

BRECKLAND COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 14TH JANUARY 2008

REPORT OF THE DEVELOPMENT SERVICES MANAGER

AUTHOR: C Raine – Senior Development Control Officer

YAXHAM: FORMER BRECKLAND GARDEN CENTRE - DEVELOPMENT OF A 'LODGE PARK' WITHIN THE SITE OF THE FORMER GARDEN CENTRE & RE-USE OF EX CAMPING & CARAVAN SITE

REFERENCE: 3PL/2007/1493/F APPLICANT: THPD PROPERTIES LTD

DEFERRED ITEM

Summary - The application was previously deferred to allow time for the applicant to provide additional supporting information in relation to his proposal. The following report takes into account the additional information submitted by the applicant and by third parties, and as such supersedes the "ASSESSMENT NOTES" section of the attached committee report. The application is recommended for refusal.

Assessment Update

The site is located outside of the settlement limit for Yaxham and, as such, forms part of the countryside. In policy terms PPS7: Sustainable Development in Rural Areas provides the framework for considering development proposals in the countryside. This requires an applicant to adequately demonstrate to the satisfaction of the Local Planning Authority that a local need or shortfall in provision exists for the development and that it could be located within an appropriate location. In response to this requirement the applicant has stated that they have completed an internet based search and conclude that no such lodge parks or 4 and 5 star accommodation is available locally. It is considered that this statement does not adequately meet the requirements of PPS7 which states that new or additional facilities be provided in appropriate locations where an identified need exists.

In addition, PPS7 also requires new tourist accommodation to have regard for the local landscape and minimise their intrusion into the locality. The scale and density of the development proposed, which totals 50 units plus office/reception and site manager's dwelling, would in the opinion of the Local Planning Authority result in an unwarranted intrusion into the rural landscape to the detriment of the character and visual amenities of the area. Furthermore, despite the submission of additional information "Bio-diversity Management Action Plan" the Council's Tree and Countryside Officer considers that landscape issues/implications have not been fully considered. Whilst it is acknowledged that part of the site will be largely screened from public view, a significant part of the site would be visible.

As a result of the numerous consultations undertaken, it has become apparent that a number of issues have failed to be adequately addressed, these are as follows:

Flood risk – Despite the submission of a Flood Risk Assessment the Environment Agency have objected to the scheme and at present no additional information has been submitted to address these concerns.

Protected species and habitat – Natural England have objected to the proposal until such time as they are satisfied that the applicant has addressed issues relating to wildlife and habitat as yet this has not been adequately addressed.

Landscape issues – Further information has been submitted on this issue, however, the Council's Tree and Countryside Officer considers that it fails to adequately address the required issues.

In light of this, the Local Planning Authority considers that the applicant has failed to adequately demonstrate to the satisfaction of the Local Planning Authority that the proposal has taken account of the aforementioned issues.

In terms of the highway implications of the scheme, the Highways Authority have confirmed they have no objections in principle to the proposal subject to receipt of an amended plan providing the requisite visibility splays.

In support of their proposal, the applicant has put forward a number of points, a summary of which are as follows:

1. They consider that the site is previously developed/brownfield land and the development would improve the appearance of the existing site.

(It is considered that only part of the site is previously developed ie the sales element etc).
2. They also consider that their scheme will lead to money and jobs being brought into the area to the benefit of the local economy.
3. They feel that this development will protect existing housing stock from being bought as second homes.
4. Licensing allows for 15 units per acre whereas they are only applying for a scheme of 5 units per acre. Any licensing requirements are considered separately from planning considerations.
5. The site has a long standing permission to be used for the standing of caravans and an unlimited amount of tents. This was undertaken in accordance with the requirements of The Caravan Club.
6. The proposal will not compromise local services such as doctors, dentists or hospitals as these are accessed in the owner's home towns.

Conclusion

In conclusion, the applicant has failed to demonstrate that a need exists for this type and scale of development, and furthermore, a number of outstanding issues relating to specific details ie flood risk and protected species have not been adequately considered.

Recommendation

The proposal is recommended for refusal.

BRECKLAND COUNCIL - DEVELOPMENT CONTROL COMMITTEE - 17-12-2007

ITEM	4	RECOMMENDATION : REFUSAL
REF NO:	3PL/2007/1493/F	
LOCATION:	YAXHAM Former Breckland Garden Centre	APPN TYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: No Allocation CONS AREA: N TPO: N LB GRADE: N
APPLICANT:	THPD Properties Ltd 59 Church Road Coltishall	
AGENT:	Feilden & Mawson 1 Ferry Road Norwich	
PROPOSAL:	Development of a 'lodge park' within the site of the former garden centre & re-use of ex camping & caravan site	

KEY ISSUES

1. Impact upon the countryside
2. Flood issues
3. Impact upon habitats/protected species
4. Highway safety
5. Neighbour amenity

DESCRIPTION OF DEVELOPMENT

The application seeks full planning permission for the construction of 50 holiday lodges, a new office/reception building and the retention of the existing agricultural workers dwelling for use by a site manager. The proposed development would be accessed via the site frontage which is immediately adjacent to the B1135.

SITE AND LOCATION

The site is roughly L shaped and consists of the former Breckland Garden centre and accompanying agricultural workers dwelling. To the north is agricultural land, to the west is the Mid-Norfolk Railway line, to the east is the B1135 and to the south are residential dwellings on the road frontage.

BRECKLAND COUNCIL - DEVELOPMENT CONTROL COMMITTEE - 17-12-2007

RELEVANT SITE HISTORY

3PL/2003/1475/F Cafe and shop, plant display canopy and vehicle storage building - Approved
3PL/1998/0961/F Construction of gravelled road - Refused
3PL/1989/2121/F Extensions to Garden Centre - Withdrawn
3PL/1988/2433/F Alterations and extensions to garden centre - Approved
3PL/1988/1146/F Re-position access - Approved
3PL/1982/3673/F Shed/greenhouse - Approved
3PL/1982/3061/CU Change of use to Garden Centre and additional greenhouse - Approved
3PL/1981/1055/F Temporary mobile for reception/store to nursery - Approved
3PL/1980/1805/F Standing of temporary mobile home - Approved
3PL/1980/1534/F Dwelling with agricultural restriction - Approved

POLICY CONSIDERATIONS

The following National Planning Guidance and Saved Local Plan Policy are considered relevant in the determination of this application:

PPS1 - Delivering Sustainable Development

PPS7 - Sustainable Development in Rural Areas

PPS25 - Flood Risk

TRA5 - Where development would endanger transport safety, generate traffic that would be detrimental to the transport network, require highway improvements that would conflict with conservation considerations or attract traffic that would have an adverse effect on residential amenity, it will not be permitted.

CONSULTATIONS

YAXHAM P C

Objection.

See comments received 14 November 2007

WHINBURGH & WESTFIELD P C

The Council supports the objections raised by Yaxham Parish Council, as the proposal is inappropriate in this location.

NATURAL ENGLAND - Object on the grounds that the application contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species.

ENVIRONMENT AGENCY - Object on the grounds that the Flood Risk Assessment as submitted is inadequate.

COUNCIL'S ENVIRONMENTAL HEALTH OFFICER - Conditions required .

COUNCIL'S CONTAMINATED LAND OFFICER - Conditions required.

COUNCIL'S ENVIRONMENTAL PLANNING POLICY OFFICER - Object on the grounds that without substantive evidence of a local need or shortfall in provision there are distinct reservations about the appropriateness of such a large scale development in this countryside location, with PPS7 in mind.

COUNCIL'S TREE & COUNTRYSIDE OFFICER - Insufficient detail has been submitted to support the application ie supply of services, removal of waste water, character of access tracks, night time lighting.

MID NORFOLK RAILWAY PRESERVATION TRUST - The development could create trespass and safety problems and would like assurances that suitable fences be constructed. Drainage in

BRECKLAND COUNCIL - DEVELOPMENT CONTROL COMMITTEE - 17-12-2007

the area has been a problem for many years and we would wish for assurances that the drainage system through the site will not only be improved but also maintained to a high standard in the future.

CAMPAIGN FOR THE PROTECTION OF RURAL ENGLAND - Object.
HIGHWAYS AUTHORITY - to be reported verbally

REPRESENTATIONS

Written objections have been received including a petition and the results of a questionnaire undertaken by the Parish Council; a summary of these are as follows:
Inaccurate information; detrimental to the setting of the countryside; the development is too dense and too large in terms of scale; concerns relating to traffic movements; the site is outside of the village boundary; there are insufficient local services to support the proposal; concerns at possible flooding and lack of adequate drainage provision; no genuine need for holiday homes; an agricultural occupancy restriction exists on the dwelling; light pollution; overburden existing services and facilities; the cabins are more like static caravans and therefore inappropriate.

ASSESSMENT NOTES

- * The site is located outside of the settlement limit for Yaxham and, as such, forms part of the countryside.
- * In policy terms, the applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that a local need or shortfall in provision exists and as such the proposal fails to meet the requirements of PPS7 which states that new or additional facilities be provided in appropriate locations where an identified need exists.
- * In addition, it is considered that the scale of the development, which totals 50 units plus office/reception and site manager's dwelling, fails to have adequate regard for the character and appearance of this part of the designated countryside.
- * The proposed 50 holiday units is considered to represent a scale of development which fails to have adequate regard for this part of the countryside.
- * As a result of the numerous consultations undertaken, it has become apparent that a number of issues have failed to be adequately addressed, these include flood risk, protected species and the impact upon the landscape. The applicant has been informed of the need to address these issues. At the time of writing no additional information has been received. For this reason the applicant has failed to adequately demonstrate to the satisfaction of the Local Planning Authority that the proposal has taken account of these issues.
- * At this time, the Council are awaiting the comments of the Highways Authority in relation to highway safety and as such their comments will be reported to the Planning Committee verbally.
- * In conclusion, the applicant has failed to demonstrate that a need exists for this type and scale of development, and furthermore, a number of outstanding issues relating to specific details ie flood risk and protected species have not been adequately considered and as such the proposal is recommended for refusal.

RECOMMENDATION **Refusal of Planning Permission**

REASON(S) FOR REFUSAL

BRECKLAND COUNCIL - DEVELOPMENT CONTROL COMMITTEE - 17-12-2007

- 9900 PPS7 - New facilities in appropriate locations
- 9900 PPS7 - Unwarranted intrusion into rural landscape
- 9900 PPS25 - Flood Risk Assessment required
- 9900 ENV.6 & PPS9 - Conservation & Wildlife protection

**3PL/2007/1493/F – THPD Properties Ltd, 59 Church Road, Coltishall NR12 7DP.
Former Breckland Garden Centre. Development of a “lodge park” within the
site of the former garden centre and re-use of ex-camping and caravan site.**

Yaxham Parish Council objects to the above application for the following reasons:

- HOU6 The proposed development is outside the settlement boundary and the site is covered by an agricultural condition. Breckland Council is asked to consider the legal position regarding the use of agricultural land for this type of development. The Lodge Park is not considered to be a true tourist development as it will apparently be a condition of purchase of a lodge that the prospective purchaser must have an alternative permanent address.
- HOU6.iv. The development is not of a size and design appropriate to the locality and is not sited in close proximity to existing groups of buildings.
- HOU6.vi. The development contravenes this policy.
- ECO5 This is a commercial development outside the settlement boundary.
- ECO5.ii. The site is regarded as an area of important landscape quality and the proposed development would cause a detrimental effect upon the character of the surrounding countryside.
- ECO5.iii. The proposal will stand out from the surrounding countryside and, even if it is well landscaped it will still be a very alien development creating a hard edge to the village.
- ECO5.iv. Concern is expressed regarding the access to the site and the type of services to be provided. If the lodges are to use gas cylinders, where will they be stored and what safety measures will be in place? Further information is sought regarding the handling of both surface water runoff and grey water and a clear policy for the prevention of exacerbating the existing problems being experienced with ditches and drains being unable to handle the heavy rain that is now being experienced. The additional expanses of hard services will only make this problem worse. PPS25 (Development and Flood Risk - Communities & Local Government Policy) states that the flood risk can be reduced to and from new development through location, layout and design by incorporating sustainable drainage systems. More consideration should be given to this in the application. Can the local water and electricity services cope with the additional loading?
- ENV6 While it is accepted that the site will be well landscaped, much of the planting will be of a deciduous nature that will make the development easily visible in the winter months. An assessment should be undertaken on the impact on the local ecology. A suggestion is made in the application that the street lighting from Dereham could be extended up to the site. Despite assurances from the developer that any on-site lighting will be angled towards



the ground, there is much concern about the possibility of spoiling Yaxham's enviable enjoyment of a comparatively dark night sky.

- TRA5 The volume of traffic and the hazardous use of the B1135 is one of the major concerns. This policy states that any development that will endanger highway safety by generating high levels of extra traffic will not be permitted. The application documentation over-estimates the original traffic volumes of the garden centre, even when it was run as a successful enterprise. This is used to show that the Lodge Park movements will be very much lower. Since the resurfacing of the B1135 and the provision of the new footway, traffic is travelling even faster and there have been several accidents in recent months. There is no cycle/footway beyond the development site into Dereham and very few local people use bicycles because of the danger.
- PPS1 (Delivering Sustainable Development - Communities & Local Government Policy) Although the proposed development may contribute to the tourist and other facilities of the surrounding area there will be very little impact on the development and sustainability of the community and village of Yaxham to which no regular financial benefit (ie Council Tax) will be forthcoming. The proposed development does not conform to the following sections of Planning for Sustainable Development:
 - Social cohesion and inclusion
 - Protection and enhancement of the environment
 - Prudent use of natural resources
- There is a potential impact of up to 100 extra people fitting into a small community.
- PPS7 (Sustainable Development in Rural Areas - Communities & Local Government Policy) The proposed development goes against all the key principles of the National Planning Policy as well as paragraphs 35 – 40 (Tourist and Visitor Facilities and Accommodation). The application gives no proven evidence of a need for this development.

Generally the Council were concerned about a number of inaccurate statements in the application and some irrelevant information. They would also like to point out that the "extensive use of the site for camping and caravanning" has never been for more than 5 caravans under either a Caravan Club or Caravan and Camping Club Exemption Certificate. The certificate giving exemption from planning permission/licensing was cancelled some time ago.



CLERK