

ITEM: 4	RECOMMENDATION: APPROVAL
REF NO: 3PL/2016/1262/O	CASE OFFICER Debi Sherman
LOCATION: HOCKERING Heath Road	APPNTYPE: Outline POLICY: Out Settlemnt Bndry ALLOCATION: N CONS AREA: N LB GRADE: N TPO: N
APPLICANT: Greatbrisk Ltd. c/o Agent	
AGENT: .RG +P 130 New Walk Leicester	
PROPOSAL: Outline for Residential Development of up to 12 dwellings.	

DEFERRED REASON

This application was considered at Committee on 31 July 2017 subject to the agreement of ecology conditions and a S106 agreement.

The ecological conditions have now been agreed with NCC Ecology Service and are as follows:

10. No development shall take place (including demolition ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include the following:

- Risk assessment of potentially damaging construction activities;
- Identification of 'biodiversity protection zones';
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- Responsible persons and lines of communication;
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- Use of protective fences, exclusion barriers and warning signs;
- The CEMP must be informed by update reptile surveys in-line with best practice and with details of the updated surveys provided.
- Mitigation measures as outlined in principle in the Ecological Walkover Survey report (James Blake Associates; March 2017) including but not exclusively vegetation clearance subject to a timing constraint, mitigation measures for badgers and a sensitive lighting scheme to avoid impacts on commuting/ foraging bats.

The approved CEMP: Biodiversity shall be adhered to and implemented through the construction phases strictly in accordance with the approved details, unless agreed in writing by the local planning authority.

Reason for condition - In order to accord with the requirements of the NERC Act 2006 and to accord with the NPPF and Core Strategy Policy CP10.

11. An ecological management plan (EMP) shall be submitted to, and approved in writing by the LPA prior to commencement of development. The content of the EMP shall include the following.

- a) Description and evaluation of features to be managed,
- b) Ecological constraints on site that might influence management
- c) Aims and objectives of management
- d) Appropriate management options for achieving aims and objectives including mitigation and enhancement measures detailed in the Preliminary Ecological Appraisal report (RammSanderson Ecology Ltd; December 2017) submitted with the application namely that for
reptiles
protection and enhancement of bat feeding and commuting corridors,
protection and enhancement of hedgerows
No. of bat boxes
No. of nest boxes for birds
- e) Prescriptions for management actions
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
- g) Details of the body or organisation responsible for implementation of the plan
- h) On-going monitoring and remedial measures

The EMP shall also include details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured by the developer. The plan shall also set out (where the results of monitoring show that conservation aims and objectives of the EMP are not being met) how remedial action will be identified, agreed and implemented so the development still delivers the fully function biodiversity objectives of the originally approved scheme.

Reason for condition - In order to accord with the requirements of the NERC Act 2006 and to accord with the NPPF and Core Strategy Policy CP10.

Further when the terms of recommendation as reported in the minutes were in error in that it was referenced that the S106 agreement related to

- 40% affordable housing
- education contribution
- library contribution

The S106 should only relate to 40% affordable housing provision.

RECOMMENDATION:

the correct resolution should read subject to conditions listed in the original report and the ecology conditions referenced above AND S106 legal agreement to provide 40% affordable housing.

REASON FOR COMMITTEE CONSIDERATION

The application is before the Committee for consideration as the proposal represents a departure from the adopted Development Plan.

KEY ISSUES

Principle of development
Design and scale impact
Highway safety
Impact upon residential amenity
Ecology

DESCRIPTION OF DEVELOPMENT

This application seeks outline planning permission with all matters reserved for up to 12. no dwellings.

SITE AND LOCATION

The application site lies on the edge of the village of Hockering, outside the designated Settlement Boundary and comprises of agricultural land. The site lies to the south-east of Heath Road. An existing house lies directly to the south, with residential development currently under construction further south along Heath Road. There is existing established residential development to the north of the site on the other side of Heath Road.

There is an existing mixed height hedgerow forming the front boundary with Heath Road, containing a number of Field Maples. There is no footpath on this side of Heath Road and the footpath on the opposite side of the road does not meet the normal required width of 1.8m.

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.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

OBLIGATIONS/CIL

S106 obligations -
- 40% affordable housing

CONSULTATIONS

ENVIRONMENT AGENCY

No objection to this application.

Contamination The site is located above a Principal Aquifer. However, we do not consider this proposal to be High Risk. Therefore, we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site. The developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency Guiding Principles for Land Contamination.

The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration (SuDS). We consider any infiltration (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels.

TREE AND COUNTRYSIDE CONSULTANT

No objection to the principal of the development.

NORFOLK COUNTY COUNCIL HIGHWAYS

Visibility splays cannot be achieved whilst also retaining the existing frontage hedging. Whilst we remain concerned that visibility cannot be secured without impacting on adjacent hedging, should your Authority support this application then we would expect the following: 1. Removal of the existing frontage hedge from the layout drawing. 2. Extension of the proposed footway in both directions by around 5m. A pram crossings will be required at the northern end with a corresponding crossing on the opposite side of Heath Road. 3. Between the ends of the footways and the site boundaries provide a 2m wide verge. 4. If replacement hedging is to be planted this should be set behind the footway/verge.

HOUSING ENABLING OFFICER

The 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 10 units or 1000 sq m or more. This is then further split into 65% being made available for rent and 35% for shared ownership,

shared equity or any other intermediate product that meets the intermediate definition within NPPF, meets an identified need in the District and is agreed by the Council. In this instance 4 units would be required, 3 for rent and 1 for intermediate housing. The affordable housing mix will need to be determined in the reserved matters. However, I note that the indicative plan shows 3 and 4 bed homes. In order to meet an identified housing need, I would currently recommend that a mix of 2 and 3 bed homes are provided. Please note that housing need is not static and the most appropriate affordable housing mix may change particularly if there is a significant delay before reserved matters are submitted. The links below contain details of the standards, including the space standard, required by the Homes and Communities Agency for the current affordable homes programme 2015-18.

HISTORIC ENVIRONMENT SERVICE

Based on currently available information the proposed development will not have any significant impact on the historic environment and we do not wish to make any recommendations for archaeological work.

HOCKERING PARISH COUNCIL

Oppose this application due to the number of developments already proposed for Heath Road and the implications this has on traffic management and impairment of the environment and rural locality and bearing in mind this is outside the village development boundary and Breckland Planning have advised that, although this proposal is shown on the Local Plan as a possible site for development, the Local Plan has accrued no weight so the proposal has to be considered against current policies. It is understood also that Breckland now have their five-year land supply.

The parish council wish to place on record that it objects in the strongest possible terms to frequent amendments to existing planning projects that are currently being constructed. This amendment will further damage the rural environment in destroying further very ancient hedgerows. This cannot be allowed to happen. Hockering did not want this development in the first place. There have already been serious issues with the state of the road left by the builders and this still remains a problem. The details of the splay should have been sorted out before construction started, not while it was going on.

NORFOLK FIRE AND RESCUE SERVICE

Norfolk Fire and Rescue Service will require a hydrant to be installed on no less than a 90mm main.

ANGLIAN WATER SERVICE

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus.

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable as the FRA shows surface water flows draining via on site SuDS techniques, whereas the application form for this development states that a mains connection is required. We would wish to see a clear surface water drainage strategy. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency. Recommend surface water condition.

COUNTY EDUCATION OFFICER

No Comments Received

REPRESENTATIONS

None

ASSESSMENT NOTES

2.0 Principle of development

2.1 The application seeks outline consent for the construction of up to 12 dwellings on land outside of the defined Hockering Settlement Boundary. For this reason the proposal conflicts in principle with Policies DC2 and CP14 of the Core Strategy and Development Control Policies Development Plan Document (2009) which seek to focus new housing within defined Settlement Boundaries.

2.2 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 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 With regard to whether this is a suitable location, Hockering 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 are not considered suitable for growth as they rely on higher order settlements for the majority of local services and facilities. Notwithstanding this, the village does benefit from some facilities such as a primary school, village hall, garage/post office/store and playing fields, has good access to the A47 and is served by a limited bus service linking it to Norwich/Dereham. Paragraph 55 of the NPPF states housing should be located where it will enhance and maintain the vitality of existing rural communities and help sustain facilities in the surrounding settlements. It is therefore considered that due to the range of facilities available within the village, its close proximity to higher order settlements such as Mattishall and Dereham where a wider range of facilities and services including doctors can be accessed, the proposal would not result in an isolated development in the countryside, and would be consistent with the NPPF principle that rural housing should be located where it will maintain or enhance the vitality of rural communities.

2.4 The principle focus of the NPPF is to bring forward sustainable development (Paras 6-14). 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

2.5 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.

2.6 In terms of the economic and social criteria, the proposal would provide up to 12 dwellings. This would make a positive contribution to the housing supply, affordable housing and provide some short term economic benefits through its construction.

2.7 Environmentally, although outside the Settlement Boundary, the site avoids encroachment into the countryside as it is bounded to the south by existing development, bordered on east by the Heath Road carriageway, and would be partly screened by the existing established hedging that runs along the rear (western) boundary of the site.

2.8 The scheme would provide additional housing, generate some economic activity, provide affordable housing and planning contributions, and be developed without causing harm to the character and appearance of the area. It is considered therefore that, on balance, the adverse effects of the proposal would not significantly and demonstrably outweigh its benefits.

2.9 Further to the above, the site has been included as part of a preferred site allocation for housing development within the Council's Preferred Site Options (September 2016) consultation document, prepared as part of the emerging Breckland Local Plan. This document has not been submitted or subject to examination and hence carries only limited weight nevertheless it demonstrates a direction of travel and the proposal would contribute towards the growth identified for Hockering.

3.0 Design and scale impact

3.1 The submitted indicative site layout plan is considered to demonstrate that the site is capable of providing 12 dwellings, without resulting in an overdevelopment of the site. It is considered that a scheme with a satisfactory layout and appearance can be achieved whilst providing reasonable amenity and parking space. The density of dwellings, at 25dph, would not be high and would accord with the density range set out in Policy DC02 of the adopted Core Strategy. It should be noted that detailed design, scale and landscaping are reserved matters.

4.0 Highway matters

4.1 Access is also a reserved matter although the indicative site plan shows the formation of a new access. The extent of the application site was amended to include visibility splays onto Heath Road. Although access is a reserved matter, this amendment to the extent of the application site identifies quite clearly the position of the proposed vehicular access. In order to provide the visibility splays, a large section of the road frontage hedgerow would need to be removed. This is regrettable, particularly as the emerging Local Plan allocation includes land that contains an existing access onto Heath Road, thereby negating the need to create this new access. The impacts in landscape terms are examined in Section 5 below.

4.2 Nevertheless, the application has been assessed by the Highways Authority who has raised no objection to the scheme on highway safety grounds, subject to the imposition of suitable conditions, including the provision of pedestrian footways; a pedestrian crossing on the northern end of the new footway, as well as 2m wide highways verge from the end of the footways extending to the site boundaries. On the basis the scheme incorporates these elements, it is considered that the proposal would safeguard highway safety and accord with Policy DC19 of the Breckland Core Strategy.

5.0 Trees and Landscaping

5.1 The revisions to the application site to facilitate the provision of visibility splays would have a significant impact on the hedgerow. However, the hedgerow in question is of mixed quality, varying height with trees of poor structural condition. There is adequate scope within the scheme to facilitate the planting of a new replacement hedgerow within the site behind the required visibility splays, whilst also facilitating the 2m

verges requested by the Highways Authority. On this basis, the impacts in landscape terms can be adequately mitigated by the planting of an appropriate indigenous species hedgerow.

5.2 The northern and eastern boundaries of the site are demarcated by hedgerows which should be retained to ensure that the site is visually contained and to protect the wider landscape setting. The southern boundary is shared with an existing dwelling and although there are a number of trees along the shared boundary it is more domesticated in its appearance.

6.0 Impact upon residential amenity

6.1 Matters of design and layout will form part of any Reserved Matters application, subject to careful consideration being given to the need to adequately address and mitigate against any impacts on the residential amenities of the adjacent development, it is considered that the development can adequately safeguard residential amenity.

6.2 Furthermore, the plot sizes identified are considered to be of sufficient size to provide future occupants of the development with adequate levels of amenity.

6.3 Therefore, it is considered that the scheme accords with the requirements of Policy DC1 of the Breckland Core Strategy.

7.0 Ecology

7.1 An ecological briefing note has been provided with the application. At the time of writing this report, comments are awaited by NCC Ecology Service. A walkover survey was undertaken which concluded that the site is unlikely to support protected species. However, further survey work may well be necessary to establish whether there are reptiles and amphibians and reptiles likely to be present on site. Such surveys are restricted to certain times of the year and as such conditions could be imposed to require survey work to be undertaken with the drawing up and implementation of mitigation strategies if protected species are identified in and around the site.

8.0 S106 obligations

8.1 It has been confirmed that 40% affordable housing would be provided in relation to the development. Issues relating to tenure and mix would be subject to discussions during the S106 negotiations.

8.0 Conclusion

8.1 In conclusion, it is considered that, on balance, 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 or highway safety and would not adversely impact upon the character and built form of the surrounding area. On this basis, the significant benefits deriving from the development would outweigh the harm by way of conflict with development plan policy as the proposal would form sustainable development when taking into account the Development Plan and policies of the NPPF as a whole.

RECOMMENDATION

Outline Planning Permission

CONDITIONS

- HA20 Provision of visibility splays - conditioned**
Prior to the first use of the accesses hereby permitted, visibility splays measuring 2.4 metres by 59 metres shall be provided to each side of the accesses where they meet the highway and such splays 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 interest of highway safety.
This condition will require to be discharged
- 3946 Contaminated Land - Unexpected Contamination**
In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with details to be agreed in writing with the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.
Reason for condition:-
To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
This condition is imposed in accordance with CP9 of the Breckland Adopted Core Strategy.
This condition will require to be discharged
- 3925 Fire Hydrants**
Prior to the commencement of any works above slab level a scheme shall be submitted for the provision of fire hydrants (served by mains water supply) serving the development. No dwelling shall be occupied until the hydrant(s) have been provided in accordance with the scheme as approved to the satisfaction of the Local Planning Authority in consultation with the Norfolk Fire Service.
Reason for condition:-
In order to secure the provision of fire hydrants.
This condition will require to be discharged
- 3005 Outline Time Limit (2 years)**
Application for Approval of Reserved Matters must be made not later than the expiration of TWO YEARS beginning with the date of this permission, and the development must be begun within ONE YEAR of the FINAL APPROVAL OF THE RESERVED MATTERS or, in the case of approval at different dates, the FINAL APPROVAL OF THE LAST SUCH MATTER to be approved.
Reason for condition:-
As required by section 92 of the Town & Country Planning Act 1990.

3058 Standard Outline Condition

No development whatsoever shall take place until the plans and descriptions giving details of the reserved matters referred to above shall have been submitted to and approved by the Local Planning Authority and these plans and descriptions shall provide details of the appearance, layout, scale and landscaping of the development.

Reason for condition:-

The details are not included in the current submission.

3920 Highway Condition 1

Notwithstanding the details indicated on the submitted drawings, prior to the commencement of work to construct the proposed access a detailed scheme for the construction and surfacing of the access shall be submitted to and approved in writing by the local planning authority. This scheme shall provide for the access to be hard surfaced for a minimum distance of 10 metres into the site measured from the nearside carriageway edge, and for the southernmost access to be a minimum of 5.5 metres wide. The access shall be constructed in accordance with the details agreed and shall be completed prior to the first occupation of the dwellings they serve.

Reason for condition:-

To ensure that the proposed accesses are constructed to an appropriate standard in the interests of highway safety.

3920 Highway Condition 2

No works shall commence on site until a detailed scheme for off-site highway improvements has been submitted to and approved in writing by the Local Planning Authority. The scheme shall comprise the widening of the footway along the site frontage to 1.8 metres wide, other than where this would be precluded by existing roadside trees. The scheme shall include measures to ensure the protection of existing trees. The scheme, as agreed, shall be completed in full prior to the first occupation of the development.

Reason for condition:-

To ensure adequate pedestrian access to the development, in the interests of highway safety. These details are required prior to the commencement of the development to ensure that safe access to the development can be provided from the outset of the scheme.

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.gov.uk/pcs.

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.

3860 Non-standard drainage condition

No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason for condition:-

To prevent environmental and amenity problems arising from flooding.

3739 Highway NOTE Inf 1

NOTES: This development involves works within the public highway that can only be carried out by Norfolk County Council as Highway Authority unless otherwise agreed in writing. 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. Please note that it is the applicants' responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Advice on this matter can be obtained from the County Council's Highways Development Control Group. Please contact Graham Worsfold on 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.

2000 NOTE: Application Approved Without Amendment

The Local Planning Authority has acted positively and proactively in determining this application, (having engaged with the Applicant at the pre-application stage), 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 subsequently determining to grant planning permission 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>

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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.