ALLOCATION: N
	CONS AREA: N
APPLICANT: E Howell & Sons Tower Farm Bintree	LB GRADE: N
AGENT: Strutt & Parker LLP 4 Upper King Street Norwich	TPO: N
PROPOSAL: Outline application for 18 dwellings with associated gardens, private drives & public open spaces	

REASON FOR COMMITTEE CONSIDERATION

The application is for a major development located outside the settlement boundary, and has been requested to be considered by the Planning Committee by a ward member.

KEY ISSUES

The main issues that need to be considered are:

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

DESCRIPTION OF DEVELOPMENT

The application seeks outline planning permission with all matters reserved for the erection of 18 dwellings and associated access, parking, landscaping and open space. Indicative details have been submitted showing a mix of two, three and four bedroom houses. It is proposed that 12 of these would be market houses with 6 being affordable. An area of public open space is shown in the southwest corner of the site with a single vehicular access provided off Old Fakenham Road centrally located along the northern boundary of the site.

The application has been amended during the lifetime of the application to reduce the number of dwellings from 24 to 18, and amend the internal layout of the development. The proposals also include off-site highway

improvements including a widened footpath along Old Fakenham Road, upgraded pedestrian crossing arrangements over Norwich/Fakenham Road, and improvements to footpath and pedestrian crossing facilities along Foxley Road.

SITE AND LOCATION

The application site comprises an irregular shaped parcel of land located at the junction of Old Fakenham Road, and the A1067 (Norwich to Fakenham Road). The site extends to approximately 1.14 hectares and comprises a relatively flat open field with semi-mature trees to the perimeter. The site faces two storey dwellings to the north, with an Anglia Water substation located immediately to the west with single and two storey dwellings located further west. The site borders open fields to the south, a nursery complex and open fields are located beyond the A1067 to the east and a small poultry farm is located to the southwest.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2007/1124/F - Construction of 14 no. new 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

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

National Planning Policy Framework (NPPF)

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

National Planning Practice Guidance (NPPG)

OBLIGATIONS/CIL

A section 106 agreement would be required to secure the provision of affordable housing, provision and maintenance of on site open space, and financial contribution towards library provision in the locality.

CONSULTATIONS

COMMENTS FROM RESIDENTS AT FOXLEY PARISH COUNCIL MEETING

Councillors voted 3 to 1 against the proposed development, with the following issues and concerns being raised:

- Proposed development is outside the village development boundary and therefore contrary to the Breckland Development Plan. We understand that Breckland now has a 5-year land supply as required by the National Planning Policy Framework and therefore this site should not need to be considered.
- Site is remote from local services, schooling and public transport and would not accord with the core planning principle in Paragraph 17 of the National Planning Framework.
- Significant change to the character and appearance of the site and would result in a significant harmful intrusion into the surrounding open countryside.
- Lack of need for new housing.
- Development would increase houses in Foxley by 17.7%
- Bats present on site.
- Lack of childrens play facilities on site.
- Close proximity to intensive poultry farm.
- Impact of additional traffic on surrounding area.
- Lack of facilities in Foxley.
- Impact on capacity of existing infrastructure particularly local schools and surgeries.
- Size of development not in keeping with the village.

The following comments were made in support:

- Village needs more people which may support more services.
- It appears proposals are of acceptable density.
- Provide housing for younger generation.

HISTORIC ENVIRONMENT SERVICE

No objections subject to conditions.

ENVIRONMENT AGENCY

No objections subject to conditions.

ANGLIAN WATER SERVICE

The foul drainage from this development is in the catchment of Bylaugh Water Recycling Centre that will have available capacity for these flows. The sewerage system at present has available capacity for these flows via a gravity.

Anglian Water consider that dwellings located within 15 metres of the pumping station would place them at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the

normal operation of the pumping station. The site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, through public space or highway infrastructure to ensure that no development within 15 metres from the boundary of a sewage pumping station if the development is potentially sensitive to noise or other disturbance or to ensure future amenity issues are not created.

FLOOD & WATER MANAGEMENT TEAM

No objections subject to conditions.

TREE AND COUNTRYSIDE CONSULTANT

No objections subject to detailed tree protection measures being provided.

NATURAL ENGLAND

No comments to make.

BAWDESWELL PARISH COUNCIL

Object as this application as this development will still place a further strain on Bawdeswell's existing infrastructure. The Primary School is already oversubscribed.

NORFOLK COUNTY COUNCIL HIGHWAYS

No objections subject to conditions.

OBLIGATIONS OFFICER, NORFOLK COUNTY COUNCIL

The proposed development would need to provide financial contributions towards local library service provision, on site fire hydrants.

HOUSING ENABLING OFFICER

The site area and number of dwellings proposed trigger the thresholds of the Council's affordable housing policy as per DC4 of the Council's Adopted Core Strategy and Development Control Policies Development Plan Document. At present a 40% provision is required on sites capable of accommodating 5 or more dwellings and/or 0.17ha. This is then further split into 65% being made available for rent and 35% for shared ownership, shared equity or any other intermediate product that meets the intermediate definition within NPPF, meets an identified need in the District and is agreed by the Council.

CONTAMINATED LAND OFFICER

No objections subject to conditions.

ENVIRONMENTAL HEALTH OFFICERS

Object to the proposed development due to the residential dwellings being subject to significant environmental concern in terms of odour, noise and potentially flies associated to the intensive poultry units situated 93 metres from the nearest proposed dwelling.

If approved the following conditions should be added:

- Surface water and foul water drainage scheme to be approved.
- Scheme for protecting proposed dwellings and gardens from noise from Poultry farm to be approved.

NORFOLK WILDLIFE TRUST

No Comments Received

NORFOLK RIVERS INTERNAL DRAINAGE BOARD

No Comments Received

REPRESENTATIONS

The Council has received in excess of 20 letters of objection from separate residents in the locality raising the following issues and concerns:

- Located outside the village boundary.
- No need for development in Foxley.
- Development too large for the village.
- No facilities in Foxley.
- Impact on character of village.
- Concerns regarding the impact of additional traffic, increased congestion, detrimental impact on highway safety.
- Impacts on education provision in local area which is already at capacity.
- Impact on health provision locally with no capacity at local surgeries.
- Proximity of dwellings and open space to poultry farm.
- Substantial development already permitted in nearby Bawdeswell.
- Impact on sewage plant.
- Impact on amenity.

The Council has received 4 separate representations of support highlighting the following:

- The proposals would provide much needed affordable housing in the local area.

ASSESSMENT NOTES

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

2.0 Principle of development

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

2.2 The site is located outside any settlement boundary in an area of open countryside on the edge of the rural village of Foxley, (as defined by policies SS1, CP01 and CP14 of the Core Strategy and Development Control Policies Development Plan Document 2009), where development is heavily restricted. The proposed development would therefore conflict with the objectives of policies CP01, CP14 and DC02 of the development plan.

2.3 Paragraph 47 of the NPPF states 'housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites'. As the Council can no longer demonstrate an up to date five year housing land supply, policies SS1, DC02 and CP14 can not be given significant weight in the decision making process. The application is therefore assessed against the benefits provided in relation to the sustainable development tests as set out in the NPPF.

2.4 The NPPF defines sustainable development in broad terms by reference to economic, social and environmental considerations and indicates that planning should seek gains in relation to each element. The provision of housing to meet local needs is identified as a key component of sustainable development and in this respect the NPPF seeks to boost significantly the supply of housing. The conservation of the natural environment is also central to the NPPF, including protecting valued landscapes and minimising effects on biodiversity. In order to promote sustainable development in rural areas, the NPPF indicates that housing should be located where it will enhance or maintain the vitality of local communities.

2.5 The village of Foxley is located within a rural area to the north east of the District and is defined as a rural settlement within the current Core Strategy. Such settlements have few or no local services and as a result are not capable of sustaining consequential growth being reliant on higher order settlements for services and facilities. Therefore, such settlements will only provide nominal housing and employment growth during the plan period where local capacity allows. Furthermore, it is noted that the role and function of Foxley is not proposed to change within the emerging plan currently under consultation. Foxley has no facilities and amenities other than a church and village hall. There is a bus stop in Foxley which provides hourly services to Norwich and Fakenham.

2.8 Nearby Bawdeswell to the southeast is similarly identified in the Council's Spatial Strategy as a rural settlement which is not allocated for significant expansion within the Core Strategy. The village does though have a local school, public house, convenience shop, garden centre, cafe and shop and community facilities including a recreation ground and community centre, all within walking and cycling distance of the site. As a result Bawdeswell has been designated as a Local Service Centre within the emerging plan.

2.9 Although outside the defined settlement boundary, the proposed development would be closely related to the built form of Foxley located to the north and west and be immediately adjacent to the Fakenham Road (A1067) to the east. Therefore, the proposals would be located in a distinctly rural but accessible location and would not result in an isolated development in the countryside.

2.10 It is noted that the new households would provide some economic support for existing shops and facilities and contribute to the vitality of the local community and public transport would be available to them. The construction of the development would also have some short-term economic benefits. The development would thus be consistent with paragraph 55 of the NPPF which states that, housing should be located where it will maintain or enhance the vitality of existing communities, and notes that where there are groups of smaller settlements, development in one village may support services in a village nearby.

2.11 The provision of up to 18 dwellings would provide a notable contribution towards providing housing, particularly in light of the current shortfall in the provision of housing land in the District and this therefore weighs in favour of the proposal.

2.12 The proposal would also provide for 6 affordable dwellings which equates to 33% of the total. However, Core Strategy Policy DC04 requires that to meet District housing needs the Council will require 40% of the total number of housing units to be provided and maintained as affordable housing within new residential development on such sites. An additional affordable unit would need to be provided in order to accord with

the requirements of Core Strategy Policy DC04. It is noted that policy DC4 does allow for a reduced provision where it has been demonstrated that the development could not reasonably be expected to bear the full requirements, and that paragraph 205 of the NPPF requires that local planning authorities should take account of changes in market conditions over time and wherever appropriate, be sufficiently flexible to prevent planned development being stalled. However, no such evidence has been provided and therefore the proposals would conflict with policy DC4, which weighs against the proposals and therefore the benefits of affordable housing provision have not been given significant weight.

2.13 In terms of availability and delivery, Paragraph 47 of the NPPF requires new sites for housing development to be deliverable, which is defined as being available now, suitable in terms of location and be achievable in respect of housing being developed on the site within the next five years. The application is submitted in outline with all matters reserved, and therefore any delivery would be dependent on further applications being submitted and developer being found. However, there is nothing to suggest that there are any technical constraints which would prevent the development coming forward.

3.0 Character and impact on surrounding area and landscape

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

3.2 The Council's Landscape Character Assessment Settlement Fringe Study, (2007), indicates that the landscape is within the 'Mid Norfolk' character area 84. The Breckland District Landscape Character Assessment, (2007), indicates that the site is within River Wensum and Tud Settled Tributary Farmland Character Area, where there is a gently undulating topography, tree and wooded skylines, hedged roads and lanes, fields bordered by hedges and hedgerow trees, small blocks of woodland, and where there are dispersed farmsteads and hamlets, with larger villages being nucleated or linear that form key landscape character features. This also notes that small scale vernacular settlements are fundamental to the character of the landscape.

3.3 With respect to scale and height, it is noted that there are a mixture of dwelling heights and forms in the wider locality and the proposals of predominantly two storeys in height would not appear out of place within the surrounding area. The indicative density of 16 dwellings per hectare would also not be out of keeping with the prevailing levels seen in the surrounding area.

3.4 However, the site is in a prominent location adjacent to an important well used vehicular route between Norwich and Fakenham. The route is characterised by open countryside with sporadic settlement forms along its edges and regular expanses of open fields and woodland. The proposed scheme by way of the amount of development would represent a substantial addition to a small village which has grown in piecemeal manner along the road edges. The open aspect of the site from the neighbouring dwellings to the north, the A1067 and adjacent footpath running immediately to the north would be eroded. Whilst tree planting to the perimeters would mitigate to an extent the immediate visual impact of the proposals, the form

and character of the residential development would not be consistent with the character of the area immediately to the north and west of the site and the limited ribbon pattern of development characterising Foxley and its environs. The surrounding built form of the village is limited to linear frontage development only, reflecting its piecemeal growth. However, in comparison the proposals would by way of the number, layout and subsequent depth of built form would introduce a small estate of urban form at odds with the simple rural character and grain of the village.

3.5 It is considered therefore, that the proposals by way of the number, form and character would not be compatible with the established pattern of the village and built form. The proposals would therefore fail to reflect its context and improve the character and appearance of the surrounding area. Therefore, the application proposal would not conflict therefore with Core Strategy Policies CP11, DC02 or DC16, nor with the guidance in paragraphs 58 and 109 of the NPPF.

4.0 Highway Safety and Traffic Implications

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

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

4.2 The proposed development would provide access for 18 additional dwellings off Old Fakenham Road which would connect immediately into the A1067 to the east which provide access to Norwich to the southeast and Fakenham to the northwest. Each of the dwellings as indicated would have access to adequate on site parking provision. With regards to traffic generation, given the number of dwellings proposed the proposal will inevitably result in additional vehicular traffic on the immediate surrounding highway network. The concerns raised by surrounding residents and the Parish Council with respect to existing infrastructure and congestion and the implications of additional traffic on the network are noted. In this regard paragraph 32 of the NPPF, set out the relevant test and states that, 'development should only be refused on transport grounds, where the residual cumulative impacts of development are severe'.

4.3 Following requests from the Highways Authority amendments have been made to provide for improved pedestrian connectivity to the east. The Highway Authority have subsequently raised no objections to the proposed development.

4.4 Having regard to the evidence submitted and the comments of the Highways Authority, it is considered that the proposals would not give rise to severe adverse highway impacts. Conditions could be included to

secure the submission of a scheme for off-site highway works and their undertaking in accordance with an agreement with the Highways Authority under Section 278 of the Highways Act.

5.0 Amenity considerations

5.1 The proposals would alter the open outlook from the front of the neighbouring properties to the north. However, the proposed dwellings would retain adequate separation distances to those properties along Old Fakenham Road to the north, and also to the dwellings to the west and as a result would not have an overbearing effect on adjacent dwellings or cause undue overlooking or overshadowing. The provision of landscaping and planting along the site boundaries together with appropriate fencing would ensure sufficient privacy screens would be provided.

5.2 Having regard to the indicative layout of the dwellings proposed it is considered that it has been demonstrated that the proposals could provide for an acceptable environment for future occupants with each of the dwellings having adequate amount of private amenity space and levels of outlook and daylight for each dwelling and its future occupants. The indicative layout also demonstrates that a 15 metre gap could be provided between the pumping station and nearest proposed dwelling in order to avoid unacceptable disturbance being caused to future occupants by the operation of the pumping station.

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

5.4 The Council's Environmental Health Officer has raised objections to the proposed development given the proximity of the proposed dwellings to the poultry farm to the southwest, and potential implications on residents from noise, odour and flies from the farm. Similarly the operators of the adjacent poultry farm have raised objections due to the potential for the new dwellings to compromise the operation of the existing business. Indeed the proposed development would introduce new independent dwellings closer to the existing poultry farm buildings than at present. However, it is noted that there are existing residential properties located to the north of the poultry farm along Old Fakenham Road, and that the Council has no record of complaints being received regarding the existing poultry farm. Subject to the detailed layout siting dwellings away from the southwest corner of the site as indicated and conditions securing the submission and approval of a scheme to appropriately minimise disturbance to the proposed dwellings and gardens, it is not considered that the proposals would compromise the existing farm operation to a significant degree over and above the existing situation.

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

6.0 Flood risk and drainage

6.1 Paragraph 103 of the NPPF stipulates that, when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the sequential test and if required the Exception Test, it can be demonstrated that:

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

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

6.3 With regards to managing surface water flows, the results of percolation tests have informed a preliminary drainage strategy. Following the submission of additional information the lead Local Flood Authority have subsequently raised no objections subject to conditions securing a detailed surface water drainage scheme prior to commencement of development. It is considered that the applicant has demonstrated in principle how surface water drainage will be managed on site without increasing flood risk on the site or elsewhere, in accordance with the NPPF and that Sustainable Drainage Systems for the management of runoff could be satisfactorily provided on site. It is also noted that the Environment Agency raises no objection to the application and that the proposed drainage strategy would not impact significantly on potential groundwater sources and aquifers below the site.

6.4 With respect to foul water drainage it is noted that there is an existing Anglian Water substation immediately to the west of the site and that Anglian Water have confirmed that there would be capacity available for the proposed development and have raised no objection to the application subject to conditions, including a requirement to submit details of the foul water drainage scheme.

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

7.0 Ecology and Arboricultural Implications

7.1 Both Core Strategy Policy CP10 and the NPPF require that development should contribute to a net gain in biodiversity with an emphasis on improving ecological networks and linkages where possible. Furthermore, in order to accord with Section 40 of the 2006 Natural Environment & Rural Communities,

(NERC), Act, paragraph 118 of the 2012 National Planning Policy Framework, (NPPF) and policies CP06, CP08, CP10 and CP11 and of the 2012 Breckland Adopted Core Strategy & Development Control Policies Development Plan, all of which promote the conservation and enhancement of biodiversity through sustainable development.

7.2 With regards to implications on protected sites the site is located approximately 1.5km from the Foxley Wood NNR and the River Wensum SSSI and SAC. Similarly it is not envisaged that given the intervening distance and screening that the resultant population would cause significant impact on Bawdeswell Heath a County Wildlife Site which is approximately 1.2km from the site.

7.3 The application site comprises open grassland with mature hedgerow and tree coverage to the perimeters of the site. The submitted ecology report concludes that there is unlikely to be any significant impacts on voles, otters, reptiles and great crested newts within the site and the habitats within site offer limited potential for such species. Badgers are known to be within the surrounding area and the hedgerows and trees would provide suitable habitat and roost for birds and bats, and it is noted that the proposals would retain these landscape features.

7.4 Comments from the Council's Ecologist are awaited and will be reported to committee. However, subject to conditions to secure a pre-commencement badger survey the approval and implementation of a Biodiversity Enhancement Plan, in addition to the undertaking of best practice measures, restrictions on lighting and necessary ecological mitigation and compensation measures, it is considered that there would be no significant adverse impacts on these statutory and non-statutory designated sites.

7.5 The proposed development would retain the existing hedgerows and trees along the boundaries of the site, and the Tree Officer has raised no objections to the proposals. In order to ensure that measures are implemented to protect the root protection areas and crown spreads of the trees on the site a condition has been recommended requiring the submission of Arboricultural Impact Assessment and Tree Protection Plan.

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

8.0 Other material considerations

Impact on archaeological assets

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

that the archaeological significance of the site is fully understood and subsequently disseminated.

Land contamination

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

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

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

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

10.0 Conclusion

10.1 It is accepted that given the site is located outside of the settlement boundary of Foxley the proposed development would conflict with core policies within the adopted development plan that seek to sustainably manage housing growth, (policies CP14, DC02). Planning law requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

10.2 However, it is also acknowledged that there is not a five year supply of sites within Breckland District. The National Planning Policy Framework, (NPPF), is clear and explicit that in such circumstances Local Planning Authorities should not consider relevant policies for the supply of housing such as policies SS1, CP14 and DC02 to be up to date, and that housing applications should be considered in the context of the presumption in favour of sustainable development. The lack of a five year supply and the requirements of the NPPF have therefore been given significant weight in the consideration of this application.

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

- provision of 18 new dwellings, 6 of which would be affordable, that will contribute substantially towards the Council's housing land supply.
- Initial job creation during construction phase and additional employment opportunities generated by supply chain.
- Increased expenditure within the local economy from the new households.
- Increase in Council Tax receipts.
- Improvements to pedestrian crossing facilities in the immediate area.

10.4 The site is located adjacent to the A1067 and adjacent to the small village of Foxley, with some further limited facilities located within walking distance in Bawdeswell to the southeast. Whilst concerns have been raised regarding the capacity of local infrastructure, drainage and highway safety concerns all relevant consultees have confirmed that either existing capacity levels do not warrant mitigation or contributions, or that any impacts could be satisfactorily mitigated by way of conditions.

10.5 However, the quantum of development represents a substantial addition to Foxley and there will be a significant change to the open character and appearance of the site. The proposed development would protrude out into the open countryside, significantly beyond the existing built form resulting in a harmful intrusion into the surrounding landscape and open countryside. The amount and form of development would not reflect the sites peripheral rural location and the character of the surrounding built form of the village. As a result, the proposal would result in significant harm by way of the amount and form of development and the protrusion of built form into an open and rural setting. Furthermore, the proposed scheme in not providing the full affordable housing requirement does not accord with the requirements of policy DC4 of the Core Strategy.

10.6 For the reasons summarised above, it is concluded that the identified harm caused to the character of the site and surrounding area and in not providing the required affordable housing provision would significantly and demonstrably outweigh the benefits of the scheme, taking into account the development plan and the policies of the NPPF as a whole, and therefore the application is recommended for refusal.

11.0 RECOMMENDATION

11.1 The application is therefore recommended for refusal for the following reasons:

1. The proposed development by way of the intrusion of built development into the open countryside and the amount and subsequent layout of development would fail to reflect and appear discordant with the surrounding area and village. As a result the proposed development would cause significant harm to the character and appearance of the site and surrounding area, and the surrounding landscape. The proposed development would as a result be contrary to policies DC16, and CP11 of the adopted Breckland Core Strategy and Development Control Policies DPD and policies contained in the NPPF. The harm is considered so significant that this would demonstrably outweigh the benefits of the proposed development and therefore would not form sustainable development contrary to paragraph 14 of the NPPF.

2. Without a legal agreement or unilateral undertaking from the applicant no provision has been made for a

financial contributions or other provision to be made towards library facilities within the local area to mitigate for the impacts of the proposed development, nor has provision been made to deliver the necessary level of affordable housing provision and the secure an appropriate tenure mix and affordability in perpetuity, and to provide and maintain on site open space. The proposed development would therefore be contrary to Core Strategy Policies CP4, CP5, and DC4 and the policies contained within the National Planning Policy Framework.

RECOMMENDATION

Refusal of Outline Planning Permission

REASON(S) FOR REFUSAL

- | | |
|-------------|---|
| 9365 | Non-std design reason for refusal |
| 9035 | No legal agreement |
| 2004 | Application Refused |
| 2009 | Criterion E - Planning Apps Where Refused |

ITEM: 2	RECOMMENDATION: APPROVAL
REF NO: 3PL/2017/0314/F	CASE OFFICER Debi Sherman
LOCATION: SWAFFHAM Stanfield House Lynn Road	APPNTYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: N CONS AREA: N LB GRADE: N TPO: N
APPLICANT: Peilamay Properties ltd Unit A 13 Yaxham Road	
AGENT: Peilamay Properties ltd Unit A 13 Yaxham Road	
PROPOSAL: Construction of 9 dwellings	

KEY ISSUES

Principle of development
Design and appearance
Impact on amenity
Highways
Drainage/Flood Risk
Affordable Housing

DESCRIPTION OF DEVELOPMENT

The application seeks full planning permission for residential development comprising construction of 9 dwellings. 7no. four bedroomed detached houses are proposed together with 2no. two wheelchair accessible bungalows which would form the affordable housing element of the proposal.

The application is accompanied by a Design and Access Statement and Arboricultural Impact Assessment.

SITE AND LOCATION

The site lies outside the Settlement Boundary of Swaffham and comprises the curtilage of Stanfield House which is situated on the edge of Swaffham, off Lynn Road. The site is currently occupied by a large individual detached two storey house, which is extended by a conservatory, together with a large double garage. To the north and running north-west to south-east is a small unadopted lane, Low Road, which serves a number of residential dwellings and leads out onto open ground beyond the now disused Swaffham/Kings Lynn Railway line.

EIA REQUIRED

Y No

RELEVANT SITE HISTORY

3PL/2009/0909/O - Retirement village comprising of care home and 13 assisted living cottages - Approved
3PL/2014/0125 - Residential development, Approved.
3PL/2016/0094/DOC - Discharge of conditions

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.05	Developer Obligations
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.04	Affordable Housing Principles
DC.16	Design
DC.19	Parking Provision
NPPF	With particular regard to paras. 12, 17, 47, 49, 56-66
NPPG	National Planning Practice Guidance

OBLIGATIONS/CIL

Affordable housing provision is secured through S106 to meet local affordable housing needs

CONSULTATIONS

SWAFFHAM TOWN COUNCIL

Town Council agreed that the footpath along Lynn Road included in the plans be extended to cover the entire frontage of the development. This would provide a better link to established footpaths in the area including the old railway line. Better access to this would increase safety along the road as well as adding to the amenity value of the houses on site.

NORFOLK COUNTY COUNCIL HIGHWAYS

No objections subject to conditions

CONTAMINATED LAND OFFICER

No objections subject to conditions

ECONOMIC DEVELOPMENT

No comments

ENVIRONMENTAL HEALTH OFFICERS

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

AIR QUALITY OFFICER

Expect the Developer to have regard for mitigation measures to be included that will minimise the impact of local traffic emissions, for example Electric Vehicle charging points included

HOUSING ENABLING OFFICER

In this instance 3 units would be required, 2 for rent and 1 for intermediate housing. I note that this site has been granted planning permission with two adapted 2 bedroom bungalows as the affordable allocation. The number of units is below our policy requirement but the type of accommodation is welcomed and would meet the identified housing need in this area. I also confirm that a commuted sum in lieu of the affordable housing would not be acceptable to us

MINERALS & WASTE PLANNING OFF

No Comments Received

REPRESENTATIONS

1 letter of objection raising concerns regarding the potential adverse impacts on the adjacent tourism business. The shared boundary requires screening which should be plated with trees prior to construction and there should be a limit to the hours/days where construction can take place.

ASSESSMENT NOTES

1.0 Principle of development

1.1 It is recognised that the site lies outside the Settlement Boundary of the town of Swaffham. For this reason the proposal conflicts in principle with Policies SS1, DC2, CP1 and CP14 of the Core Strategy and Development Control Policies Development Plan Document 2009. The scheme has not been put forward as one under the exceptions site policy (DC4).

1.2 However, paragraphs 47 and 49 of the National Planning Policy Framework (NPPF) states that where an authority does not have an up to date five year housing supply (at present the District has 4.6years), the relevant local policies for the supply of housing as referred to above should not be considered up to date and therefore housing applications should be considered in the context of the presumption in favour of sustainable development.

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

1.4 Paragraph 8 of the NPPF stresses that these roles should not be undertaken in isolation, because they are mutually dependent, therefore a balanced assessment against these 3 roles is required.

1.5 In terms of the economic and social criteria, this scheme for 9 dwellings is well located to services and

facilities (public house, school, shops etc) and as such will make positive contributions in this regard. The town benefits from 19 local bus services and 3 coach services a number of which pass the site. The market town of Swaffham has an excellent range of local services and amenities, a significant proportion of which are available within 750 m of the site and can be accessed on foot.

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

1.7 With regard to availability and deliverability, it is considered appropriate to impose a two year period for commencement of development in order to reaffirm the deliverability of the development; a stated requirement of the 5 year supply issue. This would be achieved by a suitable condition.

1.8 Notwithstanding that the site lies outside of the Settlement Boundary, the scheme is considered to represent a sustainable development which would positively contribute to the shortfall of the District's housing requirement and therefore the principle is considered to be acceptable.

2.0 Impact on character and appearance

2.1 Environmentally, the immediate area contains a number of uses and the northern side of Lynn Road comprises residential development including the recent redevelopment of the transport yard just east of the site. The site is characterised by its boundary landscaping specifically large mature trees to the eastern boundary and large tree and hedge line on the western boundary. In addition, a substantial evergreen cypress hedge line screens the site to the north from Low Road.

2.2 An Arboricultural Impact Assessment including a Tree Protection Plan and Arboricultural Method Statement forms part of the application and the Tree and Countryside Consultant accepts its content with a recommendation that its provisions and recommendations are conditioned to any planning permission granted. In summary, it is considered that the proposed development would have an acceptable environmental impact in this location. There has been an extensive history of development being permitted on this site. This application is a resubmission of an application that expired in 2016.

2.3 In light of the above, it is considered that the positive attributes of these new houses from an economic and social perspective outweigh any environmental harm and the scheme is considered to represent a sustainable development.

3.0 Design and appearance

3.1 The character of the area is mixed and includes a recently completed residential scheme adjacent to the east. Aside from this, the character of the area is typical of an edge of town location with a mixture of houses and bungalows in small groups or individual plots and generally of low density. The scheme is intended to respond more to this form of development than the more recent higher density development to the east.

3.2 In terms of layout, this is marginally constrained by the alignment and associated easement of a dormant oil pipeline and is split into two sections. The largest section of the site contains seven detached houses each set in a generous landscaped plot and served by individual or shared drives connecting to a private access road which joins Lynn Road. Where possible the houses front the site access road and create an attractive informal grouping of dwellings.

3.3 The second smaller section of layout contains the two affordable wheelchair accessible bungalows and this section has its own access to Lynn Road at a point closest to Swaffham. The bungalows are arranged

as semi-detached in form which allows the layout to provide for residents' cars and other forms of transport to be parked next to the dwelling.

3.4 Traditional materials are proposed comprising red brick, render and pantiles. These materials are considered to be sympathetic to the existing built form in the locality.

4.0 Impact on Amenity

4.1 The impact the development would have on the site and its surroundings are considered to fall within acceptable parameters. There would be no direct adverse effects as a result of loss of privacy, light or overbearing impacts.

4.2 Concerns have been expressed regarding the potential adverse effects on the adjacent tourist facility directly to the west of the site during the construction period. Disturbance during construction is normally a very short lived activity but it is accepted that there could be adverse impacts, particularly in the summer months. A construction method statement is therefore considered appropriate which would include screening methods and hours of operation to assist in mitigating unacceptable effects on wider locality. It is not considered reasonable to impose landscaping requirements prior to the completion of development because of the potential damage during the construction process, further landscaping would be unlikely to provide the degree of screening envisaged because of the time taken for landscaping to mature.

5.0 Highways

5.1 The site has access to Lynn Road which connects the market town of Swaffham to the A47. The development has on-site resident parking which meets the required parking standards.

5.2 Norfolk County Council Highways have been consulted on the proposal and following receipt of an amended plan have raised no objections to the proposal subject to conditions requiring visibility splays to be provided to each side of each access where they meet the highway; that the on-site car parking/turning is laid out and surfaced in accordance with the approved plan; a scheme to be provided detailing provision for on site parking for construction workers during the construction period; details of wheel cleaning facilities to be provided; the submission of a scheme for a new footway link between the site and the existing provision adjacent Highfield Avenue to be submitted and that prior to the occupation of any of the dwellings the off-site highway improvements works are completed to the written satisfaction of the Local Planning Authority in consultation with the Highway Authority.

6.0 Contamination and Drainage

6.1 The Council's Contaminated Land Officer has raised no objections to the proposals subject to conditions requiring a desk study/site investigation to be submitted and in relation to unexpected contamination being found and an informative in relation to extensions.

6.2 Foul Water would be disposed of by way of mains sewer. In terms of surface water, the site is located within Flood Zone 1 (low risk) on the Environment Agency flood map. There are no objections to the proposed means of surface water disposal.

7.0 Affordable Housing

7.1 The development consists of a mix of market and affordable housing. The affordable element has been agreed with the Council's Housing Enabling Officer and is entirely consistent with the previous planning

permission granted on this site in 2014. The proposed affordable housing units would be wheelchair accessible bungalows. The affordable housing would be secured through the Section 106 agreement.

8.0 Other Issues

8.1 Norfolk Fire and Rescue Service require a hydrant to be installed on less than a 90 mm main. A condition that no development is commenced on site until a scheme has been submitted for the provision of a fire hydrant on the development in a location to be agreed with the Council in consultation with Norfolk Fire and Rescue Service is therefore appropriate, should planning permission be granted.

9.0 Conclusion.

9.1 It is considered that this scheme represents a sustainable form of residential development and is acceptable taking into account the Council's lack of a 5 year supply of housing land and having regard to the National Planning Policy Framework (NPPF).

9.2 The site lies in close proximity to the town of Swaffham and the proposed layout, scale and form of development is considered to reflect the existing character of the area. In addition the proposed development would not compromise neighbour amenity and satisfies all highway safety requirements.

9.3 The provision and level of affordable housing has been agreed with the Council's Housing Enabling Officer and a Section 106 Obligation would secure affordable housing.

9.4 The application is recommended for approval subject to conditions and a signed and completed Section 106 Obligation in relation to affordable housing.

9.5 Delegated authority is requested for the application to be refused by the Council's Planning Manager if the legal formalities in respect of the S106 are not completed within three months of the date of this decision or that the Planning Manager has the authority to agree another more appropriate time scale for the completion of any such agreement.

RECOMMENDATION

Planning Permission

CONDITIONS

TL05	Full permission 2 year time limit
3048	In accordance with submitted
3920	Highways - visibility splay
3750	Non-standard highways condition
3760	Non-standard highways condition
3920	Highways - parking/turning provided and retained
3920	Highways - footway
3920	Highways - works completed
3920	In accordance with approved surface water drainage

BRECKLAND COUNCIL - PLANNING COMMITTEE - 25th September 2017

3920	Fire Hydrant	
3920	Development shall be carried out in accordance with AIA	
3923	Contaminated Land - Informative (Extensions)	
3920	Highways Note	
3920	S106 Note	
3996	Note - Discharge of Conditions	
4000	Variation of approved plans	
2000	NOTE: Application Approved Without Amendment	
2014	Criterion E - Planning Apps Where Approved	
3104	External materials to be approved	This condition will require to be discharged
ER18	Construction Method Statement	This condition will require to be discharged
3408	Landscaping - details and implementation	This condition will require to be discharged
3944	Contaminated Land - Desk Study/Site Investigation	This condition will require to be discharged
3946	Contaminated Land - Unexpected Contamination	This condition will require to be discharged
DE08	Slab level as approved	This condition will require to be discharged
3402	Boundary screening to be agreed	This condition will require to be discharged

ITEM: 3	RECOMMENDATION: APPROVAL
REF NO: 3PL/2017/0695/F	CASE OFFICER Debi Sherman
LOCATION: BINTREE Church Road	APPNTYPE: Full
	POLICY: In Settlemnt Bndry
	ALLOCATION: N
	CONS AREA: N
APPLICANT: Mr & Mrs Johnson C/O Agents	LB GRADE: Adjacent Grade 2*
AGENT: David Futter Associates Ltd Arkitech House 35 Whiffler Road Norwich	TPO: Y
PROPOSAL: Erection of 3 bedroom single storey dwelling with integral ambulant disabled access annex, carport and garage	

REASON FOR COMMITTEE CONSIDERATION

The application is referred to Planning Committee for determination because the site is outside the Settlement Boundary and recommended for approval.

KEY ISSUES

- Principle of Development
- Impact on character and appearance of the area
- Ecology and Trees issues
- Historic Environment
- Highways Matters

DESCRIPTION OF DEVELOPMENT

The application proposes the erection of 1no. single storey dwelling in a central location on the site. The dwelling would provide bespoke accommodation for the applicants and their adult dependent daughter who has 24 hr a day care needs and requires level access. The dwelling would be three bedroomed with attached disabled annex accommodation. The property would provide a basement, car port and three-bay garage also.

SITE AND LOCATION

The site is a corner plot located on the southern edge of the village, adjacent to the defined settlement boundary. Manor Farm Cubbits lies directly to the south of the site and the cul-de-sac development of Cubbits Close lies directly to the west. The site is bounded by Church Road to the north and The Street to the east.

The site is currently well screened by mature hedgerows and is laid to meadow. There is an existing field gate entrance onto the site from Church Road to the north of the site and there is a small outbuilding located on site at present.

EIA REQUIRED

No

RELEVANT SITE HISTORY

No relevant site history

POLICY CONSIDERATIONS

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

CP.01	Housing
CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.12	Trees and Landscape
DC.16	Design
DC.17	Historic Environment
DC.19	Parking Provision
NPPF	With particular regard to paragraphs 8, 14, 17, 47, 49, 56-66
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

BINTREE P C

Application has been unanimously approved by the Parish Council, because of the nature of the application being one of need. They do not wish this to be regarded as setting precedent, however in this case feel the ruling could be set aside

NORFOLK COUNTY COUNCIL HIGHWAYS

No objections subject to conditions.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

The applicant should provide the results of the surveys for reptiles and great crested newts along with an assessment of potential impacts of the proposed development and suitable mitigation. Further surveys for bats would be necessary if the small shed is to be removed, or if any trees are to be felled or required work. There should be no lighting of the species-rich hedge before or after development.

HISTORIC BUILDINGS CONSULTANT

No objection

HISTORIC ENVIRONMENT SERVICE

No objection subject to conditions

TREE AND COUNTRYSIDE CONSULTANT

No objections subject to conditions

CONTAMINATED LAND OFFICER

No Comments Received

REPRESENTATIONS

None

ASSESSMENT NOTES

1.0 The application is presented on the basis it is a departure from the Local Plan.

2.0 Principle

2.1 The site lies outside, but immediately adjacent to, the adopted Bintree Settlement Boundary. For this reason the proposal conflicts in principle with Policies SS1, DC2, CP1 and CP14 of the Core Strategy and Development Control Policies Development Plan Document (2009).

2.2 Paragraph 47 of the NPPF states 'housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites'. As the Council can no longer demonstrate an up to date five year housing land supply, policies SS1, DC2 and CP14 can not be given due weight in the decision making process. The application is therefore assessed against the benefits provided in relation to the sustainable development tests as set out in the NPPF.

2.3 The NPPF identifies three dimensions of sustainable development:

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

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

2.5 In terms of the economic and social criteria, the proposal is to provide one dwelling with annex accommodation which would contribute to the housing supply.

2.6 Environmentally, the area is currently an unused paddock surrounded by mature tree planting and hedges. It is not subject to any nationally recognised landscape or wildlife designations. The site is adjacent to the existing settlement boundary and within the built up part of the village with existing built form to the west, east and south.

2.7 Whilst the proposal would involve the development of an existing area of open land, the harm caused to the rural setting of the village would not be significant and would not outweigh the benefits of the proposal. The scheme is, therefore, considered to represent sustainable development.

2.8 Footnote¹¹ of the NPPF confirms that the site should be in a suitable location, available now, and have a realistic prospect of being developed within five years. The application is detailed. Normally it is expected that applications being considered having regard to the five year supply would be full applications to provide the confidence that the site would be delivered within five years. It is considered appropriate to impose a two year period for commencement of development in order to reaffirm the deliverability of the development.

2.9 With regard to whether this is a suitable location, Bintree is classified as a rural settlement through Policy SS1 (Spatial Strategy) of the adopted Core Strategy and Development Control Policies Development Plan Document. These villages contain limited services and facilities and the spatial strategy states that these villages are not capable of supporting consequential growth as they rely on higher order settlements for the majority of these services and facilities.

2.10 The village has a number of amenities comprising the village pub and church. Given there are no shopping facilities in the village it is recognised that the occupants will have to rely on the private car or public transport in order to undertake shopping trips for their daily and other needs.

2.11 Whilst this need to travel for services is recognised, Para 55 of the NPPF states that housing should be located where it will enhance and maintain the vitality of existing rural communities and help sustain facilities in the surrounding settlements.

3.0 Impact on character and appearance of the area

3.1 The site is visually contained and well screened. Although the site falls outside the village's defined settlement boundary the site is within walking distance to the rest of the village. It is bounded by development on all sides and as such development on this site, particularly in the form proposed would not appear prominent or result in visual encroachment following its development.

3.2 There are no objections on this basis.

4.0 Historic Environment

4.1 The development has been considered on the basis on its potential impacts on the two nearby listed buildings, the Church of St Swithins and Manor House. It has been concluded that there would be no material impact as a result of this development and no objections are raised on this basis.

4.2 The archaeology implications have been considered and no objections are raised subject to conditions.

5.0 Highways

5.1 Norfolk County Council Highways raise no objections subject to appropriate conditions to facility appropriate access and visibility.

6.0 Ecology and Trees

6.1 The application has been accompanied by a Preliminary Ecological Appraisal which notes that due to the likely presence of protected species, including Great Crested Newts, in proximity to the site, further surveys should be undertaken. Unfortunately, the annual window to undertake those surveys has now passed and whilst it is not a preferred option it is acknowledged that permission could be granted in this instance on the basis that a Construction Ecological Management Plan condition is imposed requiring the submission and written approval prior to any works on site including ground works of vegetation clearance. It is on this basis that no objections are raised in this case.

6.2 The screening of the site by the existing mature hedgerows contribute significantly to the character and visual amenity of the site. The dwelling itself would be centrally located within the plot and as such would be unlikely to adversely affect the boundary landscaping, further information has been sought to establish the likely impacts of the improvements to the access on the hedgerow along Church Road. Following re-consultation no objections are raised.

7.0 Conclusion

7.1 Notwithstanding that the site lies outside the Settlement Boundary of the village of Bintree and is, in part, car reliant, but the scheme is considered to broadly represent sustainable development in relation to Paragraphs 14, 47 and 49 of the National Planning Policy Framework. In addition, Members should also recognise the ability of the scheme to support those services and facilities in the village and its surrounds.

7.2 Approval is recommended subject to conditions.

RECOMMENDATION

Planning Permission

CONDITIONS

2001	Application Approved Following Revisions
3003	Early delivery of Housing Time limit
3047A	In accordance with submitted plans NEW 2017
MT02	External materials as approved
3414	Fencing protection for existing trees
3740	Any highway conditions

- 3750** Non-standard highways condition
- 3920** Construction Ecological Mitigation Plan
- 3739** Highway NOTE

ITEM: 4	RECOMMENDATION: REFUSAL
REF NO: 3PL/2017/0900/F	CASE OFFICER Heather Byrne
LOCATION: ATTLEBOROUGH Still Waters Long Street, Attleborough	APPNTYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: N CONS AREA: N LB GRADE: N TPO: N
APPLICANT: Mr & Mrs R Croft Still Waters, Long Street Attleborough	
AGENT: EJW Planning Limited Lincoln Barn Norwich Road	
PROPOSAL: The erection of a single detached two-storey dwelling and garage	

REASON FOR COMMITTEE CONSIDERATION

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

KEY ISSUES

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

DESCRIPTION OF DEVELOPMENT

This application seeks consent for the erection of a two storey dwelling and garage on land to the south east of Still Waters, Long Street. The proposal also seeks a new access for both the existing and proposed dwelling off Long Street. The application states the proposal would produce a highly sustainable dwelling where innovative technologies are maximised.

SITE AND LOCATION

The application site is located outside of any defined Settlement Boundary and is bounded to the north west by the existing dwelling (Still Waters), to the north east by the highway, to the south/south east by a residential dwelling, and to the south and west by a small woodland area and beyond open land. The site currently forms a grassed area adjacent to Still Waters with mature vegetation and trees to the north east and south east boundaries.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2017/0461/F Withdrawn 02-06-17
Erection of a single detached two-storey dwelling and garage

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

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

NORFOLK COUNTY COUNCIL HIGHWAYS

The site lies outside of the main settlement and any residents will have a high dependency on travelling by car. The applicants have supplied details of an Automatic Traffic Count (ATC) survey and has produced a visibility splay drawing which shows that satisfactory access would be achievable. On this basis would have difficulty in substantiating a highway objection subject to appropriate conditions (SHC 08, SHC13, SHC19, SHC24)

CONTAMINATED LAND OFFICER

No objections

TREE AND COUNTRYSIDE CONSULTANT

No objections subject to conditions regarding development in accordance with the approved Arboricultural

Impact Assessment, Tree Protection Plan and Arboricultural Method Statement supplied by Greenleaf dated April 2017.

HISTORIC ENVIRONMENT SERVICE

No objections in terms of archaeology.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

The report provided covers most of the areas required for a development of this nature and scale. Given the lack of evidence of what was present on site before clearance the mitigation and enhancements suggested by ecologist appear suitable. If minded to approve recommend that both section 7 and 8 of the ecology report are conditioned.

ATTLEBOROUGH TC

Approve but concerns that this may set a precedence for a bigger plan

PRINCIPAL PLANNER MINERAL & WASTE POLICY No Comments Received

REPRESENTATIONS

Neighbours consulted site notice displayed and advertised in the press: 1 letter of support received raising the following points: this is small scale infill development should be actively encouraged as exemplar of good design, low impact highly efficient sustainable housing, which can only enhance the locality whilst having virtually no impact.

ASSESSMENT NOTES

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

2.0 Site History

2.1 This application is submitted following the withdrawal of an earlier application, reference 3PL/2017/0461/F for a similar proposal. The main differences are that the proposed access has been amended and landscaping included.

2.0 Principle of development

2.1 This application seeks consent for the erection of a two storey dwelling and garage on land to the south east of Still Waters, Long Street.

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

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

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

2.4 The application proposes a two storey dwelling, which given its external design, scale and overall appearance would appear as a relatively standard dwelling with no unique architecture qualities and therefore would not produce a truly outstanding or innovative property and would not reflect the highest standards of architecture having regard to paragraph 55.

2.5 Whilst it is noted the proposal would include a number of new innovative ideas which propose to include a hybrid closed-panel construction for the main structure, its thermal performance being based on recycled vegetable oil, a new type of warm foundations based on lightweight insulating blocks and the minimal use of eco concrete, specification of micronal phase changing products to the interior surfaces to reduce temperature fluctuations, as well as benefiting from some renewable energy and energy efficiency credentials as set out in their design and access statement, it is considered these would not satisfy the above and any proposal would have to go beyond this to be truly outstanding or innovative.

2.6 Accordingly, it is considered that the proposal would not satisfy paragraph 55 of the NPPF. As 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.

2.6 However, as the Council cannot currently demonstrate a 5 year supply of housing land, these policies cannot be considered to be up-to-date insofar as it relates to the supply of housing land and can be given little weight. The application is therefore also assessed against the benefits provided in relation to the sustainable development tests as set out in the NPPF.

2.7 The NPPF identifies three dimensions of sustainable development:

2.8 The Council's Core Strategy and Development Control Policies Document is not 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.

2.8 In terms of the economic and social criteria, the proposal would provide one dwelling 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.

2.9 The social role of sustainable development seeks to ensure, amongst other matters, the creation of a high quality built environment with accessible local services. Within the Core Strategy, Attleborough is identified as a market town; however the site is located approximately 3 miles from Attleborough Town Centre. To the north of the site is Great Ellingham and the site is located approximately 0.8 miles from the Settlement Boundary of Great Ellingham. As the site is closer related to Great Ellingham an assessment will be made on this basis.

2.10 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; however the site lies approximately 1.5 miles from these facilities with pedestrian access being along an unlit highway with no pedestrian provision, which at this point is subject to the National Speed limit for single carriageway roads (60mph). In terms of public transport, the nearest bus stop is located near the junction of Attleborough Road and Chequers Lane, approximately 1.6 miles from the site, which is served by an infrequent service. Pedestrian access to the bus stop would also be along the unlit highway with no pedestrian provision.

2.11 For these reasons occupants of the dwelling would rely on the use of the private car to gain access to local facilities to meet everyday needs. This would not accord with the core planning principle in paragraph 17 of the National Planning Policy Framework which is to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. The proposal would also not accord with paragraph 34 of the Framework in terms of ensuring the need to travel will be minimised and the use of sustainable transport modes will be maximised. 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.

3.0 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, build 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 and would appear as infill development and therefore it is considered the proposal would not intrude into the open countryside. Whilst it is considered the proposal would provide sufficient amenity space for the existing dwelling the size of the plot is out of keeping with the immediate neighbouring properties which are situated within relatively expansive plots; however it is considered this element would not warrant refusal as the proposal would not result in a cramped form of development.

4.0 Impact upon amenity

4.1 In terms of neighbour amenity it is considered due to proposed separation distances, orientation, and existing/proposed boundary treatments that the proposal would not impact unduly upon neighbour amenity in

terms of loss of light, privacy, overlooking, or by being overbearing having regard to Policy DC1.

5.0 Impact upon highway safety

5.1 The applicants have supplied details of an Automatic Traffic Count survey and have produced visibility splay drawing which shows that satisfactory access would be achievable. The new access created would serve both the existing dwelling " Still Waters" as well as the proposed new dwelling. In terms of highway safety subject to appropriate conditions then in highway safety terms no objections are raised. Satisfactory parking provision is also available having regard to Policy DC19.

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 Greenleaf dated 2017.

7.0 Conclusion

7.1 For the reasons given when considered as a whole the proposal would not be a sustainable form of development and would not accord with national and local policies for housing development in the countryside and refusal of the application is accordingly recommended.

RECOMMENDATION

Refusal of Planning Permission

REASON(S) FOR REFUSAL

9900 Unsustainable location

ITEM: 5	RECOMMENDATION: APPROVAL
REF NO: 3PL/2017/0909/F	CASE OFFICER Lisa ODonovan
LOCATION: NORTH LOPHAM 27 The Street North Lopham	APPNTYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: N CONS AREA: Y LB GRADE: N TPO: N
APPLICANT: Mr M McManus 27, The Street North Lopham	
AGENT: Erica Whettingsteel Lincoln Barn Norwich Road	
PROPOSAL: Demolition of two former agricultural barns and replacement with a single storey dwelling	

REASON FOR COMMITTEE CONSIDERATION

The application is brought to committee as the recommendation is contrary to Policy.

KEY ISSUES

Principle of development/sustainability
Impact on the character and appearance of the area
Amenity impact
Highway safety
Impact on the trees
Impact on the character and appearance of the Conservation Area

DESCRIPTION OF DEVELOPMENT

The application proposes the demolition of two barns and the replacement with a single storey dwelling constructed using a mix of a red mix brick and red tile with black painted timber cladding on all elevations. The dwelling will accommodate three bedrooms with ample amenity space and parking and turning areas to the front. It is proposed to utilise the existing access to No.27 in order to access the proposed dwelling.

SITE AND LOCATION

The site is outside but adjacent to the Settlement Boundary of North Lopham. The land is situated to the rear of No.27 and has been laid to grass. The buildings are situated to the far rear north-east section of the site. There is some screening by way of tree planting and low hedging however there is a spacious feel to the rear of the dwellings here. Agricultural land is situated to the rear of the site.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2003/1561/O - Land to rear of 25-31 The Street - Erection of house and granny annex - Refused and Dismissed at Appeal

3PL/2005/0147/F - Plot at 27 The Street - Erection of house and granny annexe - Permission

3PL/2016/1444/F - Demolition of two former agricultural barns and replacement with a single storey dwelling - 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.10	Natural Environment
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.12	Trees and Landscape
DC.16	Design
DC.17	Historic Environment
DC.19	Parking Provision
LBC	Planning(Listed Building & Conservation Areas) Act 1990
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

NORTH LOPHAM P C

The North Lopham parish Council has no objections to this application.

HISTORIC BUILDINGS CONSULTANT

No objection - as per comment on 3PL/2016/1444/F (Following review of submitted site photography, it is confirmed that the existing buildings are not of interest and that there is no objection to their demolition and the subsequent redevelopment of the site).

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection subject to conditions.

TREE AND COUNTRYSIDE CONSULTANT

No objection subject to condition.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

No objection subject to condition.

CONTAMINATED LAND OFFICER

No objection subject to condition.

ENVIRONMENTAL HEALTH OFFICERS

No objection subject to a condition re foul drainage.

REPRESENTATIONS

Site notice erected: 02-08-2017

Consultations issued: 19-07-2017

One letter of support received.

ASSESSMENT NOTES

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

2.0 Principle

2.1 The application seeks full planning permission for the erection of one bungalow on land outside a settlement boundary. For this reason the proposal conflicts in principle with Policies DC02 and CP14 of the Core Strategy and Development Control Policies Development Plan Document, (2009), which seek to focus new housing within defined Settlement Boundaries. However, as the Council cannot currently demonstrate a 5 year supply of housing land, these policies cannot be considered to be up-to-date insofar as it relates to the supply of housing land and can be given little weight. The application is therefore assessed against the benefits provided in relation to the sustainable development tests as set out in the NPPF.

2.2 The NPPF identifies three dimensions of sustainable development:

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

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

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

provide some short-term economic benefits through its construction, and longer-term economic benefits through additional household spend within the surrounding area that would be generated by the provision of the dwelling.

2.5 With regard to whether this is a suitable location, the site is outside the Settlement Boundary of North Lopham however the house, no.27 and part of its garden does fall inside the settlement boundary. The development site is therefore considered closely related to it and the services within it. Whilst not a service centre village, North Lopham does benefit from community facilities such as a Post Office and shop and public house and a village hall most of which are within walking distance from the site, any new dwelling would therefore further support these village services.

2.6 North Lopham benefits from limited and infrequent bus services. However as previously stated above it does benefit from a shop, post office and public house and therefore the reliance on the private car to access day-to-day requirements including shopping and community facilities is lesser in this location. Whilst it is appreciated that there would be a reliance on the use of a car to access wider day-to-day services i.e Doctors provision and bigger provision needs which does weigh against the proposal, given the small scale of the proposal, it is considered that the harm caused to sustainability would be small. It is also acknowledged that a wider range of facilities are available a short trip away in the nearby villages of East Harling and Diss, the nearest Market Town which would be likely to derive some support from the development. The NPPF recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. The proposed dwelling would therefore help support the services in nearby East Harling and Diss, in line with paragraph 55 of the NPPF.

2.7 Environmentally, although outside the Settlement Boundary, the site is in a semi-rural location within a group of existing development. There are other residential uses immediately to the north, south and west of the site. The site also relates as garden to that of no.27 and therefore development here would not relate as an encroachment into open countryside. The proposal would consolidate the existing pattern of development and given the immediate locality with other dwellings set behind those fronting The Street to the north and west of the site.. The development would also improve the character of the area for the following reasons:

- the demolition of two unkempt buildings and replacement with a more attractive dwelling, which will retain a rural/agricultural appearance;
- generous proportions of the site will maintain a spacious character;
- the proposal would not intrude into the open countryside and would not be isolated; and,
- the proposal would not cause material harm to the character and appearance of the area.

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

3.0 Impact on local character and amenity

3.1 The spacious plot size, similar footprint to the buildings to be removed and the property's matching form and scale to its immediate surroundings is considered sympathetic and in keeping with the context of the site, the spacious character of the surrounding development and the wider rural landscape character of the area.

3.3 There is a good degree of separation between the site and the nearest adjacent properties at No.23 and the dwellings and conversions at Meadow Lane to ensure that the proposal would not result in any significant impact on the outlook, privacy and daylight of this property and the orientation is such that any overshadowing would be over the application site and not the neighbouring dwelling. There is a generous distance between the proposed dwelling and No.27, again, reducing the impact on the level of amenity

currently received by the occupiers of this dwelling.

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

4.0 Highway Safety

4.1 The proposal seeks to utilise an existing access. Norfolk County Council as the Highways Authority was consulted on the proposal and have subsequently raised no objection subject to conditions relating to visibility splays being provided and the proposed parking and turning area being provided as per the plan. These will be attached to any forthcoming approval.

5.0 Impact on trees

5.1 No objection has been raised by the Tree and Countryside Consultant subject to a condition to ensure that operations on site will take place in accordance with the approved Arboricultural Impact Assessment, Tree Protection Plan and Method Statement. This condition will be appended to any subsequent approval. The application is therefore considered to have due regard to Policy DC12.

6.0 Impact on the Conservation Area

6.1 Any decisions relating to conservation areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990, in particular section 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.'

6.2 The North Lopham Conservation Area includes the historic core of the village and is characterised by a loose pattern of development, with narrow streets lined by a mix of traditional brick cottages and larger houses, creating an open/spacious character.

6.3 The buildings to be demolished are not of any particular special character or merit and are set behind the main body of development. Their removal is therefore not considered likely to have a material impact on the character or appearance of the conservation area. It is considered that the development of this site will make an overall improvement. The Council's Historic Buildings Officer was consulted and raised no objection on this basis.

7.0 Impact on the natural environment/ecology

7.1 The application was accompanied by an Ecological Appraisal and the Ecology were consulted on this submission. No objections have been raised in light of this however sections 5.5-5.9 of the Bat Emergence Survey are recommended as a condition in order to ensure the potential impacts are minimised and that the site retains some biodiversity value. This will be attached to any forthcoming approval.

8.0 Other Matters

8.1 The Contaminated Land Officer raises no objection subject to a condition regarding unexpected

contamination.

8.2 Environmental Health have raised no objection subject to a condition requiring details in respect of foul water drainage. This will be attached to any forthcoming approval.

9.0 Conclusion

9.1 In conclusion, it is considered that the proposal would constitute a sustainable form of development as defined in Paragraph 7 of the NPPF, which would help to support the local rural community, would not compromise local amenity and would not adversely impact the character and appearance of the surrounding area. The application is therefore recommended for approval.

RECOMMENDATION

Planning Permission

CONDITIONS

3006	Full Permission Time Limit (2 years)	
3047A	In accordance with submitted plans NEW 2017	
MT02	External materials as approved	
HA24	Provision of parking and servicing - when shown on plan	
3920	Non-standard condition	
3920	Tree protection plan	
3920	Ecology - sections 5.5 - 5.9 of Bat Emergence Survey	
3920	Ecology - bat/bird boxes	
3920	Ecology - hedgerow loss	
3994	NOTE - Contamination	
3994	NOTE - Asbestos	
3994	NOTE: Bats	
4000	Variation of approved plans	
3996	Note - Discharge of Conditions	
2000	NOTE: Application Approved Without Amendment	
2014	Criterion E - Planning Apps Where Approved	
LS09	Boundary treatment/screening to be agreed	This condition will require to be discharged
HA21	Provision of parallel visibility splay	This condition will require to be discharged
3946	Contaminated Land - Unexpected Contamination	This condition will require to be discharged

ITEM: 6	RECOMMENDATION: APPROVAL
REF NO: 3PL/2017/0927/F	CASE OFFICER Lisa ODonovan
LOCATION: OLD BUCKENHAM College Barn Cake Street, Old Buckenham	APPNTYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: N CONS AREA: N LB GRADE: Adjacent Grade 2 TPO: N
APPLICANT: Mr Stephen Thorley College Barn, Cake Street Old Buckenham	
AGENT: EJW Planning Limited Lincoln Barn Norwich Road	
PROPOSAL: Conversion and extension of existing 'hay barn' to form a single storey residential dwelling	

REASON FOR COMMITTEE CONSIDERATION

The application is brought to Committee as the recommendation is contrary to Policy.

KEY ISSUES

Principle of development
Impact on character and appearance of area
Amenity impact
Impact on the setting of the adjacent listed buildings
Highway safety
Impact on the natural environment/ecology
Other issues

DESCRIPTION OF DEVELOPMENT

The application proposes the conversion and extension to an existing outbuilding at College Barn, known as the 'hay barn' in order to accommodate a two bed, single storey dwelling.

The extension will be situated to the north-west elevation (rear) of the existing building and will accommodate a lounge, kitchen/diner and entrance hall. It is proposed to match the ridge height and dimensions of the existing building. Materials are proposed as matching clay pantiles and the walls will comprise of painted timber weatherboard to match the existing building.

SITE AND LOCATION

The site is located off Cake Street, outside but relatively closely linked to the Old Buckenham Settlement Boundary. The building is situated to the west of College Barn. There are no views of the building from any public vantage points given the access drive.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2016/1428/F - Conversion and extension of existing 'hay barn' to form a single storey residential dwelling
- Withdrawn

3PL/2016/0194/O - Adjacent site - Erection of new dwelling and garage - Permission granted.

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.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.16	Design
DC.17	Historic Environment
DC.19	Parking Provision
LBC	Planning(Listed Building & Conservation Areas) Act 1990
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

OBLIGATIONS/CIL

Not applicable

CONSULTATIONS

OLD BUCKENHAM P C

Does not support this application for reasons of highway safety.

HISTORIC BUILDINGS CONSULTANT

No objection following submission of historic environment assessment.

NORFOLK COUNTY COUNCIL HIGHWAYS

Concerns raised regarding the intensification of the use of the access on the grounds of the inadequate visibility onto B1077 Cake Street.The site is located to the south of the village centre with the nearest

amenities and education located some 1Km to the north. They are advised that the building is currently used to store hay and agricultural machinery. It is therefore considered the existing use would generate limited traffic movements and certainly would not generate habitual traffic movements on a daily basis. By comparison, based on information derived from TRICS, a normal domestic dwelling would generate an average of 6 vehicular movements on a daily basis plus those associated with deliveries and other visiting vehicles.

Cake Street is an important stretch of highway designated as a Main Distributor Road in the County Council's Route Hierarchy, which carries high volumes of traffic including HGV content. No footway or safe pedestrian refuge exists between the site access and the nearest footway some 200 m to the north on Cake Street. Residents would be reliant on travelling by car to access local amenities and education provision since they would be highly unlikely to walk in the carriageway of the busy Main Distributor Road in particular as no street lighting is present. A 40 mph speed restriction is in force in the vicinity of the site and a speed survey submitted with a recent application in the vicinity revealed that the 85th percentile south bound traffic speed was 41 mph.

Based on Government safety guidance, set out in The Design Manual for Roads and Bridges, minimum clear visibility of 120 m, from a 2.4m set back, is required to either side of the access where it meets Cake Street. Visibility to the north of the access, the approaching traffic direction, falls far short of this measuring approximately 75 m which represents just 62 % of the recommended safety standard.

In addition, forward visibility for drivers travelling southwards on B1077 is restricted to around 100 m by the horizontal alignment of the carriageway. Again Government safety guidance recommends clear forward visibility of 120 m and the 100 m available would result in an unacceptable reduction in the time a driver has to observe and react to a vehicle turning from Cake Street into the access. The existence of the private access track is a matter of fact and therefore a degree of conflict already exists. However any additional traffic movements would result in the unacceptable intensification the use of an access with substandard visibility and would increase the potential for collision and personal injury accident. Recommend that permission be refused on highway safety grounds due to inadequate visibility splays provided at the junction of the access with the County highway and this would cause danger and inconvenience to users of the public highway.

Given that 3PL/2016/0194/O was approved contrary to highway advice, if your Authority is also minded to grant approval in respect of the current submission a condition regarding parking layout be imposed.

CONTAMINATED LAND OFFICER

No objection subject to conditions.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

No objection subject to conditions.

ENVIRONMENTAL HEALTH OFFICERS

No objections

REPRESENTATIONS

Site notice erected: 02-08-2017

Consultations issued: 31-07-2017

No representations received.

ASSESSMENT NOTES

1.0 Principle of development

1.1 This application seeks consent for the conversion of a stables to a residential dwelling with a rear extension to form a two bed dwelling. Policy DC20 'Conversion of buildings in the countryside' allows the sustainable re-use of appropriately located and constructed buildings in the countryside. The building in question was granted approval under 3PL/2005/0699/F as stables and is of relatively modern construction. It is therefore considered the proposal would not fall to be considered under the above policy as Policy DC20 allows for the re-use of appropriately located and suitably constructed buildings in the countryside of architectural/historic merit. As a result, the proposal is considered as a new dwelling house.

1.2 The stables building and proposed extension to be converted to a dwelling are sited on land outside the settlement boundary of Old Buckenham. For this reason the proposal conflicts in principle with Policies DC02 and CP14 of the Core Strategy and Development Control Policies Development Plan Document, (2009), which seek to focus new housing within defined Settlement Boundaries. However, paragraph 49 of the National Planning Policy Framework (NPPF) states that where an authority does not have an up to date five year housing land supply, the relevant local policies for the supply of housing as referred to above should not be considered up to date. Housing applications should therefore be considered in the context of presumption in favour of sustainable development.

1.3 The NPPF identifies three dimensions of sustainable development:

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

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

1.5 In terms of economic and social criteria, the proposal would provide one dwelling for market sale, which would make a positive, albeit modest, contribution to the housing supply shortfall and would provide some short term benefits to the local economy through its conversion and extension. With regards to availability and deliverability, the site is within the applicant's ownership and available now, making the development deliverable within five years to meet the housing shortfall. However, if approved, it would be appropriate that the time limits are reduced and this would be in accordance with other applications in Breckland approved under the five year supply.

1.6 The social role of sustainable development seeks to ensure, amongst other matters, the creation of a high quality built environment with accessible local services. Old Buckenham is identified as a local service centre village through Policy SS1 of the adopted Breckland Core Strategy. Old Buckenham contains a Post

Office, Primary School, High School, Church and Public House, which are all located approximately 0.6 - 0.9 miles to the north of the site.

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

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

1.9 Given the distance to these facilities and lack of a continuous public footpath between the site and these facilities it is considered future occupants of the development would be largely reliant on the private car to access day-to-day requirements including shopping and community facilities. Whilst this consideration weighs against the proposal, given the small scale of the proposal, it is considered that the harm caused to sustainability would be small. It is also acknowledged that a wider range of facilities are available approximately four miles away within the town of Attleborough. The NPPF recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

1.10 Environmentally, although outside the Settlement Boundary, the site is in a semi-rural location within a group of existing development. There are other residential uses immediately to the south, east and north-west of the site. The site is also in use/previously in use as a stable and utilises an existing building therefore development here would not relate as an encroachment into open countryside. The proposal would consolidate the existing pattern of development.

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

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

2.0 Impact on the character of the area

2.1 The proposal utilises an existing outbuilding and proposes a relatively modest extension of the same form and proportions to the existing building. Whilst precise details of the materials have not been provided in terms of their colour, it appears as if they will match as closely as possible to those already present. A condition would be attached to any approval to ensure this is controlled. Sufficient space will remain to the east and south-east of the proposed dwelling to ensure that views of the agricultural land beyond will remain

and the development will therefore not appear cramped and out of keeping. Other residential uses are situated to the south and south-east, the conversion of the building and extension to form a dwelling in this location will therefore not appear out of character with the immediate vicinity, the resulting plot size is also spacious and in keeping with its rural surroundings. In light of the above, the proposal is considered to accord with policies DC1 and DC16.

3.0 Amenity Impact

3.1 Policy DC 1 of the Core Strategy and Development Control Policies Document relates to the protection of amenity. Due to the relative spaciousness of the plot and degree of separation from neighbouring dwellings, the proposal would not result in overlooking, loss of light, overshadowing or a dominant form of development. Considering these factors the proposal is considered to be in accordance with Policy DC 1 .

4.0 Impact on the setting of adjacent Listed Building

4.1 Any decisions relating to listed buildings and their settings must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990, in particular section 66, 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.

4.2 The significance of the adjacent listed building (Dairy Barn and The Granary) derives principally from their historic fabric and architectural features. The building, the subject of this application is positioned approximately 36m from the listed buildings, the other side of the access track, this distance, as well as the green area and boundary treatment, which offer a good degree of separation and division. As a result of this, the proposal ensures that the scheme would preserve the special interest/setting of the listed buildings and the proposal is acceptable in these terms having regard to the requirements of the s66 of the Planning (Listed Buildings & Conservation Areas) Act 1990. No objections have been raised by the Historic Building officer to the proposal.

5.0 Highway Safety/Traffic generation

5.1 The Highway Authority have raised objection regarding the intensification of the use of the access on the grounds of the inadequate visibility onto B1077 Cake Street. The site is located to the south of the village centre with the nearest amenities and education located some 1km to the north. The existing use would generate limited traffic movements and certainly would not generate habitual traffic movements on a daily basis. By comparison, based on information derived from TRICS, a normal domestic dwelling would generate an average of 6 vehicular movements on a daily basis plus those associated with deliveries and other visiting vehicles.

5.2 Cake Street is an important stretch of highway designated as a Main Distributor Road in the County Council's Route Hierarchy, which carries high volumes of traffic including HGV content. No footway or safe pedestrian refuge exists between the site access and the nearest footway some 200 m to the north on Cake

Street. Residents would be reliant on travelling by car to access local amenities and education provision since they would be highly unlikely to walk in the carriageway of the busy Main Distributor Road in particular as no street lighting is present. A 40 mph speed restriction is in force in the vicinity of the site and a speed survey submitted with a recent application in the vicinity revealed that the 85th percentile south bound traffic speed was 41 mph.

Based on Government safety guidance, set out in The Design Manual for Roads and Bridges, minimum clear visibility of 120 m, from a 2.4m set back, is required to either side of the access where it meets Cake Street. Visibility to the north of the access, the approaching traffic direction, falls far short of this measuring approximately 75 m which represents just 62 % of the recommended safety standard.

5.3 In addition, forward visibility for drivers travelling southwards on B1077 is restricted to around 100 m by the horizontal alignment of the carriageway. Again Government safety guidance recommends clear forward visibility of 120 m and the 100 m available would result in an unacceptable reduction in the time a driver has to observe and react to a vehicle turning from Cake Street into the access. The existence of the private access track is a matter of fact and therefore a degree of conflict already exists. However, any additional traffic movements would result in the unacceptable intensification the use of an access with substandard visibility and would increase the potential for collision and personal injury accident. Inadequate visibility splays are provided at the junction of the access with the County highway and this would cause danger and inconvenience to users of the adjoining public highway.

5.4 The Highway Authority also go on to advise that given that 3PL/2016/0194/O (adjacent site) was approved contrary to highway advice, if the LPA is minded to grant approval in respect of the current proposal, a condition ensuring the parking area is laid out in accordance with the approved plan and retained for use thereafter is imposed.

6.0 Impact on the natural environment /ecology

6.1 The application was accompanied by a Biodiversity and Protected Species Survey and no specific ecological constraints have been raised with the proposal in terms of ecological issues. In light of this, the proposal is considered to have due regard to Policy CP10 and section 11 of the NPPF (Conserving and Enhancing the Natural Environment).

7.0 Other issues

7.1 The Contaminated Land Officer has raised no objection subject to conditions.

8.0 Conclusion

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

8.2 Whilst it is noted the proposal would result in the intensification of an access with inadequate visibility splays it is considered as the proposal relates to one additional dwelling only and the access currently serves existing dwellings, it is considered on the planning balance that the benefits of the proposal outweigh the harm caused in terms of highway safety.

8.3 The application is therefore recommended for approval.

RECOMMENDATION

Planning Permission

CONDITIONS

3006	Full Permission Time Limit (2 years)	
3047A	In accordance with submitted plans NEW 2017	
MT02	External materials as approved	
HA24	Provision of parking and servicing - when shown on plan	
PD04	No PD for fences, walls etc	
PD07	No PD for classes A B C D & E	
3920	Nesting birds	
3994	Contamination Note	
4000	Variation of approved plans	
3996	Note - Discharge of Conditions	
2000	NOTE: Application Approved Without Amendment	
2014	Criterion E - Planning Apps Where Approved	
3946	Contaminated Land - Unexpected Contamination	This condition will require to be discharged

ITEM: 7	RECOMMENDATION: REFUSAL
REF NO: 3PL/2017/0928/F	CASE OFFICER: Debi Sherman
LOCATION: NORTH TUDDENHAM The Lodge Public House Main Road, North Tuddenham	APPNTYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: N CONS AREA: N LB GRADE: N TPO: N
APPLICANT: Norfolk Holdings Limited Care of Agent	
AGENT: EJW Planning Limited Lincoln Barn Norwich Road	
PROPOSAL: Extension of Public House to create village shop, erection of five terraced dwellings, creation of parking areas, new access and landscaping	

REASON FOR COMMITTEE CONSIDERATION

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

KEY ISSUES

Principle of development
Impact upon character and appearance of area
Impact upon amenity
Highway matters

DESCRIPTION OF DEVELOPMENT

This application seeks consent for an extension to the existing Public House to create a village shop (approximately 26sqm), and the erection of 5 terraced two storey properties. The 2no. end properties would contain three bedrooms with the remaining 3no. being two bedroom properties.

This scheme is a revision to a previous proposal that is currently the subject of an appeal. The revisions relate to alterations to the car parking and servicing layout and positioning of the proposed dwellings.

SITE AND LOCATION

The application site is located outside of any defined Settlement Boundary and currently consists of the existing Public House and the associated car park and amenity space. The site is bounded to the north and east by agricultural land and Mill Farm, to the south by the highway, and to the west by the Public House and beyond the highway and further agricultural land.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2016/1021/F - Extension of PH to create village shop, erection of 5no terraced dwellings, parking and landscaping, refused 12 May 2017. Appeal currently pending.

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.03	Employment
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.07	Employment Development Outside of General Employment Area
DC.12	Trees and Landscape
DC.16	Design
DC.18	Community facilities, recreation and leisure
DC.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

TREE AND COUNTRYSIDE CONSULTANT

No objections providing the development is constructed outside of the Root Protection Area (RPA) of third party trees. BS5837:2012 recommendations make it quite clear that the default position should be that structures and permanent hard surfaces should be located outside the RPA unless there is overriding justification. In addition to construction issues there is likely to be post development problems relating to shading of buildings and seasonal nuisance. Building so close to trees will result in future pressure for removal or pruning which is likely to be damaging to third party trees.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

No objections subject to mitigation measures referenced in submitted PEA are implemented.

NORFOLK COUNTY COUNCIL HIGHWAYS

In the absence of local services, amenities and regular public transport provision the residents of the development are likely, in the main, to be car dependant. It is accepted that the scheme includes a small shop which would assist in limiting trips for essentials and note the introduction of cycle parking for the pub which could assist in encouraging customers to travel more sustainably.

It is appreciated that transport sustainability is only one of the aspects of development which need to be considered and that there may well be other matters which outweigh any concerns in this respect in particular as there are no highway safety concerns with the proposal subject to conditions.

CONTAMINATED LAND OFFICER

No objections subject to conditions

ECONOMIC DEVELOPMENT

No Comments Received

ANGLIAN WATER SERVICE

No Comments Received

PRINCIPAL PLANNER MINERAL & WASTE POLICY No Comments Received

REPRESENTATIONS

12 letters of support -

- creation of hub in the village
- proposed shop and re-design of the pub is a positive step
- opportunity to landscape an existing ugly car park
- new houses will bring young people to the village
- provide an opportunity for starter homes
- shop will reduce the need to travel for goods
- proposal will re-invigorate the village

1 letter of objection -

- not the right location next to a working farm - potential issues relating to noise & odour complaints
- already a farm shop which is little used by the village, another not required
- N Tuddenham has no real centre and a limited offering for young families

ASSESSMENT NOTES

1.0 Principle of Development

1.1 This re-submitted application seeks consent for an extension to the existing Public House to create a village shop (approximately 26sqm), and the erection of 5no. terraced two storey properties. The re-submission contains minor alterations to the scheme but the principle elements remain unchanged and are currently being considered as part of an on going written representation appeal process. There is no determination date for the appeal at the time of writing this report.

1.2 The proposed extension to the Public House would create a village shop with a floorspace of approximately 26sqm. It would be a relatively small premises which would be linked to the existing Public House. The Public House is classified as being a key local service through Policy DC18 'Community

facilities, recreation and leisure' and it is considered this would support the existing local facility and be located where currently no such facility exists. Whilst it is noted the site is located outside of any defined Settlement Boundary as it would be an extension to the existing Public House it is considered as an expansion/diversification of the existing business and therefore would benefit the existing rural facility, in accordance with paragraph 28 of the NPPF.

1.3 The scheme also proposes the erection of a terrace of 5no. properties, 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 contrary to the adopted Development Plan.

1.4 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.

1.5 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.

1.6 In terms of the economic and social criteria, the proposal would provide five 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.

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

1.8 North Tuddenham contains a Public House, namely the application site. The proposed shop would add to those facilities but would be very limited in floor area and unlikely to negate the need to travel elsewhere for all but the most basic shopping needs. The nearest town that offers services and facilities that have the potential to meet all everyday needs, including shopping and employment is Dereham, which is located approximately 4.2 miles away from the site. In terms of public transport, bus stops are located adjacent to the site; however these provide limited and infrequent services.

1.9 For these reasons occupants of the proposed dwellings would rely on the use of the private car to gain access to local facilities to meet everyday needs. This would not accord with the core planning principle in Paragraph 17 of the NPPF which is to actively manage patterns of growth to make the fullest possible use of

public transport, walking and cycling. The proposal would also not accord with paragraph 34 of the Framework in terms of ensuring the need to travel will be minimised and the use of sustainable transport modes will be maximised. 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.

1.10 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.

1.11 It was noted with the previous application and reiterated in this scheme that the proposed residential development would secure the long-term viability of the Public House. Previously some viability information was submitted to illustrate how the development would work but no financial evidence was provided to show how the grant of planning permission for these dwellings would secure the retention of the public house. The information submitted previously did not identify how the turnover and profit had been derived. It was concluded that insufficient information was provided to show that the proposed residential dwellings were necessary to secure the long-term viability of the existing business, and that the existing business is unviable. The re-submission does not address any of the concerns previously raised. These concerns remain and there is a distinct possibility that the development if granted could result in new dwellings being erected in an unsustainable location with no prospect of securing this local facility for the village in the long term. It is noted that the agent has offered a proposed condition to ensure that the dwellings are not occupied prior to the shop being delivered which is a positive step but this still does not secure the long term viability of either the public house or shop itself if they are subsequently considered unviable. Therefore as the application site is located outside of any defined Settlement Boundary it is contrary to Policies SS1, DC02 and CP14 of the Core Strategy and Development Control Policies Development Plan Document 2009.

1.12 In the context of the above, the proposal would be contrary to policies SS1, DC2, CP14 of the Core Strategy and the site is not considered to be in a sustainable location and is inconsistent with the social and environmental dimensions of sustainable development. This consideration alongside the policy objection weigh significantly against the proposal.

2.0 Impact on Character and Appearance

2.1 In terms of design and scale the extension would be single storey of brick and pantile construction. The existing Public House is mainly two storey and is rendered and it is considered the brick construction is an acceptable contrast and would not impact upon the character and appearance of the area.

2.2 Whilst the site is located outside of any defined Settlement Boundary the site forms the car park of the existing Public House. The site is also bounded to the north east/east by an existing farmhouse and associated agricultural buildings. Whilst it is noted the site would alter the immediate character of the area it is considered given the surrounding uses that the proposal would not impact significantly upon the wider landscape and character of the area.

3.0 Impact on Amenity

3.1 With regards to neighbour amenity it is considered due to the orientation of the plots, separation distances, and existing/proposed boundary treatments that the proposal would not significantly impact upon amenity in terms of loss of light, privacy, outlook, or by being overbearing.

3.2 Concerns have been raised regarding the potential noise and disturbance issues resulting from locating

new residential properties near to a working farm. At present there is no evidence of complaints from the operators or customers of the public house and it is considered that the potential for complaints would not be unlike other locations in a rural area and would not represent a basis for a reason for refusal, particularly as no objections have been raised by Environmental Health Officers previously.

4.0 Highways Matters

4.1 The Highways Authority state in the absence of local services, amenities and regular public transport provision the residents of the development are likely, in the main, to be car dependant. The Highways Authority accept that the scheme includes a small shop which would assist in limiting trips for essentials and note the introduction of cycle parking for the pub which could assist in encouraging customers to travel more sustainably. They raise no highway safety concerns subject to the imposition of conditions relating to access, car and cycle parking, visibility splays, off-site highway improvement works, and an informative relating to works within the public highway.

5.0 Other Matters

5.1 The Contaminated Land Officer recommend the imposition of condition relating to a site investigation/remediation, unexpected contamination, and informatives relating to asbestos and extensions.

5.2 The Ecological and Biodiversity Consultant initially requested the submission of additional information/surveys in relation to bats. This was provided and the Ecological and Biodiversity Consultant has no further issues in relation to bats. The Ecological and Biodiversity Consultant also states the measures in the Mitigation section of the Preliminary Ecological Appraisal must be included as a planning condition. They also request details to include retained hedgerows and trees, details of lighting as such are capable of supporting commuting and foraging bats and nesting birds. These matters could be addressed via planning conditions.

5.3 The layout has Tree Consultant states the proposed layout is in direct conflict with third party trees located along and just outside the eastern boundary. Future shading issues, debris dropping on both parking areas and dwellings as well as shading issues are likely to put future pressure on either removal or heavy pruning of these trees which are not within the applicants ownership.

6.0 CONCLUSION

6.1 It is argued that the Public house will close without the proposed development being granted but in the absence of definitive information to substantiate the case made, the potential benefits of retaining the existing community facility are uncertain. The proposed shop is very limited in floor area and hence its value as a facility is also limited. In addition to this, there is no legal mechanism proposed to demonstrate that the erection of these 5no. dwellings would ensure the long term retention of the public house and new retail facility. In the absence of this, the houses could be built and the community facilities close in any event which would lead to inappropriate development in an unsuitable location with no public benefit.

6.2 In conclusion, the site is outside any defined Settlement Boundary and the proposal would introduce new development in an unsustainable location and therefore the proposal does not accord with Policies SS1, CP14 and DC2 of the adopted Breckland Council Core Strategy and Development Control Policies DPD. The development would not accord with the Development Plan and there are no material considerations that would outweigh this harm. As a result the proposed development is therefore not considered sustainable and

would be contrary to paragraphs 12, 13, 14 and 17 of the NPPF.

RECOMMENDATION

Refusal of Planning Permission

REASON(S) FOR REFUSAL

9900	Outside Settlement Boundary
2002	Application Refused Following Discussion - No Way Forward
2009	Criterion E - Planning Apps Where Refused

ITEM: 8	RECOMMENDATION: APPROVAL
REF NO: 3PL/2017/0966/O	CASE OFFICER Lisa ODonovan
LOCATION: NORTH LOPHAM The Gables 7 The Green, North Lopham	APPNTYPE: Outline POLICY: Out Settlemnt Bndry ALLOCATION: N CONS AREA: Adjacent LB GRADE: N TPO: N
APPLICANT: Mr D Brock The Gables 7 The Green	
AGENT: Paul Goddard Chartered Architects St James The Heywood	
PROPOSAL: Two New Dwellings and Detached Double Garages with Use of Existing Access	

REASON FOR COMMITTEE CONSIDERATION

The application is brought to committee as the recommendation is contrary to Policy.

KEY ISSUES

Principle
Impact on local character and amenity
Highway safety
Impact on trees
Impact on the adjacent conservation area

DESCRIPTION OF DEVELOPMENT

The application seeks outline planning permission with layout and access as matters to be considered for the erection of two new dwellings, detached garages incorporating use of the existing access which serves existing dwellings.

SITE AND LOCATION

The site is outside but adjacent to the Settlement Boundary of North Lopham. The land is situated to the rear of No.7 and will be situated adjacent existing dwellings to the south. The land is currently used as storage and has a mix of outbuildings and sheds within it. To the north and north-east lies agricultural land.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2016/1541/O - Two dwellings and detached double garages with use of existing access - Refused

POLICY CONSIDERATIONS

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

CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.12	Trees and Landscape
DC.16	Design
DC.17	Historic Environment
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

NORTH LOPHAM P C

The Parish Council have considered this application and whilst they have no objections they have asked for some points to be considered; 1. There should be a proviso that the applicant does not continue building to the left of plot two behind the existing properties, eg Florence Cottage and Pax. 2. Whether the shared drive is fit for purpose to serve 5 properties should planning be approved. 3. Whether access between plot 1 and No 7a could be wider than the 3 metres on the plans to make access easier for public and emergency vehicles.

NORFOLK COUNTY COUNCIL HIGHWAYS

No objections subject to conditions.

TREE AND COUNTRYSIDE CONSULTANT

The supplied tree survey has identified two trees which could be implicated. Both have been shown to be trees of low value which should not be seen as a constraint upon the proposed development. No objection.

CONTAMINATED LAND OFFICER

No objection subject to conditions.

ENVIRONMENTAL HEALTH OFFICERS

There are no objections or comments on the grounds of Environmental Protection, providing the development proceeds in line with the application details. NB: the applicant is proposing to connect their foul

drainage to a package sewage treatment plant however it should be noted that mains sewer is available in the road at the bottom of the drive. The applicant should consider as part of their plans to provide sustainable and satisfactory drainage under the Building Regulations if the main sewer would be a preferred option over the treatment plants which will need approval by the Building control / approved inspector.

HISTORIC BUILDINGS CONSULTANT

No objection.

REPRESENTATIONS

Site notice erected: 16-08-2017

Consultations issued: 02-08-2017

No representations received.

ASSESSMENT NOTES

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

2.0 Principle

2.1 The application seeks Outline consent for the erection of 2 dwellings and garages on land outside of the North Lopham 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, as the Council cannot currently demonstrate a 5 year supply of housing land, these policies cannot be considered to be up-to-date insofar as it relates to the supply of housing land and can be given little weight. The application is therefore assessed against the benefits provided in relation to the sustainable development tests as set out in the NPPF.

2.2 The NPPF identifies three dimensions of sustainable development:

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

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

2.4 In terms of the economic and social criteria, the proposal would provide two new dwellings and would provide some short-term economic benefits through construction, and longer-term economic benefits through additional household spend within the surrounding area that would be generated by the provision of the dwelling.

2.5 With regard to whether this is a suitable location, the site is outside the Settlement Boundary of North Lopham however the house, no. 7 and 7A falls inside the settlement boundary. The development site is therefore considered closely related to it and the services within it. Whilst not a service centre village, North Lopham does benefit from community facilities such as a Post Office and shop and public house and a village hall most of which are within walking distance from the site, any new dwelling would therefore further support these village services.

2.6 North Lopham benefits from limited and infrequent bus services. However as previously stated above it does benefit from a shop, post office and public house and therefore the reliance on the private car to access day-to-day requirements including shopping and community facilities is lesser in this location. Whilst it is appreciated that there would be a reliance on the use of a car to access wider day-to-day services i.e Doctors provision and bigger provision needs which does weigh against the proposal, given the small scale of the proposal, it is considered that the harm caused to sustainability would be small. It is also acknowledged that a wider range of facilities are available a short trip away in the nearby villages of East Harling and Diss, the nearest Market Town which would be likely to derive some support from the development. The NPPF recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. The proposed dwelling would therefore help support the services in nearby East Harling and Diss, in line with paragraph 55 of the NPPF.

2.7 Environmentally, although outside the Settlement Boundary, the site is in a semi-rural location within a group of existing development. There are other residential uses immediately to south, east and north-east of the site. The proposal would consolidate the existing pattern of development to the rear and given the immediate locality with other dwellings set behind those fronting The Green to the south of the site.. The development would also improve the character of the area for the following reasons:

- generous proportions of the site will maintain a spacious character;
- given the proximity of the adjacent dwellings the proposal would not be isolated; and the majority of the remaining land to the north will remain agricultural;
- the proposal would not cause material harm to the character and appearance of the area given its positioning and close proximity to existing development.

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

3.0 Impact on local character and amenity

3.1 Layout is a matter to be determined within this Outline application. The proposal indicates two dwellings which will follow an existing, established similar building line to the existing dwellings to the south, garages are also proposed forward of the dwellings, again, matching the form and character of the existing dwellings. The site is contained to an area measuring 33m wide x 63m long (minus the access) situated immediately to the rear of No.7, the vast area of open/agricultural land to the north/north-west of the site will therefore remain as such. The impact on the landscape character will therefore be limited, particularly when seen in the context of existing development.

3.3 This layout retains a good separation break between the proposed dwellings, those to the south as well as those fronting The Green to ensure that the proposal would not result in any significant impact on the outlook, privacy and daylight of nearby, neighbouring dwellings and the orientation is such that any overshadowing would be over the front of the application site and not the neighbouring dwellings.

3.4 For the above reasons the development would not cause any demonstrable impact onto the rural

character of the area, the setting of the site or the amenity of neighbouring residential properties. As such the proposal is consistent with policies DC01 and DC16.

4.0 Highway Safety

4.1 Access is one of the reserved matters for which approval is being sought. The existing access which serves the existing units to the rear is proposed for use. The Highways Authority has therefore been consulted and has subsequently advised that no objections are raised subject to conditions relating to visibility splays being provided and the parking and turning area being provided in accordance with the approved plan and retained for that use. These will be attached to any subsequent approval.

5.0 Impact on trees

5.1 A tree survey was requested given the proximity to trees to the development site. The Tree and Countryside Officer was consulted on this and has advised that the supplied tree survey has identified two trees which could be implicated. Both have been shown to be trees of low value which should not be seen as a constraint upon the proposed development. In light of this, the application has had due regard to Policy DC12.

6.0 Impact on the Conservation Area

6.1 Any decisions relating to conservation areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990, in particular section 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.

6.2 The North Lopham Conservation Area includes the historic core of the village and is characterised by a sporadic pattern of development, primarily road facing, with narrow streets lined by a mix of historic and more modern house types set within relatively spacious plots, creating an open character.

6.3 The proposal site is considered a sufficient distance away and hidden from the main core of the Conservation Area so as not to have a material impact on it. Accordingly, the proposals would have no material impact on the character and appearance of the North Lopham Conservation Area.

6.4 The Council's Historic Buildings Officer has raised no objection to the scheme.

7.0 Other Matters

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

7.2 The Environmental Health Officer has raised no objection, but makes comments in respect of foul drainage. These will be relayed to the Agent but ultimately will be properly assessed at the Building Regulations stage.

7.3 The comments made by the Parish council were noted and the response is as follows: In respect of point 1, the Council cannot stop planning applications coming forward, each and every application will be

assessed against its own merit however. In respect of point 2, the shared drive/use of this access point is a matter for approval in this outline permission and, as stated above, the Highway Authority has reviewed the application and raises no objection. Point 3, the access already serves dwellings, as such, this access width would have been assessed at the building regulations stage for these dwellings in respect of the ability for emergency vehicles to gain access.

7.0 Planning balance

7.1 On balance, it is considered that the proposal would constitute a sustainable form of development as defined in Paragraph 7 of the NPPF, which would help to support the local rural community, would not compromise local amenity and would not adversely impact the character and appearance of the surrounding area. The application is therefore recommended for approval.

RECOMMENDATION

Outline Planning Permission

CONDITIONS

3005	Outline Time Limit (3 years)	
3058	Standard Outline Condition	
DE07	Number of dwellings only (outline)	
3047A	In accordance with submitted plans NEW 2017	
HA24	Provision of parking and servicing - when shown on plan	
3994	EHO note	
3994	NOTE: Contaminated land	
4000	Variation of approved plans	
3996	Note - Discharge of Conditions	
2000	NOTE: Application Approved Without Amendment	
2014	Criterion E - Planning Apps Where Approved	
HA20	Provision of visibility splays - conditioned	This condition will require to be discharged
3946	Contaminated Land - Unexpected Contamination	This condition will require to be discharged