

<b>Item No.</b>	<b>Applicant</b>	<b>Parish</b>	<b>Reference No.</b>
1	Mr T Gray	NECTON	3PL/2013/0983/O
2	Abel Homes Ltd	WATTON	3PL/2014/0330/F
3	Abel Homes Ltd	SWAFFHAM	3PL/2014/0359/D
4	Mr & Mrs Greenwood	GRESSENHALL	3PL/2014/0461/O
5	Mr & Mrs P J Plummer	MATTISHALL	3PL/2014/0495/F
6	Reads Nurseries	DEREHAM	3PL/2014/0576/F

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

<b>ITEM</b>	<b>1</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2013/0983/O	<b>CASE OFFICER:</b> Jayne Owen
<b>LOCATION:</b>	NECTON The Necton Diner Norwich Road	<b>APPN TYPE:</b> Outline <b>POLICY:</b> In Settlemnt Bndry <b>ALLOCATION:</b> No Allocation <b>CONS AREA:</b> N <b>TPO:</b> N <b>LB GRADE:</b> N
<b>APPLICANT:</b>	Mr T Gray Romany Dream Breckland Green	
<b>AGENT:</b>	Sketcher Partnership Ltd First House Quebec Street	
<b>PROPOSAL:</b>	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 31 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 Necton Diner and Garage site on the Norwich Road, Necton (A47) and has been vacant for

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

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 deliver site specific open space, connection to utility services (as required by legislation), habitat

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

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 investigating the implementation of CIL . 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 Section 106 agreement will secure recreation and library contributions. No affordable dwellings are offered however the legal agreement includes a timescale for delivery which triggers an automatic viability reviews to provide a means of taking account of any increase in values over time.

### **CONSULTATIONS**

#### **NECTON P C -**

We have commented on the previous plans, and whilst recognising that the site is in need of development, we registered some concerns as to the contaminated land, ownership and boundaries. We gave principle agreement to the development of the planned 26 dwellings. We were informed that we need not attend the Planning meeting as the decision was deferred.

The new plans we have now received indicate a development of 38 houses, as opposed to the original plan for 26 dwellings.

Can we reiterate our desire that the site be developed but the increase in the number of dwellings gives further rise to our concerns regarding the traffic at the junction of the A47 and Tuns Road. This matter needs addressing as with the already agreed 9 houses on at the same junction but opposite side of Tuns Road, we could have 47 houses, who if all had 2 cars would add 94 vehicles to an already congested junction, where at peak traffic times our villages have great difficulty accessing into or exiting from the village.

Councillor Nigel Wilkin is aware of our concerns and we have recently written to George Freeman MP, seeking a meeting to discuss the traffic problems at this junction.

Further comments in respect of amended plan will be reported verbally.

#### **NORFOLK COUNTY COUNCIL HIGHWAYS**

No objections subject to conditions

#### **ENVIRONMENT AGENCY**

No objections subject to conditions

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

### **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.

### **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 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

### **NATIONAL GRID**

Advice to applicants. Letter to be forwarded to applicants and note attached to decision notice.

**PRINCIPAL PLANNER MINERAL & WASTE POLICY - No Comments Received**

**ECONOMIC AND STRATEGY OFFICER - No Comments Received**

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

### **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 worst 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 belongs to new owners

#### **ASSESSMENT NOTES**

1.0 The application is referred to Planning Committee as it is a major application and of significant local interest.

#### 2.0 Principle of development

2.1 The application seeks Outline Planning Permission including access and scale for 31 new dwellings (as amended) 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.

2.2 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.

2.3 A Viability Report forms part of the application. The scheme has been assessed by the District Valuer on a scheme comprising all private housing and has been found to be marginally viable. The District Valuer advises that the Council gives serious consideration to the applicant's offer of a scheme with no affordable housing units together with a recreational contribution based on 31 dwellings. However, this has been assessed in the current market and it is suggested that a timescale for delivery is included in any Section 106 Agreement which triggers an automatic viability review. This will provide a means of taking account of any increase in values over time. Norfolk Fire Services will also require 1 hydrant and this would be secured by condition at a cost of £892 which would be payable by the applicant.

2.4 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 open

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

space should be provided on site with priority given to children's play space. The originally submitted scheme provided on site provision. However, it was not considered acceptable given that the area proposed was in close proximity to the A47. The scheme has therefore been amended providing five additional dwellings in lieu of on-site open space provision.

2.5 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.

### 3.0 Design and layout

3.1 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. The indicative scheme (as amended) also shows that a substantial planting screening belt to the A47 can be achieved, creating an improved outlook and level of amenity for occupiers of the dwellings.

### 4.0 Amenity

4.1 The indicative layout which forms part of the application satisfactorily demonstrates that up to 31 dwellings can be accommodated on the site without giving rise to significant impacts on existing levels of residential amenity with respect to adjoining dwellings or within the site itself.

4.2 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.

4.3 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.

### 5.0 Highways

5.1 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

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

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.

### 6.0 Landscaping

6.1 Landscaping is a reserved matter for consideration should Outline Planning Permission be granted. Notwithstanding this, the applicant states 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.

### 7.0 Contaminated Land

7.1 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.

7.2 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, and 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.

### 8.0 Other Matters

8.1 A previous owner of the site 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 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.

### 9.0 Conclusion

9.1 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 31 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. Furthermore, noise impacts from the A47 and adjacent garage can be satisfactorily mitigated against by measures such as the earth bund and

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

acoustic fencing and there are no highway safety objections. Therefore, subject to the imposition of conditions and a Section 106 Obligation to secure recreation and library contributions and a timescale for delivery which triggers an automatic viability review to provide a means of taking account any increase in values over time, the application is recommended for approval.

9.2 Delegated authority is requested for the application to be refused by the Council's Planning Manager if the legal formalities in respect of the Section 106 are not completed within three months of the date of this decision or that the Planning Manager has the authority to agree another more appropriate time scale for the completion of any such agreement.

### **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
- 2014** Criterion E - Planning Apps Where Approved

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

<b>ITEM</b>	<b>2</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2014/0330/F	<b>CASE OFFICER:</b> Jason Parker
<b>LOCATION:</b>	WATTON The Warren Watton Green	<b>APPN TYPE:</b> Full <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> No Allocation <b>CONS AREA:</b> N <b>TPO:</b> N <b>LB GRADE:</b> N
<b>APPLICANT:</b>	Abel Homes Ltd Neaton Business Park (North) Norwich Ro	
<b>AGENT:</b>	Lucas Hickman Smith 21 Town Green Wymondham	
<b>PROPOSAL:</b>	Erection of 18 houses with garages, ancillary works and landscaping	

### **KEY ISSUES**

Principle of the proposal  
Development outside the Settlement Boundary  
Sustainable Development  
Impact upon the character and appearance of the area  
Amenity  
Highway safety  
Planning contributions

### **DESCRIPTION OF DEVELOPMENT**

The application seeks full planning approval for the erection of 18 dwellings

4 bungalows would be provided as affordable and built to lifetime homes standard, which equates to an affordable housing provision of 22.2%.

The proposal is effectively an amendment to the site layout of the previously approved and expired outline scheme. The redevelopment of the Drome Garage is said to be unlikely to come forward due to viability issues and therefore the previous permission could not be implemented and the new access created through the Drome Garage site.

The current scheme does not involve the use of the Drome Garage Site and the access serving the site would be linked through from another development to the east of the site, to the rear of the "The Warren" which is also now owned by the applicant and would be sold as well.

The layout of the dwellings and dwelling types have been slightly altered to that previously approved. 4 affordable bungalows are to be provided and the 14 open market dwellings would

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

be a mixture of two and three bedroom two storey properties with one of these open market properties being provided as a 3 bedroom bungalow, resulting in a total provision of 18 new dwellings, which is the same number as that previously approved.

### **SITE AND LOCATION**

The site is located outside of the development boundary of the town of Watton and is roughly rectangular in shape. It lies immediately to the south-east of the Watton Green carriageway with existing residential properties to the north, east and west. To the south is a garage which benefits from planning permission for a residential re-development. An access from an approved housing development to the east of the site would link through and serve the current proposal.

### **EIA REQUIRED**

No

### **RELEVANT SITE HISTORY**

3PL/2010/0706/O - Residential development - Approved.

3PL/2011/0550/O - Residential development (18 no. dwellings) - Approved - Condition No. 1 of this consent stated that:

"Application for Approval of Reserved Matters must be made not later than the expiration of ONE YEAR beginning with the date of this permission, and the development must be begun within ONE YEAR of the FINAL APPROVAL OF THE RESERVED MATTERS or, in the case of approval at different dates, the FINAL APPROVAL OF THE LAST SUCH MATTER to be approved".

A reserved matters application was not submitted and therefore this approval expired on 11th January 2014.

### **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
CP.05	Developer Obligations
CP.12	Energy
CP.13	Accessibility
DC.01	Protection of Amenity

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

DC.02	Principles of New Housing
DC.04	Affordable Housing Principles
DC.11	Open Space
DC.14	Energy Efficiency
DC.16	Design
DC.17	Historic Environment
DC.19	Parking Provision
NPPF	With particular regard to paras. 8, 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 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 investigating the implementation of CIL. 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.

4 bungalows are to be provided as affordable and built to lifetime homes standard, which equates to an affordable housing provision of 22.2%. The usual recreation contributions would also be provided. The Section 106 agreement is currently being processed.

### **CONSULTATIONS**

**WATTON TOWN CLERK - No Comments Received**

#### **CRIME REDUCTION & ARCHITECTURAL LIAISON OFFICER**

No objection to proposal but some general comments. Such as that; The entrance to the Development should provide a 'Rumble Strip' or a change of Road Surface to create a 'Symbolic Barrier'. This gives the impression that the area beyond is 'Private' to the general community and deters casual intrusion by Non-Residents. This measure can be further repeated across other areas of the development.

The fence between Plots 98 and 99 would be better positioned flush with the front elevations of the buildings so as not to provide a recess that could potentially hide an offender. The same could be said for the front fencing on plots 90 & 91. Could the fencing be replaced by a lower

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

more symbolic barrier that will afford more surveillance to the fronts of the properties and their parking bays?

It would be wise to provide a design that uses proven Crime prevention through Environmental Design Principles. Clear lines of sight and the avoidance of providing alcoves, recessed areas or opportunities for offenders to loiter in anonymity need to be thoughtfully considered - Out of Sight is often Out of Mind and concealment can provide the opportunity for Crime and anti-social behaviour to go unchecked.

### **NORFOLK COUNTY COUNCIL HIGHWAYS**

No objection subject to conditions relating to detailed plans of the roads, footways, foul and surface water drainage, works in accordance with specifications, road/footway constructed to binder course level.

### **PUBLIC RIGHTS OF WAY OFFICER**

No objection on Public Rights of way issues

### **TREE AND COUNTRYSIDE CONSULTANT**

No objection to the proposal subject to conditions in respect of tree protection measures, arboricultural method statement and a landscaping scheme with maintenance schedule.

### **CONTAMINATED LAND OFFICER**

None of the existing Phase I Desk Studies covers part of the site that will be the new access. If a new report does not cover this particular area of the site, there will need to be a Desk Study/Site investigation condition imposed.

### **ENVIRONMENTAL HEALTH OFFICERS**

No objections subject to fencing to the rear of plots 84 - 91 being at least 2m high.

### **HOUSING ENABLING OFFICER**

The application includes 4no. bungalows built to lifetime homes standard. This only equates to 22.2% of the overall number of dwellings. However, these types of dwellings are in demand in the Watton area and due to the additional costs and land requirements associated with delivering this type of dwelling, it is deemed acceptable that the a reduction is applied to the affordable element.

We will expect that the developer seeks to enter into contract with a Registered provider at the earliest possible stage to ensure that the dwellings are built to a standard acceptable to them. All dwellings will be provided as rented affordable dwellings to be let to those from the housing register with a need for a bungalow.

### **ENVIRONMENT AGENCY**

No objection subject to conditions in respect of a remediation strategy.

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

### **ANGLIAN WATER SERVICE**

The foul drainage from this development is in the catchment of Watton STW that at present has available capacity for these flows.

#### **Foul Sewerage Network**

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

### **HISTORIC ENVIRONMENT OFFICER**

No objection subject to conditions requiring a scheme of investigation

### **NORFOLK FIRE & RESCUE**

No objection subject to the imposition of a condition to require a fire hydrant.

**RAMBLERS ASSOCIATION: NORFOLK AREA - No Comments Received**

**ENVIRONMENTAL SERVICES OFFICER - No Comments Received**

**MINISTRY OF DEFENCE - No Comments Received**

**FLOOD AND WATER MANAGER - No Comments Received**

### **REPRESENTATIONS**

9 letters have been received from neighbours which make the following comments and observations:

- \* Concerns with traffic and access into the site, one access point
- \* Combined with the other development surrounding the site that has taken place, would result in over 100 homes
- \* The doctors' surgery in Watton is already overloaded
- \* Other services would be pushed to accommodate the new residents
- \* The previously approved development on this site only involved one access; also
- \* Not against the development of the site, but concerned only with increase in traffic.

### **ASSESSMENT NOTES**

1.0 The application is referred to the Planning Committee at the request of the Planning Manager as it is a major planning application and in light of concerns from local residents

2.0 Principle of the proposal

2.1 The site lies outside of the defined Settlement Boundary of Watton. For this reason the proposal conflicts in principle with Policies SS.1, DC.2, CP.1 and CP.14 of the Core Strategy and the Development Control Policies Development Plan Document (2009).

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

2.2 The site is surrounded by existing residential properties, is in close proximity to Watton town centre and benefits from good access links. The existing development boundary is also located to the east, south and west of the application site and existing housing is located to the north. On this basis the application site should be considered as an infill site. As such, the site is considered suitably located

2.3 The previous application was considered against Paragraph 71 of Planning Policy Statement (PPS) 3, which relates to the scenario of a Council having a lack of a five year housing supply.

2.4 The NPPF has since replaced the PPS's, but has similar requirements in relation to a five year housing supply and also additional emphasis of approving development rather than refusing development, with a presumption in favour of sustainable development.

2.5 The Council currently does not have a five year housing supply and in light of the recent planning history and conclusions of the previously approved scheme in 2013, the location of the site is considered acceptable for housing development.

2.6 However 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, the relevant local policies for the supply of housing as referred to above should not be considered up-to-date and that housing applications should be considered in the context of the presumption in favour of sustainable development.

2.7 Footnote 11 of the NPPF confirms that the site should be in a suitable location, available now and have a realistic prospect of being developed within five years.

2.8 The previous scheme was also considered against the Site Specific Policies and Proposals DPD and that whilst the site was not proposed to be included as part of this process it was concluded that the development of the application site would not undermine the wider policy objectives of Watton. It is considered that the relatively modest scale of this development does not undermine these aims.

### 3.0 Defining Sustainable Development:

3.1 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development.

3.2 The NPPF explicitly defines sustainable development firstly within the Brundtland 1987 definition (meeting the needs of the present without compromising the ability of future generation to meet their own needs), but also builds on this by explaining the three dimensions of sustainable development, which are; economic, social and environmental, and the role of planning in delivering this.

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

3.4 The three roles of sustainable development, as defined by the NPPF are as follows:-  
- an economic role, contributing to building a strong, responsive and competitive economy, by

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

- a social role, supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

- an environmental role, contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

### 4.0 Assessment of the proposal in relation to Sustainable Development

#### 4.1 Economic Role

In relation to an economic role, the site has good access to key local services and is within Watton. Watton is defined as a town and therefore has a range of key services and employment opportunities. Bus stops are located directly to the south of the site approximately 200 metres away. An industrial/commercial estate is located approximately 300 metres to the east and provides facilities as well as employment opportunities. The main town centre is located approximately 0.8 miles to the west. It is therefore considered that the site has reasonable access to a range of facilities and services and is considered to be located within a sustainable location.

#### 4.2 Social Role

As with the economic role, the social role requires the supply of housing to be accessible to local services. As set out above, the location of the site achieves this.

#### 4.3 Environmental Role

With regard to the environmental role, the site is situated between existing development and would be contained within existing boundaries thus avoiding any significant encroachment outwards into the rural landscape. Furthermore, the site is of no special designation or feature. It is not considered that the proposal results in an improvement in terms of the Environment.

4.4 Whilst the proposal is not considered to have any significant benefit to the environment, the proposal is located in a sustainable location with good access to services and facilities and is located within an infill site surrounded by the development boundary of a town. On this basis the overall view is that the development of the site for housing would result in sustainable development.

### 5.0 Highways and Access

5.1 Access serving the site will be provided by a new road, which will pass to the rear of The Warren and through an existing approved development site. Some adjustment to the already approved development to the east of the application site was necessary to achieve the access going into the application site, which has been achieved by the submission of a Non-Material Amendment under reference 3PL/2010/0892/F.

5.2 Residents have raised concerns with the increase in traffic. However good road links

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

surround the application site and the access into the site from the approved development to the east would only serve 18 dwellings.

5.3 The Highway Authority confirmed that, in relation to the previous scheme, a single access from the highway running through the Drome Garage site would be acceptable. The current application seeks to re-site the access so that it runs through the approved development towards the east. The Highway Authority has confirmed that there is no objection to the access subject to the imposition of relevant conditions.

5.4 The site would only provide for 18 dwellings and one roadway would serve the site. The previous approved scheme also provided one access through the Drome Garage site and then to the highway. The Highway Authority has raised no objection to the proposal and it is not considered that the proposal would cause detriment in terms of traffic and highway safety, due to the number of dwellings proposed.

### 6.0 Layout, Design and Character

6.1 The proposed layout is very similar to that of the previously approved scheme. The strategy has been to avoid the root protection areas of all important and TPO'd trees and where possible also avoiding less important trees. A small number of category C trees and two young category B oak trees would be removed.

6.2 The previously approved scheme encroaches significantly upon the root protection zone of a Category A TPO tree. The proposed layout avoids this and should be seen as an improvement in relation to the impact upon important trees.

6.3 The dwellings have been arranged around two private driveways. The orientation of the properties are such that important trees are made the most of in terms of their position and outlook, facing onto the street.

6.4 The layout and design is considered acceptable and has taken into account the constraints of the site and the context of the area. It is also very similar to what was previously approved. The number of dwellings proposed, the siting, design and scale of the dwellings are also considered to be appropriate, given the mixed character of the area.

### 7.0 Amenity

7.1 Apart from the four affordable bungalows and one open-market bungalow all new houses are two storey. The four bungalows have been positioned towards the southern end of the site where neighbouring properties are closest to reduce the impact of overshadowing, dominance and overlooking. The further bungalow has been positioned towards the rear of "The Warren" to also reduce the potential impact of overlooking, dominance and overshadowing to this existing dwelling. The properties have been positioned such that reasonable levels of privacy will be maintained and unsatisfactory overlooking would not occur for the proposed dwellings or the neighbours.

### 8.0 Planning Obligations

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

8.1 The scheme triggers a requirement for affordable housing to be provided in accordance with Policy DC4 of the Adopted Core Strategy. This usually requires 40% of the total number of dwellings provided to be "affordable" units. The proposal will provide 4 affordable bungalows built to life time homes standards.

8.2 Whilst this is only a provision of 22.2% of affordable housing, the Council's Housing Enabling Officer has confirmed that there is a lack and a need for this type of specialist provision and that it would be more costly to provide these dwellings to the lifetime homes standard than a typical standard affordable home. In light of this, the Council's Housing Enabling Officer has confirmed his acceptance and support for the proposal. It is considered that, whilst this provision in terms of numbers of dwellings is below the usual standard, the quality of the provision, built to lifetime homes standard and the benefit these properties will have upon the impact of the amenity of neighbouring properties, from two storey properties, would, on balance, result in an acceptable affordable housing provision. On this basis, the proposed provision is considered acceptable and will be secured through a Section 106 legal agreement which is presently being finalised.

8.3 Policy DC14 requires all applications for 10 or more residential units to supply at least 10% of the energy they require through on-site and/or decentralised renewable sources. This matter could be dealt with by the imposition of a planning condition.

### 9.0 Other Matters

9.1 The Contaminated Land Officer has confirmed the need to provide a contamination assessment on the piece of land which would be used for the access into the site from the development to the east. In the event that this new information is not submitted and considered before the determination of the application, the Contaminated Land Officer has confirmed that it would be appropriate to impose conditions to require a land contamination assessment to be submitted prior to the commencement of development. If any further information is received from the applicant on this matter, it will be reported verbally to the Committee.

9.2 Norfolk Landscape Archaeology has requested a condition in relation to the need to secure a programme of archaeological work.

9.3 Anglian Water has no objection to the proposal and confirms that there is capacity for the development in relation to foul drainage.

9.4 The Environment Agency confirmed that it has no objection subject to the imposition of conditions.

9.5 The Environmental Health Officer has confirmed that they have no objection subject to the imposition of a condition in relation to surface water.

9.6 The MOD previously confirmed that it has no objection, but has not responded to the new proposal.

9.7 Norfolk Constabulary has confirmed that it appears that the indicative layout complies with the general principles of "Secured by Design", but has made some design suggestions.

9.8 The Tree and Countryside Consultant has no objection subject to the imposition of a

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

condition.

### 10.0 Conclusion

10.1 In conclusion, subject to the successful completion of the Section 106 legal agreement for affordable housing and recreation contributions, the proposal is recommended for approval subject to the imposition of relevant conditions.

10.2 Delegated authority is requested for the application to be refused by the Council's Planning Manager if the legal formalities in respect of the Section 106 are not completed within three months of the date of this decision or that the Planning Manager has the authority to agree another more appropriate time scale for the completion of any such agreement.

<b>RECOMMENDATION</b>	<b>Planning Permission</b>
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<b>CONDITIONS</b>
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- 3007** Full Permission Time Limit (3 years)
- 3048** In accordance with submitted
- 3920** Fire Hydrant requirement
- 3920** Archaeological written scheme of investigation
- 3920** Arboricultural Method Statement is provided
- 3920** Roads, Footways and Drainage
- 3920** Completion of agreed Highway Details
- 3920** Highway Works to be completed prior to occupation
- 3920** Environment Agency remediation strategy
- 3920** Contamination not previously identified is found
- 3920** Surface water drainage and disposal
- 3920** Drainage details to be carried out
- 3920** Scheme for 10% of energy to be supplied by renewable energy
- 4000** Variation of approved plans
- 2000** NOTE: Application Approved Without Amendment
- 3994** Fire hydrant note
- 3994** Environment Agency Advice
- 3994** Anglian Water Note
- 2014** Criterion E - Planning Apps Where Approved

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

<b>ITEM</b>	<b>3</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2014/0359/D	<b>CASE OFFICER:</b> Jemima Dean
<b>LOCATION:</b>	SWAFFHAM Swans Nest Site Land East of Brandon Road	<b>APPN TYPE:</b> Reserved Matters <b>POLICY:</b> In Settlemnt Bndry <b>ALLOCATION:</b> Site Allocation <b>CONS AREA:</b> N <b>TPO:</b> N <b>LB GRADE:</b> N
<b>APPLICANT:</b>	Abel Homes Ltd Neaton Business Park (North) Norwich Ro	
<b>AGENT:</b>	Lucas Hickman Smith 21 Town Green Wymondham	
<b>PROPOSAL:</b>	Residential development of 82 dwellings (Phase 1)	

### **KEY ISSUES**

Principle of development  
Layout/design  
Residential amenity  
Access/parking

### **DESCRIPTION OF DEVELOPMENT**

The application seeks approval of reserved matters for a development comprising 82 dwellings on part of the overall site subject of the outline permission 3PL/2012/0576/O. The reserved matters for which approval is sought includes: access; appearance; landscaping; layout and scale.

The mix of dwellings encompasses a wide range of house types comprising: Open market housing (total 61) to include 18 x 4 bed detached dwellings; 8 x 3 bed detached dwellings; 12 x 3 bed semi / detached dwellings; 13 x 2 bedroom dwellings; 10 x 2 bed / 3 bed bungalows: Affordable housing (total 21) to include 4 x 1 bed flats; 2 x 2 bed bungalow; 1 x 3 bed bungalow; and 8 x 2 bed houses; 6 x 3 bed houses. Most of the development would be of two storeys, but a number of bungalows are also proposed.

A new access road and two pedestrian and cycle access points would be constructed to serve the development via Brandon Road to the east. Three areas of public open space would be provided forming a green corridor around the site. A Local Equipped Area of Play (LEAP) comprising 1,627 sq.m. is also proposed. Links to future phases of development would be to the south and east of the application site.

The application is supported by various documents including a Design and Access Statement; Travel Plan, Flood Risk Assessment; Arboricultural Assessment Report and an Ecology Report.

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

### **SITE AND LOCATION**

The application site is located on the southern edge of Swaffham and is situated to the east of Brandon Road. The site is currently agricultural land with a mature hedgerow running from east to west across the middle of the site. To the north and west of the site is existing residential development whilst planning permission has been granted for a large residential scheme directly to the south of the site. To the east of the site is mainly grassland and open fields. The application site comprises part of the larger Swans Nest Site which was granted outline planning permission for residential development for 250 dwellings in 2014 under planning reference 3PL/2012/0576/O.

### **EIA REQUIRED**

No

### **RELEVANT SITE HISTORY**

Planning permission was granted for outline planning permission for 250 dwelling under planning reference 3PL/2012/0576/O.

### **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

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 56 to 68

### **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

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

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 investigating the implementation of CIL. 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 Section 106 agreement was completed in relation to outline planning permission 3PL/2012/0576/O which required the provision of 27% affordable dwellings, three locally equipped areas for play, a football pitch, parkland and meadowland, library contributions, public transport contributions, public rights of way contributions and recreation contributions.

The current application provides for 21 units of affordable housing, a local equipped area for play and open space for outdoor sports with a green corridor to west and south boundaries generally in accordance with the Section 106 attached to the outline planning permission from the wider site.

### **CONSULTATIONS**

#### **SWAFFHAM TOWN COUNCIL -**

No objections

#### **NORFOLK COUNTY COUNCIL HIGHWAYS**

No objection

#### **NORFOLK LANDSCAPE ARCHAEOLOGY**

No objection.

#### **NATURAL ENGLAND**

No objection

#### **CRIME PREVENTION/ARCHITECTURAL LIAISON OFFICER**

Comments made in respect of design and these have been addressed by revision to the scheme design.

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

Breckland Council continues to monitor the traffic emissions in the town to assess the effect of current and future development in the area.

#### **ENVIRONMENTAL HEALTH OFFICERS**

No objection.

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

### **TREE AND COUNTRYSIDE CONSULTANT**

No objection subject to conditions.

### **CONTAMINATED LAND OFFICER**

No objections.

### **ASSET MANAGEMENT**

The Design & Access statement suggests that management of all public open spaces in this scheme will pass to Swaffham Town Council. However, the S106 is not that specific and I understand that Breckland is required to nominate who will be adopting the open spaces. I am not sure if this process has taken place or not, but the Council needs to be sure that Swaffham Town Council is prepared to adopt the areas as assumed by the applicant.

**ENVIRONMENT AGENCY - No Comments Received**

**ANGLIAN WATER SERVICE - No Comments Received**

**HOUSING ENABLING OFFICER - No Comments Received**

**OBLIGATIONS OFFICER, NORFOLK COUNTY COUNCIL - No Comments Received**

**ENVIRONMENTAL SERVICES OFFICER - No Comments Received**

### **REPRESENTATIONS**

Approximately 21 letters have been received in response to the application and further to this a petition with approximately 26 signatures. Issues raised relate to the principle of residential development in this location with concerns regarding the surrounding infrastructure and its capacity.

### **ASSESSMENT NOTES**

1.0 The application is referred to Planning Committee as it is a major application of significant local interest.

2.0 Principle of development

2.1 The principle of residential development is established by the outline planning permission granted in 2014. The current application is concerned only with matters of detail relating to the design, scale and layout of the development.

2.2 The Section 106 attached to the outline planning permission would secure affordable housing, open space, library, public transport, public rights of way and recreation contributions.

3.0 Policy

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

3.1 Assessment of the proposed development has taken into account local and national planning policy relating to housing design, layout, residential amenity and protection of trees. Relevant NPPF, and Core Strategy Policies DC1 (Amenity), DC2 (Housing), DC4 (Affordable housing), DC11 (Recreation), DC12 (Trees) and DC16 (Design).

### 4.0 Impact on surrounding area

4.1 The development of the site for housing would be in keeping with the established character of the area. The density of development proposed (26 DPH) would be consistent with most surrounding development, as would the general pattern of development proposed. The suburban character of the area would be maintained. The existing established hedging along Brandon Road would be maintained with no houses immediately fronting the highway. This would be similar to the existing development opposite and it is considered the development would complement the existing Brandon Road street scene. A condition would be attached to the planning permission to ensure the landscaping as proposed on the plans is carried out.

4.2 Whilst some change to the immediate environment of neighbouring properties is inevitable given the scale of the development, it is not considered that the proposed development would result in significant adverse effects on local amenity. Reasonable separation distances would be maintained from new properties to site boundaries. Development along the northern boundary of the site would consist mainly of bungalows to minimise impact of the proposal on adjacent development and reduce potential overlooking. The remaining boundaries are less sensitive, currently leading onto undeveloped land subject of the existing outline permission. A condition would be attached to the planning permission to secure details of boundary treatment.

4.3 Concern has been raised by the Tree and Landscape advisor about the Oak tree T2 and its proximity to the dwelling on plot 3. Details would be requested via planning permission to provide details of no-dig surfacing through the RPA of the tree. A condition requiring detailed protection measures to be submitted would also be requested via planning permission.

### 5.0 Design Quality

5.1 The proposed layout and design of the development is considered to be acceptable. The proposed layout generally accords with the indicative details provided with the outline application, and it is considered that the informal pattern of the development and the use of a variety of house types would help to offset any sense of overdevelopment. Proposed landscaping would also assist in this respect, through the inclusion of ground cover planting and hedging to define gardens. Houses would be arranged to create varied street scenes. House designs would be contemporary in form and materials. It is thought the design would fit in and would complement the built form that surrounds it. In terms of materials, details would be secured via planning condition.

### 6.0 Highways

6.1 The provision of car parking is considered acceptable, with most market housing properties benefiting from off street parking and a garage. The affordable units would have off street parking with no garage provided. In terms of access, the proposed road layout and

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

footpath/cycleway links would ensure that the development has a fair degree of permeability.

6.2 The Highway Authority has raised no objection to the proposed development and the proposal accords with Core Strategy Policy DC19.

### 7.0 Other Issues

7.1 A number of representations have been received in response to the application issues, mainly relating to the principle of residential development which has already been established by the outline application.

7.2 Historic Environment Services has raised no objection in respect of archaeology.

### 8.0 Conclusion

8.1 Policy DC2 of the Adopted Core Strategy Document relates to principles of new housing development advising on appropriate mix and density. Policy DC16 is concerned with matters relating to design. The development as proposed is considered to fall in accord with these policies and the overall layout and design of the proposed development is thought to be acceptable. The scheme would comply with the terms of the outline permission granted in 2014. Subject to conditions relating to landscaping, tree protection, and materials, the application is recommended for approval.

#### **RECOMMENDATION**

**Approval of Reserved Matters**

#### **CONDITIONS**

- 3012** Approval of Reserved Matters condition
- 3046** In accordance with submitted plans
- MT03** External wall and roof materials to be agreed
- DE08** Slab level to be arranged
- 3402** Boundary screening to be agreed
- 3403** Screen fencing / or walling to be built
- 3414** Fencing protection for existing trees
- 3413** Indicated landscaping to be implemented
- 3450** Plot 3 no dig
- 3450** Tree protection
- 3994** Note: Conditions of outline and S106
- 4000** Variation of approved plans
- 3996** Note - Discharge of Conditions
- 2000** NOTE: Application Approved Without Amendment
- 2014** Criterion E - Planning Apps Where Approved

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

<b>ITEM</b>	<b>4</b>	<b>RECOMMENDATION : REFUSAL</b>
<b>REF NO:</b>	3PL/2014/0461/O	<b>CASE OFFICER:</b> Jayne Owen
<b>LOCATION:</b>	GRESSENHALL Chequers Lane	<b>APPN TYPE:</b> Outline <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> No Allocation <b>CONS AREA:</b> N <b>TPO:</b> N <b>LB GRADE:</b> N
<b>APPLICANT:</b>	Mr & Mrs Greenwood Westwood Stud Dereham Road	
<b>AGENT:</b>	Sketcher Partnership Ltd First House Quebec Street	
<b>PROPOSAL:</b>	Residential Development (2 Dwellings)	

### **KEY ISSUES**

Principle  
Design and layout  
Access  
Amenity  
Trees and landscape  
Contaminated land

### **DESCRIPTION OF DEVELOPMENT**

The application seeks outline planning permission including access for two market dwellings together with two double garages. The application includes the creation of a new shared access onto Chequers Lane. Four car parking spaces are proposed. Foul drainage would be discharged to the existing mains sewer in the adjacent highway and surface water from the roads would be self-draining whilst the dwellings would be served by soakaways. Two previous planning applications have been considered on this site for 3 and 5 dwellings under planning application references 3PL/2013/0230/O and 3PL/2012/0113/O.

The most recent of these applications was refused on the grounds that the development comprises an unsustainable location in the countryside, unwarranted intrusion into the rural landscape to the detriment of the character and visual amenities of the area, close proximity to a working farm housing livestock providing unacceptable living conditions for future occupiers due to noise, smell and disturbance from pests, detrimental to the amenity of future occupiers by way of noise as a result of close proximity to an approved wind turbine (not yet constructed) and that, if permitted, the proposal would be likely to give rise to conditions detrimental to highway safety, namely that the unclassified road serving the development is considered inadequate to serve the development by reason of its poor alignment/restricted width and lack of passing provision and

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

inadequate visibility splays provided at the junction of the access with the County highway leading to danger and inconvenience to users of the adjoining public highway.

### **SITE AND LOCATION**

The site comprises 0.11 hectares of land outside the Settlement Boundary of the village of Gressenhall. The site currently comprises overgrown, grassy land surrounded by mature hedgerows along the boundaries and mature trees fronting the highway. There is existing residential development to the south of the site on the opposite side of the highway, the other boundaries are bounded by open fields together with a small farm to the west of the site. The site falls within Flood Zone 1 (low risk) of the Environment Agency's Flood Maps.

### **EIA REQUIRED**

No

### **RELEVANT SITE HISTORY**

3PL/2013/0230/O - Residential development (5 dwellings) - Refused

3PL/2012/0113/O - Residential development (3 dwellings) - Refused

Adjacent Site

3PL/2012/0963/F - Installation of a single micro scale wind turbine (14.97 m to hub, 5.6 m diameter blades) - Approved

### **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
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.05	Affordable Housing on Exception Sites
DC.11	Open Space
DC.12	Trees and Landscape
DC.16	Design
DC.19	Parking Provision
NPPF	With particular regard to paras. 12, 17, 47, 49, 56-66

**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 investigating the implementation of CIL. 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.

In this instance, a contribution towards open space based on the requirements of DC11 would be required should outline planning permission be granted.

**CONSULTATIONS**

**GRESSENHALL P C -**

The Councillors of Gressenhall Parish Council object to this application on the grounds that it falls outside of the planning guidelines.

**NORFOLK COUNTY COUNCIL HIGHWAYS**

Revised plans have been submitted to include carriageway widening as recommended in earlier comments. The access has been relocated so that it is north of the mature trees however it still appears close to the trunk and under the canopy of the trees. It is suggested that advice is sought from the Tree Officers as to whether this will be acceptable. With regard to layout of the site, it is accepted that this is not marked for consideration at this time, however, I would advise that as drawn the driveway includes a tight narrow bend which would not allow two vehicles to pass. It is normally expected that an access that serves multiple dwellings should measure at least 4.5 m for at least the first 10 m into the site. In this instance means of access is the only matter marked for consideration at this time. No objections are raised subject to conditions.

**TREE AND COUNTRYSIDE CONSULTANT**

British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations clearly set out the requirements for tree retention in proximity to development and are used as the benchmark for considering development proposals.

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

There is no Tree Preservation Order and the site is located outside a Conservation Area. No detailed arboricultural report or plans have been submitted alongside the application. There are mature trees along the boundary between the road and the proposed development which may be affected by a new access road and the development proposal. It is recommended that the application is refused as insufficient information has been provided to determine the impact the development will have on the trees.

### **ENVIRONMENTAL HEALTH OFFICERS**

No objection or comments

### **ENVIRONMENTAL PLANNING**

Under the LDF, the site is located outside the development boundary and in principle it is not acceptable. However, given that Breckland does not have a 5-year housing land supply, the principle of "presumption in favour of Sustainable Development" apply and the proposal should be assessed against the criteria under NPPF para. 49 on "available now, in a suitable location and achievable".

However, the above assessment should be balanced with other material considerations, such as highway, environment health etc.

The site is located outside the development boundary and in principle the proposal is not acceptable. However, given that Breckland does not have a 5 year housing land supply, the principle of presumption in favour of sustainable development applies and the proposal should therefore be assessed against the criteria under NPPF, paragraph 49 with respect to available now, in a suitable location and achievable.

The above assessment must also be balanced with other material considerations, such as highways, environmental health etc.

### **ECOLOGICAL AND BIODIVERSITY CONSULTANT**

While there are no objections to the proposed development in principal, insufficient information has been provided to be able to support the application at this time. There remains an undefined risk of adverse impacts upon protected fauna species and local biodiversity as a result of the development. As such, the application should be declined until the applicant provides the information necessary to permit an informed determination. That information relates to an Extended Phase 1 Habitat Survey, protected species surveys, an Ecological Impact Assessment, design drawings to show soft landscaping, Construction Environmental Method Statement, tree protection, details of demolition and construction.

### **ENVIRONMENT AGENCY**

No objections. Advisory Notes to be forwarded to the applicant with the Decision Notice.

**ANGLIAN WATER SERVICE - No Comments Received**

**REPRESENTATIONS**

17 letters of objection have been received raising the following issues:

Overdevelopment; Site is a pleasant, open, unspoilt rural area which attracts wildlife; Impact on open space/natural habitat for wildlife; Outside Settlement Boundary with no justification; Impact on single lane track from vehicles during construction and from development; Highway safety; Proposed passing bays emphasise that there is already a traffic flow problem in the very narrow lane; Question the validity of the transport data provided, census wires were placed in such a position as to preclude many of the vehicle movements in the lane and was in place over a bank holiday weekend when schools were closed and vehicle movements at a minimum; The lane comprises mainly bungalows, two storey houses would be out of keeping and overlook the properties opposite; Traffic damage to pipeline in road; Proposed plan is vague and does not appear factually correct; Power lines feeding lane inadequate; Sewage system and water supply are probably outdated; Existing easement was granted to allow free and unrestricted movement of horses from paddock through the rear access gate including horse transport; Damage to boundary wall from vehicle movements; Precedent; Trees will be felled; Impact on natural views which would be lost and properties overlooked; Houses would dominate the lane; Impact on mature hedge and two mature ash trees at the point where the entrance would be; Passing bays are inadequate; Lack of anywhere to park on the lane means passing bays would become parking areas.

**ASSESSMENT NOTES**

1.0 The application is referred to Planning Committee at the request of the Ward Representative in the light of significant local interest and past history.

2.0 Principle

2.1 The application seeks outline planning permission, including access, to establish the principle of the erection of two dwellings in this location. Appearance, landscaping, layout and scale would be reserved matters should outline planning permission be granted. The site is located outside the Settlement Boundary in the rural area (as defined by Core Strategy Policies SS1, DC2, CP1 and CP14 of the Core Strategy and Development Control Policies Development Plan Document 2009. The application is contrary to these policies. Furthermore, the site is not being put forward for 100% affordable housing under the rural exceptions site Policy DC5. The proposal should therefore be refused unless there are material considerations which dictate otherwise. The lack of a 5 year housing supply carries significant weight in the consideration of the application.

2.2 Paragraphs 47 and 49 of the National Planning Policy Framework (NPPF) state that where an Authority does not have an up to date five year housing land supply (at present the District figure is 2.8 years), the relevant local policies for the supply of housing as referred to above should not be considered up to date and that housing applications should be considered in the context of the presumption in favour of sustainable development.

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

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

- 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 dependent; therefore a balanced assessment against these three dimensions is required.

2.4 Environmentally, whilst the site is adjacent to the Settlement Boundary, the site currently comprises open grassy land bounded on three sides by open agricultural land. It is considered that the erection of dwellings on this site would be likely to result in an unwarranted intrusion into the rural landscape to the detriment of the character and visual amenities of the area and to the setting of the village contrary to Core Strategy Policies DC1 (Protection of Amenity) and DC16 (Design) of the adopted Breckland Core Strategy.

2.5 In terms of the economic and social criteria, Paragraph 55 of the National Planning Policy Framework suggests that housing should be located where it will enhance or maintain the vitality of rural communities. Gressenhall is classified as a rural settlement through Policy SS1 (Spatial Strategy) defined as a small rural village with few local services. These settlements are considered not capable of supporting consequential growth as they rely on higher order settlements for the majority of these services and facilities. The Sustainability Appraisal has identified that these settlements do not represent a sustainable option for significant expansion.

2.6 Having regard to the social criteria, the proposal is for two open market dwellings which are being justified on the basis of the lack of 5 year housing supply. No affordable housing provision is being provided.

2.7 Footnote 11 of the NPPF confirms that sites which seek to contribute to a lack of housing supply should be in a suitable location, available now and have a realistic prospect of being developed within five years. The applicant owns the site and has confirmed that there is every prospect that the development would be developed well within the five year period. It is recommended that should Members be minded to approve this application, then the submission of a detailed scheme could be required by condition to be within 18 months with implementation within 3 years in total. This would ensure that, so far as possible, the housing would come forward within the next five years.

### 3.0 Appearance, layout and scale

3.1 Whilst these matters are reserved, an indicative layout has been provided which satisfactorily demonstrates that two dwellings can be accommodated on the site with each dwelling provided with adequate parking and turning provision together with an appropriate level of amenity space.

### 4.0 Access

4.1 A new access is proposed to be created from Chequers Lane with an existing access to the

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

east side of the frontage retained for access to the farmland at the rear. The application is submitted with a Transport Statement which seeks to address the concerns previously raised by Norfolk County Council that the unclassified road serving the site is considered inadequate to serve the development proposed by reason of its poor alignment/restricted width/lack of passing provision and inadequate visibility splays. The site plan also includes passing bay provision.

4.2 The applicants also confirm that any access gates would be set back 4.5 m from the boundary of the highway with the fence/hedging splayed at an angle of 45 degrees. Sufficient space can be provided within the application site to enable vehicles to enter, turn and re-enter the highway in forward gear. Norfolk County Council Highways have previously considered applications on this site for 3 and 5 houses and have raised concerns regarding the suitability of Chequers Lane to cater for further development and whether suitable visibility could be provided from the proposed access.

4.3 Since the refusal of the latest application considered under planning reference number 3PL/2013/0230/O, the applicant has commissioned a traffic survey which is included in the submission and is now proposing to undertake off-site highway works to provide passing places. The site has been inspected and it is considered that in light of the vehicle speed data provided by the applicant, it would be possible to provide an access to the site which would accord with current visibility guidance.

4.4 However, the indicative plan submitted in support of the application shows the access position between two mature trees. Given the level difference between the site and the carriageway and the prominence of a number of large roots between these trees, it is considered that it would be impractical to provide an access in the position shown on the submitted drawing. Layout is not recommended for consideration at this time, however, it is recommended that the access is relocated so that it is north of these two trees. The Tree Consultant has also been consulted in relation to possible impact on these trees arising from the proposed access.

4.5 Revised plans have been received amending the drawings to include carriageway widening and the access has been relocated north of the trees as recommended by Norfolk County Council Highways. However, concerns remain that it still appears very close to the trunk and under the canopy of the trees.

4.6 With regard to layout, this is not marked for consideration at this time. However, Norfolk County Council advise that the layout of the access as shown on the indicative plan is not acceptable. As drawn, the driveway includes a right narrow bend which would not allow two vehicles to pass. It is normally expected that an access serving multiple dwellings would measure at least 4.5 m for at least the first 10 m into the site. However, only means of access is marked for consideration at this time.

4.7 In summary, no objections are raised by the Highway Authority subject to conditions requiring that prior to commencement of development full details are provided to illustrate visibility splays of 2.4 m x 25 m; access layout; parking provision in accordance with adopted standard; on-site turning; that notwithstanding the details indicated on the submitted drawings no works shall commence on site until a detailed scheme for the off-site highway improvement works as indicated on drawing number 9543-10A have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and that prior to the first occupation of either of the dwellings the off-site improvement works are completed to the written satisfaction of the Local Planning Authority in consultation with the Highway Authority. In addition,

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

should the application be supported, it is recommended that the passing place is extended to essentially provide an area of carriageway widening between this bend and the adjacent junction.

### 5.0 Amenity

5.1 Impact on existing residential amenity with respect to adjacent dwellings is a reserved matter for future consideration. However, there are no immediately adjoining dwellings and the indicative layout plan provided satisfactorily demonstrates that two dwellings can be accommodated on the site without significant impacts arising from overlooking, overshadowing, loss of privacy or outlook with respect to any nearby dwellings.

5.2 The Environmental Health Officer has previously considered applications on this site for 3 and 5 houses and objections were raised on the grounds that there is an existing farming enterprise adjacent to the site including a storage/workshop building. In relation to these previous applications, it was considered that there was potential for agricultural odour impacts which could create noise/odour/pest complaints which cannot be dealt with via nuisance controls should planning permission be granted. In addition, concerns were raised with regard to the proximity of the previously proposed development to an approved wind turbine (planning permission reference 3PL/2012/0963/F) which has not yet been constructed with regard to potential noise impacts likely to be detrimental to the amenity of the proposed dwellings.

5.3 Further information has been provided by the applicants in relation to the adjacent farming enterprise, namely that as at 17th April 2014 there were 27 cattle registered including calves and that in the last 5 years there have been no complaints registered with respect to noise, smell or disturbance from pests. The farmer has confirmed that his main occupation is an arable agricultural contractor and the barns are mainly used for the storage of agricultural equipment. In addition, this revised proposal is compliant with the recommended turbine guidelines relating to minimum distance from the wind turbine of 80 m from the boundary of the nearest dwelling and 100 m from the nearest residential façade.

5.4 The Environmental Health Officer has raised no objections or comments on the grounds of Environmental Protection providing the development proceeds in line with the application details.

### 6.0 Trees and Landscape

6.1 Landscaping is a reserved matter for future consideration, however the submitted Design and Access Statement states that it is intended to retain the existing trees and scrub hedging and provide 1.8 timber panel fencing where shown on the submitted drawing. Notwithstanding that landscaping is a reserved matter, the Tree Consultant has been consulted owing to the proximity of the access to mature trees sited along the boundary between the road and the proposed development which may be affected by the new access road and the proposed development. He comments that no detailed arboricultural report or plans have been submitted with the application.

6.2 Refusal is recommended on the grounds that insufficient information has been provided to determine the impact the development would have on the trees.

### 7.0 Contaminated Land

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

7.1 The Contaminated Land Officer has been consulted and no objections have been raised.

### 8.0 Conclusion

8.1 A number of the previously raised concerns, namely in relation to close proximity to a working farm housing livestock, noise as a result of proximity to an approved wind turbine and highways impacts, have been satisfactorily addressed subject to conditions. However, it is considered that the application remains unacceptable on the grounds that the proposed development does not represent sustainable development having regard to its location; its unwarranted intrusion into the rural landscape and that it has not been satisfactorily demonstrated that the proposed development would not result in the loss of, or the deterioration in the quality of important natural features, namely mature trees. Whilst the proposal would result in a small contribution towards the lack of a 5 year housing supply, it is not considered that this is sufficient to outweigh the resultant harm to the environment.

Refusal is recommended on the following grounds:

The proposal represents the erection of residential housing in an unsustainable location in the countryside which would not be in close proximity to the Settlement Boundary of a service centre, village or town. The application is therefore contrary to Core Strategy Policy DC2 (Principles of New Housing), the adopted Breckland Core Strategy 2009 and to Paragraphs 47, 49 and 55 of the National Planning Policy Framework (NPPF).

The erection of dwellings on this site would in the opinion of the Local Planning Authority be likely to result in an unwarranted intrusion into this rural landscape to the detriment of the character and visual amenities of the area and to the setting of the village contrary to Core Strategy Policies DC1 (Protection of Amenity) and DC16 (Design) of the adopted Breckland Core Strategy 2009.

Core Strategy Policy DC12 (Trees and Landscape) states that any development that would result in the loss of, or the deterioration in the quality of an important natural feature(s), including protected trees and hedgerows will not normally be permitted. In the opinion of the Local Planning Authority, the applicant has provided insufficient information for the Local Planning Authority to properly determine the impact of the proposed development on mature trees located along the boundary between the road and the proposed development which may be affected by the proposed new access road and that development.

### **RECOMMENDATION**

**Refusal of Outline Planning Permission**

### **REASON(S) FOR REFUSAL**

- 9900** Unsustainable location
- 9900** Unwarranted intrusion into rural landscape
- 9900** Insufficient information submitted in relation to trees
- 2002** Application Refused Following Discussion - No Way Forward
- 2014** Criterion E - Planning Apps Where Approved

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

<b>ITEM</b>	<b>5</b>	<b>RECOMMENDATION : REFUSAL</b>
<b>REF NO:</b>	3PL/2014/0495/F	<b>CASE OFFICER:</b> Jemima Dean
<b>LOCATION:</b>	MATTISHALL Honingham Welding & Fabrication Service Kensington Forge Dereham Road	<b>APPN TYPE:</b> Full <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> No Allocation <b>CONS AREA:</b> N <b>TPO:</b> N <b>LB GRADE:</b> N
<b>APPLICANT:</b>	Mr & Mrs P J Plummer Kensington Forge Dereham Road	
<b>AGENT:</b>	Parsons & Whittlely Ltd 1 London Street Swaffham	
<b>PROPOSAL:</b>	Residential development of 11 dwellings including change of use from storage/distribution and light industrial	

### **KEY ISSUES**

Principle of development  
Need  
Design and appearance  
Amenity  
Highway safety  
Contaminated land  
Natural environment  
Flood risk and drainage  
Open space contributions

### **DESCRIPTION OF DEVELOPMENT**

This application seeks full planning permission for the erection of eleven dwellings to include seven detached houses and garages and a terrace of four affordable homes off Dereham Road in Mattishall. The application is essentially the same as that previously withdrawn under planning reference 3PL/2013/1005/F; the main difference being the layout and the provision of one more affordable dwelling unit. This application was withdrawn to allow highway issues to be addressed.

The dwellings proposed would be built to Passivhaus standard, a methodology for constructing comfortable buildings with an exceptionally low energy demand, reducing carbon emissions without the use of excessive 'renewable' technologies.

The development would provide: 1 x 1 bedroom affordable dwelling; 3 x 2 bedroom affordable dwellings (located to the front of the application site); and 7 x 5 bedroom open market dwellings each with a double or triple garage to the rear of the site. The development is limited to two storeys.

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

Roof materials would be Norfolk clay pantiles and Norfolk red clay bricks and timber weatherboarding for external walls. Solar panels are also proposed to heat the domestic water of the proposed dwelling.

Vehicular access would be from Dereham Road.

### **SITE AND LOCATION**

The site is that of Kensington Forge in Mattishall currently operating as a welding and fabrication business and a storage and distribution business for wood fuels. The site comprises an 'L' shaped parcel of land approximately 0.99 hectares in size, located to the south of Dereham Road. The site is located outside of any defined settlement boundary, approximately 500 metres west of Mattishall and 3 miles east of Dereham.

The site is mainly flat and level. The site is largely screened and includes sound proof fencing to the northern half of the eastern boundary and established hedging to the south and western boundaries which includes mature Leylandii and native hedging. The site is bordered to the north by Dereham Road and to the east and west the residential curtilage of properties also accessed via Dereham Road. The immediate area is sparsely populated with the surrounding land primarily comprising agricultural use.

A range of buildings currently existing on the site include a steel framed, brick and timber clad forge, a steel store, the foundation of a new dwelling and temporary accommodation and storage buildings. There is an existing access serving the site via Dereham Road.

### **EIA REQUIRED**

No

### **RELEVANT SITE HISTORY**

Planning application for 11 dwellings was withdrawn (reference: 3PL/2013/1005/F)

### **POLICY CONSIDERATIONS**

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

CP.10	Natural Environment
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.04	Affordable Housing Principles
DC.11	Open Space
DC.13	Flood Risk
DC.16	Design
DC.19	Parking Provision

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

NPPF

With particular regard to paragraph 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 investigating the implementation of CIL. 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.

The applicant's solicitor has provided an undertaking for legal costs relating to the drafting of the Section 106 Agreement and the proof of title. The Council's Solicitors has been instructed to draw up the Agreement.

### **CONSULTATIONS**

#### **MATTISHALL P C -**

This development is outside the development boundary. Access to and from the site is an issue on a narrow, fast section of Dereham Road, with potentially 22 cars entering and leaving daily. Foot and cycle access to the village problematic. Interesting development in a less than ideal location.

#### **NORFOLK COUNTY COUNCIL HIGHWAYS**

Development therefore fails to provide accessible/sustainable development as required by NPPF and Norfolk's 3rd Local Transport Plan, entitled Connecting Norfolk. Consequently the Highway Authority recommends that permission be refused.

#### **ENVIRONMENT AGENCY**

Withdraw previous objection in the light of additional information received.

Recommends conditions in respect of surface water drainage and contamination

#### **RAMBLERS ASSOCIATION: NORFOLK AREA**

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

No objection to the development, providing the nearby footpath is kept open throughout any works, and any damage to it is repaired without delay. If the path ultimately lies within the site, we would also wish it to be ensured that it is fully open to all legitimate users once the development is completed.

### **NATURAL ENGLAND**

No objection

### **CRIME REDUCTION & ARCHITECTURAL LIAISON OFFICER**

Comments and concerns with regard to design in respect of secure by design.

### **HISTORIC BUILDINGS CONSULTANT**

No objection.

### **TREE AND COUNTRYSIDE CONSULTANT**

No objection subject to conditions.

### **CONTAMINATED LAND OFFICER**

No objection subject to conditions

### **ENVIRONMENTAL HEALTH OFFICERS**

No objection subject to conditions

### **HOUSING ENABLING OFFICER**

The site's location is somewhat separate from the village services although located on the bus route to Dereham and Norwich. We would prefer to see affordable housing provided closer to facilities. We would expect to see details as to how the affordable dwellings are to be provided to those deemed to be in need of affordable housing. The affordable dwellings will need to be built to at least a minimum of the Homes & Communities Agency Housing Quality Indicator design standards.

### **HISTORIC ENVIRONMENT OFFICER**

No objection.

### **ECOLOGICAL AND BIODIVERSITY CONSULTANT**

In light of further information, no objection subject to conditions

**FLOOD AND WATER MANAGER - No Comments Received**

**NORFOLK WILDLIFE TRUST - No Comments Received**

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

**PUBLIC RIGHTS OF WAY OFFICER - No Comments Received**

**OBLIGATIONS OFFICER, NORFOLK COUNTY COUNCIL - No Comments Received**

### **REPRESENTATIONS**

One representation has been received in response to the application with concerns in respect of loss of agricultural land and increase in traffic.

### **ASSESSMENT NOTES**

1.0 The application is referred to Planning Committee as it is a major application and in the light of local interest

2.0 Principle of development

2.1 This application proposes eleven dwellings on land outside of the Settlement Boundary of Mattishall. The land is currently in use as a welding and fabrication business and a storage and distribution business for wood fuels.

2.2 Mattishall is identified as a service centre village through the spatial strategy within the adopted Core Strategy and Development Control Policies DPD. The spatial strategy clarifies that these settlements have adequate services and facilities to meet the day to day requirements of their existing residents. However, the site proposed is distant from Mattishall being located approximately 500m from the edge of the village and the site is approximately 3 miles from Dereham. In this respect the proposed residential scheme would not represent an accessible form of development and consequently heavily reliant on the private car.

2.3 Residential development in areas classified as countryside must be considered against the expectations of Policy CP14 Sustainable Rural Communities within the Core Strategy and Paragraph 55 of the NPPF. The site's previous industrial use and potential amenity benefits of its replacement with residential dwellings does not meet the expectations of CP14 or paragraph 55 for development within the countryside.

2.4 Core Strategy Policy DC4 requires that to meet District housing needs the Council will require 40% of the total number of housing units to be provided and maintained as affordable housing within all new residential development on sites which the Local Planning Authority determines has a capacity for 5 or more dwellings; or comprises an area of 0.17 ha or more

2.5 The application site comprises an area which exceeds 0.17 ha and therefore this policy is applicable.

2.6 If the application is approved four dwelling units would be provided towards the provision of affordable housing. This would need to be secured by way of a signed and completed Section 106 Obligation should planning permission be granted. Contributions to open space provision would also be sought through the legal agreement.

3.0 Need

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

3.1 Planning permission is sought for eleven dwelling including seven private detached residential dwellings and four affordable units.

3.2 The site is currently in use as a welding and fabrication business.

3.3 It is considered that no overriding special circumstances have been put forward for the proposed development which would be sufficient to justify a significant departure from the above mentioned national and local plan policies.

### 4.0 Design and appearance

4.1 In terms of design and appearance, whilst the detached dwellings are relatively large it is intended that the proposed dwellings be of a scale and mass designed to reflect the local domestic / agricultural vernacular. The layout of the development offers advantages to dwellings orientated with a substantial south facing elevation which has driven the overall approach.

4.2 Details of external materials have not been submitted and therefore a condition would be appropriate requiring these to be submitted and agreed by the Local Planning Authority prior to commencement, should permission be granted.

4.3 It is also considered that the site is of a sufficient size to accommodate dwellings of this size and scale in terms of siting, amenity area and parking.

### 5.0 Amenity

5.1 In terms of amenity and impact upon the neighbouring property to the north, the proposed dwellings are sited some distance from this property. The proposed dwellings and the adjacent property are separated by mature hedging to the west and sound proof fencing to the east.

5.2 In conclusion, it is considered that the proposed development would not result in significant overlooking, overshadowing and loss of privacy or outlook.

### 6.0 Highway safety

6.1 The Highways Authority has raised an objection to the proposed development and recommend the application is refused due to its remoteness from local service centre provision.

6.2 In response to the objection from the Highway Authority the applicant has commented that the development proposes a significantly different access to the previous application and that there are no highway safety objections. It is also argued that the proposed development fulfils sustainability requirements in that there are bus stop in close proximity to the site providing a regular bus service to Dereham and Norwich, and the definitive footpath which connects the site to Hall Lane would encourage active and healthier ways to travel.

### 7.0 Natural Environment

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

7.1 The Council's Tree and Landscape Consultant has been consulted on the application. It is considered that the Arboricultural Impact Assessment has regard to existing trees on site and its recommendations should be appended as a condition if planning permission were to be granted.

7.2 The Ecological and Biodiversity Consultant has requested that as the necessary ecological reports are based on two different plans, further clarification into the final development proposals will be needed prior to final determination. The applicant has submitted further details in response to this. The response to this detail will be reported at Planning Committee.

7.3 Natural England was consulted. They do not object to the proposed development.

### 8.0 Other Issues

8.1 One local representation has been received with concerns relating to loss of agricultural land and increase in traffic.

8.2 The scheme proposes a high standard of design in term of energy efficiency and includes the provision of solar panels. These details would be secured via planning condition if the application were to be approved.

8.3 The Environment Agency have withdrawn their earlier objection in the light of additional information. Conditions are recommended in respect of surface water drainage and contamination.

### 9.0 Conclusion

9.1 The environmental gain from the removal of the existing use and buildings on site is minimal having regard to the remoteness of the site from the services and facilities.

9.2 The proposal is therefore contrary to Policy DC.02 Principles of New Housing, CP14 Sustainable Rural Communities and Paragraph 55 of the National Planning Policy Framework. In conclusion, the scheme is recommended for refusal for the following reasons:

The application site is located outside of any defined settlement boundary and the applicant has failed to identify an overriding justification for the erection of eleven dwellings and seven garages in this rural location. The proposal is therefore contrary to Policies DC2 and CP14 of the adopted Breckland Core Strategy and to guidance contained in Paragraph 55 of the National Planning Policy Framework.

The proposal is remote from local service centre provision conflicting with the aims of sustainable development, the need to minimise travel, and the ability to encourage walking, cycling, use of public transport and reduce the reliance on the private car as represented in national and local policy. Contrary to the National Planning Policy Framework and Policy 5 of Norfolk's 3rd Local Transport Plan, entitled Connecting Norfolk.

**BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

**RECOMMENDATION** Refusal of Planning Permission

**REASON(S) FOR REFUSAL**

- 9908** Outside settlement boundary
- 9908** Remote from local service centre

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

<b>ITEM</b>	<b>6</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2014/0576/F	<b>CASE OFFICER:</b> Heather Byrne
<b>LOCATION:</b>	DEREHAM Old Hall Nurseries Dumpling Green	<b>APPN TYPE:</b> Full <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> <b>CONS AREA:</b> N <b>TPO:</b> N <b>LB GRADE:</b> N
<b>APPLICANT:</b>	Reads Nurseries Dumpling Green Dereham	
<b>AGENT:</b>	Reads Nurseries Dumpling Green Dereham	
<b>PROPOSAL:</b>	Erection of two 3-bedroom detached houses with garages (Re-submission)	

### **KEY ISSUES**

Principle of development  
Design, layout and appearance  
Amenity  
Landscaping  
Protected species  
Highways  
Contaminated land

### **DESCRIPTION OF DEVELOPMENT**

The application seeks full planning permission to construct two detached two storey dwellings with detached garages on land at Old Hall Nurseries, Dumpling Green. Materials would comprise random flint work, red weathered facing brick, flat render over rick plinth for walls with natural red clay pantiles for the roofs. There is an existing mature hedge to the front of the site which is to be retained and new native hedges are proposed to be planted to the northern, eastern and western boundaries.

The application is submitted with a planning statement and protected species survey.

### **SITE AND LOCATION**

The site lies outside the Settlement Boundary of the town of Dereham. The site would be accessed via the existing access which currently serves Reads Nurseries from Dumpling Green. Dumpling Green is a public right of way (Footway FP26). There is a pond within the application site and another to the north east of the site.

**EIA REQUIRED**

No

**RELEVANT SITE HISTORY**

3PL/2013/0945/F - Erection of two, 3 bedroomed detached houses with garages - Refused.  
Dismissed on Appeal.

The Inspector concluded that the proposal would not be isolated from shops, services, schools and employment opportunities, it would be an infill surrounded by existing development and would be in keeping with the character of development in the area. The proposal would not harm the character and appearance of the area nor set a precedent for further development. However, the only reason the appeal was dismissed was because the application did not include a completed unilateral undertaking in respect of open space contributions to accord with policies CP5 and DC11 of the Adopted Breckland Core Strategy.

**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
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
DC.12	Trees and Landscape
DC.16	Design
DC.19	Parking Provision
NPPF	With particular regard to paras. 47, 49 & 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

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

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 investigating the implementation of CIL . 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 draft unilateral agreement has been provided which would make a contribution of £2,800 to open space in accordance with Policy DC11.

### **CONSULTATIONS**

**DEREHAM T C - No Comments Received**

### **ENVIRONMENTAL HEALTH OFFICERS**

Recommend approval subject to conditions relating to details of surface water and foul water disposal to be submitted to alleviate environmental concerns.

### **ENVIRONMENT AGENCY**

The development falls within Cell F5 of the Environment Agency's Flood Risk Matrix (Development less than 1ha. and located within Flood Zone 1) and therefore no consultation will be required. In this case we would wish to encourage good surface water management practice.

### **NORFOLK COUNTY COUNCIL HIGHWAYS**

No objections subject to informative in relation to the public right of way.

### **CONTAMINATED LAND OFFICER**

No objection subject to condition.

**ENVIRONMENTAL PLANNING - No Comments Received**

**TREE & COUNTRYSIDE CONSULTANT - No Comments Received**

### **REPRESENTATIONS**

5 letters of representation have been received against the application. They raise the following issues:

Lies outside the Settlement Boundary; Would not contribute to the local housing land supply;

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

Would set a precedent; Would affect quality of life in terms of increased activity, noise, loss of privacy and pollution and impact upon existing unmade road.

1 letter of representation has been received in support of the application which raises the following issues:

The proposal is well designed; The proposal is not intrusive and it will not negatively impact upon the existing highway network.

### **ASSESSMENT NOTES**

1.0 The application is referred to Planning Committee as Capita Property and Infrastructure Limited has an employee related to the applicant.

1.1 The application seeks to overcome the reasons for refusal of a previous application, which was dismissed on appeal. The planning application was refused on the grounds of the site lies outside the Settlement Boundary and would be contrary to paragraphs 47, 49 and 55 of the NPPF and Core Strategy Policies CP14 (Sustainable Rural Communities) of the Core Strategy and Development Control Policies Development Plan Document 2009; and would 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 Development Framework.

1.2 The Planning Inspector was of the view that the proposal would not be isolated from shops, services, schools and employment opportunities, it would be an infill surrounded by existing development and would be in keeping with the character of development in the area. The proposal would not harm the character and appearance of the area nor set a precedent for further development. However, the only reason the appeal was dismissed was because the application did not include a completed unilateral undertaking in respect of open space contributions to accord with policies CP5 and DC11 of the Adopted Breckland Core Strategy.

### 2.0 Principle of development

2.1 Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites and housing applications should be considered in the context of the presumption in favour of sustainable development.

2.2 The site is outside the Settlement Boundary of Dereham and policy CP14 of the Breckland Core Strategy and Development Control Policies Development Plan Document (DPD) (2009) presumes against development in such locations.

2.3 It is evident that the Council does not have a five year supply of deliverable housing land and therefore the above policies are not considered up to date.

2.4 The proposal would only make a limited contribution to housing provision but this would nevertheless be beneficial in terms of its location close to Dereham which is identified by the Council as a sustainable location for housing growth.

2.5 The site is close to the built up area, with good access on foot and by cycle to public transport and to shops, services, schools and employment opportunities. The site is therefore in a

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

sustainable location.

2.6 The site is not isolated given that it is surrounded by development and the proposal would not conflict with paragraph 55 of the NPPF.

### 3.0 Design, layout and appearance

3.1 The dwellings would be in keeping with the character of development along the road in terms of their design and materials.

3.2 Dumping Green has a generally rural character but it includes a significant amount of housing development. The site has residential development on three sides and the nursery building on the fourth and is close to a housing estate which forms part of the built up area. The proposal would be an infill development that would be surrounded by existing development and as such it would not extend the urban area into the countryside.

### 4.0 Landscaping

4.1 The existing hedge and trees along the site frontage would be supplemented by additional hedge and tree planting together with the creation of a wildlife corridor along the eastern boundary to maintain and enhance the ecology of the area. The applicants state additional habitat enhancement can be achieved beyond the application site which would provide a buffer to the nursery buildings beyond. If planning permission is granted appropriately worded conditions could be attached to ensure existing hedges and trees are retained and to secure new hedge and tree planting together with the proposed wildlife corridor.

4.2 The comments of the Tree and Countryside Consultant are awaited

### 5.0 Protected Species

5.1 A Protected Species Survey has been submitted with the application. The comments of the Tree and Countryside Consultant are awaited.

### 6.0 Amenity

6.1 The proposed dwellings are sufficiently distanced from neighbouring development which would ensure that no significant impacts would arise with respect to existing levels of residential amenity. Within the development itself, the dwellings are sufficiently distanced from each other which would ensure that no significant overlooking, overshadowing, loss of impact or privacy would arise.

### 7.0 Unilateral Undertaking

7.1 A draft unilateral agreement has been submitted which would make a contribution of £2,800 to open space in accordance with Policy DC11.

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

### 8.0 Highways

8.1 Norfolk County Council Highways, whilst acknowledging that Dumpling Green (a private road) suffers from poor construction with a number of potholes and some variations in width, raises no objection subject to an informative advising that should the surface of the public right of way be damaged by anyone exercising a private right then the responsibility to repair the surface lies with the private right holder and the public right of way must remain available for use by the public throughout the course of any works.

### 9.0 Contaminated Land

9.1 The Contaminated Land Officer has been consulted on the proposal and no objection has been raised on the basis that the pond on the site is not being backfilled and subject to a condition setting out action to be taken in the event that contamination is found at any time when carrying out the development.

### 10.0 Environmental Health

10.1 The Environmental Health Officer was consulted and recommends approval subject to conditions relating to surface water and foul water disposal to be submitted and approved in writing before works commence on site to alleviate environmental concerns.

### 11.0 Conclusion

11.1 The applicant has overcome the reason why the application was dismissed on appeal and therefore the proposal is recommended for approval subject to conditions.

**RECOMMENDATION** Planning Permission

#### **CONDITIONS**

- 3007** Full Permission Time Limit (3 years)
- 3048** In accordance with submitted
- 3106** External materials and samples to be approved
- 3413** Indicated landscaping to be implemented
- 3920** Surface water disposal
- 3920** Foul water disposal
- 3946** Contaminated Land - Unexpected Contamination
- 4000** Variation of approved plans
- 3996** Note - Discharge of Conditions
- 3995** NOTE - Unilateral undertakings
- 9850** Highways Authority Informative

**BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**

**2000** NOTE: Application Approved Without Amendment  
**2014** Criterion E - Planning Apps Where Approved

**BRECKLAND COUNCIL - PLANNING COMMITTEE - 04-08-2014**