

BRECKLAND COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 15TH DECEMBER 2008

REPORT OF DEVELOPMENT SERVICES MANAGER

(Author: Nick Moys, Principal Planning Officer (Major Projects))

BYLAUGH: PROPOSED RESIDENTIAL DEVELOPMENT, BYLAUGH PARK, ELSING ROAD

Applicant: Mr S Vince Reference: 3PL/2008/1273/O

Summary – This report concerns proposals to develop land in Bylaugh Park for 34 dwellings. The development is intended to help fund works to Bylaugh Hall. It is recommended that planning permission is refused on policy and countryside protection grounds.

1. INTRODUCTION

This report concerns an application for outline planning permission for the residential development of land off Elsing Lane, Bylaugh. As originally submitted the application proposed the erection of a total of 38 properties: 19 residential dwellings and 19 units of holiday accommodation. The application has subsequently been amended to propose a total of 34 residential dwellings. The proposed development is intended to fund the completion of restoration work on Bylaugh Hall. The application is supported by a Design & Access Statement, Conservation Statement, Valuation Reports, Wildlife Mitigation Strategy, Flood Risk Assessment and a draft section 106 agreement.

The application site forms part of Bylaugh Park, and is located within an area of generally open countryside, between the villages of Elsing and Bawdeswell. The site is located approximately 1 km to the north-east of Bylaugh Hall. The site comprises an area of open grassland and extends to 6 hectares.

A recent application for the development of 58 holiday units was withdrawn in August 2008. Planning permission was refused for 5 holiday units in 2005.

2. KEY DECISION

This is not a key decision.

3. COUNCIL PRIORITIES

The following Council priorities are relevant to this report:

- A safe and healthy environment
- A well planned place to live and work

4. CONSULTATIONS

Bylaugh Parish Meeting has objected to the application on the grounds that the proposed development would result in a significant intrusion into the surrounding rural landscape. Concerns are raised in particular about the scale of the development, the adequacy of the surrounding road network and local services generally, and harm to local amenity.

The Highway Authority has objected to the application on the grounds that the proposal would result in a significant development in an unsustainable location with poor public transport links and pedestrian/cycling facilities.

The Environment Agency has objected to the application on the grounds that the submitted Flood Risk Assessment does not provide sufficient information to enable the adequacy of proposed surface water drainage arrangements to be assessed fully.

Natural England has raised no objection to the application subject to conditions requiring further wildlife surveys and mitigation measures.

Norfolk Wildlife Trust has raised no objection subject to conditions requiring the proposed wildlife mitigation and enhancement measures to be implemented.

Norfolk Landscape Archaeology has asked that any permission granted should be subject to a condition requiring an archaeological evaluation.

The Council's Tree & Countryside Officer has, whilst welcoming the submitted ecological report, raised concerns about the overall environmental impact of the development.

The Council's Historic Buildings Officer has requested that more detailed proposals are submitted.

The Council's Senior Planning Policy Officer has raised objections to the application on the grounds that the proposal would conflict with rural housing policies and result in large scale development in an unsustainable location.

The Council's Contaminated Land Officer has asked that further information be provided about nearby filled ground.

To date, three letters of objection to the application have been received from local residents, raising concerns about harm to the rural character of the area, additional traffic, harm to wildlife and drainage. One letter of support has been received citing the potential benefits of new development to local businesses.

5. POLICY

Relevant national planning policy can be found in PPS 3, PPS 7 and PPG 13. English Heritage's guidance 'Enabling Development and the Conservation of Significant Places' (2008) is also relevant. Relevant 'saved' Local Plan policies include Policies HOU.6 and TRA.5.

6. ASSESSMENT

The principal issues raised by the application concern: i) planning policy matters, ii) the likely impact of the development on the character of the area, and iii) whether any objections to the development would be outweighed by the potential benefits relating to the completion of restoration works to Bylaugh Hall.

Planning policy

At a national and local level, planning policies seek generally to resist proposals for new housing development in rural areas outside defined settlements. These policies aim to protect the countryside for its own sake and to direct development to sustainable locations with access to local services and a range of transport options. The proposed development would conflict directly with these policies and would result in a significant residential development outside a settlement and in a relatively isolated rural location.

Rural character

The application site is located in an attractive area of open countryside which forms part of the valley of the River Wensum. The site falls within the walled confines of the original parkland linked to Bylaugh Hall. Development in the area is sporadic and includes a number of individual dwellings and a large poultry farm. In this context it is considered that a development of the scale proposed would inevitably result in a loss of rural character due to increased general activity levels and the visual impact of new buildings. Whilst the visual effects of the development on the wider landscape would be mitigated by the screening provided by existing woodlands and estate walls, the proposed development would nevertheless result in a significant intrusion into the rural landscape when viewed from neighbouring properties. It is not considered that the development would have any material effect on the setting of Bylaugh Hall.

Enabling development justification

In support of the proposals the applicant contends that the proposed housing would be appropriate 'enabling development'. Enabling development is defined in English Heritage guidance as 'development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out, and which could not otherwise be achieved. While normally a last resort, it is an established and useful planning tool by which a community may be able to secure the long-term future of a place of heritage significance, and sometimes other public benefits, provided it is satisfied that the balance of public advantage lies in doing so. The public benefits are paid for by the value added to land as a result of the granting of planning permission for its development'.

The proposed residential development is intended to help fund the completion of the restoration of Bylaugh Hall, a Grade II* listed building. Since 2004 substantial works have been undertaken to rebuild the Hall from its previously ruinous state to create functions rooms and apartments. The works required to complete the restoration of the Hall include the reconstruction of the collapsed south-east tower and the reinstatement of missing stonework. These works are classified as of high priority in the submitted Conservation Plan for the Hall.

In line with the English Heritage guidance on enabling development, information relating to costs and development values has been provided in support of the proposal. This information includes detailed costings for the proposed restoration works, together with details of the cost of works undertaken so far and value of the Hall on completion of the restoration works. A financial appraisal of the proposed enabling development has also been provided. In summary, this information shows that the cost of the restoration works to the Hall would exceed by a significant margin the value of the Hall on completion. Much of this deficit has already been absorbed by the applicant. The proposed enabling development is intended to cover the majority of the deficit associated with the outstanding works, with any remaining

shortfall met by the applicant from other funds. The proposed legal agreement would ensure that funds from the proposed development would be directed towards repairs to the Hall. The financial information provided by the applicant has been sent to the District Valuer for independent scrutiny.

Subject to verification from the District Valuer, it is considered that the application generally satisfies the tests set out in English Heritage's policy relating to financial justification and protection of the historic asset. It remains therefore to consider the critical question of whether the public benefits from the repair of Bylaugh Hall outweigh decisively the disbenefits of breaching other planning policies. Whilst a persuasive case can be made for the completion of the restoration of the Hall, it is considered the balance of arguments is not in favour of the proposed development in this case. It is considered that the benefits of repair works would be outweighed by the harm caused by the proposed new development. The erection of 34 residential properties in an area of open countryside unrelated to existing settlements would constitute a significant departure from planning policy and inevitably result in a loss of rural character.

Other matters

Concerns have been raised locally about the impact of additional traffic on the surrounding road network. A new access to the development is proposed off Elsing Lane, which would be designed in accordance with the specifications of the Highway Authority including the provision of visibility splays. Improvements are proposed to Elsing Lane by the provision of additional passing bays between the site and the A1075 to the north. It is considered that these access arrangements would be adequate to cater for the additional traffic likely to be generated by the proposed development. The Highway Authority has not raised concerns about highway capacity, although objections have raised due to absence of sustainable transport links to the site.

Objections have been raised locally due to concerns about the impact of the development on local wildlife interests. The submitted ecological assessment suggests that the proposed development could take place without significant impact on protected species. Various measures are proposed to protect wildlife interests and to enhance biodiversity. English Nature has recommended measures to protect the adjacent woodland areas to prevent disturbance to wildlife and asked that further reptile surveys be undertaken. These matters could be dealt with by planning conditions.

Objections to the application have been raised by the Environment Agency on the grounds that insufficient information about ground conditions has been provided to enable the adequacy of proposed surface water drainage arrangements to be assessed fully. Additional information has been submitted by the applicant and further comments from the Agency are awaited.

7. RECOMMENDATION

It is recommended that planning permission is refused on the grounds that the proposals would be contrary to rural housing and sustainable transport policies, and would cause harm to the rural character.