

Item No.	Applicant	Parish	Reference No.
1	Mr Peter Anthony	DEREHAM	3PL/2013/0545/F
2	Mr T Gray	NECTON	3PL/2013/0983/O
3	Mr J Ogilvy	BEESTON	3PL/2013/1104/O
4	Mr N Pettit	THETFORD	3PL/2013/1159/F
5	Mr Barrie Hall	GREAT ELLINGHAM	3PL/2014/0077/O

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ITEM	1	RECOMMENDATION : APPROVAL
REF NO:	3PL/2013/0545/F	CASE OFFICER: Jayne Owen
LOCATION:	DEREHAM 54 & 56 Yaxham Road	APPN TYPE: Full POLICY: In Settlemnt Bndry ALLOCATION: No Allocation CONS AREA: N TPO: N LB GRADE: N
APPLICANT:	Mr Peter Anthony 54 Yaxham Road Dereham	
AGENT:	Bix Planning Ltd Sandpiper House Leete Way	
PROPOSAL:	Proposed development of land for three new dwellings & detached single garage for each plot	

KEY ISSUES

Principle of development
Design and appearance
Trees and Landscaping
Amenity
Highways
Contaminated land

DESCRIPTION OF DEVELOPMENT

The application seeks full planning permission to construct three detached dwellings to the rear of No. 54 and 56 Yaxham Road. In addition it is proposed to make alterations to an existing access to serve the existing bungalow at No.56 and the new development. Proposed materials comprise red facing brickwork and red Norfolk pantiles. Three existing trees are proposed to be removed from the front of the site to facilitate improvements to the proposed access and to achieve acceptable visibility splays. However, most hedging and trees are to be retained.

SITE AND LOCATION

The site currently comprises a large piece of L shaped land which contains a detached dwelling (56 Yaxham Road) within the eastern-most part of the plot adjacent to the Yaxham Road carriageway. The site is accessed via the Yaxham Road carriageway to the east. To the west of the site is the railway line and to the north and south are neighbouring dwellings.

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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.09	Pollution and Waste
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.16	Design
DC.19	Parking Provision
NPPF	With particular regard to paras. 14,17,32,34,47,49,50,55,56-66,70,97,186,187,189

CIL / OBLIGATIONS

Affordable housing provision is secured through S106 to meet local affordable housing needs. The Council seeks to enter into Planning Obligations to provide necessary local infrastructure requirements on development sites. This could include, where necessary, for development to deliver contributions to open space provision. In relation to open space, the Council has identified a shortfall of outdoor sports provision and children's play space across the district. The evidence for this shortfall is found in the Council's Open Space assessment. Therefore, contributions towards open space improvements under the provisions of adopted Policy DC11 where developments would not meet the threshold for on-site provision. In the light of the evidenced shortfall of open space, the Council considers that these contributions are demonstrably improving open space provision in areas of evidenced shortfall and therefore comply with Regulation 122 of the CIL Regulations.

The Council is intending to implement CIL in 2014. As such, the payment of CIL and S106 obligations will be used for different requirements, and developments will not be charged for the same items of infrastructure through both obligations and the levy. Once adopted, CIL funds will replace contributions towards off-site infrastructure.

A signed and completed S106 Obligation forms part of the submission in relation to the required contributions to recreation and affordable housing.

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CONSULTATIONS

DEREHAM T C -

Objection to the plan for the following reasons;

The design layout was unacceptable

The loss of residential amenity to 54 and the significant loss of residential amenity to 56

Over development of the site

Too close to the industrial Estate and Railway

Constitutes unacceptable back land development

NORFOLK COUNTY COUNCIL HIGHWAYS

No objections subject to conditions and an informative.

CONTAMINATED LAND OFFICER

No objections subject to condition

NATIONAL GRID

No objection but have provided an information to the developer.

TREE & COUNTRYSIDE CONSULTANT

No objections subject to a tree protection condition in relation to the trees shown for retention.

ENVIRONMENTAL HEALTH OFFICERS

No objections providing the development proceeds in line with the application details.

HEALTH & SAFETY EXECUTIVE

HSE does not advise, on safety grounds, against the granting of planning permission in this case.

HOUSING ENABLING OFFICER

The application site size is in excess of 0.17ha, and therefore under core strategy policy DC4 a contribution towards affordable housing will be sought. The form of this contribution will need to be discussed with the applicant.

Dereham has a high identified need for affordable housing.

MID NORFOLK RAILWAY PRESERVATION TRUST - No Comments Received

REPRESENTATIONS

Objections have been received raising the following issues:

Highways impacts

ASSESSMENT NOTES

* The application is referred to the Planning Committee in light of the concerns raised through the consultation process and in acknowledgement of the range of planning issues associated with the proposal.

Principle

* The site lies within the Settlement Boundary of the town of Dereham where in principle new housing development is permitted in accordance with Core Strategy Policy DC2 (Principles of New Housing).

* Core Strategy Policy DC11 (Open space) requires that all new residential development provides a contribution towards outdoor playing space. The size of the application site is in excess of 0.17 ha and therefore Core Strategy Policy DC4 (Affordable Housing Principles) is applicable which requires a contribution towards affordable housing.

* A signed and completed S106 Obligation forms part of the submission in relation to the required contributions to recreation and affordable housing. In relation to affordable housing a contribution of £28,067.83 would be made and £4,200 in relation to open space would be secured.

Design and appearance

* The layout is for single storey bungalows with principal elevations (doors and windows) front and rear. The proposed development would be of a backland nature being to the rear of existing built form. However, similar development has taken place at the rear of dwellings elsewhere in Yaxham Road, including to the rear of 38 and 40 with access between 38 and 40 Yaxham Road. Planning permission has also been granted for similar development with access being provided between 42 and 44 Yaxham Road. The principle of constructing residential development at the rear of existing dwellings in this locality has therefore been accepted on the basis that a precedent has been set locally and the proposal is in keeping with other development in the area.

It is considered that the dwellings are individually well designed and each new dwelling is provided with adequate parking and turning areas, including a garage and adequate areas of amenity space. Full details of the proposed materials have not been provided, however an appropriate condition may be attached to any planning permission granted requiring full details to be submitted to and agreed by the Local Planning Authority prior to the commencement of any development.

Trees and Landscaping

* The site benefits from existing landscaping with mature hedging and trees running along the western boundary which separates the site from the Mid Norfolk Railway line. There is also established hedging and trees to the north and a number of smaller trees, some of which would be retained as part of the development. Between 56 and 58 Yaxham Road there is a relatively low hedge. The hedge is proposed to be replaced with a 2 m high close boarded fence.

* There is a ditch which runs along the eastern side of plot 3, this has been piped and filled behind No 56 and a fence formed comprising 1.5 high post and panels. The same type of fence returns along the northern boundary between the private drive and No 54 and will continue up to the single garage serving No 54. A lower 1.2 m high fence is to be provided from the garage to Yaxham Road.

* The Tree and Countryside Consultant has been consulted on the proposal and has commented that collectively this garden and its trees make a pleasant sub-urban green space and contributions to the green route aspect of the railway line. However, individually the trees are not of sufficient significance to warrant protection. A condition is recommended to require protection of the trees which are scheduled to be retained.

Amenity

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- * The proposed new dwellings would be single storey and no significant overlooking, overshadowing, loss of privacy or outlook would arise with respect to neighbouring dwellings, 58 and 54 Yaxham Road or within the development site itself.
- * Alterations are proposed to overcome amenity issues by virtue of the potential for noise arising from the manoeuvring of vehicles
- * Other alterations would include the removal of the existing window and its replacement with a triple glazed sound proof window and additional soundproofing to the wall of that elevation.
- * In addition, it is proposed that the elevation alongside the drive serving Plot 1 would be of a sound proof construction without any windows or doors. Any extraction fans for either the existing bungalow or the new bungalows facing the private drive are proposed to be fitted with acoustic type vents. Further, the private drive is proposed to be constructed using a bound material of tar sprayed shingle which would also reduce potential road noise.
- * The Council's Environmental Health Officer has been consulted on the proposal and no objections or comments have been made providing the development proceeds in line with the application details.
- * A planning condition removing permitted development rights to make roof alterations to the new dwellings in order to maintain privacy between them is considered appropriate.

Highways

- * Norfolk County Council Highways have been consulted on the proposal and have raised no objections subject to conditions.

Contaminated Land

- * The Council's Contaminated Land Officer has been consulted and has indicated that the site is adjacent to a railway line. It is therefore recommended that a condition is attached to any planning permission granted in relation to action to be taken should unexpected contamination be found.

Conclusion

- * The site lies within the Settlement Boundary where in principle new housing development is permitted in accordance with Core Strategy Policy DC2 (Principles of New Housing). A Section 106 Obligation has been signed and completed which will ensure a contribution towards affordable housing of £28,067.83 and a contribution of £4,200 towards recreational provision as required by Core Strategy Policy DC11 (Open Space). The proposed dwellings are well designed and the existing and proposed dwellings are provided with acceptable parking and turning areas together with an acceptable level of amenity areas. The proposal is acceptable having regard to impact on amenity with respect to existing and future occupiers of adjoining development and within the site itself and there are no highway safety concerns.
- * Approval is recommended subject to conditions and a Section 106 Legal Agreement which has been signed and completed.

RECOMMENDATION

Planning Permission

CONDITIONS

- 3007** Full Permission Time Limit (3 years)
- 3048** In accordance with submitted

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- MT03** External wall and roof materials to be agreed
- 3414** Fencing protection for existing trees
- 3920** Highways condition - access/parking etc.
- 3920** Highways condition - parking for workers
- 3920** Highways condition - wheel cleaning
- 3920** Highways condition - use of wheel cleaning
- 3920** Highways condition - off site highway works
- 3920** Highways condition - off site highway works completed
- 3946** Contaminated Land - Unexpected Contamination
- 3920** Soundproofing measures
- PD02** No alterations to roof
- PD01** No additional windows at first floor
- 4000** Variation of approved plans
- 3996** Note - Discharge of Conditions
- 2000** NOTE: Application Approved Without Amendment
- 2014** Criterion E - Planning Apps Where Approved
- 9850** Section 106 Note
- 9850** Highways
- 9850** National Grid Note

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ITEM	2	RECOMMENDATION : APPROVAL
REF NO:	3PL/2013/0983/O	CASE OFFICER: Jayne Owen
LOCATION:	NECTON The Necton Diner Norwich Road	APPN TYPE: Outline POLICY: In Settlemnt Bndry ALLOCATION: No Allocation CONS AREA: N TPO: N LB GRADE: N
APPLICANT:	Mr T Gray Romany Dream Breckland Green	
AGENT:	Sketcher Partnership Ltd First House Quebec Street	
PROPOSAL:	Residential development	

KEY ISSUES

Principle of development
Design and layout
Amenity
Landscaping
Highways
Contaminated land

DESCRIPTION OF DEVELOPMENT

The application seeks outline planning permission, including access and scale, for the construction of 26 dwellings on land formerly occupied by Necton Diner and Garage. The proposed layout provides for a single new access onto Tuns Road, closing existing accesses off the A47. Foul drainage is proposed to be discharged to the existing mains sewer in the adjacent highway and surface water from the proposed roads would be self draining whilst the houses would be served by soakaways. The applicant proposes that the development will achieve Code Level 4 in terms of energy efficiency. An indicative layout and house type has been provided although appearance, landscaping and layout are reserved matters.

The application includes a Design and Access Statement, Phases 1 and 2 Desk Study and Preliminary Site Investigation Report, Demolition and Asbestos Removal Survey Reports, Acoustic Assessment and Archaeological Desk Based Assessment.

SITE AND LOCATION

The site lies within the Settlement Boundary of the village of Necton. The site is the former

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Necton Diner and Garage site on the Norwich Road, Necton (A47) and has been vacant for approximately four years. The site has a road frontage to Norwich Road of approximately 120 m with an overall site area of 0.82 hectares. The site is identified as being within Flood Zone 1 (low risk) on the flood maps held by the Environment Agency.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2012/0065/A - Erection of advertisements signs for hand carwash -Retrospective Approved

3PL/2010/0351/F - Change of use to hand car wash including retention of existing portakabin - Approved

3PL/2000/1103/F - Retention of sectional building (renewal)- Temporary Permission

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.05	Developer Obligations
CP.09	Pollution and Waste
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.16	Design
DC.19	Parking Provision
NPPF	With particular regard to paras. 14,17,32,34,47,49,50,55,56-66,70,97,186,187,189

CIL / OBLIGATIONS

Affordable housing provision is secured through S106 to meet local affordable housing needs. The Council seeks to enter into Planning Obligations to provide necessary local infrastructure requirements on development sites. This could include, where necessary, for development to

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deliver site specific open space, connection to utility services (as required by legislation), habitat protection/ mitigation, transport improvements and archaeology. In relation to open space, the Council has identified a shortfall of outdoor sports provision and children's play space across the district. The evidence for this shortfall is found in the Council's Open Space assessment. Therefore, to remedy the identified shortfall, the Council seeks Unilateral Undertakings to provide contributions towards open space improvements under the provisions of adopted Policy DC11 where developments would not meet the threshold for on-site provision. In light of the evidenced shortfall of open space, the Council considers that these contributions are demonstrably improving open space provision in areas of evidenced shortfall and therefore comply with Regulation 122 of the CIL Regulations.

The Council is intending to implement CIL in 2014. As such, the payment of CIL and S106 obligations will be used for different requirements, and developments will not be charged for the same items of infrastructure through both obligations and the levy. Once adopted, CIL funds will replace contributions towards off-site infrastructure.

CONSULTATIONS

NECTON P C -

Parish Council have concerns over the access via Tuns Road and the problems this would make to already congested peak time traffic. They would also like to see a detailed report of the drainage and sewerage system planned for the development and possible effects on the existing drainage and sewerage system in the village and a detailed report offering solutions to possible problems. The Parish Council would like to see a S106 on the development.

NORFOLK COUNTY COUNCIL HIGHWAYS

No objections subject to conditions

ENVIRONMENT AGENCY

No objections subject to conditions.

CONTAMINATED LAND OFFICER

Our records indicate that the site has had a number of former uses as a petrol filling station, workshop and diner.

The Environment Agency's response dated 21 November 2013 is noted and should the Local Planning Authority choose to grant planning permission with conditions at this stage (rather than require further site investigation and risk assessment upfront) conditions require a Desk Study/Site Investigation and a condition with respect to Unexpected Contamination is recommended in place of the Environment Agency's recommended conditions 1 and 2 together with the Environment Agency's recommended conditions 3 and 4.

HIGHWAYS AGENCY

As the proposed development will not affect the safety and operation of the A47 trunk road The Highways Agency does not wish to offer an objection.

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ENVIRONMENTAL HEALTH OFFICERS

No objection subject to conditions.

NATURAL ENGLAND

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

TREE & COUNTRYSIDE CONSULTANT

No comment at this stage. Tree and landscape details may be considered at reserved matters stage.

HOUSING ENABLING OFFICER

No objections subject to a the inclusion of a time scale for delivery in any Section 106 Obligation which triggers an automatic viability review to provide a means of taking account of any increase in values over time.

AIR QUALITY OFFICER

For air quality purposes, traffic on the A47 at this point is of a free flowing nature and pollutants will disperse readily due to the open landscape. Using the information made available, there are no further comments on the development with respect to air quality.

NORFOLK FIRE AND RESCUE SERVICE

No objection subject to conditions

PRINCIPAL PLANNER MINERAL & WASTE POLICY - No Comments Received

ECONOMIC AND STRATEGY OFFICER - No Comments Received

HISTORIC ENVIRONMENT OFFICER - No Comments Received

REPRESENTATIONS

Three representations have been received raising the following issues:

One letter in support on the following grounds;

The site must be one of the worse eyesores in Norfolk, the sooner its done the better.

Two letters objecting to the proposal on the following grounds;

Highway safety; Sewage and drainage; noise impacts in relation to garage/car repair workshop to the south of the site; supporting documents were commissioned by Taylor Wimpey and relate partly to the diner site and partly to the Necton Garage site; viability of scheme having regard to previous proposal of the Diner site and Necton garage site which was deemed to be unviable owing to drainage, contamination, proximity to A47, air quality, limited access and closeness to main A47 junction; previous landowner of adjacent site points out at the time of the previous application by Taylor Wimpey she owned the adjacent site; it is contended that the applicant has access over the entrance at Tuns Road but that the right of way for this land is not his and now

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belongs to new owners

ASSESSMENT NOTES

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

Principle of development

* The application seeks Outline Planning Permission including access and scale for 26 new dwellings within the Settlement Boundary of the village of Necton. The redevelopment of the site for housing is therefore acceptable in principle in accordance with Core Strategy Policy DC2 (Principles of New Housing) and paragraphs 47-55 of the National Planning Policy Framework.

* Core Strategy Policy DC4 (Affordable Housing Principles) requires 40% of the total number of housing units to be provided and maintained as affordable housing and may only be reduced where it is demonstrated that it is not viable to do so.

* A Viability Report forms part of the application which concludes that the project is unviable with any level of contribution. The report has been assessed by the District Valuer who accepts this assessment to be accurate. On this basis no affordable housing would be provided, however, it is considered appropriate to include within a S106 Obligation a clawback provision, in other words a timescale for delivery which triggers an automatic viability review. This will provide a means of taking account of any increase in values over time

* Core Strategy Policy DC11 (Open Space) expects all new development to provide a contribution towards outdoor playing space. For developments of 25 dwellings or more that open space should be provided on site with priority given to children's play space. The applicant has not provided a detailed breakdown in terms of number of bedrooms. However, based on 26 three bedroom dwellings an on-site provision of 1,560 m² would be required. The applicant has provided 1,264 m² as part of the indicative scheme, which would leave an open space contribution of £5,600 which the applicant is willing to agree to. However, it should be noted that the position as proposed on the indicative plan is not considered acceptable by virtue of it being overly close to the A47 and any subsequent reserved matters application should locate it in an alternative position.

* Norfolk County Council require one fire hydrant to be provided at a cost of £868.52 and contributions towards library services of £1,560 (£60 per dwelling). Comments from Childrens Services are currently awaited.

* Paragraph 17 of the National Planning Policy Framework (NPPF) is also relevant to this proposal in that one of the core land-use planning principles which should underpin both plan-making and decision-taking is identified as being to encourage the effective use of land by re-using land that has been previously developed (brownfield land) provided that it is not of high environmental value.

Design and layout

* External appearance and layout do not fall to be determined as part of this application. However, it is evident from the indicative layout that it is possible to create a scheme on the site which has sufficient regard for the character and appearance of the locality. However, it should be stressed that the open space as shown on the indicative plan is unacceptable and should be repositioned within any reserved matters application.

Amenity

* The indicative layout which forms part of the application satisfactorily demonstrates that up to 26 dwellings can be accommodated on the site without giving rise to significant impacts with respect to existing levels of residential amenity with respect to adjoining dwellings or within the

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site itself.

* There is the potential for noise impacts arising from the adjacent A47 and from a garage/car repair workshop to the south of the site which is not currently in use but which could be in use in the future. In this respect the submitted Acoustic Report recommends an earth bund with planting and fencing on top adjacent to the A47, along with other soundproofing requirements which would be incorporated into the build.

* The Environmental Protection Officer has been consulted on the proposals and, following the receipt of further information, recommends conditions should planning permission be granted including; that all residential units be built subject to specific façade specifications as detailed in the submitted Acoustic Consultants report; a noise barrier/bund to be constructed in a position to be agreed in writing by the Local Planning Authority prior to the commencement of any work on site; that prior to the commencement of development a scheme for the protection of the proposed residential dwellings from noise from the garage/car repair workshop to the south/south-east (accessed via Tuns Road) shall be submitted to and approved in writing by the Local Planning Authority and that prior to the commencement of development a scheme for the provision, implementation, ownership and maintenance of the surface water drainage to be submitted to and agreed in writing with the Local Planning Authority.

Highways

* Norfolk County Council Highways have been consulted on the proposal. Following the receipt of amended plans, Norfolk County Council Highways have raised no objections subject to conditions relating to details of the proposed arrangements for future management and maintenance of the proposed streets within the development; access via a 5.5 m wide carriageway with 10.0 m junction radii; provision of a footpath around the southern side of the junction; bellmouth into Tuns Road; roads and footpaths; vehicular and pedestrian access to be limited to the access shown on drawing No 9595-1b only and any other accesses or egresses permanently closed, footway/highway verge reinstated; visibility splays and a scheme detailing means of access and provision for on-site parking for construction works for the duration of the construction period.

Landscaping

* Landscaping is a reserved matter for consideration should Outline Planning Permission be granted. Notwithstanding this, the applicants state that it is proposed to retain the existing scrub hedging and 1.8 m timber close boarded panel fencing where shown. Proposed new fencing would comprise 1.2 m and 1.8 high timber fencing. A landscaping scheme would be required by condition.

Contaminated Land

* Given the previous uses of the site, Contamination reports form part of the application. The Council's Contaminated Land Officer has raised no objections subject to conditions.

* The Environment Agency has also been consulted on the proposals and they consider planning permission could be granted to the proposed development as submitted provided conditions are attached requiring a Preliminary Risk Assessment, that piling or other foundation designs and investigation boreholes using penetrative methods are not permitted other than with the express consent of the Local Planning Authority.

Other Matters

* A previous owner contends that the applicant has access over the entrance at Tuns Road but the right of way for this land is not his and that the entrance at Tuns Road now belongs to new owners. The applicant has provided Land Registry entries relating to Necton Garage which

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appear to correspond with the red lined area of the application site. Notwithstanding this matters of ownership are not a material planning consideration which should affect the determination of this application but are a private civil matter which fall to be resolved between the parties concerned.

Conclusion

* The development is acceptable in principle given the site lies within the Settlement Boundary for Necton. The indicative layout satisfactorily demonstrates that the site can accommodate up to 26 dwellings together with satisfactory parking, turning and amenity areas and without giving rise to significant impacts with respect to existing levels of residential amenity with respect to adjoining dwellings and within the site itself, albeit the open space is not appropriately located. Furthermore, noise impacts from the A47 and adjacent garage can be satisfactorily mitigated against by measures such as the earth bund and acoustic fencing and there are no highway safety objections. Therefore, subject to the imposition of conditions and a Section 106 Obligation including a clawback clause, the application is recommended for approval.

RECOMMENDATION

Outline Planning Permission

CONDITIONS

- 3058** Standard Outline Condition
- 3060** Standard outline landscaping condition
- 3048** In accordance with submitted
- 3850** Drainage condition - piling
- 3920** Fire hydrant
- 3920** Noise protection from A47
- 3920** Surface water drainage
- 3944** Contaminated Land - Desk Study/Site Investigation
- 3946** Contaminated Land - Unexpected Contamination
- 3920** Sound reduction
- 3920** Noise barrier
- 3920** Noise protection from workshop
- 3920** Surface water drainage
- 3923** Contaminated Land - Informative (Extensions)
- 3960** NOTE: E.A notes attached
- 3992** Non-standard note re: S106
- 4000** Variation of approved plans
- 9850** NOTE: Open space siting at reserved matters
- 3996** Note - Discharge of Conditions
- 2009** Criterion E - Planning Apps Where Refused

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ITEM	3	RECOMMENDATION : APPROVAL
REF NO:	3PL/2013/1104/O	CASE OFFICER: Viv Bebbington
LOCATION:	BEESTON Valley Farm Watery Lane	APPN TYPE: Outline POLICY: Out Settlemnt Bndry ALLOCATION: No Allocation CONS AREA: N TPO: N LB GRADE: N
APPLICANT:	Mr J Ogilvy Valley Farm Watery Lane	
AGENT:	Acorus Rural Property Services Old Market Office 10 Risbygate Street	
PROPOSAL:	Proposed permanent agricultural dwelling	

KEY ISSUES

Principle - essential need
Siting/ location
Visual impact on rural character

DESCRIPTION OF DEVELOPMENT

The proposal seeks planning permission for a permanent agricultural dwelling in connection with an existing agricultural enterprise.

The application is in outline with all matters reserved.

SITE AND LOCATION

The site is located in open countryside approximately 0.5km north west of the village of Beeston. The site is a 4ha. smallholding known as Valley Farm. It is currently down to grass for livestock. The existing agricultural enterprise is a mixed livestock unit which produces turkeys for the Christmas/ Easter markets, sheep and cattle rearing and the breeding and fattening of pigs.

The existing buildings stand in a hollow. The land rises gently from east to west towards Watery Lane. A temporary caravan was granted permission on appeal in 2010.

EIA REQUIRED

No

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RELEVANT SITE HISTORY

3PL/2006/1652/F - Erection of agricultural barn - Allowed on appeal
3PL/2006/1653/F - Barn and mobile home refused and dismissed on appeal
3PL/2007/2060/CU - Change of use of land for stationing of caravan - Dismissed on appeal
3PL/2008/0033/F - Extension to barn - Approved
3PL/2009/984/F - Change of use of land for stationing of mobile home - Allowed on appeal

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.11	Protection and Enhancement of the Landscape
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.11	Open Space
NPPF	With particular regard to para 55

CIL / OBLIGATIONS

Affordable housing provision is secured through S106 to meet local affordable housing needs. The Council seeks to enter into Planning Obligations to provide necessary local infrastructure requirements on development sites. This could include, where necessary, for development to deliver site specific open space, connection to utility services (as required by legislation), habitat protection/ mitigation, transport improvements and archaeology.

In relation to open space, the Council has identified a shortfall of outdoor sports provision and children's play space across the district. The evidence for this shortfall is found in the Council's Open Space assessment. Therefore, to remedy the identified shortfall, the Council seeks Unilateral Undertakings to provide contributions towards open space improvements under the provisions of adopted Policy DC11 where developments would not meet the threshold for on-site provision. In light of the evidenced shortfall of open space, the Council considers that these contributions are demonstrably improving open space provision in areas of evidenced shortfall and therefore comply with Regulation 122 of the CIL Regulations.

The Council is intending to implement CIL in 2014. As such, the payment of CIL and S106 obligations will be used for different requirements, and developments will not be charged for the same items of infrastructure through both obligations and the levy. Once adopted, CIL funds will replace contributions towards off-site infrastructure.

A unilateral agreement in respect of a financial contribution towards sport and recreation contribution has been drafted and is awaiting signature.

CONSULTATIONS

BEESTON P C -

No objection in principle, subject to agricultural occupancy condition, removal of permitted

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development rights, re-siting, single storey, landscaping and removal of mobile home.

NORFOLK COUNTY COUNCIL HIGHWAYS

No objections subject to highway conditions relating to access surfacing and access visibility.

CONTAMINATED LAND OFFICER

No objection subject to conditions and notes in respect of ground gas protection

REPRESENTATIONS

None

ASSESSMENT NOTES

* The application is referred to Planning Committee on the basis of previous planning history.

Principle of the development

* The application site is outside a settlement boundary and, as such, the general principle of a new residential dwelling is not supported unless there are special circumstances as set out in policy CP14. The policy states that dwellings required in association with rural enterprises, where it complies with the requirements of national guidance, shall be permitted. Para 55 of NPPF advises that new isolated homes in the countryside should be avoided unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work.

* In this instance the application has been submitted on the basis of an agricultural justification in respect of the mixed livestock holding which rears a combination of turkeys, chickens, sheep, calves and pigs. The stocking levels and type of livestock varies depending on the time of year. The application has been submitted with a supporting Agricultural Appraisal.

* A Planning Inspector, in August 2010, accepted there was an essential need for a worker to be readily available on site at most times and was satisfied that the functional test had been satisfied in respect of a temporary dwelling. The Inspector also was of the view that the audited accounts submitted for the three years ending 2008, 2009 & 2010 and the projected levels for the next three years indicated that a net profit level in excess of both the minimum agricultural wage and the projected 2010 level has already been achieved. The Inspector concluded that sufficient evidence had been submitted to demonstrate a sound financial basis for the enterprise.

* The current supporting agricultural appraisal indicated that the business has expanded above and beyond the levels anticipated by the Planning Inspector and the livestock numbers have exceeded the level outlined in the original business plan and are at a level where permanent 24/7 supervision is critical for the development of the business and welfare of animals.

* Although the NPPF no longer refers to a financial test, the supporting statement provides details of the audited accounts for the last three years. These are in excess of the projected forecast.

* In conclusion, the proposal is consistent with policy CP14 and para 55 of the NPPF.

Scale and location

* The site is located in an undulating rural landscape. The farm buildings are in a valley with the

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land rising towards the highway. The proposed dwelling would be sited on the track leading from the highway to the farm buildings. The siting has been amended to position the dwelling closer to the buildings creating a tighter group which has the effect of minimising visual impact. A condition has also been imposed to limit the dwelling to single storey in order to prevent undue visual harm.

Other issues

* The Highway Authority has raised no objection to the proposal subject to conditions relating to access surfacing and access visibility.

* The Contaminated Land Officer has raised no objection in respect of ground gas subject to conditions.

* A unilateral agreement in respect of a financial contribution towards sport and recreation contribution has been drafted and is waiting signature.

Conclusion

* The application is recommended for approval subject to the following conditions and upon the successful completion of the unilateral undertaking.

RECOMMENDATION

Outline Planning Permission

CONDITIONS

- 3004** Outline Time Limit (5 years)
- 3058** Standard Outline Condition
- 3048** In accordance with submitted
- 3500** Agricultural Workers dwelling
- 3202** Single storey dwelling only
- 3552** Remove caravan prior to occupation of dwelling
- HA05** Standard outline highways condition
- 3920** Non-standard ground gas condition
- 4000** Variation of approved plans
- 3996** Note - Discharge of Conditions
- 3995** Note - Unilateral undertakings
- 9850** Non-std Note re contamination
- 3923** Contaminated Land - Informative (Extensions)
- 2001** Application Approved Following Revisions
- 2014** Criterion E - Planning Apps Where Approved

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ITEM	4	RECOMMENDATION : APPROVAL
REF NO:	3PL/2013/1159/F	CASE OFFICER: Paul Took
LOCATION:	THETFORD Land behind No. 10 Bridge Street	APPN TYPE: Full POLICY: In Settlemnt Bndry ALLOCATION: Secondary Frontage CONS AREA: N TPO: N LB GRADE: N
APPLICANT:	Mr N Pettit c/o Agent	
AGENT:	Anglia Design LLP 11 Charing Cross Norwich	
PROPOSAL:	Proposed two storey dwelling house	

KEY ISSUES

Principle
Design
Impact on character of the Conservation Area and Listed Buildings
Amenity
Access and parking

DESCRIPTION OF DEVELOPMENT

The proposed dwelling has been described as an airtight "Super-Eco" dwelling. The application proposes a single two storey unit that comprises of two bedrooms and bathroom at ground floor and a open plan living area, including kitchen at first floor. The design is contemporary in style and in deliberate contrast with the traditional buildings in the locality.
Access is gained via a pedestrian accessway from the main road and therefore no on-site parking space is provided.

SITE AND LOCATION

The proposed site is situated to the rear 10 Bridge Street, part of a row of commercial properties located close to the Thetford town centre. The development site comprises of two areas of rear yards or courtyards associated with the frontage property. The site is enclosed by high flint walls of the properties either side and a wall to a supermarket service yard. The area is generally unused.

The adjoining buildings are Grade II Listed and the site forms part of the Thetford Conservation Area.

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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.01	Housing
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.09	Proposals for Town Centre Uses
DC.13	Flood Risk
DC.14	Energy Efficiency
DC.16	Design
DC.17	Historic Environment
DC.19	Parking Provision
NPPF	With particular regard to paras. 23, 63

CIL / OBLIGATIONS

Affordable housing provision is secured through S106 to meet local affordable housing needs. The Council seeks to enter into Planning Obligations to provide necessary local infrastructure requirements on development sites. This could include, where necessary, for development to deliver site specific open space, connection to utility services (as required by legislation), habitat protection/ mitigation, transport improvements and archaeology. In relation to open space, the Council has identified a shortfall of outdoor sports provision and children's play space across the district. The evidence for this shortfall is found in the Council's Open Space assessment. Therefore, to remedy the identified shortfall, the Council seeks Unilateral Undertakings to provide contributions towards open space improvements under the provisions of adopted Policy DC11 where developments would not meet the threshold for on-site provision. In light of the evidenced shortfall of open space, the Council considers that these contributions are demonstrably improving open space provision in areas of evidenced shortfall and therefore comply with Regulation 122 of the CIL Regulations.

The Council is intending to implement CIL in 2014. As such, the payment of CIL and S106 obligations will be used for different requirements, and developments will not be charged for the same items of infrastructure through both obligations and the levy. Once adopted, CIL funds will replace contributions towards off-site infrastructure.

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A Unilateral Undertaking has been provided that ensures a contribution will be made towards the provision of open space within the District.

CONSULTATIONS

THETFORD T C -

Strongly opposed. This is considered overdevelopment in the extreme and is inappropriate for a conservation area. It is requested that this goes to Committee rather than purely officer decision.

CONTAMINATED LAND OFFICER

No objections subject to standard condition regarding unexpected contamination.

HISTORIC BUILDINGS CONSULTANT

No objection, the proposal is an appropriately creative solution in this and the wider context.

ENVIRONMENT AGENCY

No objection

REPRESENTATIONS

A single objection has been received from the owner of the adjoining property that raises concern in respect of the detailing of the proposed development and how it could impact on the stability of their building.

ASSESSMENT NOTES

* The application is referred to the Planning Committee due to the interesting nature of the proposal from a design perspective.

Principle

* The site is located within the Settlement Boundary and therefore the principle of new residential development complies with the requirements of policy DC2 of the adopted Core Strategy.

* It should be noted that the application site forms part of the curtilage of a number of commercial premises within Thetford town centre. However, it is evident that this would have no significant bearing on the effective functioning of these units which form part of the secondary retail frontage. With this in mind the proposal would not compromise the aims of Policy DC9 of the adopted Core Strategy or those of paragraph 23 of the NPPF.

Therefore the principle of new residential development is acceptable.

Design

* The design of the proposed dwelling is contemporary in nature and is in strong contrast to the traditional properties that exist in the immediate locality. The design seeks to create an airtight unit that will be energy efficient, economical and environmentally conscious with low carbon emissions. The submission includes design details specifying the construction method to achieve

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these aims.

* The unit is based around a steel, mono pitched frame including a zinc roof and partly fully glazed front elevation, together with vertical cladding. The remainder of this elevation and the rear gable is proposed to be in red brick.

* The NPPF puts emphasis on the importance of good design. Paragraph 63 suggests that "great weight should be given to outstanding or innovative designs". The proposed design is considered to make innovative use of an existing derelict and unused space within an urban setting.

* Policy DC16 of the adopted Core Strategy requires all new development to achieve the highest standards of design.

* It is considered that the contemporary approach adopted does have adequate regard for its surroundings in terms of scale, mass, height, layout and detailing and as such satisfies the requirements of the NPPF and DC16.

Impact on character of the Conservation Area and Listed Buildings

* The site lies within the Conservation Area and between two Listed Buildings and therefore Policy DC17 is directly applicable. This requires development which affects the aforementioned to preserve and enhance both the Conservation Area and Listed Buildings.

* In this instance, the site lies within a totally enclosed courtyard area formed by the adjoining buildings. The site has no public view and the proposed dwelling, which is of modest scale, would remain unseen other than from within the courtyard or from the supermarket service yard. The modern design concept in this situation is a suitable alternative given the constraints of the site and is considered an appropriate approach and therefore the scheme is considered to preserve and enhance the Conservation Area and adjacent Listed Buildings.

Amenity

* The site is situated between two Listed Buildings and the proposed dwelling is shown as abutting the rear wall of 18-20 Bridge Street to the south and close to the properties of Bridgate Court to the north. The physical connection between the proposed dwelling and existing buildings has raised objections from the owner concerned at this proximity and the potential impact on the Listed Building. This issue could be resolved through the actions of the Party Wall Act and, as such, this is a civil matter and has no bearing on the planning considerations. It should be noted that the Historic Buildings Consultant is of the opinion that the proposed development could provide stability and a benefit to the status of the existing walls.

* It is considered that the size of the dwelling proposed, when considering the location and layout of the existing adjacent units, is such that no significant loss of light, outlook or privacy would occur.

* Furthermore, it is considered that a residential use in this location is compatible with the adjacent commercial premises and would not be subject to any significant disturbance eg noise, smells etc.

Access and parking.

* No on-site parking provision is provided. The site is located within the town centre with access to a wide range of services and facilities including public transport and as such it is considered appropriate to consider a car free development positively. It should also be noted that the scheme does provide a cycle store.

Other issues

* The applicant has completed a unilateral undertaking in order to comply with the requirements of Policy DC11 of the adopted Core Strategy in relation to open space provision.

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Conclusion

- * The site is situated within an urban setting where this form of accommodation is considered appropriate. The site is clearly very restricted but comprises an unused and derelict area. The proposed scheme is an imaginative design which makes an effective and efficient use of the site.
- * The site is not prominent in the public domain and the impact on the character and appearance of the Conservation Area and the setting of the adjacent Listed Buildings would be minimal.
- * The proposed dwelling will provide needed residential accommodation, close to the town centre in a sustainable form and location, fulfilling the aims of the Core Strategy policies and the NPPF.
- * A Unilateral Undertaking has been provided that ensures a contribution will be made towards the provision of open space within the District.
- * It is recommended that planning permission is granted.

RECOMMENDATION Planning Permission

CONDITIONS

- TL01** Time Limit
- 3048** In accordance with submitted
- MT02** External materials as approved
- 3946** Contaminated Land - Unexpected Contamination
- 3995** NOTE - Unilateral undertakings
- 4000** Variation of approved plans
- 3996** Note - Discharge of Conditions
- 2000** NOTE: Application Approved Without Amendment
- 2014** Criterion E - Planning Apps Where Approved

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ITEM	5	RECOMMENDATION : REFUSAL
REF NO:	3PL/2014/0077/O	CASE OFFICER: Viv Bebbington
LOCATION:	GREAT ELLINGHAM Bow Street (Adj. to "The Bungalows" & op	APPN TYPE: Outline POLICY: Out Settlemnt Bndry ALLOCATION: No Allocation CONS AREA: N TPO: N LB GRADE: N
APPLICANT:	Mr Barrie Hall Wheelstay The Green	
AGENT:	Mr Barrie Hall Wheelstay The Green	
PROPOSAL:	Erection of a four bedroom bungalow & new vehicular access	

KEY ISSUES

Principle
Design, layout, scale and appearance
Impact on amenity
Highway issues

DESCRIPTION OF DEVELOPMENT

The application seeks outline planning permission to establish the principle of the construction of a bungalow and new vehicular access on land in Bow Street, Great Ellingham.

All matters are reserved

SITE AND LOCATION

The site forms part of a meadow and lies outside the Settlement Boundary for Great Ellingham within an area of loose knit development to the north of the main village. The site is to the south of Bow Street. To the west of the site there is a replacement dwelling which is currently under construction. To the east is a farm house and to the north, on the opposite side of Bow Street, is a group of 5 dwellings built on a former Saw Mill. Adjacent the highway is a mature hedge and drainage ditch.

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.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.11	Open Space
NPPF	With particular regard to paras. 7, 8, 11, 47 & 49

CIL / OBLIGATIONS

Affordable housing provision is secured through S106 to meet local affordable housing needs. The Council seeks to enter into Planning Obligations to provide necessary local infrastructure requirements on development sites. This could include, where necessary, for development to deliver site specific open space, connection to utility services (as required by legislation), habitat protection/ mitigation, transport improvements and archaeology. In relation to open space, the Council has identified a shortfall of outdoor sports provision and childrens play space across the district. The evidence for this shortfall is found in the Councils Open Space assessment. Therefore, to remedy the identified shortfall, the Council seeks Unilateral Undertakings to provide contributions towards open space improvements under the provisions of adopted Policy DC11 where developments would not meet the threshold for on-site provision. In light of the evidenced shortfall of open space, the Council considers that these contributions are demonstrably improving open space provision in areas of evidenced shortfall and therefore comply with Regulation 122 of the CIL Regulations.

The Council is intending to implement CIL in 2014. As such, the payment of CIL and S106 obligations will be used for different requirements, and developments will not be charged for the same items of infrastructure through both obligations and the levy. Once adopted, CIL funds will replace contributions towards off-site infrastructure.

A unilateral agreement in respect of a contribution to open space has been drafted and is awaiting signature

CONSULTATIONS

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GREAT ELLINGHAM P C - No Comments Received

NORFOLK COUNTY COUNCIL HIGHWAYS

Concern that the site is in a remote location in terms of transport sustainability and precludes any realistic opportunity of encouraging a modal shift from private car towards public transport.

Conditions in respect of visibility, position of the access, parking, turning area and carriageway widening have been recommended should the principle of the development be accepted in terms of sustainability.

CONTAMINATED LAND OFFICER

No objection

ENVIRONMENTAL HEALTH OFFICERS

No objection subject to conditions in respect of foul and surface water drainage.

REPRESENTATIONS

The following is a summary of 3 representations received

- Precedent for further infill development
- Existing surface water drainage system needs upgrading
- Existing electrical supply crossed site
- Existing road unsuitable for additional traffic
- Low mains water pressure

The application was submitted with 6 letters of support

ASSESSMENT NOTES

* The application is referred to Planning Committee at the request of the Ward Representative as the surrounding area is already developed.

Principle of Development

* The site is outside the Settlement Boundary of Great Ellingham.

* The principle of residential development should be considered against Policies SS1, CP1 and DC2 of the adopted Core Strategy and Development Control Policies DPD (2009). Whilst Breckland's five year housing supply shortfall results in Policies CP1 and DC 2 of the adopted Core Strategy being considered out-of-date against NPPF requirements, Policy SS1 of the adopted Core Strategy is considered up to date where the spatial hierarchy for growth locations for the District are identified.

* Policy SS1 identified Great Ellingham as a Service Centre where the strategy is primarily around service protection and enhancement and development to meet local needs. The absence of a positive growth allocation means any development outside of the Settlement Boundary needs to be given careful consideration. This is consistent with the aims of the NPPF of providing housing in suitable/ sustainable locations.

* With regard to the NPPF, 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,

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the relevant local policies for the supply of housing 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.

* The Government defines sustainable development as having three 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.

* Paragraph 8 of the NPPF stresses that these roles should not be undertaken in isolation, because they are mutually dependant, therefore a balanced assessment against these 3 roles is required.

* In terms of the economic and social criteria the dwelling would be located some distance from local facilities available within Great Ellingham (shop, pub, school) with access along a narrow country lane with no pedestrian refuge. The proposal would therefore conflict with the need to minimise travel and result in an over reliance on the private car and, as such, it is considered the proposal is not in a sustainable location which fails to satisfy the economic and social roles.

* In terms of the environmental role, given that much of the rural character of the area is derived from the gaps and fields between the built form, the proposal, if permitted, would result in the undesirable consolidation of the existing sporadic development to the detriment of the character of the area, and would also be likely to create a serious precedent for future proposals of a similar nature in the area, which would become more difficult to resist and which could, cumulatively, seriously harm the amenities of the area and prejudice the successful implementation of national and local plan policies. Therefore the scheme does not satisfy the environmental role.

* In summary, notwithstanding the lack of supply of sufficient housing land within the district, this proposal cannot be considered to represent sustainable development as required by the NPPF.

Highway Issues

* The Highway Authority has raised concerns that the site is in remote location which would not encourage less reliance on a motor car.

* The access would need to be located within the northwest corner of the site to avoid the loss of all of the frontage trees. Concern has also been raised about the restricted carriageway width fronting the site which is 3.6m wide and therefore suitable for single file traffic only. The Highway Authority has therefore also recommended that, should the principle be accepted, the applicant be required to provide a scheme of carriageway widening across the site frontage.

Other issues

* Design, layout, scale and appearance are matters which would be considered at the reserved matters stage should outline planning permission be granted.

* Landscaping would be considered at the reserved matters stage should outline planning permission be granted. However, the existing hedge along the northern boundary would be removed to provide a new vehicular access and appropriate visibility.

* Core Strategy Policy DC11 (Open Space) requires all new residential development to provide a contribution towards outdoor playing space. A unilateral agreement has been drafted and is awaiting signature.

Conclusion

* The proposal is outside the Settlement Boundary and therefore contrary to policy. Whilst it is

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acknowledged that the proposal would provide a limited contribution to the five year supply of housing, it is evident that it cannot be considered to be sustainable development as required by the NPPF by virtue of its isolated location away from the services within Great Ellingham, compounded by the lack of a pedestrian link to the local facilities. Furthermore, a dwelling in this location would lead to the unacceptable consolidation of the built form in a rural location.

*The application is therefore recommended for refusal on the following grounds:

Paragraphs 47 & 49 of the National Planning Policy Framework (NPPF) states that where a Local Planning Authority cannot currently demonstrate a five year supply of land, as is the case here, the proposal should be considered in the context of the presumption in favour of sustainable development. The definition of sustainable development is set out in para 7 of the NPPF.

In the opinion of the Local Planning Authority the proposal is in an isolated location some distance from local services with insufficient provision in place to allow pedestrians to access such facilities, thus resulting on an over reliance on the private car. Furthermore the proposal would also result in the undesirable consolidation of the existing sporadic development. The proposal therefore fails to satisfy the social, economic and environmental roles of sustainable development. If permitted, therefore, the proposal would be contrary to paragraphs 7,8,11,47 and 49 of the NPPF. The highlighted visual intrusion into the rural landscape would also conflict with the aims of DC 1 to protect the quality of the landscape.

The proposal, if permitted, would be likely to create a serious precedent for future proposals of a similar nature in the area, which would become more difficult to resist and which could cumulatively, seriously harm the amenities of the area and prejudice the successful implementation of Breckland Council's Local Plan.

RECOMMENDATION

Refusal of Outline Planning Permission

REASON(S) FOR REFUSAL

9900 Contrary to NPPF in respect of sustainable development

9900 Setting precedent