

<b>ITEM:</b>		<b>RECOMMENDATION:</b>	REFUSAL
<b>REF NO:</b>	3PL/2018/1338/O	<b>CASE OFFICER</b>	Naomi Minto
<b>LOCATION:</b>	BEESTON Syers Lane Beeston	<b>APPNTYPE:</b>	Outline
<b>APPLICANT:</b>	Miss T Townshend Herne Hill Farm Beeston	<b>POLICY:</b>	Out Settlemnt Bndry
<b>AGENT:</b>	Planning and Development Consultancy (Mr Jerry Stone) 4 Redisham Close	<b>ALLOCATION:</b>	N
<b>PROPOSAL:</b>	Proposed 2 no dwellings & garages	<b>CONS AREA:</b>	N
		<b>LB GRADE:</b>	N
		<b>TPO:</b>	N

**DEFERRED REASON**

This application was deferred at Planning Committee in April, pending statutory consultee comments from the Local Highway Authority and the Tree and Countryside Consultant, following additional information submitted by the applicant (a Tree Survey and amended Plan).

**Local Highway Authority Comments**

Following the submission of amended plans, the Local Highway Authority have advised that on the basis of the extract of the un-numbered drawing posted on the Council's website on 27 March 2019, the applicant indicates that they intend widening the carriageway to 4.8 metres across the site frontage and can achieve visibility splays measuring 2.4 metres by 43 metres within the application site.

The carriageway widening will require alterations to the existing ditch and the Council are advised that it is intended to divert the course of the ditch in this respect. Whilst Highways appreciate that the application is submitted in Outline with all matters reserved, they have previously requested that the applicant contacts the Lead local Flood Authority to ascertain whether the principal of such alterations are acceptable. No such information has been supplied for further consideration. However, the Highway Authority advise that if the Council is content that this can be conditioned for consideration at Reserved Matters stage, they would not wish to raise a highway objection, subject to the inclusion of conditions.

**Tree and Countryside Officer's Comments**

Following the submission of a Tree Survey, the Tree and Countryside Officer advised that the provided hedgerow survey has only taken into account the section of hedge directly in front of the application site. The hedgerow extends east and north along Syers Lane for approximately 360m. Whilst there are some gaps, primarily for gateways, it is advised that the entire hedgerow should have been taken into consideration as per Annex B of The Hedgerow Regulations 1997 a guide to the law and good practice. Under the survey guidelines the hedgerow contains sufficient woody species and associated features for it to qualify as an important Hedgerow.

Following inspection, the Tree and Countryside Officer observed in excess of the required 7 woody species with numerous associated features, including a ditch, standard trees, a bank, parallel hedge, less than 10% gaps and links with at least 1 pond and other hedgerows. The Tree Officer considers that even if the section

of hedgerow in front of the application site (approximately 40m) was to be considered in isolation the number of woody species (7) and associated features would qualify the hedge to be important under the 1997 regulations. The hedge is a species rich and valuable ecological feature. It is clearly very old (well in excess of the required 30 years) even without any further investigation into the historical value of the hedge, it is clear that under paragraph 7 of the regulations alone, the hedgerow qualifies as important. It was therefore concluded that the hedgerow should remain intact.

#### Assessment

In light of the above comments, the application as it is will require the removal of hedgerow, which is considered to be important, in accordance with The Hedgerow Regulations. Its loss, albeit a partial loss, is considered contrary to Policy DC12 of the adopted Core Strategy, which seeks to retain protected hedgerows.

The application therefore remains recommended for refusal, with an additional reason for refusal relating to the loss of part of an important hedgerow.

#### REASON FOR COMMITTEE CONSIDERATION

The application is referred to Planning Committee at the request of a Councillor.

#### KEY ISSUES

- Principle of Sustainable Development
- Design and Impact on the Character and Appearance of the area
- Amenity Impact
- Highway Impact
- Impact on Trees / hedgerows
- Other matters

#### DESCRIPTION OF DEVELOPMENT

This application seeks Outline planning permission for the erection of two detached, four bedroom dwellings with detached double garages, parking provision and external amenity space on land currently used to graze horses. The Outline application is for all Matters Reserved, although the supporting documents do provide details for illustrative purposes so are indicative but the details would be for the Reserved Matters stage. Submitted Plans indicate that the existing site access would be closed off and a revised site access provided onto Syers Lane.

#### SITE AND LOCATION

The application site relates to a 0.18 hectare site and is roughly square in shape. It is located outside of the defined Settlement Boundary of Beeston. Residential properties are located to the west and east of the site, with agricultural land to the north. Syers Lane is to the south of the site with residential development (existing and approved under reference 3PL/2017/0702/O) beyond that. The site itself is bounded by mature trees and hedging at varying heights on the north, east and south boundary, whilst to the west is low level fencing.

#### EIA REQUIRED

Not required.

**RELEVANT SITE HISTORY**

No relevant 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.04	Infrastructure
CP.09	Pollution and Waste
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.12	Trees and Landscape
DC.16	Design
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

**OBLIGATIONS/CIL**

Not applicable.

**CONSULTATIONS**

**BEESTON P C**

No objection.

**TREE AND COUNTRYSIDE CONSULTANT**

Objection - The provided hedgerow survey has only taken into account the section of hedge directly in front of the application site. The hedgerow extends east and north along Syers Lane for approximately 360m. Whilst there are some gaps, primarily for gateways the entire hedgerow should have been taken into consideration as per Annex B of The Hedgerow Regulations 1997 A guide to the law and good practice. Under the survey guidelines the hedgerow contains sufficient woody species and associated features for it to qualify as an important Hedgerow. From a brief inspection I have seen in excess of the required 7 woody species with numerous associated features, including a ditch, standard trees, a bank, parallel hedge, less than 10% gaps and links with at least 1 pond and other hedgerows. Even if the section of hedgerow in front of the application site (approximately 40m) was to be considered in isolation the number of woody species (7)

and associated features would qualify the hedge to be important under the 1997 regulations. The hedge is a species rich and valuable ecological feature. It is clearly very old (well in excess of the required 30 years) even without any further investigation into the historical value of the hedge, it is clear that under paragraph 7 of the regulations alone, the hedgerow qualifies as important. The hedgerow should remain intact.

**CONTAMINATED LAND OFFICER**

No objection, subject to conditions.

**ECOLOGICAL AND BIODIVERSITY CONSULTANT** No Comments Received

**REPRESENTATIONS**

A site notice was erected on 29 November 2019 and three neighbours consulted. Twelve responses were received, which included eight objections and four letters of support. The main points raised during the consultation process are noted below;

**Objection**

- Surface water drainage issues
- Adverse impact upon amenity - overbearing, loss of privacy
- Adverse impact on character and appearance of immediate area
- Adverse impact on ecology
- Adverse impact on trees / hedgerows
- Insufficient infrastructure (services and facilities) in Beeston to cope with additional development
- Adverse impact on highway safety - unlit / unpaved road
- Outside settlement boundary
- Greenfield site

**Support**

- Ideal location - infill site
- Walking distance to primary school which has capacity to take on new pupils.
- Will support local facilities and services, including those in Litcham
- Contributes to housing shortfall
- Precedent set opposite the site with two dwellings approved
- Sustainable location

**ASSESSMENT NOTES**

**1.0 Principle of Development**

1.1 This application seeks Outline planning permission for the erection of two detached, four bedroom dwellings with detached double garages, parking provision and external amenity space on land outside of any defined Settlement Boundary (although it is in close proximity to Beeston Settlement Boundary). For this reason, the proposal conflicts, in principle, with Policies SS1, DC2 and CP14 of the adopted Core Strategy and Development Control Policies Development Plan Document, (2009), which seek to focus new housing within defined Settlement Boundaries.

1.2 However, paragraph 11 of the NPPF (2019) 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 The Statement of Five Year Housing Land Supply as at 31st March 2017 was published in July 2017. This outlined that the District did not benefit from having a five year supply of housing land (it could only demonstrate a 4.6 years housing land supply). A further update on the Council's 5 year housing land supply was issued on 30 July 2018 advising that the Council could demonstrate a 4.77 year housing land supply. However, this still falls below the required 5 years. In these cases the NPPF makes provision, in principle, for Local Planning Authorities to positively consider sites that are not within defined Settlement Boundaries. This must be balanced against other policy requirements and aims including securing sustainable development, protecting the countryside, and good design.

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 overarching objectives to sustainable development: economic, social and environmental (paragraph 8). These are interdependent and need to be pursued in mutually supportive ways:

- an economic objective - 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 objective - 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 objective - 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 of the NPPF (2019) states that these objectives should be delivered through the preparation and implementation of plans and the application of the policies in the NPPF. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

1.6 In terms of the economic and social criteria, the proposal would provide two new dwellings and would therefore 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.

1.7 The social role of sustainable development seeks to ensure, amongst other matters, the creation of a high quality built environment with accessible local services. Policy SS1 of the adopted Core Strategy describes seven types of place and their potential to accommodate new development. Beeston is a rural settlement for the purposes of the policy, and has only nominal allocated housing growth due to its minimal local services. The site is not located within a defined settlement boundary and is therefore in the countryside.

1.8 It is however noted that the settlement boundary of Beeston is located nearby. Beeston has minimal services and facilities available, including a bus stop (offering a very limited service), school, church, a village hall and green. Occupants of the development may provide a level of support to the limited services and facilities available in Beeston, however this would be minimal given the proposal is only for two dwellings. Furthermore, the route from the site to the services and facilities available within the village, whilst not too far away, would still involve navigating along an unpaved, unlit and narrow country lane. In addition, the services and facilities available would not meet day-to-day needs of future occupants of the proposed dwellings.

1.9 It is acknowledged that the neighbouring village of Litcham has more services and facilities. However, the route from the site is predominantly along narrow, unlit and unpaved roads. Given these elements and the distance involved (approximately 2.5 miles between the site and Litcham), future occupants are unlikely to regularly walk or cycle and would therefore more likely rely on the use of the private car to meet daily needs. In this respect the proposed residential development would not be in a suitable location.

1.10 Furthermore, whilst it is acknowledged that planning permission was granted for two dwellings almost directly opposite the site in October 2017 (planning reference 3PL/2017/0702/O), since then a number of planning Appeals in relation to development in Beeston have been dismissed consistently siting that Beeston is not a sustainable location for development.

1.11 In an Appeal decision (APP/F2605/W/17/3182476, 28th November 2017), the Inspector dismissed an Appeal for two dwellings in Beeston, stating that:

"Beeston village ... has a limited range of services, including a school and public house. The distances from the Appeal site to these services, along mainly unlit roads without pavements, would not make these conveniently accessible by means other than private car."

1.12 In a further Appeal decision (APP/F2605/W/18/3201174, dismissed for 2 new dwellings in Beeston, dated 28th January 2019), the Inspector considered the proximity of the development to services. The Inspector acknowledged that the NPPF indicates that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, it also states that the planning system should actively manage patterns of growth in support of sustainable transport objectives. The Inspector concluded that the proposal failed to provide a suitable site for housing, having regard to the proximity of services that could realistically meet daily needs of future occupants.

1.13 It is concluded that the development would not be in a sustainable location in the context of recent Appeal decisions, as well as relevant local planning policy, including Policies SS1, CP14 and DC2 of the adopted Core Strategy. It also conflicts with the sustainable development objectives of the NPPF (2019).

## 2.0 Design and Impact on the Character and Appearance of the area

2.1 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 design, as is its design.

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

2.3 The design and landscaping is not for consideration at this stage and is for the Reserved Matters stage. The submitted plans show an indicative layout, which has been amended during the course of the application process.

2.4 The space that surrounds buildings is just as important as the buildings themselves. Given the nature of the area with residential development being located in fairly large plots of land, the siting and plot size for the new dwellings, as indicated on the indicative plan, is considered acceptable and appropriate to the surrounding area and in accordance with Policy DC16.

### 3.0 Impact on amenity

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

3.2 The indicative plan details how the site could be developed which is considered broadly acceptable from a residential amenity viewpoint. Further details would be necessary at a reserved matters stage. However, amenity concerns could likely be successfully controlled by condition. The proposal therefore, is considered to comply with Policy DC1 of the adopted Core Strategy, subject to detailed design reserved for future consideration.

### 4.0 Highways Impact

4.1 The NPPF requires new developments to provide safe and suitable access to the site for all people. Policy CP4 of the adopted Core Strategy seeks to ensure that all access and safety concerns are resolved in new developments.

4.2 The Highway Authority has advised that whilst it is accepted that the application is submitted in Outline with all matters reserved for future consideration, there has to be a realistic opportunity of it being deliverable. With that in mind, the Highway Authority requested the applicant to obtain approval from the Lead Local Flood Authority in relation to the principle of piping the ditch along the site frontage to facilitate road widening.

4.3 In addition, the Highway Authority noted that the site is located on the inside of a bend on Syers Lane and therefore in order to achieve the required visibility splay of 2.4 metres by 43 metres, the established hedgerow on the southern boundary would likely be adversely affected as a significant proportion would need to be removed.

4.4 It is noted that the applicant has submitted an amended plan (Road Frontage Works and Site Layout Plan, Drg. no: 1190/3) to address the Highway Authority's comments. This information was received at the latter end of March 2019 and as such, the Council awaits further comment from the Highway Authority. That said, it is accepted that this is an Outline application, with all matters reserved and therefore the Highway points mentioned above would need to be satisfactorily dealt with at reserved matters stage.

### 5.0 Impact on trees / hedgerows

5.1 Policy DC12 of the adopted Core Strategy states that any development that would result in the loss of, or the deterioration in the quality of an important natural feature(s), including protected trees and hedgerows will not normally be permitted. Following consultation, the Tree and Countryside Officer advised that the proposal is heavily reliant on highway requirements and whether or not the hedgerow on the site frontage

can be retained. The Tree and Countryside Officer states that if the hedgerow requires removal it will be necessary to provide details in order to establish if the hedge would be classed as being important.

5.2 Following the Tree and Countryside Officer's comments, the applicant submitted a Hedgerow Appraisal in support of the application. Whilst it is noted that the assessment concludes that the hedgerow is not legally protected under The Hedgerow Regulations 1997, the Appraisal was submitted in the latter part of March 2019 and therefore the Council is currently awaiting further comment from the Tree and Countryside Officer on the latest material received.

5.3 Therefore, at this moment in time, it is not clear whether the application accords with Policy DC12 of the adopted Core Strategy and the requirements of the revised NPPF (2019). Members will be updated at Committee with the Tree and Countryside Officer's response.

## 6.0 Other issues

6.1 Policy CP9 of the adopted Core Strategy seeks to ensure that development minimises any unavoidable polluting effects and the development's design should actively seek to minimise or mitigate against all forms of pollution. The Contaminated Land Officer was consulted on this application and raised no objections, subject to conditions relating to ground gas protection measures and unexpected contamination. In addition, an informative relating to extensions is also recommended. In light of the above, the application is considered to accord with Policy CP9.

## 7.0 Conclusion

7.1 The proposal is for Outline permission for two dwellings with all matters reserved. The Council does not have a five-year housing land supply as required under paragraph 11 of the NPPF (2019). Paragraph 11 states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, on the basis that the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, the presumption in favour of sustainable development, as set out in paragraph 8 of the NPPF, should be applied. This means granting planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. Paragraphs 7 and 8 of the NPPF establishes that the purpose of the planning system is to contribute to the achievement of sustainable development, based upon it performing economic, social and environmental objectives, which are interdependent and need to be pursued in mutually supportive ways.

7.2 The proposal would provide limited social benefit in helping to boost the supply of housing and help redress the Council's five year deficit. There would be limited economic benefit through the construction and maintenance of the houses and the expenditure of future occupants in terms of supporting services. These limited benefits would be significantly and demonstrably outweighed by the adverse impact of the proposal in respect of a high dependence upon private car use to meet daily needs. The proposal, therefore, would not gain support through the presumption in favour of sustainable development set out in paragraph 11 of the NPPF (2019). The proposal would conflict with the aims of Policies SS1, CP14 and DC2 and paragraphs 8 and 11 of the NPPF (2019).

7.3 Accordingly, the application is recommended for refusal for the reasons outlined above.



<b>REASON(S) FOR REFUSAL</b>
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- 1**                    **Non-std reason for refusal**

The site is situated in an unsustainable location and thus residents would be highly reliant on the motor vehicle to access all facilities required to meet day-to-day needs. This would be contrary to Policies SS1, CP14 and DC2 of the adopted Core Strategy and Development Control Policies Development Plan Document (2009) and the three dimensions of sustainable development outlined in the NPPF (2019), having particular regard to paragraphs 8 and 11.
  
- 2**                    **Non-std reason for refusal**

The loss of the protected hedgerow, which has been identified as an important natural feature, is considered unacceptable in this instance. The presumption is in favour of protecting and retaining important hedgerows, having regard to Policy DC12 of the adopted Core Strategy and The Hedgerow Regulations 1997.