

ITEM:		RECOMMENDATION:	REFUSAL
REF NO:	3PL/2018/0333/F	CASE OFFICER	Mark Simmonds
LOCATION:	WHISSONSETT Land off Dereham Road Whissonsett	APPNTYPE:	Full
APPLICANT:	Mr Carl and Mrs Caroline Edge C/O Parker Planning Services Orchard House	POLICY:	Out Settlemnt Bndry
AGENT:	Parker Planning Services Orchard House Hall Lane	ALLOCATION:	N
PROPOSAL:	Erection of dwelling with associated garage incorporating an annexe, parking and garden		
		CONS AREA:	N
		LB GRADE:	N
		TPO:	N

DEFERRED REASON

Deferred for update to Committee to be provided on the reason/justification for felling of tree on site.

This application was previously presented to Committee on the 2 July 2018 and the committee overturned the officer recommendation because they felt the proposals including the design were acceptable. A decision notice could not be issued however until the end of the consultation period due to the revised plan relating to visibility splays, and before the consultation period had finished, the felled tree incident occurred.

The tree in question was on the western boundary of the site. The issue is covered in the body of this report.

REASON FOR COMMITTEE CONSIDERATION

The application is reported to Committee at the request of the Ward Member.

KEY ISSUES

- Principle of Development
- Design and Impact on the Character and Appearance of the Area
- Amenity Impact
- Impact upon Highway Safety
- Ecological Impact
- Impact upon Trees
- Affordable Housing

DESCRIPTION OF DEVELOPMENT

Full planning permission is sought for the erection of a two-storey 4 bed dwelling, three bay garage and single storey annex, associated drives and garden area. The annex component of the proposal is in itself a self-contained residential unit, with a living area, kitchen, bathroom and bedroom.

The materials for the walls of the proposed development would be brick with larch cladding and off white render. The roofs of both the proposed dwelling and garage/annex would be pitched and would use grey slate interlocking tiles.

Access would be from Dereham Road to the south of the site.

SITE AND LOCATION

The application site is located on the south-eastern outskirts of the village of Whissonsett. It lies just beyond Whissonsett's Settlement Boundary. The site is currently open space and in agricultural use. Further agricultural land can be found to the east. The application site is surrounded by dwellings on all other sides.

The application site is approximately 8.5 miles north-west of the town of Dereham, 5 miles south of Fakenham and 2.5 miles south of the village of Colkirk.

EIA REQUIRED

Not required.

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.09	Pollution and Waste
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

Policy DC4 sets out the affordable housing principles and requires affordable housing where five or more dwellings are proposed or where the land comprises an area of more than 0.17 hectares. Following a court case, the Government confirmed that affordable housing requirement would not be a requirement for schemes of less than 10 units.

However, given that this is a large plot on 0.45 hectares of land, it exceeds the 0.17 hectare threshold. Policy DC4 applies to all sites and proposals which, individually or as part of a wider but contiguous site in the same ownership and/or control, could accommodate a level of development that would meet this threshold. No proposal has been put forward in relation to affordable housing. However, in this instance, given that the proposal is for one dwelling on a large plot, it is not considered affordable housing would be reasonable.

CONSULTATIONS

WHISSONSETT PARISH COUNCIL

No objections.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

No objections subject to conditions on mitigation and enhancement of biodiversity.

TREE AND COUNTRYSIDE CONSULTANT

No objection.

NORFOLK COUNTY COUNCIL HIGHWAYS

Insufficient information submitted.

CONTAMINATED LAND OFFICER

No objections or comments on the grounds of Environmental Protection.

REPRESENTATIONS

A Site Notice was displayed on 5th April 2018, advertised in the EDP and 16 neighbours were directly notified. Nine representations were received; 7 objected to the proposed development and 2 outlined concerns. These comments can be summarised as follows:

- Whissonsett is being expanded beyond acceptable limits;
- The proposal is outside of the settlement boundary;
- The village is lacking services and facilities such as a school, local shop, pub, adequate bus and post office services;
- Highway issues including poor visibility, narrow roads and inadequate road system to cope with traffic;
- Development would split the field in half, with a likelihood the remaining half would be used for development in time;
- Style, scale, layout and materials of proposal is not in keeping with local character;
- the development would be visually intrusive when entering the village;
- The development is not "infill" as described;
- There are unsold properties in the village; there is no demand for further dwellings;

- The proposal would harm and undermine a visually important gap that contributes to the character and distinctiveness of the rural scene;
- The development would overshadow and impact upon the privacy of the neighbouring property.
- Impact upon biodiversity.

Two respondents noted that the proposed design was attractive. One respondent supported the potential orchard.

Further to presentation at Committee and the raising of the issue with the tree felling the following additional objections have been received, there were 8 further representations to the application in total after the Planning Committee of 2nd July.

- Thank you for requesting comment on a felled tree. Ecology and the environment are clearly important. The tree plans caused confusion. There are a couple of overgrown bushes on the Dereham Road boundary. There was a hedge on the earth bank but it is not there now. The inner fencing on the habitat survey is not present. It may represent the electric fence needed to contain the sheep. There have been no sheep this year. The felled tree was adjacent to Little Acre on the western boundary. The log pile on the habitat survey may be the remains of it. In their planning statement, the applicants say they will retain existing hedges and trees. They have not done so. The habitat survey describes the land as improved grassland, the planning statement calls it arable at one point and grassland at another. Most of the land around here is high quality agricultural and there is no reason to believe this 2 acre field is otherwise. It is our opinion that this quality and description should be tested, because high quality agricultural land should not be built on without a demonstrated need which cannot be satisfied elsewhere. In this case the land is outside the settlement boundary. See our previous comments on need. The large house with annexe, and the building plot on the High Street remain unsold. The new plan does not show the added land from the remaining part of the field for road widening. Is this still part of the plan? The plans give the impression that the western boundary fencing and hedging are part of the site. They are not. The accuracy and timing of the habitat survey, and consistency of the plans gives us concern. Should the tree plans be indicative of intention to plant mature trees, we ask that any near our boundary are planted as far from the boundary as the mature tree height to prevent overshadowing and crown overhang. We believe that replacement mixed species hedging would be ecologically preferred. We remain opposed to this development on grounds of detriment to the environment, lack of identified need (not want), increased road hazard, and being outside the settlement boundary. Allowing this development may lead to request to develop the remains of the field. The statement in the planning notes that this is infill is not accepted. Creeping development is what settlement boundaries are supposed to stop."

- Our previous objections still stand. However we would like to add the following

1. Widening the road does not remove the danger that increased traffic to and from this new access point would represent. The bends in the road, which severely limit visibility would remain narrow and therefore continue to represent a real risk of accident.
2. The planning proposal claimed that existing boundaries of trees and hedges would be maintained even enhanced. We are very disappointed to see that even before building has started that a mature tree on that boundary has already been cut down by people proposing the build.

- Our previous objections regarding the application stand. We do not believe the application is either desirable or in keeping with the street scene. We note also that the application has changed to include an

annex in the garages. This will be a self contained dwelling. We are concerned that this will increase traffic to and from the site. We believe this is a significant alteration and as such would have a greater impact upon the already stretched resources of the community.

- Our original concerns remain regarding the proposed development with regards to the impact it would have visually on the village. We do not feel that it is in keeping with the character of the village and would be detrimental to the rural scene.

-The Highways Agency have stated that they are satisfied with the revised plan to widen the road and increase visibility displays, however this will not improve the visibility of the road itself. Other objections to the development stand. The development of this site will split the field in two and undoubtedly lead to further development in due course. The layout in terms of the proposed development are not in keeping with the style and character with other properties within the area. Also, the development is not an infill as described in the application. Most importantly, the development would harm and undermine the visual important gap that contributes to the character of the rural scene. We continue to object to current application on the above grounds.

- Further to the changes in the proposed building we respectfully resubmit our objections. We have included those relating to highway issues as in our view simply widening the road around the access point only addresses part of the problem caused by another access point along this stretch of road. The pinch points at either bend remain and any increase in volume of traffic still constitutes a significant increase in risk of accidents on this road.

- It is with much disappointment that I learn that a planning committee has approved this application before the consultation expired. This is not in line with the government planning portal diagram of the planning process. That is that an application is considered after consultation. Although the highway agency think the road widening is acceptable, it does not remove the bends in the road, and could make the one at the western end of the site more dangerous since westward travelling traffic is likely to be moving faster on a widen road. I would like to see a requirement that the road works are completed before the building of the house is commenced, so that, if possible any problems can be seen and remedied if necessary. I know that it is normal for road works to be completed before occupation, but the dangers on this site have not been recognised by the planners.

ASSESSMENT NOTES

1.0 Principle of the Development

1.1 The application seeks planning permission for the development of a dwelling and garage/annex. The application site lies just outside of a defined Settlement Boundary. The proposal would therefore conflict 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.

1.2 However, as advised within the Breckland Statement of Five Year Housing Land Supply, the District cannot currently demonstrate a five year housing land supply.

The site is located outside of any settlement boundary in an area of open countryside on the edge of Whissonsett. 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.

However, paragraph 11 of the NPPF (2018) states that where an authority does not have an up-to-date Development Plan or 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.

1.3 Notwithstanding the above, housing applications should be considered in the context of the presumption in favour of sustainable development and Footnote 7 to Paragraph 11 of the National Planning Policy Framework states that 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. Currently no such identified housing supply is adopted.

The presumption in favour of sustainable development is set out in paragraphs 8 and 11 of the National Planning Policy Framework (NPPF). Paragraph 8 states there are three dimensions to sustainable development: environmental, economic, social and these dimensions cannot be undertaken in isolation, as they are mutually dependant.

1.4 The NPPF constitutes guidance for local planning authorities and decision-takers and is a material consideration in the determination of planning applications to achieve sustainable development. The Government outlines three dimensions to sustainable development: economic, social and environmental (paragraph 8). These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- a social role - supporting strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- an environmental role - contributing to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

1.5 Paragraph 9 states that these roles should not be undertaken in isolation, because they are mutually dependent and that the planning system should play an active role in guiding development to sustainable solutions. A balanced assessment against these roles is, therefore, required.

1.6 Paragraph 78 of the NPPF (2018) states that housing should be located where it will maintain the viability of rural communities.

1.7 In terms of the economic and social criteria, the proposal would provide 1 new dwellings and would, therefore, make a positive, albeit very small, contribution to the housing supply. The proposal would have 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 wider area that would be generated by the provision of a dwelling.

1.8 The occupants of the proposed 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 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 the Framework in terms of ensuring the need to travel will be minimised and the use of sustainable transport modes will be maximised.

1.9 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.

1.10 In terms of the economic criteria, the proposal would provide an additional dwelling and would, therefore, make a positive, albeit small, contribution to the housing supply and longer-term economic benefits through the additional household spend within the wider area that would be generated by the provision of a dwelling.

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. The application site sits just beyond of the Settlement Boundary of Whissonsett. Whissonsett does not offer a sufficient range of services and facilities to meet the essential day-to-day needs of occupiers of the proposed dwelling. In this respect, the proposal would not make a significant contribution to the enhancement or maintenance of the vitality of rural communities. Services and facilities to meet day-to-day needs, including shops and schools, would be found in higher order settlements such as Fakenham and Dereham, several miles away from the application site. Bus services do operate between Whissonsett and King's Lynn, Norwich, Fakenham and Tittleshall. The services are infrequent and would provide some limited service for any potential occupiers.

1.7 In terms of the environmental role, no information has been put forward to demonstrate the need for the loss of the land to residential and, in any event, it is not considered that the siting of a dwelling in this location would result in a positive impact on the openness or character and appearance of the landscape having regard to Policy CP11. This weighs against the proposal.

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

2.1 Policy DC16 seeks high standards of design and is echoed in the NPPF. Policy CP11 seeks the protection and enhancement of the District's landscape.

2.2 Whissonsett features buildings of varying design. Materials, styles and scales differ throughout the village, although generally, a traditional-style design approach is taken. The property to the south of the application site is two storeys; otherwise the nearby surrounding properties are single storey bungalows.

2.3 The proposed dwelling would be constructed of brick, Siberian larch cladding and off-white render, with a grey tiled roof. Materials throughout the village tend to be brick or render, with a clay roof tile in red/brown colours. The style of the proposed development would be modern, with clean lines and large openings. The design approach would not reflect the character and appearance of the area. Whilst pastiche traditional style would be undesirable, the proposed approach would result in the development standing out rather harmoniously fitting in.

2.4 The overall scale and bulk of the proposed dwelling and garage/annex would be larger than surrounding properties. The proposed dwelling and garage/annex would sit comfortably within their large plot. However,

this plot would be considerably larger than other development plots in the village and would not reflect the established development pattern.

2.5 The application site is just outside of the Settlement Boundary and the proposed development would be located outside of an established ribbon of development along Dereham Road. It would not represent infill development but elongate the built-up area of the village. It would have a negative affect on the openness of the landscape in this location.

2.6 The proposed dwelling and garage/annex are not considered acceptable in terms of design and the proposal is not in accordance with Policy DC16 and Policy CP11.

3.0 Amenity Impact

3.1 Policy DC1 sets out that for all new development, consideration will need to be given to the impact upon amenity. Development will not be permitted where there are unacceptable effects on the amenities of the area or the residential amenity of neighbouring occupants, or future occupants of the development site.

3.2 The concerns of the objector are noted with regards to impact upon privacy and overshadowing, particularly with regards to the existing property to the west, Little Acre. However, it is considered that the distance between the proposed dwelling and neighbouring properties is sufficient to not cause unacceptable impacts in this respect. Furthermore, there would be no first floor windows of the west elevation of the two storey dwelling that would face Little Acre. Overall, the proposed dwelling would not result in any unacceptable impacts with regards to over dominance, overshadowing or affect on privacy of neighbours having regard to Policy DC1.

3.3 A large sized garden area would be provided for the amenities of future occupiers of the proposed dwellings.

3.4 Policy DC1 also requires consideration of how development would impact upon the amenities of an area, including the effect on the quality of the landscape or townscape. The policy allows for consideration of the desirable features of a place that ought to be protected in the public interest. The development of the open space in this location would be undesirable, resulting in the loss of an attractive open aspect that positively contributes to the rural character and approach to the village. It would not be in the public interest to see the erosion of this character.

3.5 Overall, whilst the proposal is considered acceptable in terms of neighbour amenity, it represents an unacceptable impact in terms of public amenity.

4.0 Impact upon Highway Safety

4.1 Policy CP13 seeks developments that is not detrimental to highway safety, as does the NPPF. Policy DC19 sets out the car parking requirements.

4.2 The Highway Authority originally advised that the visibility cannot be achieved because the red line does not extend to the area required for visibility and there was no "blue" land to enable this to be conditioned.

4.3 In addition, if this was achieved, there is a pinch point along the site frontage where the Highway Authority would require some very minor road widening to achieve a minimum of 4.8m carriageway width and the plan would need to be annotated accordingly.

4.4 Visibility splays were achieved by issuing a revised plan with a new red line to achieve them. The report suggests this did not happen. Notice was served on the applicant's father and the plans accepted. Permission was granted pending the end to that consultation period for the revised plan and the serving of notice.

4.5 However, such an agreement would not be acceptable. Either the land would need to be totally within the red line area and the owner served notice or it would need to form the "blue" land area. In addition, the required revised plan regarding the widening is necessary.

4.6 The agent submitted a "Post-Consultation Update" outlining the above, but did not provide the required information.

4.7 The Highway Authority was reconsulted on this information and advised that if sufficient land is included to the east of the proposed access to provide a 2.4m x 43m visibility splay then there will be no highway objection, in principle, to the proposal.

4.8 However, they will not provide a formal response until the necessary land to form part of the application is included. The plan would also need to be annotated to note that the carriageway adjacent to the entire site frontage will be locally widened to achieve a uniform 4.8m width.

4.9 As a result, it is acknowledged that this matter could be overcome, with a revised red line plan and additional plans but the current submission does not contain the sufficient information to warrant approval and thus does not comply with Policies CP4 and the NPPF.

5.0 Impact upon Ecology

5.1 A Preliminary Ecological Appraisal (PEA) has been submitted with the application. The PEA concludes that based on the site's habitats, it has the potential to support invertebrates, amphibians (excluding great crested newts), breeding birds, terrestrial mammals and foraging/commuting bats. The PEA suggests a suite of mitigation and enhancement measures to avoid unacceptable harm to biodiversity and to support biodiversity on the site into the future.

5.2 An issue was raised at the last presentation of the case to Committee regarding the felling of a tree, the tree being on the western boundary - now felled - the Agent has provided before and after site plans showing the tree in situ and removed. The Agent has sought advice from their ecologist who sent the following commentary:

"I'm not sure why the removal of this tree is causing an issue with the planning application. From my understanding, the tree was removed due to recent storm damage, it wasn't removed to facilitate the development as the construction activity on site would have no impact on this tree which is located outside of the anticipated impact zone. Had the tree not been damaged in recent storms then it would not have been removed. The tree did not have a TPO and as such no offence has been committed in removing the tree. It may have been removed during the nesting season for birds, which represents a deviation from best practice guidance, but there is no legal restriction to removing a tree during the nesting season, providing that no nests are damaged or destroyed at the time of the removal. The ecology report produced by Christine and Ben for Parker Planning Services contains a standard paragraph within the recommendations relating to trees which I have found is present in all their reports regardless of whether there are actually any trees on the site or not. As there were no semi-mature or mature trees within the redline construction footprint for the

development, the recommendation has limited relevance to this development. I do not see any value in amending or reissuing their report, the recommendations they made are still valid and reflect the current status and value of the habitats within the site and adequately identify any ecological constraints and recommend appropriate mitigation. The PEA report doesn't highlight this tree as having any potential for supporting roosting bats, which I would expect from an ecology report, if there were indeed Potential Roost Features present. From the report, I conclude that the tree did not have such features and did not have value in its own right, beyond the context of it being part of the boundary trees listed as Mixed scattered trees. The tree itself was a conifer; most likely a cypress, perhaps part of a row that was present in 2008 (see attached streetview image)

but since removed. Conifers are less frequently used by roosting bats; they are fast growing and are less likely to develop the types of features that are useful for roosting bats such as rot holes with chambers formed in hollow limbs. In addition, the resin they produce around cracks and other damage either seals gaps or can dissuade roosting due to the sticky coating and smell. Obviously this is a generalisation and bats roosts are reported in conifers, just much less frequently.

There is no legal requirement to have an ecologist inspect every tree before an arborist cuts it down. Most tree surgeons have received training relating to bats in trees, and in many respects they are more experienced than ecologists as they more frequently encounter bats in trees than most ecologists. Furthermore, they are fully aware of the penalties for destroying bat roosts. As such, I find it unlikely that any tree surgeon would have removed the tree had it any credible risk of supporting roosting bats."

The response from the Natural Environment Team (NCC) was;

"Thank you for sending over additional information regarding the felling of the conifer tree. The explanation from the ecologist clarifies the reasons for felling the tree due to storm damage and concludes from the report that the tree did not have potential roost features and did not have value in its own right. Our previous comments still apply attached."

5.3 On the basis of this advice the planning officers do not see this as an issue on which to resist the proposed development.

5.4 The Ecologist has no objection but recommends condition to avoid unacceptable harm to biodiversity. Subject to appropriate conditions, the proposal would be in accordance with Policy CP10.

6.0 Other Matters

6.1 The Contaminated Land Officer has considered the proposal and has advised that they have no objections or comments on the grounds of Environmental Protection, providing the development proceeds in line with the application details. The proposal, therefore, accords with Policy CP9.

6.2 A number of trees and hedgerows border the site. It is proposed that the existing trees and hedgerows would be retained. The Tree and Countryside Consultant has no objections. As a result, the proposal complies with Policy DC12.

7.0 Planning Balance and Conclusion

7.1 In terms of the overall planning balance of the scheme, whilst the proposed development would be located just outside of the Settlement Boundary of Whissonsett, as the Council does not currently have a five year housing land supply and the Framework establishes that the relevant policies for the supply of housing should not be considered to be up to date. Paragraph 11 of the Framework states that in these cases

permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole.

7.2 The proposed development represents the same scheme as was previously presented to members, with the exception of the felled tree. Whilst the felled tree is not considered to warrant an reason for refusal of the application in itself, in the interests of consistency - the application is recommended for refusal by officers for the reason previously outlined in the July report. The proposal represents a design and development pattern that would not reflect the existing character and appearance of the area, and would see the loss of an open approach to the village. These negative impacts would outweigh the benefits of the proposal.

Refusal of the application is accordingly recommended.

REASON(S) FOR REFUSAL

1

Non-std housing reason for refusal

The dwelling, self-contained annex and garage on 0.45 hectares of land outside the Settlement Boundary of Whissonset represents a design and development pattern that would not reflect the existing character and appearance of the area. The proposal would result in detriment to the character and visual amenities of the area and be an unwarranted intrusion into this rural landscape resulting in the loss of an attractive open aspect that positively contributes to the rural character and approach to the village. As a result, the proposal is contrary to Policies DC1, DC16 and CP11 of the adopted Breckland Core Strategy and Development Control Policies Development Plan Document (2009) and the National Planning Policy Framework 2018.