

ITEM:		RECOMMENDATION: APPROVAL
REF NO:	3PL/2018/1404/F	CASE OFFICER Mark Simmonds
LOCATION:	GREAT ELLINGHAM Mill Farm Fisheries Church Street Great Ellingham	APPNTYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: N CONS AREA: N LB GRADE: Adjacent Grade 2 TPO: N
APPLICANT:	Mr D Beales C/O Agent Parker Planning Services East Tuddenham	
AGENT:	Parker Planning Services Ltd Orchard House Hall Lane	
PROPOSAL:	Erection of 5 No. new dwellings and 1 No. replacement dwelling with associated landscaping and parking	

REASON FOR COMMITTEE CONSIDERATION

This application is being put forward to Planning Committee as it is contrary to policy.

KEY ISSUES

- Principle of Development
- Design and Impact on the Character and Appearance of the Surrounding Area
- Impact on the Character, Appearance and Setting of the adjacent Listed Building
- Amenity Impact
- Highway Impact
- Ecological Impact
- Impact on Trees
- Flood Risk & Drainage

DESCRIPTION OF DEVELOPMENT

The proposals seek full planning permission for the erection of 5no. dwellings and 1 no. replacement dwelling with associated access, landscaping and parking. Access is proposed from Church Street to a private drive.

SITE AND LOCATION

The proposed site is just outside of the settlement boundary at Mill Farm Fisheries, Great Ellingham. The site area for development is approximately 0.2 ha. It should be noted that the submitted location plan details the pond to the north within the redline area but the development is only proposed to the rear of this to the south. The site is currently occupied by a dwelling and a number of outbuildings used for storage, a garage and facilities for the adjacent caravan club site.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2016/1190/O

Outline application, originally for 16 dwellings, amended to 8 dwellings. This was refused due to the proposed loss of the fishery business, also due to being outside of the settlement boundary, ecology impact and other issues. The application was appealed but dismissed. The reasons for the appeal being dismissed included the effects upon the character and appearance of the area, specifically to the southern plots which this new application has omitted.

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.13	Accessibility
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.12	Trees and Landscape
DC.13	Flood Risk
DC.16	Design
DC.17	Historic Environment
DC.19	Parking Provision
LBC	Planning(Listed Building & Conservation Areas) Act 1990
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

OBLIGATIONS/CIL

Not applicable

CONSULTATIONS

GREAT ELLINGHAM P C

The parish council do not object to the application, however, concerns were raised regarding possible flooding and the parish council would ask that sufficient provision is made for flood prevention.

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 Councils 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

On the basis that the proposal includes a new footway to link into either end of the existing provision on Church Street, no objection subject to conditions.

HISTORIC BUILDINGS CONSULTANT

No objection.

TREE AND COUNTRYSIDE CONSULTANT

The proposed layout requires only the removal of low value category C trees, to which there is no objection. Implications to highways works which include the construction of a footpath will need to be added to the report including any necessary method statements and tree protection.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

This planning application is supported by a Protected Species Assessment (Finnemore Associates; 2018). The protected species assessment report is broadly fit for purpose, however no consideration appears to have been given to commuting and foraging bats. There is suitable habitat available on the site for commuting/ foraging bats. Any lighting therefore needs to be low intensity and directional away from features used by commuting and foraging bats. The trees proposed for removal do not appear to have been assessed for their potential to support roosting bats.

NORFOLK FIRE & RESCUE

Norfolk Fire and Rescue Service would like to add the requirement for a fire hydrant as a planning condition.

REPRESENTATIONS

The site notice has been displayed from 11-12-2018 to 04-01-2019

15 neighbours have been directly notified.

Three residents have objected to the proposal with regards to the footpath on Church Street and raised the following issues:

- Detrimental impact upon the setting of adjacent listed buildings.
- Drivers to pull out their cars closer to the centre of carriageway and worsening road safety.

- No need to create the footpath unless required by Highway Authority.

One resident has concerns with regards to drainage and boundaries and commented as follows:

Drainage:

- Neither the land drainage document nor any of the other plans show the ditch that exists between Mill Farm and Great Ellingham Mill and part of the garden of Mill House. It is unlikely that the walkover by the land drainage consultants would have spotted this as it is under a dense layer of brambles. However, it is important for water drainage from the mill and at least part of the garden of Mill House. The ditch is important for drainage but we have not known it to fill to the top since the mill was converted, even after heavy rainfall. However, we believe that if this were filled without taking account of its need to act as a drain, it would cause issues to these neighbouring properties and to dwellings 1, 2 and 6, especially in times of heavy rainfall.

Boundaries:

- To avoid confusion, we wish to point out that the OS plans used in the Surface Water Drainage Strategy Report are old and do not show the actual boundaries which can be seen in Land Registry title number NK232233 (the OS plan has also been used in the site location plans for the Proposed Layout of Access and Footpath Works and Topographical Survey). The actual Location Plan submitted by the agent and Mr Beales is correct regarding the alignment of the eastern boundary. There is a discrepancy in the boundary to the south of Great Ellingham Mill and Mill Farm Fisheries but it does not appear to affect this planning application (the boundary is marked by a ditch which is not to the north of the building in the garden of Stonehenge).

There have been three other residents supporting the proposal on the basis of character and appearance of the proposal as well as the sustainable use of the land between the ponds.

ASSESSMENT NOTES

1.0 Principle

1.1 This application seeks full planning permission for the erection of five dwellings on land outside of any Settlement Boundary (and one replacement dwelling). 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.

1.2 Paragraph 10 of the NPPF states that at the heart of the Framework is a presumption in favour of sustainable development. Paragraph 11 further states that proposed development that accords with an up-to-date Local Plan should be approved without delay, and where there are no relevant development plan policies, or the policies which are most important for determining applications are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

1.3 The Council cannot demonstrate a current 5 year housing land supply and therefore the Core Strategy and Development Control Policies Document relating to housing land supply are not considered up-to-date and therefore the material considerations are assessed in line with the sustainable development roles within paragraph 8 of the NPPF:

- economic, to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types 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;
- social, to support 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

- environmental, to contribute 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.

1.4 In terms of economic and social criteria, the proposal would provide six residential dwellings for market sale, which would make a positive, albeit small, contribution to the housing supply. The proposal would provide limited short-term economic benefits through labour and supply chain demand required during construction. However, given the small scale nature of the development these benefits are not considered to be significant and not definitive in this instance.

1.5 The social role of sustainable development seeks to ensure, amongst other matters, the creation of a high quality built environment with accessible local services. Great Ellingham is identified as a Local Service Centre Village and has a number of facilities to meet the day to day requirements of its residents, which include a primary school, shop, post office, community hall and public house. The nearest town that offers services that has the potential to meet all everyday needs, including shopping and employment is Attleborough which is located approximately three miles away from the site. There are also 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.

2.0 Impact on the character and appearance of the area

2.1 The environmental role of sustainable development seeks to, in part, contribute towards protecting and enhancing the natural, built and historic environment. Consideration of a proposals 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. Core Strategy Policy CP11 says, amongst other things, that the countryside will be protected for its intrinsic beauty and rural character and that the design of new development should be sympathetic to landscape character, informed by the Council's Landscape Character Assessment (LCA).

2.2 The site lies outside of any defined Settlement Boundary, however, the site is considered to be previously developed brownfield land. The previous application which was appealed, was dismissed, but consideration should be given to the Inspectors report which detailed that the northern part of the site (this application site) is considered to have a built up character, which due to the existing hardstanding and various structures, constitutes previously developed land.

2.3 To the north of the application site lies existing residential development, to the east arable land but this is screened by existing mature trees and hedgerow. To the south the fishing lakes associated with the Fishing business and to the west a disused Mill.

2.4 The applicant has reduced the site area and the number of dwellings to be erected following the comments received from the Council and the Planning Inspector. This proposal enables the fishery to continue trading and therefore conserves the rural aspect to the south of the site.

2.5 Impact on the Character, Appearance and Setting of the adjacent Listed Building

2.6 Policy DC17 seeks to ensure that new development will protect, preserve or enhance any features of

historic or architectural interest of Listed Buildings.

2.7 Any decision 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 sections 16, 66 and 72) as well as satisfying the relevant policies within the National Planning Policy Framework and the development plan. National policy states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Core Strategy Policy DC17 seeks to ensure that new development preserves and enhances the character, appearance and setting of conservation areas and listed buildings.

2.8 Historic Buildings

The Historic Buildings Consultant has been consulted and advised that they have no objections, as per previous application 3PL/2016/1190/O.

2.9 A Heritage Statement has been submitted alongside the application which details the nearest heritage assets to the application site. The former Tower Mill on Long Street and Mill Farmhouse on Church Street are both Grade II Listed buildings. This recommends some enhancements to the layout to give a clearer relationship between the buildings. It concludes that due to the relative dense layout and close proximity to the assets, it is considered that the proposed development has the potential to result in less than substantial harm to its setting. However, it is considered that this minimal harm is outweighed by the potential enhancement of the site as the existing buildings are of an unsympathetic nature and the provision of residential dwellings when the Council cannot demonstrate a five year housing land supply.

2.10 Design and Layout

2.11 A mix of bungalows and 2-storey dwellings have been proposed, with materials to include red brick, cream colourwashed render and clay pantiles in red and anthracite for the roof.

- Plot 1 & 2: Bungalow with integral garage and 3 bedrooms.
- Plot 3,4 and 5: 2-storey House, 3-bedrooms.
- Plot 6: Bungalow, 2-bedroom. (Replacement dwelling for applicant for the on-going management of the Fishing Lakes)

2.12 In conclusion, it is considered that the proposals have been given careful consideration and taken on board previous comments which have resulted in a well designed layout which sits well within its surroundings without harm to the rural nature of the area or the existing Listed buildings nearby. The dwellings are proposed in materials sympathetic to the existing residential dwellings within the vicinity and are of a scale and size that are acceptable and in keeping with the area. Therefore, the proposals comply with the environmental role of sustainable development and Policies CP11, DC16, DC17 and The NPPF (2019).

3.0 Amenity impact

3.1 Policy DC1 of The Adopted Core Strategy and Paragraph 127 of The NPPF (2019) seek 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.

3.2 The dwellings proposed are modest in terms of their scale and have been positioned well within the site so that adverse amenity impact, particularly in terms of overlooking, loss of light and over dominance will not

be a significant issue. The plots also provide each dwelling with a good amount of private amenity space for future occupiers.

3.3 The Proposals are considered to comply with Policies DC1 and Paragraph 127 of the NPPF (2019).

4.0 Highway Safety

4.1 The Highway Authority advise that on the basis that the proposal as amended includes a new footway to link into either end of the existing provision on Church Street, they would have no objections to the proposals subject to conditions.

4.2 Policy CP4 of the Core strategy seeks to ensure that all access and safety concerns are resolved in new developments. Amended plans were submitted which propose the footway to link on the opposite side of Church Road to link into the existing provision as advised by NCC Highways. Access is proposed off Church Street onto a private drive which is the existing access to the Fishery and shows adequate visibility splays can be achieved.

4.3 Policy DC19 sets out the parking standards for development.

4.4 The proposals set out 2 parking spaces for each dwelling which is acceptable, also providing 10 spaces for the patrons of the fishing lakes at the entrance to the fishing lakes to the south of the site.

4.5 In light of the above, the proposals comply with Highway safety standards, policies CP4, DC19 and The NPPF (2019).

5.0 Ecology

5.1 Policy CP10 seeks the enhancement of biodiversity and geodiversity in the district. There is an expectation that development will incorporate biodiversity or geological features where opportunities exist.

5.2 The Natural Environment Team have been consulted and confirm that the application is supported by a Protected Species Assessment (Finnemore Associates; 2018). The protected species assessment report is broadly fit for purpose, however no consideration appears to have been given to commuting and foraging bats. There is suitable habitat available on the site for commuting/ foraging bats. Any lighting therefore needs to be low intensity and directional away from features used by commuting and foraging bats. The trees proposed for removal do not appear to have been assessed for their potential to support roosting bats. Conditions have been specified which will take this into account.

5.3 Therefore, the proposals have the ability to comply with Policy CP10.

6.0 Trees and Landscaping

6.1 Policy DC12 seeks to preserve the District's trees, hedgerows and other natural features and secure appropriate landscaping schemes to mitigate the impact of, and complement, new development.

6.2 The Tree and countryside consultant has been consulted and advised that the proposed layout requires only the removal of low value category C trees, to which there is no objection. Implications to highways works which include the construction of a footpath will need to be added to the report including any necessary method statements and tree protection.

6.3 Therefore, subject to conditions, the proposals comply with Policy DC12.

7.0 Flood Risk and Drainage

7.1 Policy DC13 requires new development to be located in areas of low risk to flooding.

7.2 The site is within a Flood risk 1 zone, the preferable area for development. A Surface water drainage plan has been submitted alongside the application which confirms that surface water run-off will be managed through a sustainable drainage system via an existing link to the fishing lakes and a attenuation storage tank will also be provided. The proposals are therefore considered to comply with Policy DC13.

8.0 Conclusion

8.1 In conclusion, the proposals have been amended significantly since the previously refused application for development at this site. On balance, the proposals meet the three roles of sustainable development and will provide housing at a time when the Council is unable to provide a 5-year housing land supply. It is considered that the design and layout has been carefully considered and will not have a negative impact upon the setting or its surroundings and therefore this application is recommended for approval, subject to conditions.

RECOMMENDATION

Approval recommended, subject to conditions.

CONDITIONS

- 1 Full Permission Time Limit (3 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 and Country Planning Act 1990.
- 2 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.
- 3 New access (over verge/ditch/watercourse/footway)**

Prior to the first occupation of the development hereby permitted the vehicular access shall be constructed perpendicular to the highway and shall achieve a minimum width of 4.5m for its first 10 metres as measured from the nearside channel edge. The access shall be constructed in accordance with a detailed scheme to be first submitted to and approved in writing by the Local Planning Authority and where it lies within the highway in accordance with the highways specification TRAD 5 and thereafter retained at the position shown on the approved plan. Arrangements shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.

Reason for condition:-
To ensure construction of a satisfactory access and to avoid carriage of extraneous material

or surface water from or onto the highway in the interests of highway safety.

This condition will require to be discharged

4 Provision of visibility splays - condition/approved plan

Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4 metres x 43 metres shall be provided to each side of the access where it meets the highway. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225metres above the level of the adjacent highway carriageway.

Reason for condition:-

In the interests of highway safety in accordance with the principles of the NPPF.

This condition will require to be discharged

5 Provision of parking and servicing areas

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

Reason for condition:-

In the interests of satisfactory development and highway safety.

This condition will require to be discharged

6 Highway improvements - off-site

Notwithstanding the details indicated on the submitted drawings no works above slab level shall commence on site unless otherwise agreed in writing until detailed drawings for the off-site highway improvement works as indicated on Drawing No.20605/007 Rev B 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.

This condition will require to be discharged

7 Highway improvements - off-site

Prior to the first occupation of the development hereby permitted the off-site highway improvement works referred to in condition 6 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.

This condition will require to be discharged

8 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 materials and plant 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:-

To ensure adequate off-street parking during construction in the interests of highway safety. This needs to be a pre-commencement condition as it deals with the construction period of the development.

This condition will require to be discharged

9 Ecology

The development shall proceed in-line with the recommendations in section 7 of the Protected Species Assessment (Finnemore Associates; 2018).

- No works to trees including removal, pruning or crown reduction shall take place unless a competent ecologist has undertaken a careful, detailed check of the potential for bat roosts and provided written confirmation that no bat roosts will be harmed and/or that there are appropriate measures in place to protect bat interest on site. Any such written confirmation should be submitted to the local planning authority.

- Prior to occupation, a 'lighting design strategy for biodiversity' for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall: (a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example foraging; and (b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to breeding sites, resting places or feeding areas. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

- The Enhancement measures outlined in section 7 of the Protected Species Assessment shall be incorporated into the development.

Reason for condition:-

In the interests of protected species and bio-diversity having regard to Policy CP10 and the NPPF (2019)

10 External materials and samples to be approved

Prior to the commencement of any works above slab level details and samples of all external materials to be used shall be submitted to and approved in writing by the Local Planning Authority, and this condition shall apply notwithstanding any indication as to these matters which have been given in the current application. Only such agreed materials shall be used in connection with this approval.

Reason for condition:-

To ensure the satisfactory appearance of the development, in accordance with Policy DC1 and DC 16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

This condition will require to be discharged

11 Fencing protection for existing trees

Prior to the commencement of any work on the site, all existing trees shall be protected by the erection of Tree Protection Fencing. This fencing shall be retained throughout the period of the development and at all times when works (as defined below) are being carried out on the site. For the purposes of this condition "work" shall include the storage of plant, materials, site huts or the use of any machinery either for preparatory site work or construction itself. "Trees" shall refer to all trees both on and adjacent to the site. Protective fencing shall be constructed and maintained in accordance with BS5837:2012 and the

Council's document Practice Note: Construction and Maintenance of Tree Protection Fencing, which is available to download from the Council's website.

Reason for condition:-

The works are required to be undertaken prior to the commencement of the development in order to safeguard the protection of trees from the outset of the development, in accordance with Policy DC 12 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

12 Full details of external lighting

Prior to first occupation of the development hereby permitted details of the external lighting to the site shall be submitted to and approved in writing by the Local Planning Authority, and only lighting so agreed shall be installed on the site. Such lighting shall be kept to a minimum for the purposes of security and site safety, and shall prevent upward and outward light radiation

Reason for condition:-

In the interest of amenity and to avoid adverse light pollution having regard to Policy DC1 and paragraph 180 the NPPF (2019)

This condition will require to be discharged

13 Implementation of submitted/approved landscaping scheme

All hard and soft landscaping works shall be carried out in accordance with the approved details 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, or becomes in the opinion of the local planning authority, seriously damaged or defective 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 policy DC12 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

This condition will require to be discharged

14 Norfolk Fire & Rescue Service

Prior to the commencement of development a scheme for the provision of a fire hydrant shall be submitted to and approved in writing by the local planning authority. The approved fire hydrant shall be installed prior to first occupation of any of the dwellings hereby approved, unless otherwise first agreed in writing by the local planning authority.

Reason for condition:-

To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.

Informative: The developer will be expected to meet the costs of supplying and installing the fire hydrant.

16 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.

