

Item No.	Applicant	Parish	Reference No.
1	Healthcare Homes Group Ltd	BEETLEY	3OB/2011/0002/OB
2	Bennett Plc	CROXTON	3PL/2011/1020/CA
3	Bennett Plc	CROXTON	3PL/2011/1021/F
4	Mr Michael Parker	GOODERSTONE	3PL/2011/1088/F
5	Hopkins Homes Limited	THETFORD	3PL/2011/1095/F

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ITEM	1	RECOMMENDATION : APPROVAL
REF NO:	3OB/2011/0002/OB	CASE OFFICER: James Stone
LOCATION:	BEETLEY Bilney Mews Fakenham Road East Bilney	APPN TYPE: Planning Obligation POLICY: ALLOCATION: CONS AREA: N TPO: N LB GRADE: N
APPLICANT:	Healthcare Homes Group Ltd Lodge House Lodge Lane	
AGENT:	Peecock Short Ltd 82-84 High Street Needham Market	
PROPOSAL:	Removal of Section 106 on pp 3PL/2005/0920 to allow occupancy for under 55's	

KEY ISSUES

Satisfactory marketing scheme for the removal of the Section 106 agreement on planning approval ref: 3PL/2005/0920/F.

DESCRIPTION OF DEVELOPMENT

The application seeks permission for the variation of the Section 106 agreement on planning approval ref: 3PL/2005/0920/F. The Section 106 agreement ties the seven cottages forming Bilney Mews to the remainder of the Bilney Hall Care Home site and restricts the occupation of the units to persons of 55 years of age or older.

SITE AND LOCATION

The application site comprises 7 two storey residential units in a terrace approved as sheltered accommodation. The site lies outside of a Settlement Boundary in an area defined as 'Countryside'. The application site is located approximately 25m to the north of the Bilney Hall Care Home and within its wider curtilage.

EIA REQUIRED

No

RELEVANT SITE HISTORY

Full planning permission was granted under ref: 3PL/2005/0920/F for seven residential sheltered

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housing units and the conversion of outbuildings to staff accommodation on the application site.

The permission was accompanied by a Section 106 agreement that ties the seven cottages forming Bilney Mews to the remainder of the Bilney Hall Care Home site and restricts the occupation to persons of 55 years of age or older.

Other requirements of the legal agreement relate to the use of converted outbuildings, close to the Hall, in connection with the care home and for staff accommodation only. The application does not appear to relate to this element of the approved scheme.

POLICY CONSIDERATIONS

The following National Planning Guidance and the Breckland Adopted Core Strategy and Development Control Policies have been taken into consideration in the determination of this application:

PPG13	Transport
PPS01	Delivering Sustainable Development
PPS03	Housing
PPS07	Sustainable Development in Rural Areas
SS1	Spatial Strategy
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

CONSULTATIONS

BEETLEY P C -

The Parish Council discussed this application at length at their last meeting.

Whilst the members realise that these properties are empty and it would be preferable if they were occupied, when this development was consulted on in 2005 the members, whilst not objecting to the application, felt that the S106 agreement was necessary to protect the development from potential residents who could disturb the tranquil neighbourhood and the Care Home.

This view has not changed. The S106 agreement is to protect the neighbourhood and should remain in place. If this agreement is lifted or amended then the properties may not remain as ancillary accommodation for the care home or the occupants could be under 55 years old with potential adverse repercussions for the Care home

For these reasons the Parish Council OBJECTS to the amendment of the S106 agreement

REPRESENTATIONS

None

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ASSESSMENT NOTES

- * The application is referred to Planning Committee at the request of a Ward Member.
- * It should be noted that the existing cottages are allocated in an area defined as 'Countryside' and, as such, planning permission would not normally have been granted for the erection of dwellings unless there was some form of special justification.
- * The application seeks permission for the variation of the Section 106 agreement that ties the seven cottages forming Bilney Mews to the remainder of the Bilney Hall Care Home site and restricts the occupation to persons of 55 years of age or older.
- * The applicants have stated that five of the properties remain vacant even though there has been an extensive marketing campaign. The applicants have provided evidence which illustrates that the properties have been marketed for an extensive period of time, since September 2009, and in a variety of locations. The marketing exercise included advertising in the Eastern Daily Press, the Dereham Times and on various internet sites. Furthermore, the properties have also been marketed by mail-out to around 600 clients registered with an estate agents, and was also supplemented by in-house marketing publications and a large internal advertising board at the estate agents' office in central Dereham.
- * One of the occupied units has also been marketed over several months reducing in price from £165,000 to £130,000.
- * Notwithstanding this it is considered that, on balance, the properties have been marketed at a reasonable price which ranged from £184,950 to £189,950. The Council's Housing Enabling Officer has stated that East Bilney falls within the Taverner Ward which is typically within the top half of prices in Breckland. The average price is currently £163,000 for a 2-bed house and there is a similar picture in the neighbouring ward of Upper Wensum. In the other nearby ward, Hermitage, prices are very volatile ranging from £115,000 to £195,000 over the past 2 years.
- * Concerns have been raised with regard to the impact of removing the Section 106 agreement on the amenity enjoyed by residents of the adjacent Bilney Hall Care Home. A change in the potential age of a person inhabiting a dwelling is not however considered ample to warrant a refusal on amenity grounds.
- * The application is recommended for approval because it is considered that the applicants have carried out a satisfactory marketing campaign to advertise the existing cottages with the current Section 106 agreement in place.

RECOMMENDATION

Planning Permission

CONDITIONS

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ITEM	2	RECOMMENDATION : REFUSAL
REF NO:	3PL/2011/1020/CA	CASE OFFICER: Chris Raine
LOCATION:	CROXTON The Valles/Woodlands The Street	APPN TYPE: Conserv.Area Consent POLICY: In Settlemnt Bndry
APPLICANT:	Bennett Plc Low Green Barn Nowton	ALLOCATION: No Allocation CONS AREA: Y TPO: N LB GRADE: N
AGENT:	Terence D Harvey FASl 48 Marine Parade Gorleston	
PROPOSAL:	Demolition of two existing dwellings and existing outbuildings	

KEY ISSUES

Impact upon the Conservation Area
Impact upon protected species

DESCRIPTION OF DEVELOPMENT

The application seeks Conservation Area Consent for the demolition of two existing bungalows and associated outbuildings. See also 3PL/2011/1021/F also on this agenda.

SITE AND LOCATION

The application site consists of a rectangular shaped plot of land which contains two detached bungalows and associated outbuildings. The site is accessed via The Street which lies to the west. To the south is a residential dwelling with associated substantial grounds. To the north and east are neighbouring residential properties.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2004/0019/CA - Demolition of existing 2 single storey dwellings and associated various

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outbuildings - Withdrawn

3PL/2004/0020/F - Demolition of existing buildings and erection of 7 no. dwellings - Withdrawn

3PL/2011/1021/F - Residential development of 14 dwellings following demolition of two existing dwellings and existing outbuildings - Included on this agenda

POLICY CONSIDERATIONS

The following National Planning Guidance and the Breckland Adopted Core Strategy and Development Control Policies have been taken into consideration in the determination of this application:

PPS05	Planning for the Historic Environment
PPS09	Biodiversity and Geological Conservation
CP.10	Natural Environment
DC.01	Protection of Amenity
DC.17	Historic Environment

CONSULTATIONS

CROXTON P C -

See 3PL/2011/1021/F on this agenda

NORFOLK LANDSCAPE ARCHAEOLOGY

No comments received in respect of Conservation Area Consent.

HISTORIC BUILDINGS OFFICER

No objection to proposed demolition/s of 20th century structures.

CONTAMINATED LAND OFFICER

No objections

REPRESENTATIONS

None received specifically in relation to the Conservation Area application. See 3PL/2011/1021/F also on this agenda

ASSESSMENT NOTES

It is evident that the existing dwellings and associated buildings are of little architectural merit and make no significant contribution to the Conservation Area. With this in mind there is no objection in visual terms to the demolition of the dwellings and outbuildings. The Historic Buildings Officer has confirmed that there is no objection to the proposed demolition.

The application includes a protected species survey which concludes that bats are/have been present within one of the dwellings and that further surveys are required. These are needed prior to issuing a consent.

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In conclusion, the concerns relating to protected species mean that the application is recommended for refusal.

RECOMMENDATION Refusal of Conservation Area Consent

REASON(S) FOR REFUSAL

9900 Protected species survey required

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ITEM	3	RECOMMENDATION : REFUSAL
REF NO:	3PL/2011/1021/F	CASE OFFICER: Chris Raine
LOCATION:	CROXTON The Valles/Woodlands The Street	APPN TYPE: Full POLICY: In Settlemnt Bndry ALLOCATION: No Allocation CONS AREA: Y TPO: N LB GRADE: N
APPLICANT:	Bennett Plc Low Green Barn Nowton	
AGENT:	Terence D Harvey FASl 48 Marine Parade Gorleston	
PROPOSAL:	Residential development of 14 dwellings following demolition of two existing dwellings & ext outbdgs	

KEY ISSUES

Principle of development
Affordable housing and viability
Impact upon the character and appearance of the Conservation Area
Impact upon neighbour amenity
Highway safety
Protected species
Archaeology
Trees
Drainage

DESCRIPTION OF DEVELOPMENT

The application seeks full planning permission for the erection of 14 dwellings, 2 of which would be "affordable" units, with associated on-site parking on land at The Street, Croxton. The scheme would necessitate the demolition of 2 existing dwellings and associated outbuildings and garages. The development would also include an area of play space.

SITE AND LOCATION

The application site consists of a rectangular shaped plot of land which contains two detached bungalows and associated outbuildings. The site is accessed via The Street which lies to the west. To the south is a residential dwelling with associated substantial grounds. To the north and east are neighbouring residential properties.

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EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2004/0019 - Demolition of existing 2 single storey dwellings and associated various outbuildings - Withdrawn

3PL/2004/0020 - Demolition of existing buildings and erection of 7 no. dwellings - Withdrawn

3PL/2011/1020/CA - Demolition of two existing dwellings and existing outbuildings - included on this agenda

POLICY CONSIDERATIONS

The following National Planning Guidance and the Breckland Adopted Core Strategy and Development Control Policies have been taken into consideration in the determination of this application:

PPS01	Delivering Sustainable Development
PPS03	Housing
PPS05	Planning for the Historic Environment
PPS09	Biodiversity and Geological Conservation
CP.10	Natural Environment
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.04	Affordable Housing Principles
DC.11	Open Space
DC.12	Trees and Landscape
DC.14	Energy Efficiency
DC.16	Design
DC.17	Historic Environment

CONSULTATIONS

CROXTON P C -

In 2004 an application was raised related to this site Ref: 3PL/2004/0020/F for erection of 7 No. Dwellings.

At that time a number of issues and concerns were raised at a public meeting of Croxton residents, in formal correspondence by this Parish Council, and also independently in writing by a number of residents. This application was later withdrawn.

Since that time six new houses have been constructed in Croxton, there is current planning permission for one more, and major large extensions have been carried out to a further five properties.

Croxton is predominantly enclosed within a conservation boundary, including the site under application.

The Adopted Core Strategy and Development Control Policies Document, Policy SS1 clearly places Croxton "as a small rural village that has few or no local services. These settlements are not capable of sustaining consequential growth as being completely reliant on higher order

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settlements for services and facilities. The Sustainability Appraisal has identified that these settlements do not represent a sustainable option for significant expansion".

In addition Policy CP14 Housing, clarifies that residential development will only be permitted under fairly restricted circumstances, refers generally to single dwellings, and clarifies that Rural settlement Boundaries are intended to "focus new development to sustainable locations where there are key local services", and "to protect the form and character of a settlement from inappropriate proposals".

This Council considers this application to be completely unacceptable in its present format for the following reasons:

1. Core Strategy Policy SS1 - Spatial Strategy

The proposal to construct 14 dwellings is extremely "significant", Croxton is not a sustainable option, and the proposal is therefore contrary to the Core Strategy Policy SS1.

This proposal for 14 dwellings should be related to the Breckland Housing requirement over the next ten years of 3000 dwellings in 108 rural parishes, that is an overall mean of less than 3 dwellings per parish per year.

2. Core Strategy Policy CP14 - Sustainable Rural Communities.

The proposal is also contrary to the Core Strategy Policy CP14 in that Croxton is not a sustainable location with key local services and the proposed development will most certainly be detrimental to the form and character of Croxton village.

3. Housing Need

The question of housing need does not arise in this instance considering:

- a) The planned provision of up to 5000 dwellings only 1 - 1.5 km away to the North of Thetford
- b) Croxton already has an adequate number of affordable houses, plus
- c) Has a Trust managing a number of similar properties

4. Housing Density

Even assuming there was a requirement or desire to increase dwellings numbers in the village the proposed density of over 16 per hectare is totally out of conformity with existing density of around 8 per hectare in the surrounding area.

5. Drainage

Our earlier correspondence relating to the 2004 application highlighted the major problem with foul water drainage being experienced by the existing surrounding properties. In a survey carried out by this Council in 2008 some 69% of properties surrounding the proposed site were experiencing drainage problems. Residents have individually taken action to minimise these problems by various means, but the problems still remain.

In 2004 we highlighted our concern that additional foul and wastewater amounting to some 1.1 - 1.3 million litres per year would be added to the problem.

With a development of 14 dwellings this will add 2.2 - 2.6 million litres of additional foul/waste water per year to the problem area.

6. Traffic/Access Issues.

During a recent application relating to an adjacent site, which was denied on appeal, Norfolk County Highways had raised a number of objections to proposed access approximately 35 - 40 metres South of the currently proposed access. The currently proposed access is much further north and down a hill making it more "unsighted" and within 20 metres of the existing Harefield Road access onto The Street. Harefield Road caters for access to 38 residences with around 59 cars plus family and visitors cars together with service vehicles such as deliveries, postal, and bin collection trucks. An additional 14 properties would add a further 20 -30 vehicles at a minimum accessing The Street within 20 metres of this existing volume from Harefield Road.

7. Speeding Issues.

Traffic surveys (March 2010) carried out for other earlier applications in this area have shown that despite traffic calming measures already taken by Norfolk Highways Authority following

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discussions with this Council, vehicles through the village regularly average speeds of 37 -39 mph Southbound (out of village) and 38 - 43mph Northbound (into village). These surveys were carried out at locations on either side close to the proposed access.

8. Skyline/Overlooking Issues.

Existing dwellings toward the top of the hill at this location were restricted to bungalow type to avoid intruding on the natural skyline. Any dwellings higher than a bungalow will:

- a) detrimentally intrude upon the skyline and
- b) increase risk of overlooking existing properties as these are at a lower ground level.

9. Habitat/Form and Character of the Settlement

There is considerable Bat activity in this area around trees, The Vicarage and surrounding dwellings. There is also the possibility of Badger activity supported by photographs taken by a resident. The latter information was referred to Norfolk Wildlife Trust but to date it has not been possible to verify Badger activity. With regard to Habitat and Form and Character issues I would refer you to Appeal Ref: APP/F2605/A/10/2121924 where The Inspector in his Overall Conclusion states: para. 59 "The development would also fail to preserve or enhance the character and appearance of the Conservation Area within which it would be located, and would cause harm to the setting of the Conservation Area. In addition, there is in my view a reasonable likelihood that the development would cause harm to the habitat of a protected species".

para.60. "on balance I conclude that the serious damage which the development would cause to interests of acknowledged importance would outweigh the benefits of the form of development proposed".

10. Contaminated Land

The Validation Checklist shows Contaminated Land Assessment as "not relevant", whereas the report produced by A.F Howland associates Ltd in support of the application on page 13 identifies a "High risk" to human end-users from contaminants on site recommending the introduction of Sensitive Receptors, but not clarifying what action to be taken resulting from the information obtained. The question of action relating to contaminants and/or their removal is not clear.

Notwithstanding the above, this Council is not against proposals for development within the village confines. However any such development must be of a nature as to be in keeping with the existing form and character of the village, not be detrimental to habitat or environment, and be such that it will add to or enhance the aesthetic aspects of the village and surrounding area.

ENVIRONMENT AGENCY

No objection subject to 6 conditions being appended to any subsequent planning permission.

NORFOLK LANDSCAPE ARCHAEOLOGY

Earthworks of possible medieval date and finds of Iron Age pottery have previously been recorded at the proposed development site. Although the earthworks appear to have been levelled prior to the present dwellings and outbuildings being constructed it is likely that heritage assets with archaeological interest (buried archaeological remains) will survive at the site and that the significance of these will be affected by the proposed development.

A heritage statement has not been submitted with the application to address the impact of the proposed development on the historic environment. We therefore ask that the applicant withdraw the application and resubmit with the results of an archaeological evaluation in accordance with Planning Policy Statement 5: Planning for the Historic Environment (2010) Policy HE6.1. Norfolk

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County Council Historic Environment Service will provide a brief for the archaeological work on request.

CRIME PREVENTION/ARCHITECTURAL LIAISON OFFICER

The applicant should look to achieve "Secured by Design" accreditation.

NORFOLK COUNTY COUNCIL - HIGHWAYS

No objection subject to minor revisions and conditions.

HISTORIC BUILDINGS OFFICER

I have no objection to the proposed demolition of the existing 20th C developments.

I can confirm that I have no objection in principle to the redevelopment of the site for higher density residential use.

My only comments on the application as submitted is with regard to the proposed elevation that will front onto the street.

The established pattern of acceptable historic development, in what is in basic terms a predominantly linear settlement, is typically frontage with several examples of small terraces. The proposed use of the "Higham" house type is, despite elements of detail which I will subsequently address, therefore, an acceptable response to the wider context, while the proposed use of the "Glemsford" is, in my opinion, less so.

I would suggest, in principle, that the frontage plots are redesigned to site "Higham" units only. With regard to detail, I would suggest that the fenestration needs to be reconfigured to omit the single 2-light casement which abuts the front door and to reposition the front door so it forms a near symmetrical series of bays (bays in the architectural term, not as projecting bays). Similarly, the window types should be of typical casement design incorporating fixed and opening lights with side hung casement openers.

The proposed use of flintwork is welcomed on the strict provision that it is a like-for-like copy of the local tradition and not using a derived oxide stained flint. The choice of brick for dressings and the roof coverings is of importance also.

Finally, the walling to plot 1 should copy the use of appropriate flint work.

TREE & COUNTRYSIDE OFFICER

The site is within the Croxton Conservation Area and there is a presumption against loss of significant trees.

This application cannot be progressed without the recommended bat emergence survey results.

Furthermore, it cannot be viewed as compliant with CP10 until issues of biodiversity loss, mitigation and compensation are shown to have been considered and appropriate measures detailed on the plans. The proposed density of development suggests that this may be difficult to achieve.

ENVIRONMENTAL PLANNING

This application proposes 14 dwellings within the Settlement Boundary in Croxton, following the demolition of the two existing units. The application states that only two of the units will be for affordable housing. Policy DC4 Affordable Housing Principles within the adopted Core Strategy

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and Development Control Policies DPD, requires 40% of units on sites of 5 or more to be affordable. As such, we would have expected to see 5 units designated as affordable, therefore this application is contrary to the requirements of DC4. The Design and Access Statement refers to affordable housing not being viable on the site; however I can see no evidence within the application to suggest that this is the case.

Policy DC16 Design from the Core Strategy is also of relevance to this application. The application is situated inside of the Croxton Conservation Area, and represents a significant increase in the density of the development. The scheme has a density of 16.5 dwellings per hectare, and to provide a comparison the development directly behind the site at Harefield Road is only 8.5 dwellings per hectare. The increased density is particularly noticeable at the front of the site, and is likely to cause harm to the form and character of this part of Croxton, which would be contrary to DC16.

I can see no reference within the application to the proposal meeting the requirements of DC14 Energy Generation and Efficiency, from the Core Strategy. As this proposal is for more than ten units it would have been expected that at least 10% of the energy would come from a renewable source.

Policy DC11 Open Space refers to the requirement of sites of 0.8 hectares or more to provide on-site open space. Whilst this proposal includes a small area of open space, and suggests that the difference should be made through commuted sums, I can see no justification within the application to explain this approach.

This application is contrary to the requirements of Policy DC4, DC11, DC14 and DC16 of the adopted Core Strategy and Development Control Policies DPD.

ENABLING OFFICER

No objection.

CONTAMINATED LAND OFFICER

No objection subject to conditions.

REPRESENTATIONS

A number of objections have been received, a summary of which is as follows:

Drainage concerns (no mains system); highway safety concerns regarding the access; the development is too dense; unacceptable increase in vehicle movements; overdevelopment; insufficient provision of affordable housing; no need for new housing in Croxton given the proposed SUE development; a residential development at an adjacent development was dismissed at appeal; protected species are present on the site; insufficient infrastructure; loss of privacy and the development would result in noise and disturbance.

A letter confirming that the writer has no objection has also been received.

ASSESSMENT NOTES

- * The application is referred to the Planning Committee as it is a major application.
- * The application site lies within the Settlement Boundary for Croxton and, as such, the general principle of residential development is acceptable in accordance with Policy DC2 of the Core Strategy.
- * The size of the development requires affordable housing to be provided in accordance with Policy DC4 of the Core Strategy at a rate of 40% unless it can be demonstrated that there are specific reasons why this cannot be provided. In this instance, the applicant has submitted a development viability assessment which has been assessed by the District Valuer who has concluded that it is not financially viable to provide 40% of the dwellings as affordable units. It has been concluded that it is only viable to provide 2 dwellings as affordable units on site, which equates to 14% of the total number of units. In light of the conclusions of the District Valuer this is considered an acceptable proposal in affordable housing terms. The Housing Enabling Officer is also satisfied with this conclusion. The affordable units would be secured through the completion of a S106 legal agreement.
- * Policy DC11 of the Core Strategy requires a contribution towards recreation. A development of this size would normally comply with this through a financial contribution. However, in this instance the applicant has provide an on-site area of play which is of sufficient size and appropriate shape to satisfy the children's play space requirement of this policy. The outdoor sport area requirement of the policy cannot be provided on site and, as such, would be secured as financial contribution through the S106 legal agreement.
- * The site lies within the Conservation Area and, as such, the character and setting of the locality must be safeguarded. Firstly, the two existing dwellings and associated buildings are of little architectural or historic merit and, as such, make no significant contribution to the Conservation Area in visual terms. With this in mind their demolition would not compromise the Conservation Area. The Historic Buildings Officer has no objection to the demolition works. The proposed road frontage section of the scheme has the greatest impact upon the Conservation Area and with this in mind the Historic Buildings Officer has requested revisions to the external appearance of the dwellings on plots 11-14 and the revision and turning of the dwellings on plots 9 and 10 so as to strengthen the roadside elevation. Amended plans are being prepared with this in mind with a view to making a positive statement in the Conservation Area. The remainder of the development is less prominent, and it is considered that the layout and house types coupled with the proposed traditional external materials are appropriate in the Conservation Area. The Historic Buildings Officer has confirmed that there is no objection to this part of the application.
- * In terms of neighbour amenity, it is considered that the dwellings are sufficiently distanced from neighbours so as to prevent any significant loss of light or outlook. The separation distances coupled with the position of the openings within the proposed dwellings means that significant overlooking would be prevented.
- * With regard to highway safety matters, the Highway Authority has confirmed that it has no objection to the proposed scheme subject to minor revisions which are being prepared by the agent and the imposition of planning conditions.
- * Drainage concerns have been raised by a number of objectors. The Environment Agency has confirmed that it is satisfied that both foul and surface water drainage can be dealt with through a planning condition.
- * The development would necessitate the removal of some trees from the site. On the basis of the limited arboricultural information submitted it would appear that the trees scheduled for removal coupled with the proposed landscaping scheme means that no significant harm would occur with regard to the Conservation Area. With this in mind the agent is to submit additional

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information as requested by the Tree and Countryside Officer, their comments will be reported verbally to the Planning Committee.

* The protected species survey submitted as part of the application indicates that bats are or have been present in one of the dwellings on site and, as such, further survey work is required. This survey work must be provided before the Local Planning Authority can consider making a positive decision. It is considered to be unacceptable to require their completion and agreement via a planning condition. Unfortunately, these can only be undertaken within specific months of the year (May to September) and for this reason the applicant cannot undertake them at this time.

* Norfolk Landscape Archaeology has confirmed that records indicate there is the likely presence of archaeological remains and, as such, a heritage assessment is required. In this instance, due to the time constraints associated with the preparation of such a report it is not possible to have one completed and submitted before the determination of the application.

* In conclusion, it is considered that the layout and appearance of the scheme is acceptable in planning terms subject to receipt of amended plans relating to the plots 9 - 14 and additional information in relation to trees. However, in the absence of the necessary further technical information with regard to protected species and archaeology the application cannot be considered positively and is, therefore, recommended for refusal.

RECOMMENDATION

Refusal of Planning Permission

REASON(S) FOR REFUSAL

9900 Further protected species survey required.

9900 Heritage statement required relating to archaeology

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ITEM	4	RECOMMENDATION : REFUSAL
REF NO:	3PL/2011/1088/F	CASE OFFICER: Jayne Owen
LOCATION:	GOODERSTONE Land opposite Gooderstone Manor The Street	APPN TYPE: Full POLICY: In Settlemnt Bndry ALLOCATION: No Allocation CONS AREA: N TPO: N LB GRADE: N
APPLICANT:	Mr Michael Parker Gooderstone Manor The Street	
AGENT:	Ms Helen Breach Rowan House Back Lane	
PROPOSAL:	Erection of two dwellings	

KEY ISSUES

Principle of development
Design and appearance
Impact on neighbours
Landscape impact
Impact on Special Interest SPA Stone Curlew
Highways impact

DESCRIPTION OF DEVELOPMENT

The application seeks full planning permission to construct two detached dwellings on land opposite Gooderstone Manor. Access is proposed from The Street with the current access being re-sited. Proposed materials comprise brick and flint with clay pantiles for roofs and timber painted/stained windows. The site is proposed to be enclosed by a combination of post and rail fencing, natural hedging/timber panel fencing. Vehicular access and hardstanding is proposed to be finished with paviers/golden gravel or similar hard surfacing.

The application is accompanied by a Biodiversity and European Protected Species Survey and Design and Access Statement.

SITE AND LOCATION

The site comprises land currently within the Settlement Boundary of Gooderstone. However, through the Site Specific Policies and Proposals Development Plan Document, settlement

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boundaries across the District have been reviewed, including the Settlement Boundary of Gooderstone. The proposal is for Gooderstone to retain its Settlement Boundary however the boundary has been amended to tighten the boundary owing to the presence of the SPA and buffer zone. The document is currently at Examination in Public, with the Inspector indicating that the Council will receive the binding report by 16th December 2011. A single representation was received against the proposal which did not relate to this change (or part of the Settlement Boundary) and, as such, it is considered that the amendment to tighten the Settlement Boundary is a material consideration in assessing the current application.

To the east of the site is a 1960s brick bungalow beyond which are a variety of detached and semi-detached two storey dwellings. To the west is a recently constructed bungalow beyond which is a further single storey dwelling of 1960s construction. Existing dwellings are of red brick with concrete pantiles with windows of white or brown UPVC.

The site lies towards the western end of the village and has an open frontage along The Street. The site is relatively flat with a slight inclination southwards. There is a private agricultural access route along the western boundary leading to agricultural fields to the south of the site enclosed by post and rail fencing.

The site is within the buffer zone of a Special Protection Area

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2010/0895/F - Erection of one and half storey dwelling - Refused 16 December 2010

3PL/2004/0978/F - Site for construction of 3 dwellings - Approved 6 August 2004

POLICY CONSIDERATIONS

The following National Planning Guidance and the Breckland Adopted Core Strategy and Development Control Policies have been taken into consideration in the determination of this application:

PPS01	Delivering Sustainable Development
PPS03	Housing
PPS07	Sustainable Development in Rural Areas
CP.05	Developer Obligations
CP.10	Natural Environment
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing

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DC.11	Open Space
DC.12	Trees and Landscape
DC.16	Design

CONSULTATIONS

GOODERSTONE P C -

No objection overall

NORFOLK COUNTY COUNCIL HIGHWAYS

No objections subject to conditions

TREE AND COUNTRYSIDE OFFICER

In the light of specialist research undertaken for the Habitats Regulations Assessment of the adopted Breckland Core Strategy, which demonstrates an association of buildings and a significantly reduced nesting density by stone curlews up to distances of at least 1500 m, it cannot be ascertained that an absence of adverse effect upon the stone curlew special interest feature of the SPA can be established and there must therefore be a presumption against consent.

ENVIRONMENTAL PLANNING

The application proposes two dwellings on land inside the current settlement boundary at Gooderstone. Whilst the site received outline planning consent in 2004 for three dwellings, this has now lapsed, and significant changes have occurred within the planning system since this time. The site lies entirely inside of the 1,500m buffer zone of the SPA, and is approximately 550m from the SPA. As such CP10 within the adopted Core Strategy and Development Control Policies DPD is of particular importance. As the proposal is not screened on all sides by existing development, the proposal is contrary to criterion a) of Policy CP10. I would refer the case officer to the detailed assessment made by the Tree and Countryside Officer on this matter.

Through the Site Specific Policies and Proposals DPD, settlement boundaries across the District have been reviewed, including Gooderstones. The proposal for Gooderstone is to retain its settlement boundary; however it has been amended to tighten the boundary due to the presence of the SPA and buffer zone. The document is currently at Examination in Public, with the Inspector indicating that the Council will receive the binding report by 16th December. A single representation was received against this settlement boundary, which did not relate to this change (or part of the settlement boundary), and as such, it is considered that the amendment to tighten the settlement boundary in this area should be viewed as a material consideration.

Conclusion

Objection development on this site would be contrary to CP10. The review of the settlement boundary should also be taken into consideration.

NATURAL ENGLAND

No objections

NORFOLK WILDLIFE TRUST - No Comments Received

REPRESENTATIONS

None

ASSESSMENT NOTES

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

* The site is currently located inside the Settlement Boundary of the village of Gooderstone. The main issues are whether the development is acceptable in principle, having regard to any significant impact with respect to existing residential amenity, design and appearance, landscaping, impact on the special interest feature of the Special Protection Area, namely stone curlew and impact on highway safety.

Principle

* The application proposes two dwellings. Whilst the site received outline planning consent in 2004 for three dwellings, this permission has now lapsed and significant changes have occurred within the planning system since this time.

* The site lies entirely within the 1500 buffer zone of the Special Protection Area (SPA) and is approximately 550 m from the SPA. As such, Core Strategy Policy CP10 is of particular importance. The Tree and Countryside Officer has been consulted and an appropriate assessment has been carried out, a summary of this assessment is outlined later in this report.

* In addition, through the Site Specific Policies and Proposals DPD settlement boundaries across the District have been reviewed. The proposed change to the Settlement Boundary for Gooderstone would result in the application site being outside the Settlement Boundary. The Site Specific Policies and Proposals DPD is currently at Examination in Public and the Authority will receive the binding report by 16th December 2011.

* It is considered that the proposed amendment is a material planning consideration in determining the current application

Design and Appearance

*Two four bedroomed chalet bungalows are proposed each having one bedroom at ground floor level with three first floor bedrooms with dormer windows to the rear. The dwellings are well designed and would be in keeping with existing built form. It is considered that the proposed development would have an acceptable impact within the street scene and that the proposed materials are also appropriate for the locality.

Impact on Amenity

* The dwelling proposed as Plot 1 is sited 3m from the eastern boundary of the plot beyond which is an access track to fields at the rear. There is 12m between the side facing elevation of this dwelling and the side facing elevation of the neighbouring dwelling. The side facing gable end of the principal element of the dwelling proposed as Plot 2 has no side facing windows and there is one bedroom window within the side facing elevation of the secondary element. There is 5m between this side facing elevation and the side facing elevation of the neighbouring dwelling to the west. It is considered that the separation distances involved would ensure that no significant overlooking would arise. It is also worthy of note that boundary fencing could be constructed on the common boundary of up to 2m in height without the need for planning permission. There is adequate separation distance between each proposed dwelling and it is, therefore, considered that existing residential amenity would be satisfactorily preserved. An acceptable amount of amenity space is provided for each dwelling.

* In conclusion, it is considered that the proposed development would not result in significant

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overlooking, overshadowing or have a significant impact on existing residential amenity.

Landscaping

* A large mature ash tree within the north-west corner of the site is proposed to be retained. There are two rows of trees to the front of the site. It is proposed to remove the second row of trees and retain the majority of the front row except where the new access would be created.

* To the east, south and dividing boundary between the properties it is proposed to plant native hedging.

* The Tree and Countryside Officer has been consulted on the proposals and has raised no objections in relation to trees.

Impact on Special Interest SPA namely Stone Curlew

* Natural England has raised no objections to the proposal. However, Breckland Council is deemed to be the competent authority in respect of its function as a local planning authority and has recognised that development proposals in the vicinity of Breckland European sites may have a significant effect upon the special interest features for which the site were designated. It has, therefore, given further consideration to those issues.

* The Tree and Countryside Officer has carried out an appropriate assessment in accordance with Core Strategy Policy CP10. Conclusions are as follows:

* In the light of specialist research undertaken for the Habitats Regulations Assessment of the adopted Breckland Core Strategy, which demonstrates an association of buildings and a significantly reduced nesting density by stone curlews of up distances of at least 1500 m, it cannot be ascertained that an absence of adverse effect upon the stone curlew special interest feature of the SPA can be established and there must therefore be a presumption against consent.

Highways Impact

* Access is proposed via a shared single access point off The Street. Plot 2 would have an integral garage. Adequate parking and turning areas are provided. Gates to each property are proposed to be positioned 5m back from the highway. The Highway Authority has been consulted on the proposal and raised no objection to the principle of the development subject to conditions. In addition, it is brought to the Council's attention that the proposed access conflicts with the position of an existing telegraph pole. Any street furniture that is required to be removed as a result of development will be required to be carried out at the applicant's own expense. It is also noted that the proposed access differs from the position of access already in place. Should planning permission be granted it is expected that the section of the existing access crossing that will become redundant will be reinstated to (full height) footway in the interests of highway safety, at the applicant's own expense.

Conclusion

* The application fails to comply with Core Strategy Policy CP10 as it cannot be ascertained that an absence of adverse effect upon the stone curlew special interest feature of the SPA can be established.

* In addition, the proposed change to the Settlement Boundary for Gooderstone would result in the application site being outside the Settlement Boundary which is a material planning consideration. The development of the site for housing would therefore conflict with Core Strategy Policy DC2 and national countryside protection policies set out in PPS7.

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RECOMMENDATION Refusal of Planning Permission

REASON(S) FOR REFUSAL

- 9900** Impact on Stone Curlew
- 9900** Proposed SB change OUT SB

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ITEM	5	RECOMMENDATION : APPROVAL
REF NO:	3PL/2011/1095/F	CASE OFFICER: Chris Raine
LOCATION:	THETFORD Hazel Covert Kilverstone Park	APPN TYPE: Full POLICY: In Settlemnt Bndry ALLOCATION: Sites with PP 4 HSG CONS AREA: N TPO: Y LB GRADE: N
APPLICANT:	Hopkins Homes Limited Melton Park House Scott Lane	
AGENT:	Hopkins Homes Limited Melton Park House Scott Lane	
PROPOSAL:	Erection of 13 dwellings (revised details to crescent block as previously permitted under 3PL/2002/1693/D)	

KEY ISSUES

Comparison with extant permission
Impact upon the character and appearance of the locality
Neighbour amenity

DESCRIPTION OF DEVELOPMENT

The application seeks full planning permission for the erection of 13 dwellings. These units take the form of a curved crescent of three storey dwellings, each one having an integral garage with additional parking space in front of each garage.

SITE AND LOCATION

The application site consists of part of a larger site with consent for a residential development which is in the process of being constructed. The site is accessed via Hazel Covert which is a residential street to the north. To the north-west and south-west are existing residential dwellings. To the south-east is open land and north-east is an area of woodland.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2002/1693/D - Construction of dwellings and associated roads - Approval of Reserved Matters 29/7/2003

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POLICY CONSIDERATIONS

The following National Planning Guidance and the Breckland Adopted Core Strategy and Development Control Policies have been taken into consideration in the determination of this application:

PPS01	Delivering Sustainable Development
PPS03	Housing
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.14	Energy Efficiency
DC.16	Design

CONSULTATIONS

THETFORD T C -

No objection, subject to either conventional or splayed arch forms being insisted upon (no soldier arch forms to be permitted).

TREE AND COUNTRYSIDE OFFICER

No objection.

NORFOLK COUNTY COUNCIL - HIGHWAYS

No objection.

CONTAMINATED LAND OFFICER

No objection subject to a condition.

NATIONAL GRID - No Comments Received

ECONOMIC AND STRATEGY OFFICER - No Comments Received

REPRESENTATIONS

None received.

ASSESSMENT NOTES

* The application is referred to the Planning Committee as it is a major application.

* The application site forms part of a larger residential development which is at present being constructed (3PL/2002/1693/D). This application seeks a revised design from that approved as part of the aforementioned extant permission.

* In visual terms, the proposed dwellings would be laid out as a curved crescent which replicates

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the arrangement previously approved. The amended scheme proposes a three storey design as opposed to the previously approved two storey with rooms in the roof arrangement facilitated by dormer windows.

* It is considered that the amended scheme represents an improved design. The overall appearance of the amended scheme is also enhanced by the use of a more symmetrical appearance and by the removal of the front gable detailing previously agreed. The modest increase in the ridge height poses no significant harm to the scheme. It is considered that the revised scheme is entirely consistent with the locality and represents a visual improvement on the previous scheme.

* In terms of neighbour amenity, the proposed dwellings are suitably distanced from existing neighbours so as to have no significant impact upon neighbour amenity ie light, outlook and privacy. Furthermore, the proposed units have adequate regard for the amenities of those adjacent properties which are to be constructed as part of 3PL/2002/1693/D.

* The Highway Authority has confirmed that it has no objection subject to conditions.

* The legal agreement completed as part of 3PL/2002/1693/D has secured the requisite affordable housing and open space provision.

* Policy DC14 of the Core Strategy requires proposals such as this to supply at least 10% of the energy they require through on-site and/or decentralised renewable sources. It is considered reasonable to secure this through a suitably worded planning condition.

* No other issues have been raised.

* In conclusion, the proposal is considered to be acceptable in planning terms and is, therefore, recommended for approval.

RECOMMENDATION

Planning Permission

CONDITIONS

- 3007** Full Permission Time Limit (3 years)
- 3106** External materials and samples to be approved
- 3941** Renewable Energy
- 3920** Boundary treatment
- 3046** In accordance with submitted plans
- 3998** NOTE: Reasons for Approval
- 4000** Variation of approved plans
- 3996** Note - Discharge of Conditions