

Public Document Pack



Rory Ringer – Democratic Services Team Leader
General Enquiries: Telephone No. 01362 656870
Member Services Fax No. 01362 690821
DX743950 Dereham 2

To The Chairman and Members of the
Planning Committee

All other Members of the Council – for
information

Your Ref:

Our Ref: HM/L.3.4

Contact: Helen McAleer

Direct Dial: 01362 656381

E-mail: helen.mcaleer@breckland.gov.uk

Date 09 January 2013

AGENDA SUPPLEMENT

Dear Sir/Madam

PLANNING COMMITTEE - MONDAY 14 JANUARY 2013

I refer to the agenda for the above-mentioned meeting and enclose the following item:

Item No	Report Title	Page Nos
8. (a)	<u>Shipdham: Eight Homes with Care including Communal Area at Wood Farm, Church Lane, Shipdham: Applicant: Mr T Thompson: Reference: 3PL/2012/0770/F</u>	61 - 68

Report of the Director for Commissioning.

Yours faithfully

Helen McAleer

Senior Committee Officer

BRECKLAND COUNCIL

PLANNING COMMITTEE - 14th JANUARY 2013

**REPORT OF THE DIRECTOR OF COMMISSIONING
(Author: Chris Raine, Senior Planner)**

**SHIPDHAM: EIGHT HOMES WITH CARE INCLUDING COMMUNAL
AREA AT WOOD FARM, CHURCH LANE, SHIPDHAM**

Applicant: Mr T Thompson

Reference: 3PL/2012/0770/F

DEFERRED ITEM REPORT

At the Planning Committee on the 26th of November 2012 Members agreed to defer the application in order to gain further information in relation to the following:

- Highway safety
- Occupancy restrictions of the units and associated legal agreement
- Revisions to design of units 7 and 8
- Protected species (impact on newts)

In response to this the following points can be confirmed:

Highway Safety

With regard to the highway safety related issues, the agent has responded with the following observations:

- They feel that the modest scale of the proposal and the likelihood that occupiers would not own motor vehicles will result in minimal vehicle movements.
- They confirm that it is anticipated that most care will be provided by the nearby Manor House care facility which is in close proximity.
- It is apparent that service vehicles already serve nearby residents and in turn could service this proposal.
- The applicant is seeking quotations with a view to upgrading the surface of the access drive. However, it should be noted that the drive is no different to many other private drives serving private grounds or estates.
- It is suggested that the access onto the main road is predominantly used by vehicles travelling north which means that oncoming vehicles are slow moving given the close proximity of the sharp bend in the road and any vehicles travelling south would use an alternative point of access which has better visibility. The agent's view is that this could be formalised through some form of one way system.

The Highway Authority does not consider that the points put forward overcome their concerns and in particular the alternative access referred to by the agent does not actually satisfy their safety/visibility requirements. Furthermore, it is not considered to be practical to introduce such an arrangement.

As referred to in the original committee report, the Highway Authority maintain an objection on highway safety grounds and, on balance, this continues to be a reason for refusal.

Occupancy restrictions on the units and associated legal agreement

The agent has confirmed that the units would be operated as homes with care as defined by the Care Standards Act 2000 and must be occupied by a person or persons in need of care and their partner if applicable; care being defined as personal care for people in need of such care by reason of old age or infirmity or requiring supervision or monitoring where this has been certified by a medical practitioner.

It has also been confirmed that the units will be offered to people with a local connection to Shipdham which cascades down to adjacent parishes in the event that there are vacant units which are not required by any people with the aforementioned local connection.

The above have been submitted as "heads of terms" which could be used in the formulation of a S106 legal agreement should planning permission be granted..

It is considered that there is sufficient clarity as to the restrictions relating to the occupancy of the units and these could be effectively controlled through a legal agreement. Similar terms were agreed by Members for the development of care bungalows at Lincoln House, Swanton Morley.

Revisions to units 7 and 8

The revisions to the design of units 7 and 8 have been undertaken, giving an improved internal layout and external appearance.

Protected species (impact on newts)

The agent has provided an amended ecology survey undertaken by Norfolk Wildlife Services, including information on the impact of the development upon newts. This sets out a number of mitigation and enhancement measures which are considered acceptable. These could be used to formulate a suitably worded condition.

Conclusion

It is considered that sufficient clarification has been provided in relation to the occupancy of the units and protected species and the alterations to units have improved their layout and design. However, it is apparent that the highway safety related concerns set out in the previous committee report have not been addressed to the satisfaction of the Highway Authority. Furthermore, the concerns relating to the isolated nature of the site away from local services and facilities remain. On this basis the application continues to be recommended for refusal.

BRECKLAND COUNCIL - PLANNING COMMITTEE - 26-11-2012

ITEM	3	RECOMMENDATION : REFUSAL
REF NO:	3PL/2012/0770/F	CASE OFFICER: James Stone
LOCATION:	SHIPDHAM Wood Farm Church Lane	APPN TYPE: Full POLICY: Out Settlement Bndry ALLOCATION: No Allocation CONS AREA: N TPO: N LB GRADE: N
APPLICANT:	Mr T Thompson Wood Farm Church Lane	
AGENT:	Paul Took Planning 60 Neatherd Road Dereham	
PROPOSAL:	Development of eight homes with care units including communal area	

KEY ISSUES

Provision of residential accommodation in the countryside
Highway safety
Landscape impact
Protected species

DESCRIPTION OF DEVELOPMENT

The application seeks full planning permission for the erection of eight residential units and a central communal area. The units will all be one bedroom and provide the same level of accommodation which will include a kitchen, lounge and bathroom. All of the units will be for people aged 55 and over with dementia and will be served by visiting carers. There will be no carers living on site but the scheme will be tied to a carer provider, the same group that runs the nearby Manor House. However the applicant does not wish to restrict other carers if the residents have an existing, established carer.

SITE AND LOCATION

The units would be constructed at Wood Farm. There are a small group of dwellings at Wood Farm to the west of the proposed care units. To the north, south and east of the proposed units are open fields. The site is located at the end of Church Lane and is situated approximately 400m from the Shipdham Settlement Boundary.

BRECKLAND COUNCIL - PLANNING COMMITTEE - 26-11-2012

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 have also been taken into account, where appropriate

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

CONSULTATIONS

BRADENHAM P C - No Comments Received

SHIPDHAM P C -
No objection.

NORFOLK COUNTY COUNCIL HIGHWAYS

Recommend refusal. Church Lane is a substandard road to serve such a proposal. There would be an increase in vehicles using the inadequate visibility splays at the junction of Church Land and the A1075 and the site is remote from facilities and so would be heavily reliant on car usage.

CONTAMINATED LAND OFFICER

No objection subject to unexpected contamination condition.

TREE & COUNTRYSIDE CONSULTANT

Several issues arise which suggest that this application has not been detailed to a sufficient level to allow confidence.

BRECKLAND COUNCIL - PLANNING COMMITTEE - 26-11-2012

1. The ecological survey/report by Norfolk Wildlife Services (NWS) cites Norfolk Wildlife Trust's records as a sufficient source. I am not confident that these are an adequate source and consider that those records held by Norfolk Biodiversity Information Service would properly be the more complete source.
2. NWS report a medium sized population of great crested newts on site. Development of the scale proposed may have a significant adverse effect on the newts and it is likely that a European Protected Species Mitigation License would be required prior to development. Before granting any consent the Local Planning Authority needs to be confident that a license would be forthcoming. In the absence of a full mitigation and management plan for the newts this conclusion cannot be reached.
3. The Arboricultural Impact Assessment appears optimistic in its accommodation of buildings amongst the trees - particularly so as no details of service trenches have been considered. It is likely that when service lines are considered the number of constraints will prove prohibitive to integrating the proposed development with retention of the trees. Loss of significant tree cover in this location would be contrary to policy DC12.
4. The combined existing and proposed development approaches the status of a satellite settlement to Shipdham and is incongruous with the form and character of the general land use. NPPF paragraph 125 cautions against introducing light pollution to 'intrinsically dark landscapes.

ENVIRONMENTAL PLANNING

The application proposes 8 self contained market dwellings on land outside of the settlement boundary in Shipdham. The units include an element of communal space, and shared outdoor space, with the planning application stating that there would be an element of care provided through the scheme. The planning application provides only limited information on the care element proposed within the scheme. The application does not propose to include age restrictions on the dwellings. Furthermore, the Land Use Gazetteer classifies all forms of sheltered accommodation as C3, dwelling houses.

The relevant planning policies for this application are contained within Core Strategy Policy CP14 Sustainable Rural Communities. CP14 provides the criteria of when residential development outside of settlement boundaries would be acceptable. This planning application does not demonstrate that it meets any of the criteria.

HOUSING ENABLING OFFICER

Within Breckland there is a considerable shortage of appropriate accommodation for people with dementia. The Norfolk Housing and Support Strategy for Older People highlighted a deficit of 105 housing units with care places in the county and 18 places within Breckland. The Strategy also highlights that 24% of the 28,500 older persons households in Breckland have a social care need with 2.2 % of this group having very high social care needs. The older people proportion of our community is set to rise to 43,500 households by 2029. This small project linked to a privately run residential home will provide a welcome addition to the provision of supported accommodation. The units are designed for purpose and the setting will offer a tranquil environment for those that will reside in the units. The units are being offered for rent which will provide greater access to those in need.

The site is outside the development boundary and we would usually expect 100% affordable housing on a scheme like this, but the wider benefits and the contribution the scheme will make to meeting the housing need of those with supported housing requirements should outweigh

BRECKLAND COUNCIL - PLANNING COMMITTEE - 26-11-2012

those who have a general housing need. We would still seek to have a local connections criteria attached so that those from the local community and then surrounding parishes have the option to be considered for the available accommodation first.

A section 106 agreement that sets out a local connection criteria for occupation of the units and that there is evidence that a support provider is in place prior to the scheme commencing will be required.

NATIONAL GRID - No Comments Received

PRIVATE SECTOR HOUSING - No Comments Received

MS L S TURNER - No Comments Received

REPRESENTATIONS

None

ASSESSMENT NOTES

* The application is referred to Planning Committee at the request of a Ward Member.

Provision of residential accommodation in the countryside / sustainability

* The application seeks approval for the construction of eight new dwellings in the countryside. The units would be classed as 'C3' under the Use Classes Order given that they would all be self contained and there would be no carers on site. The NPPF states that 'Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances.' The proposal does not constitute a special circumstance when assessed against the criteria of the NPPF. It is considered that such a development should be constructed either within a Settlement Boundary, or if such a site is not available, adjacent to one. If eight residential units were constructed in this relatively isolated location all visitors and carers would heavily rely on car usage and so the proposal would not be in line with the recommendations of the National Planning Policy Framework which states that 'The purpose of the planning system is to contribute to the achievement of sustainable development'.

* It is accepted that there is a need within Breckland for this proposal. However, as with other forms of housing, such development should occur in sustainable locations with easy access to existing facilities. Advice in the recently published NPPF encourages the importance of being able to make everyday journeys without reliance on a motor car. The site is some 500m - 1Km away from local services within the village and such distances would preclude any realistic opportunity of encouraging a modal shift away from the private car towards public transport.

Highway Safety

* The site is served via a long private track known as Church Lane with access onto the A1075 via Church Lane itself or New Road (which comes off Church Lane). Church Lane is flanked on each side by mature vegetation and crops and vehicle passing opportunities are limited to private / farm accesses. If two vehicles were to meet along Church Lane this is likely to result in one or both of them having to stop and reverse over long distances to facilitate passing.

* Some 500m south-east of the site, the private section of Church Lane adjoins the public highway, the A1075. The A1075 is the main route through the village of Shipdham and has the

BRECKLAND COUNCIL - PLANNING COMMITTEE - 26-11-2012

primary function of carrying traffic safely and freely. The level of visibility available at the junctions of Church Lane and New Road with the A1075 falls considerably short of recommended visibility.

* The applicant may argue that given the intended use of the properties i.e. as homes with care, that car ownership levels would be lower than that of a family home and as such residents will not give rise to as many vehicle movements. Whilst to some degree this may be the case it should be taken into account that the intended use of the site for homes with care may lead to regular visits from medical and/or support staff. Furthermore, all of these movements would be reliant on accessing the public highway via Church Lane or New Road and subsequently onto the A1075 Church Close.

* The lack in junction visibility is compounded by the lack in forward visibility for those vehicles heading south on the A1075 and wanting to turn right into New Road. The level of forward visibility at this location is significantly below acceptable levels.

Landscape Impact

* The proposed units would be situated in an isolated location, with open fields adjacent to three sides of the site. The development would therefore be highly visible on the landscape and would have a negative impact on the visual amenity of the area because it would represent urban expansion into the countryside. It is accepted that there are existing buildings to the west of the site but they would only partially offset any impact.

Protected Species

* The Tree and Countryside Consultant has not been provided with sufficient information to adequately assess the impact of the proposal on protected species.

Tree Protection

* No details of service trenches have been considered as part of the arboricultural report and it is likely that when service lines are considered the number of constraints will prove prohibitive to integrating the proposed development with retention of the trees. The Tree and Countryside Consultant has stated that the probable resulting loss of significant tree cover in this location would be contrary to policy DC12.

Other Issues

* The proposed units would not be located in close proximity to any other dwellings and so there would be no harmful impact on residential amenity with regard to loss of sunlight, overlooking and over dominance.

* The design of the units, which would be single-storey in height (apart from the communal area), is considered to be acceptable in this rural location.

Conclusion

* The application is recommended for refusal because it would represent an unsustainable form of residential development, without special justification, in an isolated rural location which would be detrimental to highway safety. The proposal would also have an unsatisfactory impact on the landscape and there would be unacceptable loss of tree coverage. The applicant has failed to adequately assess the potential impact of the proposal on protected species.

RECOMMENDATION

Refusal of Planning Permission

DC131_new

BRECKLAND COUNCIL - PLANNING COMMITTEE - 26-11-2012

REASON(S) FOR REFUSAL

- 9900** Contrary to Policy DC2
- 9900** Contrary to Policy DC12
- 9900** Contrary to Policy CP 10
- 9900** Highways reason for refusal