

<b>ITEM:</b>		<b>RECOMMENDATION:</b>	REFUSAL
<b>REF NO:</b>	3PL/2019/0345/O	<b>CASE OFFICER</b>	Carl Griffiths
<b>LOCATION:</b>	BEACHAMWELL Site to south of The Street Beachamwell	<b>APPNTYPE:</b>	Outline
<b>APPLICANT:</b>	M G Property Developments Ltd Northwold Hall Little London Road	<b>POLICY:</b>	Out Settlemnt Bndry
<b>AGENT:</b>	Parsons + Whittlely Ltd 1 London Street Swaffham	<b>ALLOCATION:</b>	N
<b>PROPOSAL:</b>	Proposed Residential Development	<b>CONS AREA:</b>	N
		<b>LB GRADE:</b>	Adjacent Grade 1
		<b>TPO:</b>	N

#### REASON FOR COMMITTEE CONSIDERATION

The application is being presented for committee consideration as a major application, by virtue of the number of dwellings proposed and site area.

#### KEY ISSUES

- Principle of development
- Highways
- Character and Appearance
- Amenity
- Trees and Ecology
- Drainage
- Contaminated land
- Affordable Housing
- Heritage Matters

#### DESCRIPTION OF DEVELOPMENT

Outline permission is sought for the erection of up to 19 residential dwellings laid out around a cul-de-sac connecting to The Street adjacent to no.10. Indicative details shows that the proposed dwellings would be a mix of detached and semi-detached properties with a mix of detached garages, attached garages and external driveways providing parking facilities. Each of the residential plots would be provided with a generously sized ploy with front and rear garden areas. As an outline application all matters are reserved with the exception of access.

#### SITE AND LOCATION

The application site comprises, part of an open field of agricultural land to the rear of a row of semi-detached properties located to the south of The Street within the settlement of Beachamwell. The site has an area of

1.4 hectares and adjoins further residential plots to the east with further agricultural fields to the south and west.

**EIA REQUIRED**

No

**RELEVANT SITE HISTORY**

No relevant site history

**POLICY CONSIDERATIONS**

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

CP.01	Housing
CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.04	Affordable Housing Principles
DC.11	Open Space
DC.13	Flood Risk
DC.16	Design
DC.17	Historic Environment
LBC	Planning(Listed Building & Conservation Areas) Act 1990
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

**OBLIGATIONS/CIL**

If permission were to be granted, the following planning obligations would be considered necessary:

- Affordable Housing - 4 units to be provided as affordable (3 for rent, 1 for shared ownership) along with a contribution of £37,500
- Fire hydrants
- Open space provision

**CONSULTATIONS**

## **BEACHAMWELL P C**

At the Extraordinary Parish Council meeting held on Tuesday 23rd April 2019 and attended by 68 residents, all Councillors strongly objected to the Planning Consultation Outline.

1. Contrary to local and national planning policy which says that developments of this scale should be sited where there are already existing services and facilities.
2. The scale and nature of the development is detrimental to the character of the village, representing a 17% increase in dwellings for the Beachamwell itself.
3. This proposal is not sustainable. Potentially 38 cars plus associated deliveries will generate a large increase in vehicle movements
4. It is close to Church and the Conservation Area. A Heritage Statement and a Heritage Impact Assessment are required before this application is considered.
5. Provision for the rights of way across the site ( Beachamwell FP12 and FP13) has to be made before this application can be considered.
6. It will place pressure on infrastructure e.g. sewage treatment; narrow roads; lack of school places in the area.
7. The ecological appraisal is inadequate. There is good evidence for more wildlife on and around this site than the ecological appraisal suggests.

## **NORFOLK COUNTY COUNCIL HIGHWAYS**

There are limited local facilities and no primary school in Beachamwell and limited public transport, such that Beachamwell cannot be considered a sustainable location suitable for any residential development. The catchment primary school is in Narborough, which is approximately 9km away with no safe walking route available between it and the site. Concerns are also raised regarding the local highway network which suffers restrictions in width and inadequate pedestrian provision. In relation to highways issues only, notice is hereby given that Norfolk County Council recommends that permission be refused.

## **HISTORIC BUILDINGS CONSULTANT**

The application site is immediately adjacent to several designated heritage assets - St Marys parish church (GI), the cottages immediately opposite the church to the north (GII) and the designated Conservation Area. The application site is also within the historic core of the village. Consequently, a Heritage Statement and a Heritage Impact Assessment is required.

## **TREE AND COUNTRYSIDE CONSULTANT**

No objection in principal providing that there are no highways requirements which may effect trees - required visibility splays and footpaths.

## **HOUSING ENABLING OFFICER**

At present a 25% provision is required on sites capable of accommodating 10 or more dwellings and/or 0.5ha. This is then further split into 70% being made available for rent and 30% for shared ownership, shared equity or any other intermediate product that meets the intermediate definition within NPPF, meets an identified need in the District and is agreed by the Council. In this instance 4.75 units would be required, 3no for rent and 1no for intermediate housing. A commuted sum of £37,500 will also be payable, being 75% of the standard £50,000, to discharge the fractional 0.75 unit requirement.

The affordable housing mix i.e., unit types, layout etc. will need to be addressed in the reserved matters. Whilst at this stage I appreciate that it is difficult to agree the type of affordable housing unit, i.e. 2bed, 3 bed etc., I would recommend that, in order to best meet an identified housing need, mainly smaller units i.e. 2bed 4 person unit is provided. Please note however that housing need is not static and therefore the affordable housing mix may change as time progresses particularly if there is a significant delay in submitting the

reserved matters. The affordable housing should be integrated into residential layouts to provide a distribution of affordable housing within the development site that will enhance community cohesion. The attached document contains details of the space standards used by Breckland Council to promote deliverability and to meet need for affordable housing. All affordable units should meet these standards, and any that do not are likely to result in an objection from us.

The affordable units must be transferred to a Registered Provider of Affordable Housing agreed by the Council at a price that requires no form of public subsidy. A S.106 Agreement will be required to secure the affordable housing contribution. If an independent review of the viability determines that it is not viable to provide the policy requirement, a clawback provision will be required as part of the S106 agreement. This will ensure that, should the scheme not be completed within three years from date of planning approval, half of any profits in excess of the percentage stated in the independent review shall be paid as a commuted sum to provide affordable housing in the district, up to an amount where the scheme has made the equivalent of a policy compliant affordable housing contribution.

#### **CONTAMINATED LAND OFFICER**

I have looked at the application submitted and given the vulnerable end use of the proposed development, I feel there is insufficient information accompanying the application, therefore I recommend approval providing the development proceeds in line with the application details and subject to the following conditions to alleviate environmental concerns: Desk Study/Site Investigation.

#### **ENVIRONMENTAL HEALTH OFFICERS**

No objections or comments on the grounds of Environmental Protection, providing the development proceeds in line with the application details.

#### **ENVIRONMENTAL HEALTH - AIR QUALITY**

Recommend approval providing the development proceeds in line with the application details and subject to the following conditions to alleviate environmental concerns. The impact of this development should be assessed in terms of its impact on air pollution and the likely increase of pollution on the air quality in the center of Swaffham, where an air quality management area has been declared. It is considered that Swaffham is likely to be the town of choice for local shopping supplies of residents of these proposed homes. We would expect to see measures to be included in the development that will assess the impact and minimise the impact of road traffic entering Swaffham, including active travel plans, alternatives to the use of motor vehicles and the provision of electric vehicle charging points.

#### **HISTORIC ENVIRONMENT SERVICE**

No Comments Received

#### **ANGLIAN WATER SERVICE**

No Comments Received

### **REPRESENTATIONS**

As part of the consultation process, 43 letters of objection were received. The key material planning objections contained within the responses can be summarised as follows:

- The village has no services and cannot sustain growth
- The local highway network is unsuitable to accommodate any additional growth
- The development would result in noise and light pollution to existing properties
- The development would result in a loss of privacy to existing residents
- No mention is made within the application of the footpath crossing the site

- The development would exacerbate existing problems with waste water and sewerage in the village
- The ecology appraisal is not fit for purpose
- The development is adjacent to heritage assets and would harm their setting

## ASSESSMENT NOTES

### 1.0 Principle of Development

1.1 For decision making purposes, as required by Section 38(6) of the Planning & Compulsory Purchase Act 2004, the Development Plan comprises the Adopted Core Strategy and Development Control Policies Development Plan Document, together with the Site-Specific Allocations DPD. Material considerations in respect of national planning policy are the NPPF and the recently published National Planning Policy Guidance.

1.2 The site is located outside in area of open countryside adjacent to the rural settlement of Beachamwell (as defined by policies SS1, DC2, CP1, and CP14 of the Core Strategy and Development Control Policies Development Plan Document 2009), where development is heavily restricted. The application is clearly contrary to these policies. Furthermore, the site is not being put forward for 100% affordable housing under the rural exceptions policy DC5. The proposal should therefore be refused unless there are material considerations that dictate otherwise. The lack of a 5-year housing supply carries weight in the consideration of the application.

1.3 Paragraphs 47 and 49 of the National Planning Policy Framework (NPPF) state that where an authority does not have an up to date five year housing land supply (at present the District figure is 3.3 years), 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.

1.4 The Government defines sustainable development as having three dimensions. These dimensions give rise to the need for the planning system to perform a number of roles:

- economic, in terms of building a strong economy and in particular by ensuring that sufficient land of the right type is available in the right places;
- social, by supporting, strong vibrant and healthy communities by providing the supply of housing required to meet future need in a high-quality environment with accessible local services, and;
- environmental, through the protection and enhancement of the natural, built and historic environment.

1.5 Paragraph 8 of the NPPF stresses that these roles should not be undertaken in isolation because they are mutually dependent, therefore a balanced assessment against these three dimensions is required.

1.6 The application site is located to the south of the village of Beachamwell which is classified as a 'rural settlement' within the development plan. As a rural settlement, Beachamwell contains little or no local services and facilities with no schools, shops or pub. Consequently, the village is almost completely reliant on larger settlements, particularly Swaffham, for services and facilities. In terms of sustainable transport options to nearby larger settlements, there is a once weekly bus to Swaffham and Kings Lynn and as such residents are almost completely reliant on the use of a car to access the services and facilities within the larger settlements. With the above in mind it is clear that the application site does not represent a sustainable location in social terms.

1.7 The development would also extend south from the existing rural settlement into what is currently open countryside. The village of Beachamwell is tightly grouped around Old Hall Lane, The Street and The Green and there is no precedent for development extending rearwards into the countryside from these roads. The effect of the proposed development would be result in harmful encroachment into the countryside, to the detriment of the open character of the surrounding environment.

1.8 In terms of economic sustainability, the

## 2.0 Highways

2.1 As set out within the preceding section of this report, there are limited local facilities, no primary school in Beachamwell and limited public transport. In responding to the consultation, NCC Highways have outlined that Beachamwell cannot be considered a sustainable location suitable for any additional residential development. The catchment primary school is in Narborough, which is approximately 9km away with no safe walking or cycling route available between it and the site.

2.2 In addition to the site not representing a sustainable location, NCC Highways have also raised concern at the standard of the local highway network. Local roads which would serve any new development are of a significantly restricted width and have a lack of pedestrian infrastructure.

2.3 In light of the above, NCC have lodged an objection to the scheme and recommend refusal of the application on the basis that the application site does not represent a sustainable location and on the basis that the development would give rise to conditions detrimental to highway safety and contrary to the provisions of Policy CP4 of the Core Strategy and Development Control Policies Development Plan Document 2009 and Para 109 of the NPPF (2018).

## 3.0 Character and Appearance

3.1 In accordance with Policy DC16 of the Adopted Local Plan (2009), all new development should achieve the highest standards of design and in assessing any proposal the criteria laid out there under will be taken into account.

3.2 As an outline application, the details of layout and design remain reserved matters. However, as shown on the indicative site layout, the development would be laid out around a cul-de-sac which would run parallel to The Street, to the north of the site.

3.3 Notwithstanding that the site adjoins existing built development to the north and east, the village of Beachamwell is tightly grouped around Old Hall Lane, The Street and The Green. The existing form of the village is one of largely linear development fronting onto the aforementioned roads and there is no precedent for development extending rearwards into the countryside from these roads. The proposed development would result in irrevocable harm to the form of the village through introducing sprawl in an uncharacteristic and alien manner. It is considered that this would be to the detriment of the character of the village.

3.4 In addition, the application site is immediately adjacent to several designated heritage assets - St Mary's Parish Church (Grade I), the cottages immediately opposite the church to the north (Grade II) and the designated Conservation Area. The application site is also within the historic core of the village. As a result of this, a Heritage Statement and Heritage Impact Assessment should be submitted with the application. No such document has been submitted as part of the application and as such it has not been demonstrated that the proposed development would not result in unacceptable harm to the setting of the adjacent heritage assets, contrary to Policy DC17 of the development plan and Sections 16 and 66 of the Planning (Listed

Buildings and Conservation Areas) Act 1990.

#### 4.0 Amenity

4.1 The indicative layout of the development shows dwellings adjoining the north and east site boundaries, directly adjacent to neighbouring residential properties on The Street and The Green respectively. In both cases however it is considered that the separation distance would be sufficient to ensure minimal impact on the residential amenity of adjoining occupiers in terms of daylight, sunlight, outlook or privacy.

4.2 It is acknowledged that the activity from the presence of these new dwellings and the additional vehicular and pedestrian movements are likely to be perceptible - especially so at no.10 The Street, adjacent to the proposed access. However, it is not considered likely to be so intense as to be unacceptable. Opportunities for landscaping would also have a mitigating effect may also be addressed at the reserved matters stage.

4.3 Details of the internal configuration of the proposed new dwellings will be brought forward at the reserved matters stage. However, it is considered that adequate Gross Internal Area (GIA) can be achieved and - notwithstanding any changes to the proposed layout which may be required at the reserved matters stage - the outline proposal indicates an acceptable minimum level of private amenity space for each dwelling.

4.4 In light of the above, - for the purposes of this outline application - the scheme is considered to be acceptable with regard to Policy DC1 of the Core Strategy and Development Control Policies Development Plan Document 2009.

#### 5.0 Trees and Ecology

5.1 Again, the final details of landscaping are reserved however it is outlined that the development would not result in the loss of any notable trees. The Council's Arboricultural officer consequently has no objection to the scheme.

5.2 In terms of ecology, a Preliminary Ecological Appraisal was submitted in support of the application which proposed numerous mitigation and enhancement measures. If permission were to be granted, appropriate conditions could be attached to secure these measures.

5.3 In light of the above - for the purposes of this outline application - the potential impact on trees and ecology is considered to be acceptable with regard to Policies CP6, CP10, CP11 and DC12 of the Core Strategy and Development Control Policies Development Plan Document 2009.

#### 6.0 Land Contamination

6.1 As part of the application, a Contamination: Vulnerable Use Assessment (Parsons and Whitley) was submitted. In reviewing the document, the Council's Contaminated Land Officer considered that insufficient information had been submitted to fully alleviate any concerns with regards to contaminated land, in light of the vulnerable end use. Consequently, if permission were to be granted, a condition would be attached requiring that a full survey be undertaken and discharged by the Council.

#### 7.0 Affordable Housing

7.1 In terms of affordable housing, emerging Policy HOU 7 sets out that developments which meet the threshold should provide 25% affordable housing. Whilst this emerging Policy is not yet adopted, it has been through Examination in Public, and the 25% requirement has not been amended as part of the current Main

Modifications consultation. Whilst the Council contends that the emerging Policies have modest weight at this stage, this particular requirement has been underpinned by Council's Local Plan and CIL Viability Assessment, 2017. Furthermore, it is consistent with the NPPF 2019 and has no unresolved objections where paragraph 49 of the NPPF 2019 advised that weight should be given to the emerging policy.

7.2 In terms of threshold, 25% provision is required on sites capable of accommodating 10 or more dwellings and/or 0.5ha. This is then further split into 70% being made available for rent and 30% for shared ownership, shared equity or any other intermediate product that meets the intermediate definition within NPPF, meets an identified need in the District and is agreed by the Council.

7.3 Given that the application site meets the relevant threshold in terms of both unit numbers and site area, 4.75 affordable units would be required in order to be policy compliant (3no for rent and 1no for intermediate housing). A commuted sum of £37,500 would also be payable, being 75% of the standard £50,000, to discharge the fractional 0.75 unit requirement.

7.4 In this case, no affordable housing is proposed and the application proposes 11 open market houses. No viability statement has been submitted to justify any such lower provision. In the absence of any affordable housing provision, the application is contrary to emerging Local Plan Policy HOU 7.

## 8.0 Drainage and Flood Risk

8.1 The application was supported by a Flood Risk Assessment and Drainage Strategy Report (BHA Consulting). The document sets out that surface water runoff from the developed Site would be managed through a sustainable drainage system which would ensure there is no increase in offsite flood risk for all events up to the design storm event, and that exceedance runoff for events greater than the design storm event is managed within the Site. The document also sets out that the Site is not located in an area of flood risk therefore meeting the requirements of the Sequential test to locate development in areas of low flood risk.

8.2 At the time of writing this report, no response had been received from the LLFA. Additional clarification will be provided through further submissions prior to the committee meeting.

## 9.0 Conclusion

9.1 The application site is located adjacent to the rural settlement of Beachamwell which does not benefit from any local services and is reliant on higher order settlements for all such services. There are no regular sustainable transport modes which serve the village and as such future occupiers would be reliant on the use of the car, demonstrating the unsustainable nature of the site.

9.2 Given the above mentioned reliance on the future use of the car, the local road network is considered to be inadequate and would give rise to conditions detrimental to highway safety and contrary to the expectations of Policy CP4 of the Core Strategy and Development Control Policies Development Plan Document 2009 and Para 109 of the NPPF (2018).

9.3 The development would result in harmful encroachment into the countryside and would irrevocably harm the characterful form of the village through the introduction of sprawl. In the absence of evidence to demonstrate otherwise, the development would also result in harm to the setting of the adjacent heritage assets, contrary to Policy DC17 of the development plan.

9.4 Lastly, the application fails to make any provision for affordable housing despite meeting the relevant

threshold in terms of both site area and unit numbers. In the absence of any affordable housing provision, the application is contrary to Policy HOU 7 of the emerging Local Plan.

9.5 Taking all of these matters into account, it is concluded that the adverse impacts of the proposed development would demonstrably outweigh the benefits of the scheme and consequently the proposal would not represent sustainable development, as defined in the NPPF, and would conflict with the objectives of development plan policies.

9.6 On that basis, the outline application is therefore recommended for REFUSAL

**RECOMMENDATION**

That Planning Permission be Refused:

**REASON(S) FOR REFUSAL**

**1 Non-std reason for refusal**

The location of the application site, outside of a rural settlement with no local services or sustainable transport choices, would result in future occupiers being reliant on the use of a car, contrary to the aims of sustainable development and contrary to Policies DC2 and CP14 of the the Core Strategy and Development Control Policies Development Plan Document 2009 and Paragraphs 8 and 102 of the NPPF.

**2 Non-std housing reason for refusal**

The proposed development would fail to provide an adequate level of affordable housing, contrary to Policy DC4 of the Adopted Core Strategy and Development Control Policies Development Plan Document, Policy HOU7 of the emerging Breckland Local Plan and Paragraphs 62, 63 and 64 of the NPPF (2018).

**3 Any highway reason for refusal**

The local highway network serving the site is considered to be inadequate to serve the development proposed, by reason of its restricted width and lack of pedestrian infrastructure. The proposed development, if permitted, would be likely to give rise to conditions detrimental to highway safety and contrary to Policy CP4 of the Core Strategy and Development Control Policies Development Plan Document 2009 and Paragraph 109 of the NPPF (2018).

**4 Non-std reason for refusal**

In the absence of a Heritage Statement to demonstrate otherwise, the proposed would result in the unacceptable harm to the setting of the adjacent heritage assets contrary to Policy DC17 of the Breckland Core Strategy and Development Control Policies Development Plan Document (2009) and Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.