

ITEM:		RECOMMENDATION: APPROVAL
REF NO:	3PL/2017/1294/F	CASE OFFICER Lisa ODonovan
LOCATION:	GREAT ELLINGHAM Land adjacent Manderley Attleborough Road/Deopham Road (Cross Roads) Great Ellingham	APPNTYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: N CONS AREA: N LB GRADE: N TPO: N
APPLICANT:	Mr Adrian Stubbs The Conifers Hingham Road	
AGENT:	Mr Kevin Cole 43 Park Lane Norwich	
PROPOSAL:	Erection of 3 no 4 bedroom dwellings and garages	

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
Highway safety
Impact on trees
Impact on nearby listed building (Bury Hall) to the north and archaeological implications
Impact on the natural environment

DESCRIPTION OF DEVELOPMENT

The application seeks Full permission for the erection of 3 no. 4 bedroom dwellings, each with a detached double garage. The dwellings will be positioned within the site so that three plots are road facing, all of which will compose of an 'L' shaped design with a stepped two storey and single storey element coming from the rear elevation.

Materials are proposed as a mix of render and timber cladding on top of a red brick plinth with a mix of red and black clay pantiles.

SITE AND LOCATION

The site is a prominent corner plot which faces the B1077 to the south-west and Deopham Road to the east. It is currently used as paddocks and is bounded on all boundaries by mature, established hedgerows and vegetation. It offers a green buffer between the bulk of development along Attleborough Road and the more

rural aspect of Deopham Road to the north-east.

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.04	Infrastructure
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
LBC	Planning(Listed Building & Conservation Areas) Act 1990
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

GREAT ELLINGHAM P C

This application was discussed at the meeting of Great Ellingham Parish Council on 15 November. Councillors object to the application. Councillors are extremely concerned about the access and egress at the busy junction, within close vicinity of the bus stop. The proposed buildings are also outside the building line. Should the application be approved, in view of Great Ellingham's "dark sky" status, Councillors request that a lighting clause is included in any permission granted. National Planning Policy Framework Clause 125 and Norfolk County Council's Environmental Lighting Zones Policy both recognise the importance of preserving dark landscapes and dark skies. In order to minimise light pollution, we recommend that any outdoor lights associated with this application should be: 1) fully shielded (enclosed in full cut-off flat glass

fitments) 2) directed downwards (mounted horizontally to the ground and not tilted upwards) 3) switched on only when needed (no dusk to dawn lamps) 4) white light low-energy lamps (LED, metal halide or fluorescent) and not orange or pink sodium sources

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection subject to conditions.

CONTAMINATED LAND OFFICER

No objections

ENVIRONMENTAL HEALTH OFFICERS

No objections

HOUSING ENABLING OFFICER

Comments based on scheme for four, not three:

In this instance, the proposed floorspace appears to be approximately 900m²; if approved this would mean there was no requirement for affordable housing. However we would request a condition be applied limiting the development onsite to 1,000m² GIA. In the event the proposal changes to include more than 1,000m² GIA, please re-consult the team.

HISTORIC BUILDINGS CONSULTANT

No further comment.

HISTORIC ENVIRONMENT SERVICE

Following trial trenching, no objection subject to condition.

TREE AND COUNTRYSIDE CONSULTANT

Satisfied with the supplied hedgerow assessment together with the proposal for removal and replacement as specified.

REPRESENTATIONS

Site notice erected: 25-10-2017

Initial consultations issued: 20-10-2017

3 representations received raising concerns in respect of overdevelopment of the village; land outside the settlement boundary; highway safety issues, access point on dangerous bend, exiting infrastructure unable to cope, potential archaeological issues.

One letter received requesting us to contact OS in respect of the mapping, however this would be the responsibility of the respective homeowner to do.

ASSESSMENT NOTES

1.0 Assessment

1.1 The proposal was amended during the course of the application process in order to reduce the number of dwellings from four to three, removal of hard boundary treatments along the front elevation, provision of a footpath along the site frontage and increased planting/hedgerow along the frontage. Trial trench work was

also undertaken as requested by the Historic Environment Service. Relevant re-consultations were carried out as a result.

2.0 Principle of development

2.1 The application site is located outside of the Great Ellingham Settlement Boundary as designated by the adopted Core Strategy and Development Control Policies Development Plan Document (2009). For this reason the proposal conflicts in principle with Policies DC2 and CP14 of the Core Strategy and Development Control Policies Development Plan Document which seeks 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 and that housing applications should be considered in the context of the presumption in favour of sustainable development.

2.2 The Government defines sustainable development as having three broad 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

2.3 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. In terms of the economic and social criteria, the proposal would provide three new dwellings and would therefore make a contribution to the housing supply shortfall. The proposal would also provide some limited short-term economic benefits through labour and supply chain demand required during construction, and longer-term economic benefits through the additional household spend within the surrounding area that would be generated by the provision of three dwellings.

2.4 Social - The land lies outside, but immediately adjacent to the Great Ellingham Settlement Boundary which is defined as a service centre village via Policy SS1. As such, the village is considered to have adequate services and facilities to meet the day-to-day requirements of the existing residents. In addition, a new footpath is proposed across the site frontage therefore enabling easier walking routes to these services and facilities. In addition, there are good public transport links (bus) in the village to Attleborough and Norwich, therefore linking the village to a wider network without the need to travel by car. As a result, the proposal is considered to accord with the social dimension.

2.5 Environmentally, although outside the Settlement Boundary, the site is in a semi-rural location, with the more rural landscape to the north and the main built up part of the village to the south. There are other residential uses immediately to the north (Bury Hall complex of buildings), south and west of the site. This site will also be contained within its existing, well screened site boundary and relates as a good infill plot with Bury Hall to the north restricting further encroachment in this direction. In addition, the proposal seeks to improve the quality of the hedgerow surrounding the site as well as incorporating more tree planting which is considered to be a net gain in environmental terms. The combination of all of these environmental factors together and not in isolation result in the proposal satisfying the environmental role of sustainable development.

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

3.0 Impact on character and appearance

3.1 Policy DC16 requires all new development to achieve the highest standard of design. As part of this, all design proposals must preserve or enhance the existing character of an area. Consideration will also be given to the density of buildings in a particular area and the landscape/townscape effect of any increased density.

3.2 The revised proposal seeks permission for three, well proportioned two storey dwellings set within large, spacious plots which is in keeping with the pattern of nearby residential development. Due to the improved screening to the front of the site and the considered positioning of the dwellings within the site, the impact on the character and appearance of the wider area will be minimal, particularly once the improved hedgerow is established. Notwithstanding the screening, the dwellings proposed are of a scale, design and form in keeping with the locality and are set back from the roadside to reduce their visual impact. In light of these factors, the proposal is considered to accord with Policy DC16 and paragraph 17 of the NPPF.

4.0 Impact on amenity

4.1 Policy DC1 seeks to protect residential amenity and that all new development must have regard to amenity considerations and states that development will not be permitted where there are unacceptable effects on the amenity of neighbouring residents and future occupants.

4.2 The proposal seeks permission for three, well positioned and spaced out dwellings. The generous site proportions/separation distances alongside the internal layouts and window positioning will ensure that impact on the amenity of any future occupiers is kept to a minimum, particularly in terms of overlooking, loss of light, over-dominance and noise and disturbance. The dwellings are a sufficient distance away from existing dwellings so as not to have an adverse impact on these, the nearest being Menderley to the west of Plot 3, approximately 11 metres away with hedging and soft planting separating them and Misty Dawn to the south-east with improved boundary screening and hedgerow planting between. In light of these factors, the proposal is considered acceptable and in accordance with Policy DC1.

5.0 Highway safety

5.1 Policy CP4 of the Core strategy seeks to ensure that all access and safety concerns are resolved in new developments. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy DC19 requires sufficient Parking for all new development.

5.2 The Highway Authority was consulted on the proposal and following an amended plan indicating road widening at two points of Deopham Road to 4.8m where it falls below this and also indicating a footway from the site access to terminate with a suitable crossing point, on this basis there are no objections in respect of highway safety, subject to conditions securing this, parking and turning and visibility. The application is considered to accord with the highway safety policies.

6.0 Impact on trees/hedgerow

6.1 Policy DC12 states that development that would result in the loss or the deterioration in the quality of

important natural features such as protected trees and hedgerows will not normally be permitted.

6.2 The site is currently screened from the road frontage by a mixed hedgerow, whilst not a particularly important hedge, this screening provides a green buffer between the built form of the village and the more agricultural land along Deopham Road. As part of this scheme, the applicant has agreed a replacement planting scheme which will improve this hedgerow with a mixed native hedge, set further into the site to allow for visibility. The Tree and Countryside Officer has raised no objection to the proposal on this basis. The application is considered to accord with Policy DC12.

7.0 Impact on heritage assets - Bury Hall to the north and archaeological site/ inhumation cemetery of Roman date

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

7.2 The significance of Bury Hall derives principally from its historic fabric and architectural features and prominent location.

7.3 The Agent has submitted further information in respect of the proximity to this listed building. It is considered that as the Listed Building is not directly visible from within the site and is fairly self-contained within its own walled setting, and the site's contained nature, bounded by established vegetation, all helps to create a separate identity. Accordingly, it is considered that the scheme would preserve the special interest and setting of the listed building and that the proposal is acceptable in these terms having regard to the requirements of the section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

7.4 The development proposal affects a site of considerable archaeological potential close to the historic core of Great Ellingham and adjacent to a known inhumation cemetery of Roman date. Burials were recorded in 1957 during kerb laying works on Attleborough Road immediately south of the site. Archaeological excavation in 2012 prior to the construction of the new bungalow on the south side of Attleborough Road, southwest of the proposed development site, revealed 85 burials.

7.5 An archaeological evaluation by trial trenching in 2014 approximately 150m east of the proposed development site recorded evidence of settlement activity of Anglo-Saxon and Medieval date close to Attleborough Road. As a result, there is potential for heritage assets with archaeological interest to be present at the site and their significance will be affected by the proposed development.

7.6 As a result, trial trenching was required prior to any approval being issued. The applicant has had this trial trenching done which did confirm the presence of significant archaeological remains of late Anglo-Saxon date. Consequently there is potential that heritage assets with archaeological interest (buried archaeological remains) may be present at the site and that their significance will be affected by the proposed development.

7.7 The Historic Environment Service was consulted and requested that this be dealt with via condition to any approval given in accordance with paragraph 141 of the NPPF.

7.8 In light of the above, the application is considered to have due regard to Policy DC17 and Section 12 of

the NPPF.

8.0 Conclusion

8.1 In terms of the overall planning balance of the scheme, the amended scheme is considered to be acceptable in terms of complying with the tests of sustainable development as outlined via paragraph 7 of the NPPF, whilst having a minimal impact on the character and appearance of the area, provides enhancements in terms of the improved planting scheme and without causing significant amenity impact. As a result, the application is recommended for approval.

RECOMMENDATION

Planning Permission

CONDITIONS

MT03

External wall and roof materials to be agreed

No development beyond slab level shall take place until precise details, (including samples where required), of the materials used in the construction of the external walls and roof(s) of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. This condition shall apply notwithstanding any indication as to these matters that have been given in the current application. The materials to be used in the development shall be in accordance with the approved details.

Reason for condition:-

To enable the Local Planning Authority to control the colour, tone, texture and appearance of the materials used to ensure the satisfactory appearance of the development, as required by Policy DC 1 and DC 16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

This condition will require to be discharged

HA28

Construction traffic (parking)

Development shall not commence until a scheme detailing provision for on site parking for construction workers and for the delivery and storage of construction materials for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason for condition:-

The details are required prior to commencement in order to ensure adequate off street parking during construction in the interests of highway safety.

This condition will require to be discharged

HA30A

Wheel washing facilities- temporary for construction vehicle

No works shall commence on site until the details of wheel cleaning facilities for construction vehicles have been submitted to and approved in writing by the Local Planning Authority. For the duration of the construction period all traffic associated with the construction of the development permitted will use the approved wheel cleaning facilities provided referred to and approved.

Reason for condition:-

The details are required prior to commencement in order to prevent extraneous material being deposited on the highway,

- HA39A** **This condition will require to be discharged**
Highway improvements-offsite A
Notwithstanding the details indicated on the submitted drawings no works shall commence above slab level on site unless otherwise agreed in writing until a detailed scheme for the off-site highway improvement works as indicated on drawing number 05/104 PL03 Rev D have been submitted to and approved in writing by the Local Planning Authority.
Reason for condition:-
To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor.
- LS04** **This condition will require to be discharged**
Implementation of submitted/approved landscaping scheme
All hard and soft landscaping works shall be carried out in accordance with the hedgerow Survey and replacement planting proposal by Ismael Landscapes dated January 2018 and thereafter retained. The works shall be carried out within the first planting season November/March following the commencement of work on site. If within a period of FIVE YEARS from the date of planting, any tree or plant, or any tree or plant planted in replacement for it, is removed, uprooted or is destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
Reason for condition:-
In the interests of the satisfactory appearance of the development in accordance policies DC1, and DC12 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.
- 3547** **This condition will require to be discharged**
Lighting Pollution
Full details of all external lighting provision which shall be designed to prevent light pollution of the night sky and the surrounding area shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. Only that lighting which has been so agreed shall be erected or installed.
Reason for condition:-
To ensure the satisfactory development of the site and to avoid excessive light pollution having regard to paragraph 125 of the NPPF and Great Ellingham's 'Dark Sky' status.
- 3006** **This condition will require to be discharged**
Full Permission Time Limit (2 years)
The development must be begun not later than the expiration of TWO YEARS beginning with the date of this permission.
Reason for condition:-
As required by section 91 of the Town & Country Planning Act 1990 (as amended) and to ensure the deliverability of the scheme to contribute to the five year housing land supply.
- 3047A** **This condition will require to be discharged**
In accordance with submitted plans NEW 2017
The development must be carried out in strict accordance with the application form, and approved documents and drawings as set out in the table at the end of this notice.
Reason for condition:-

To ensure the satisfactory development of the site.

HA19 Provision of visibility splay on approved plan

Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan. The splay shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.

Reason for condition:-

In the interests of highway safety.

HA24 Provision of parking and servicing - when shown on plan

Prior to the first occupation of the development hereby permitted the proposed access, parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason for condition:-

To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.

HA39B Highway improvements off-site B

Prior to the first occupation of the development hereby permitted the off-site highway improvement works referred to in condition 8 (highway improvements - offsite A) shall be completed to the written satisfaction of the Local Planning Authority.

Reason for condition:-

To ensure that the highway network is adequate to cater for the development proposed.

3920 Nesting birds

No removal, in full or in part, of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason for condition:-

To ensure the development is not detrimental to Protected Species and in order to protect the wildlife value of the site in accordance with Policy CP10 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009 and the National Planning Policy Framework.

AR03 Archaeological condition

A) No development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and,

- 1) The programme and methodology of site investigation and recording,
- 2) The programme for post investigation assessment,
- 3) Provision to be made for analysis of the site investigation and recording,
- 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation,
- 5) Provision to be made for archive deposition of the analysis and records of the site investigation; and,
- 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.

B) No development shall take place other than in accordance with the written scheme of investigation approved under part (A); and,
C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under part (A) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason for condition:-

Details are required prior to commencement in order to ensure that the potential archaeological interest of the site is investigated in accordance with policy DC 17 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

3994

NOTE - Highways

It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority.

This development involves work to the public highway that can only be undertaken within the scope of a Legal Agreement between the Applicant and the County Council. Please note that it is the Applicant's responsibility to ensure that, in addition to planning permission, any necessary

Agreements under the Highways Act 1980 are also obtained and typically this can take between 3 and 4 months. Advice on this matter can be obtained from the County Council's Highways Development Management Group based at County Hall in Norwich. Please contact Kay Gordon 01362 656211.

Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.

Please be aware it is the applicants responsibility to clarify the boundary with the public highway. Private structures such as fences or walls will not be permitted on highway land. The highway boundary may not match the applicants title plan. Please contact the highway research team at highway.boundaries@norfolk.gov.uk for further details. If required, street furniture will need to be repositioned at the Applicants own expense.

4000

Variation of approved plans

Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.

You or your agent or any person responsible for implementing this permission should inform the Development Control Section immediately of any proposed variation from the approved plans and ask to be advised to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new application.

3996

Note - Discharge of Conditions

If the formal discharge of any condition is required, it will be necessary for you to submit to the Council all relevant details, together with a completed application for the "Discharge of Conditions" and the fee as appropriate.

2001

Application Approved Following Revisions

The Local Planning Authority has acted positively and proactively in determining this application, and by assessing the application against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal in as timely a manner as possible, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Copies of all documentation submitted in connection with this application can be viewed online at <http://www.breckland.gov.uk/content/planning-search-0>

2014

Criterion E - Planning Apps Where Approved

Appeals against planning decisions

If you are aggrieved by the decision of your local planning authority to attach any particular condition/s to this permission, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.planningportal.co.uk

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.