

<b>Item No.</b>	<b>Applicant</b>	<b>Parish</b>	<b>Reference No.</b>
1	Mr Robin Green	DEREHAM	3PL/2016/0952/O
2	Mr E Buscall	SAHAM TONEY	3PL/2016/1017/O
3	Mr Alan Boswell	OXBOROUGH	3PL/2016/1129/F
4	Mr & Mrs D Russell	SPORLE	3PL/2016/1167/D
5	Mr F Massingham	BAWDESWELL	3PL/2016/1196/F
6	David Marshall	GRESSENHALL	3PL/2016/1226/F

## **BRECKLAND COUNCIL - PLANNING COMMITTEE - 9th January 2017**

<b>ITEM</b>	<b>1</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2016/0952/O	<b>CASE OFFICER:</b> Matt Ellis
<b>LOCATION:</b>	DEREHAM Rear of Greenfields Road	<b>APPN TYPE:</b> Outline <b>POLICY:</b> In Settlemnt Bndry <b>ALLOCATION:</b> <b>CONS AREA:</b> N <b>LB GRADE:</b> N <b>TPO:</b> N
<b>APPLICANT:</b>	Mr Robin Green Church Farmhouse Bawburgh	
<b>AGENT:</b>	Michael Haslam Associates Ltd Woodcote Cargate Lane	
<b>PROPOSAL:</b>	Residential development of 48 dwellings	

### **REASON FOR COMMITTEE CONSIDERATION**

The application is referred to Committee as a major development proposal.

### **KEY ISSUES**

Principle of development and policy matters.  
Local character, amenity and trees.  
Access.  
Ecology.  
Other matters

### **DESCRIPTION OF DEVELOPMENT**

Outline permission is sought for residential development of 2.47 hectares of land between Greenfields Road and the A47 in Dereham. Whilst permission is sought for access only with all other matters reserved indicative layout drawings have been submitted which show 48 houses together with roads and public open space.

The proposed houses would utilise a new access from Greenfields Road opposite Honeysuckle Drive.

The application is supported by a number of documents and technical reports, including a Design & Access Statement, Preliminary Ecological Appraisal, Arboricultural Impact Assessment, contaminated land assessment, noise assessment, toolkit viability assessment and Flood Risk Assessment.

### **SITE AND LOCATION**

The application site is located to the eastern side of Dereham and to the south of Greenfields Road. The site lies between existing residential development to the north and east and the A47 to the south. The Greens Road industrial estate lies beyond the western boundary of the site. The site extends to around 2.47 hectares in total, is broadly rectangular in shape and comprises

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mainly open scrub grassland. There are a number of trees within and bordering the site, however, these are largely confined to the boundaries.

### **EIA REQUIRED**

No

### **RELEVANT SITE HISTORY**

No relevant site history

### **POLICY CONSIDERATIONS**

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

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 and National Planning Policy Guidance have also been taken into account, where appropriate.

SS1 Spatial Strategy  
CP01 Housing  
CP04 Infrastructure  
CP05 Developer Obligations  
CP08 Natural Resources  
CP10 Natural Environment  
DC01 Protection of Amenity  
DC02 Principles of New Housing  
DC04 Affordable Housing Principles  
DC12 Trees and Landscape  
DC16 Design

NPPF With particular reference to paragraphs 14, 17, 24, 26, 27, 32, 34, 35, 49, 103 & 118  
NPPG National Planning Practise Guidance

'Manual for Streets' 2007

Dereham Draft Neighbourhood Plan (Draft only - given the stage it is at it is considered to carry no weight)

### **CIL / OBLIGATIONS**

Not Applicable

### **CONSULTATIONS**

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

Recommends that the developments design uses crime prevention through environmental design principles.

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### **DEREHAM T C**

No objections in terms of access.

Pedestrian and cycle link would improve connectivity to Hall Lane.

Concerns regarding maintenance of earth bund.

Concerns regarding design and layout of indicative scheme and that it did not meet design standards.

### **NORFOLK COUNTY COUNCIL HIGHWAYS**

No objection.

Plan required showing visibility of 2.4 x 43m can be achieved.

Link from estate to cycle path will be required at detailed stage.

Hall Lane to the south is subject to an application to formalise it as a public right of way [PROW].

There is no objection to the extension of existing waiting restrictions.

### **OBLIGATIONS OFFICER, NORFOLK COUNTY COUNCIL**

Education contributions are sought on a pro rata basis towards additional classroom capacity at;

- Kings Park Infant School
- Dereham Church Infant School
- Grove House Nursery and Infant School
- Dereham C of E Junior Academy
- Dereham 6th Form centre

Contributions are also sought towards one fire hydrant per 50 dwellings and library facilities of 75.00, (per dwelling). Also comment that green infrastructure should be provided within the site.

### **FLOOD & WATER MANAGEMENT TEAM**

No comment as application falls below threshold for providing detailed comment.

### **HOUSING ENABLING OFFICER**

The site area and number of dwellings trigger the requirement for affordable housing.

40% provision is required 65% of which should be social rent and 35% shared equity.

A Section 106 Agreement will be required to secure the affordable housing contribution.

### **FACILITIES MANAGEMENT**

Section 106 Agreement should provide the opportunity to decline to adopt the public open space.

The Council is not a drainage authority and will not adopt drainage features.

### **ECOLOGICAL AND BIODIVERSITY CONSULTANT**

No objections subject to a construction environmental management plan being secured to include;

- Updated badger survey
- Retention of site boundaries as greenspace
- Avoidance of night working
- Best practise and enhancement measures as set out in the report.

### **CONTAMINATED LAND OFFICER**

Has only one area of concern regarding the industrial estate to the western boundary. Further information on the past uses is therefore required.

### **ENVIRONMENT AGENCY**

No objections, note the site is located above a principal aquifer and within a source protection

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zone but do not consider the proposal to be high risk.

The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration, (SuDS). All need to meet the criteria in our Groundwater Protection: Principles and Practice, (GP3), position statements G1 to G13.

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

No objection

### **DISTRICT VALUATION OFFICE**

Based on the information provided the scheme can afford to provide 20% affordable housing together with contributions totalling 337,488.

**COMMUNITY DEVELOPMENT OFFICER - No Comments Received**

**ENVIRONMENTAL HEALTH OFFICERS - No Comments Received**

**ANGLIAN WATER SERVICE - No Comments Received**

Education contributions are sought on a pro rata basis towards additional classroom capacity at;

- Kings Park Infant School
- Dereham Church Infant School
- Grove House Nursery and Infant School
- Dereham C of E Junior Academy
- Dereham 6th Form centre

Contributions are also sought towards one fire hydrant per 50 dwellings and library facilities of 3,600, (75.00 per dwelling). Also comment that green infrastructure should be provided within the site.

### **REPRESENTATIONS**

Eight representations have been received from local residents concerns raised include;

Noise

Design / Layout poor

Site is not in the Emerging plan

Greenfields already has substantial number of new homes to be built

Traffic, particularly at the junction of Greenfields Road and Norwich Road

Highway and pedestrian safety

Surface water flooding

Tree removal

Doctors / schools full

Loss of green space

Loss of views

Removal of section of earth bund will lead to noise / visual intrusion

Houses should be no higher than existing houses on Greenfields Road

Safety at night / alignment of cycle path

### **ASSESSMENT NOTES**

1.0 This application is referred to Committee as a major development proposal.

2.0 Principle of development and policy matters.

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2.1 The site is located adjacent to Dereham and would be bound on the northern and eastern sides by existing housing. The southern part of the site is bounded by the A47 and the western side of the site is bounded by an industrial estate. Given the Council has recently confirmed that it considers it has a five year housing land supply this means that its policies relevant to the supply of housing land can be considered up to date. Given that the application site is within the settlement boundary for Dereham the proposal to develop the site for housing is in accordance with current policy and it does not matter that it has not been allocated as a preferred location for development in the emerging local plan.

2.2 The NPPF defines sustainable development in broad terms by reference to economic, social and environmental considerations and indicates that planning should seek gains in relation to each element. The provision of housing to meet local needs is identified as a key component of sustainable development and in this respect the NPPF seeks to boost significantly the supply of housing.

2.3 The site in question was previously in agricultural use and as such is Greenfield. Whilst the loss of Greenfield land is regrettable it is inevitable if the Council is to achieve its housing growth aspirations. The land is shown on Natural England's Agricultural land classification maps as being Grade 3, but it is not clear whether it would be high quality class 3a land to which policy CP8 and para 112 of the NPPF would apply or lower quality class 3b. The area of land to be lost at 2.47 HA is relatively small and it is noted that the threshold for consultation with Natural England is 20 HA. The land is currently either fallow or close cut grass and it is also inevitable that some agricultural land will be lost as part of the Council's aspirations to deliver housing.

2.4 Whilst the application is submitted in outline the indicative layout plans show that the development would be consistent with the predominantly residential character of the area and its design and layout would be compatible with its surroundings. The proposal would make a significant contribution to the supply of housing in the area and the construction of the development would provide some economic benefits, albeit short-term. These considerations weigh in favour of the proposal.

2.4 In terms of affordable housing the applicant has submitted a viability appraisal which states that when other contributions are taken into account the scheme can afford a 20% contribution to affordable housing only. The applicant's assessment has been subject to independent scrutiny by the District Valuer [DV] who more or less concurs with the applicant although the DV applies a higher level of contributions at 337,488 compared with the applicant's 174,000. Whilst it would be preferable to have a full 40% contribution to affordable housing this is not always possible with all developments and in this case it has been independently verified that only a 20% contribution is possible. This, together with the other necessary contributions towards education, library facilities and open space should be secured by a Section 106 Agreement.

### **3.0 Effects on local character, amenity and trees**

3.1 Whilst the application has been submitted in outline with access only included at this stage the applicant has submitted an indicative layout plan from which some conclusions can be drawn regarding the possible impacts of the development of the land. It is considered that the submitted

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indicative site layout shows that a well designed scheme can be achieved within the site which would result in a relatively low density of 19.43 dwellings per hectare. A mix of house types is shown which would not be inappropriate to the character of the wider area which is predominantly comprised of detached and semi detached dwellings.

3.2 As already noted the site contains a number of trees. The submitted tree survey identifies 30 individual trees or small groups of trees comprised of mainly category B, (moderate value), or category C, (low value), trees. The indicative layout shows a number of these trees on the northern and eastern sides of the site to be removed as part of the indicative scheme. Trees to the southern and western flanks of the site would largely be retained.

3.3 The Council's Tree and Countryside Officer has no objection to the principal of the development but comments that the layout shown on the outline application does not take into account the tree constraints and the layout can be altered to allow the retention of the category B trees along the eastern boundary. Minor changes at the site entrance would also allow the majority, if not all of the trees to be retained in the north east corner of the site.

3.4 At this stage layout and landscaping are reserved and the layout could be further refined at reserved matters stage to reduce the need for tree removal. Retention of a number of trees within the site would, however, be difficult due to the need to provide access within and whilst the loss of these and other trees is regrettable, given the potential scope for replanting within the site and optimisation of the layout at reserved matters stage to retain as many trees as possible the proposal is considered acceptable.

3.5 Whilst development of the scale proposed would inevitably have some impact on the amenities currently enjoyed by neighbouring residents in terms of placing dwellings where there was previously an agricultural field this is not an unusual situation and it is considered that an acceptable layout and design can be achieved which would avoid any significant harm. The submitted indicative plan shows good separation distances could be maintained between existing and proposed dwellings to help reduce overlooking, together with the retention of existing vegetation and scope for planting of new boundary screening. It is possible that some disturbance would be caused due to the increased activity and traffic, but given the scale of the development, this would not be considered excessive.

3.6 The presence of the Green Road industrial estate to the west of the site is noted by the Council's Environmental Health Officer who has issued a holding objection. The noise environment of the site is also characterised by the presence of the A47 to the south. The applicant has submitted a detailed noise report which concludes that the site is acoustically appropriate for the proposed development and selection of building materials will allow the noise criteria in BS 8233:2014 to be met, it is also claimed that the layout of the site can be adjusted to take into account the noise from the A47 to provide for an acceptable outdoor, (garden), environment. The Environmental Health Officers comments on this report have been sought.

3.7 Subject to the comments of the Environmental Health Officer it is considered that a reserved matters scheme could be designed which would be in keeping with the character and appearance

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of the area and would not be likely to result in any significant adverse effects on residential amenity. The proposal would thus accord with Core Strategy Policies, DC02, DC12 and DC16, and with relevant guidance in the NPPF.

### 4.0 Access

4.1 Access to the development would be gained via a new access onto Greenfields Road.

4.2 The application site is 1.2km from the Town centre and 380m from Dereham Netherd High School, 800m from Dereham 6th Form Centre and 1.12km from the nearest primary school at Kings Park. The site is clearly in a sustainable location for housing development.

4.3 Norfolk County Council Highways raise no objection to the proposals but require further detail of the proposed access including the visibility that can be achieved onto Greenfields Road to a minimum of 2.4 x 43m.

4.5 Whilst comments have been received from neighbours that the development, which falls under the threshold for providing a Transport Assessment, would result in excessive levels of traffic and congestion NPPF paragraph 32 states that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe' it is not considered that the additional traffic generated by the development would be likely to have a 'severe' traffic impact.

4.6 Comments regarding the potential designation of Hall Lane as a PROW are noted and any reserved matters application would be required to make appropriate connections to adjacent public footpaths.

4.7 In light of the above it is considered that, on balance, the proposal is acceptable on the grounds of Highway Safety and the proposed development would comply with policy CP4(e) of the adopted Core Strategy DPD and paragraphs 17, 32, 34 and 35 of the NPPF.

### 5.0 Ecology

5.1 The Habitat Survey submitted in support of the application notes that the site comprised of a flat area of improved grassland with steep banks that hosted tall ruderal vegetation. The margins of the site were identified as potential foraging grounds for badgers but none were found to be present on site.

5.2 The Council's Ecologist comments that the development of the site is acceptable subject to a CEMP being secured by condition to include further badger surveys and mitigation measures as identified in the submitted ecological report.

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5.5 Subject to appropriate mitigation measures to accommodate bats within the development the proposal would not be likely to have an adverse effect upon matters of ecological interest and the proposal is thus in accord with policies CP10 of the adopted Core Strategy DPD and paragraph 118 of the NPPF.

### 6 Other Matters

6.1 Local infrastructure - concerns have been raised about the ability of the general infrastructure to cope with additional housing. However, no objections have been raised by statutory consultees in this respect. Financial contributions can be secured by way of a S106 Agreement to the expansion / improvement of local school accommodation, as well as to local library services.

6.2 A Flood Risk Assessment has been submitted which identifies that the site is within Flood Zone 1 - that with the lowest risk of flooding and there is no evidence of risk of flooding from sewers, groundwater, or artificial sources such as reservoirs or canals. Whilst the amount of impervious areas would increase as a result of the development, the rate of runoff can be limited to the current Greenfield rate and the proposal would not result in any increase in flood risk. The Environment Agency do not object subject to the careful design of any SuDS drainage systems.

6.4 In terms of the potential for contaminated land on site the Council's Contaminated Land Officer requests that further information is submitted. Given the use of the site is agricultural rather than industrial it is considered that there is a low probability of contamination and that it would be reasonable to apply conditions in this instance.

### 7.0 Conclusion

7.1 The proposal is within the settlement boundary for Dereham and is considered to be compliant with current adopted policy. The site would make a significant contribution to the provision of housing and safe access from Greenfields Road could be provided. Whilst local concerns are acknowledged, there is no substantive evidence to suggest that the proposal would have a significant adverse effect on local infrastructure, highway safety and convenience or residential amenity.

### 8.0 RECOMMENDATION

8.1 Permit subject to conditions and a S106 Agreement to secure;

Provision of on site affordable housing at 20%.

Contributions to Library services of 75.00 per dwelling.

Contributions to local Primary Schools on a pro rata basis of 3,039 per dwelling.

Public Open Space Contribution.

**RECOMMENDATION**

**Outline Planning Permission**

**CONDITIONS**

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- 3005** Outline Time Limit (3 years)
- 3012** Approval of Reserved Matters condition
- 3047** In accordance with submitted
- 3940** Maximum noise levels
- 3940** Site investigation
- 3940** Remediation scheme
- 3940** Unexpected contamination
- 3940** Foul and surface water drainage
- 3940** Ecological mitigation measures
- 3940** Fire hydrants
- 3940** Vehicular access
- 3940** Visibility splays
- 2000** NOTE: Application Approved Without Amendment
- 2014** Criterion E - Planning Apps Where Approved
- 4000** Variation of approved plans

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<b>ITEM</b>	<b>2</b>	<b>RECOMMENDATION : REFUSAL</b>
<b>REF NO:</b>	3PL/2016/1017/O	<b>CASE OFFICER:</b> Jemima Dean
<b>LOCATION:</b>	SAHAM TONEY Site adjacent Parkers Primary School Pound Hill	<b>APPN TYPE:</b> Outline <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> <b>CONS AREA:</b> N <b>LB GRADE:</b> N <b>TPO:</b> N
<b>APPLICANT:</b>	Mr E Buscall Estate Office, Carbrooke Hall Norwich Road	
<b>AGENT:</b>	Parsons & Whittley Ltd 1 London Street Swaffham	
<b>PROPOSAL:</b>	Proposed residential development	

### REASON FOR COMMITTEE CONSIDERATION

This application is referred to the Planning Committee as it is a major Application and contrary to the development plan.

### KEY ISSUES

Sustainable development  
Landscape character and appearance of the area  
Access and highway impact  
Impact on amenity  
Affordable housing  
Archaeology  
Drainage and flood risk  
Public open space

### DESCRIPTION OF DEVELOPMENT

The application seeks outline permission for residential development on greenfield land adjacent to Parkers Primary School, Saham Toney.

The application proposes residential development with all matters reserved apart from access.

The following documents were submitted with the application:

- Planning Justification and Design Statement
- Surface Water Drainage Strategy
- Contamination Report Desk Study
- Preliminary Ecological Appraisal

Indicative plans have been submitted illustrating a layout for 19 dwellings with an area of public open space to the east of the application site and an indicative SUDS location to the south. Access is shown as an adoptable access road leading directly from Pound Hill. The indicative

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plan shows a row of three terraced, and a mix in semi-detached and detached dwellings. It includes a range of two, three and four bedroom properties. Indicative density would be 18.8 dph.

The application has been amended to include the provision of landscaped screening to the north-east and south-east boundaries of tree / shrub planting in native species, all to a scheme to be agreed. At the request of the Highway Authority the application also proposed an improved footway on Pound Hill between the development and the school playground entrance to a minimum 2.0 metre width.

The application proposes:

- 40% affordable housing provision;
- Access from Pound Hill;
- Improved pedestrian facilities;
- Public open space;
- SUDS drainage scheme;
- Screening to north-east and south-east boundaries.

### **SITE AND LOCATION**

The application site comprises a broadly rectangular parcel of land to the south-east of Pound Hill in Saham Toney. The site extends to approximately 1 hectare. To the north on the opposite side of the road is Saham Toney Settlement Boundary and residential development which includes a mix in type and design.

The site lies approximately 500m north of the centre of the village and currently comprises agricultural land in recent production forming part of a larger parcel of land to the south and east in the applicant's ownership. There are no trees on the application site although a line of mature Leylandii trees are located along the western boundary of the site.

Parkers Primary School is situated immediately to the west of the site beyond which is a group of 10 dwellings also accessed directly via Pound Hill. Saham Mere designated as a County Wildlife Site lies approximately 150 metres to the south of the site. The site is within a 30mph speed restriction with a footpath along the site frontage. No screening exists along the site's north-east and south-east boundary. Surrounding landscape is gently sloping to the north / north east.

### **EIA REQUIRED**

No

### **RELEVANT SITE HISTORY**

No relevant site history

### **POLICY CONSIDERATIONS**

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

CP.01                      Housing

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CP.04	Infrastructure
CP.05	Developer Obligations
CP.09	Pollution and Waste
CP.10	Natural Environment
CP.12	Energy
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.12	Trees and Landscape
DC.13	Flood Risk
DC.14	Energy Efficiency
DC.15	Renewable Energy
DC.16	Design
DC.17	Historic Environment
DC.19	Parking Provision
NPPF	With particular regard to paragraphs 14, 47 and 49
NPPG	National Planning Practice Guidance

### **CIL / OBLIGATIONS**

40% affordable housing - split 70 / 30 between rent and intermediate products.

Norfolk Fire Services require one hydrant to be provided on site.

Public Open Space would be provided on-site in accordance with Policy DC11.

### **CONSULTATIONS**

#### **SAHAM TONEY P C**

The Parish Council discussed this plan at its meeting last night and unanimously agreed to object for the following reasons:

1. The site is a green field site outside of the development boundary. The majority of this development would obscure the panoramic view across to the Mere which is one of village's main characteristics.
2. The development would create increased traffic on Pound Hill which is already almost impassable at school times.
3. The school is oversubscribed and already children from the parish are travelling round trips of as much as 20 miles a day to attend schools.
4. Watton Medical Practice, which serves Saham Toney, is oversubscribed and the Practice Manager has written to Breckland in the past about further development.

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5. There is no guarantee that the affordable homes will be built if the site is to be sold to a developer and also the number of dwellings could increase.

6. When it rains there is always standing water on the road. Water from this proposed site would drain towards Chequers Lane / Cley Lane and Bell Lane where flooding is already being experienced. Foul water from this site would run into the Chequers Lane sewer which is already at maximum capacity according to Anglian Water.

7. Recent Planning Application approvals far exceed our allocation of new houses as in draft 2 of the Local Plan.

8. In the recent Housing Questionnaire which the Council is undertaking for the preparation of its Neighbourhood Plan, all parishioners have expressed a wish for small developments, (up to five houses), with only one or two in favour of large developments.

Saham Toney Parish Council is in the process of preparing a Neighbourhood Plan and we feel that consideration should be given to this even though it is only in the early stages.

Concern is also raised with regard to the development site being the Mere Site which is an historic site.

### **NORFOLK COUNTY COUNCIL HIGHWAYS**

Pleased to see the drawing has been amended with an annotation relating to the footway widening works between the site and the school playground. No objection subject to conditions.

### **CONTAMINATED LAND OFFICER**

No objection subject to conditions.

### **ECOLOGICAL AND BIODIVERSITY CONSULTANT**

The treeline along the western boundary should be retained and protected throughout the development. Recommendations are advised regarding future lighting schemes at the site. A condition should be attached to the application to ensure the protection of nesting birds. Recommendations for enhancements are provided to ensure the sustainability of the development in terms of the NPPF and the Natural Environment and Rural Communities, (NERC), Act 2006.

### **FLOOD & WATER MANAGEMENT TEAM**

The Local Authority must be satisfied that the applicant has confirmed to government guidance on flood and water management.

### **TREE AND COUNTRYSIDE CONSULTANT**

No objection to the principal. A impact assessment and tree protection plan will be required when layout has been established.

### **HISTORIC ENVIRONMENT SERVICE**

An archaeological evaluation should be requested by planning condition. In this case the evaluation should comprise trial trenching. A brief for the archaeological work can be obtained from Norfolk Historic Environment Service.

### **HOUSING ENABLING OFFICER**

At present a 40% provision is required on sites capable of accommodating 11 or more dwellings and/or 0.7ha. This is then further split into 65% being made available for rent and 35% for shared ownership, shared equity or any other intermediate product that meets the intermediate definition within NPPF, meets an identified need in the District and is agreed by the Council. In

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this instance seven units would be required, five for rent and two for intermediate housing. The seven no units proposed on the application form would appear to meet this requirement. The affordable housing mix will need to be determined in the reserved matters. I would currently recommend a mix of mainly smaller, 1- and 2-bed units, in line with Breckland's housing need.

### **NORFOLK FIRE AND RESCUE SERVICE**

Condition recommended to ensure scheme for the provision of fire hydrants is submitted for approval. The applicant will be expected to meet the costs of supplying and installing the fire hydrants.

### **NORFOLK RIVERS INTERNAL DRAINAGE BOARD - No Comments Received ENVIRONMENT AGENCY - No Comments Received**

## **REPRESENTATIONS**

28 representations have been received in response to the application.

Concern relates to: wildlife; housing pollution; unnecessary housing; flooding; rural area; no longer specific allocation for housing; site not suitable; against policy; Saham Toney is not a service centre; Pound Hill at school times hazardous and single track; development appear isolated; inadequate services; fast traffic; poor footpaths; lack of infrastructure; loss of views; object to all planning development in Saham Toney.

## **ASSESSMENT NOTES**

### 1.0 Sustainable Development

1.1 For decision making purposes, as required by Section 38(6) of the Planning & Compulsory Purchase Act 2004, the Development Plan comprises the Adopted Core Strategy and Development Control Policies Development Plan Document, together with the Site Specific Allocations DPD. Material considerations in respect of national planning policy are the NPPF and the more recently published National Planning Policy Guidance.

1.2 In relation to settlement boundaries, the objectives of Policy CP14 include focusing development in sustainable locations with access to key services and protecting the form and character of settlements. These objectives are consistent with the NPPF's key aims and so in this respect Policy CP14 can be afforded significant weight in accordance with paragraph 215.

1.3 The site is located outside the settlement boundary of Saham Toney in an area of open countryside to the north west of the village, (as defined by policies SS1, DC02, CP01 and CP14 of the Core Strategy and Development Control Policies Development Plan Document 2009), where development is heavily restricted. As such the proposed residential development would be contrary to the development plan.

1.4 Planning law requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. It is necessary to consider therefore whether in this case any such material considerations, including national planning policy, would justify a departure from policy.

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1.5 Paragraph 49 states that housing applications should be considered in the context of a presumption in favour of sustainable development. The NPPF defines sustainable development in broad terms by reference to economic, social and environmental considerations and indicates that planning should seek gains in relation to each element. The provision of housing to meet local needs is identified as a key component of sustainable development and in this respect the NPPF seeks to boost significantly the supply of housing. The conservation of the natural environment is also central to the NPPF, including protecting valued landscapes and minimising effects on biodiversity. In order to promote sustainable development in rural areas, the NPPF indicates that housing should be located where it will enhance or maintain the vitality of local communities.

1.6 Saham Toney is currently identified in the Council's Spatial Strategy as a Local Service Centre and is not allocated any significant growth beyond existing commitments. It is noted that in the emerging plan for the District Saham Toney is identified to be removed as a Local Service Centre as it no longer meets the required criteria. However, as the emerging plan is at an early stage and has yet to be submitted and examined by an Inspector this can only be given very limited weight. Nevertheless, consideration has been given to the sites access to the current level and range of services and facilities in the surrounding area. At present Saham Toney does benefit from a primary school, public house, post office and community centre and recreation ground and play area. There is a bus service which runs Monday to Saturdays which provides hourly services to Kings Lynn and Watton. The market town of Watton is also located in relatively close proximity to the south and provides for a range of the necessary employment, education, retail and leisure needs of future residents. In this respect the application site is considered to represent a sustainable location.

1.7 Although opposite the settlement boundary of Saham Toney, the proposed development would adjoin built form along its southern boundary and not appear as isolated development in the countryside. The residential use would also be generally compatible with the residential character of the area opposite.

1.8 It is noted that the proposed dwellings would provide economic support for existing shops and facilities and contribute to the vitality of the local community and a range of transport options would be available to them. The construction of the development would have some short-term economic benefits. The development would thus be consistent with the NPPF principles that housing should be located where it will maintain or enhance the vitality of existing communities, minimise the need to travel and support economic growth.

1.9 In terms of availability and delivery, Paragraph 47 of the NPPF requires new sites for housing development to be deliverable, which is defined as being available now, suitable in terms of location and be achievable in respect of housing being developed on the site within the next five years. To ensure the deliverability of the development a planning condition would require a reduced permission time period.

## **2.0 Design and Impact on the Landscape Character and Appearance of the Area**

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2.1 The NPPF highlights in paragraph 56 that "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people."

2.2 Paragraph 64 further states that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

2.3 Development within the District is further expected to be of the highest design quality in terms of both architecture and landscape. It should have regard to good practice in urban design and fully consider the context within which it sits. It should embrace opportunities to enhance the character and appearance of an area and contribute to creating a sense of local distinctiveness. The importance of the character and form, height, scale, massing and layout amongst other key design considerations are also set out in policy DC16 of the Core Strategy.

2.4 Policy CP11 of the Core Strategy seeks to ensure that the landscape of the District will be protected for the sake of its own intrinsic beauty and its benefit to the rural character. Development within the District is also expected to be of the highest design quality in terms of both architecture and landscape. It should have regard to good practice in urban design and fully consider the context within which it sits, embracing opportunities to enhance the character and appearance of an area. The policy also makes reference to the Council's Landscape Character Assessment, (LCA). These aims are reiterated in paragraph 17 of the National Planning Policy Framework, (the Framework).

2.5 The Breckland District Landscape Character Assessment, (2007), indicates that the landscape is classified as part of the River Wissey Settled Tributary Farmland, (B5), character area, where views within and across the character area are largely contained by mixed enclosure hedges with hedgerow oaks. Hedged and treed skylines are a feature of the landscape. Development and boundary treatments to the settlement edges should be monitored to ensure that species which could have a suburbanising influence on the landscape should be discouraged.

2.6 The proposed development would increase the amount of the built form to the east of Pound Hill where residential development is limited to just 10 affordable dwelling granted permission on an exception site. The appearance of the site would clearly change from an open field to a small housing estate with the north-east and south east boundaries forming a 'new edge' of development which would intrude into and remain very visible in the landscape. Whilst substantial screening in the form of landscaping is proposed, this would offer only some mitigation and would take considerable time to take effect.

2.7 Whilst the proposed density of development, as depicted in the indicative layout plan would be similar to that of residential development opposite, and the proposed layout which comprises a cul-du-sac design is a familiar one to the west of Pound Hill, built form to the east of Pound Hill is currently limited and the proposal would cause significant harm as a result of its intrusion into the

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open and rural landscape, and therefore, would conflict with Core Strategy Policies CP11, DC02 or DC16, and the policies set out in paragraphs 58 and 109 of the NPPF.

### 3.0 Access and Highway Impact

3.1 The proposal would provide a new junction with Pound Hill to connect with the existing 2m wide footway across the site frontage. The existing footway between the site and the school playground entrance would also be improved to a minimum 2m width as part of the proposal and part-time 20mph signage within the vicinity of the school would be provided. The indicative layout includes an access road directly from Pound Hill to serve all but one of the dwellings, which would have its own separate driveway directly via Pound Hill.

3.2 The Highway Authority considers that the proposed access is acceptable and off-site highway works would mitigate the scale of development proposed. No objection is raised to the proposal subject to conditions.

### 4.0 Impact on Amenity

4.1 The indicative layout submitted with the application illustrates a scheme with 19 dwellings on land to the east of Pound Hill. The full impact on residential amenity would be assessed at the reserved matters stage and careful attention would be needed to ensure an acceptable level is maintained. It is however considered that the site could satisfactorily accommodate the proposed development with no detrimental harm caused to amenity.

### 5.0 Affordable Housing

5.1 Breckland's Policy DC04 requires 40% affordable housing to be provided on sites of 0.17ha or more. The applicant has confirmed they are willing to enter into a legal agreement in relation to this matter.

### 6.0 Archaeology

6.1 Previous archaeological excavation immediately to the south of the proposed development site buried archaeological remains associated with Roman, Anglo Saxon medieval and post-medieval activity. Consequently there is potential that further heritage assets with archaeological interest, (buried archaeological remains), will be present at the site and that their significance will be affected by the proposed development. The Historic Environment Service therefore asks that the approval be subject to a condition for a programme of archaeological work in accordance with paragraph 141 of the NPPF.

### 7.0 Drainage and Flood Risk

7.1 The site is located in Flood Zone 1 of the Environment Agency Indicative Flood Map. A Surface Water Drainage Strategy, (Plandescil, July 2016), has been submitted with the application. As the site is within Flood Zone 1 the risk of flooding from fluvial events is minimal

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and the site is indicated to be at very low risk of surface water flooding.

7.2 The surface water runoff would discharge into a sustainable infiltration drainage system designed to contain up to and including the 1 in 100 year rainfall event including climate change. To prevent pollution to the underlying geology and groundwater an appropriate level of water treatment stages are incorporated into the design and to reduce risk of flooding due to failure of the surface water drainage scheme a maintenance scheme. The proposed Surface Water Drainage Strategy would be secured by condition. Foul sewage is proposed to be disposed of via mains sewer.

### 8.0 Public Open Space

8.1 For residential developments on sites of 0.8 hectares or more open space should be provided on site with priority given to children's play space. Whilst the layout and dwelling sizes are indicative only a development such as this would require approximately 1116 sqm of on-site open space. The design and location of on-site provision of children's open space would be fully considered at the reserved matters stage. The on-site open space provision would be secured by S106 Agreement.

### 9.0 Conclusion

9.1 Planning law requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In this instance being located outside of the settlement boundary the proposed development would conflict with policies SS1, CP14 and DC02 of the Core Strategy which set out the approach to directing housing developments in the district and which are considered to carry significant weight. Therefore, it is necessary to consider whether any such material considerations, including national planning policy, which would justify a departure from policy.

9.2 The economic and social benefits of the development can be summarised as follows:

- The provision of 19 new dwellings that would provide additional housing and support businesses and facilities by increased expenditure within the local economy from the new households
- 40% affordable dwelling units provided on site
- Initial job creation during construction phase and additional employment opportunities generated by subsequent supply chain.

9.3 The site is considered to have good access to facilities and local services within Saham Toney which would provide for some daily needs of future residents, with other needs being met in nearby Watton. The existing local bus service provision would assist in connecting the dwellings to services in higher order settlements.

9.4 In terms of other environmental considerations, there will be a significant change to the open

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character and appearance of the site and whilst the site abuts existing built form comprising Parker's Primary School along its southern boundary the proposal would result in a significant harmful intrusion into the surrounding open countryside.

9.5 It has been demonstrated that the dwellings would be safeguarded from flooding and the proposals would not increase the risk elsewhere and there would be no significant adverse impacts on wildlife and nature conservation interests, however the lack of significant adverse impacts are not considered to constitute benefits, and the social and economic benefits derived from the proposed dwellings are not considered to outweigh the conflict with the principle approach to sustainably delivering housing growth set out in the development plan.

9.6 Whilst the proposals would provide for a significant number of new dwellings, these would be located contrary to the policies set out in the adopted core strategy designed to provide for sustainable housing growth in the district. It is concluded that the economic benefits from the proposed dwellings would not significantly and demonstrably outweigh the harm caused by the development being contrary to core policies in the development plan, taking into account the development plan and the policies of the NPPF as a whole and therefore the application is recommended for refusal.

### 10.0 RECOMMENDATION

10.1 The application is therefore recommended for refusal for the following reason;

The site is outside a settlement boundary and the proposed development is contrary to policies SS1, CP14, and DC02 of the adopted Breckland Core strategy and Development Control Policies DPD and as a result the proposals would not form sustainable development. Furthermore there would be no material considerations that would outweigh the harm caused and the proposals would be contrary to the policies contained within the National Planning Policy Framework, (NPPF), in particular paragraphs 12, 14, 17 of the NPPF.

**RECOMMENDATION** Refusal of Outline Planning Permission

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

**9900** Outside settlement boundary

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<b>ITEM</b>	<b>3</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2016/1129/F	<b>CASE OFFICER:</b> Chris Hobson
<b>LOCATION:</b>	OXBOROUGH Oxborough Lakes House Oxborough Lakes Oxborough Road	<b>APPN TYPE:</b> Full <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> <b>CONS AREA:</b> N <b>LB GRADE:</b> N <b>TPO:</b> N
<b>APPLICANT:</b>	Mr Alan Boswell c/o Lanpro Services	
<b>AGENT:</b>	Mr Philip Atkinson Brettingham House 98 Pottergate	
<b>PROPOSAL:</b>	Conversion and enlargement of the existing barn to form a new residential dwelling to replace that approved under	

### REASON FOR COMMITTEE CONSIDERATION

This application is referred to Committee as a proposal for a dwelling outside of the settlement boundary.

### KEY ISSUES

Principle of development and material considerations;  
Impact on character and appearance of surrounding area and landscape;  
Ecology and arboricultural implications;  
Highway safety and traffic implications;  
Flood risk and drainage implications;

### DESCRIPTION OF DEVELOPMENT

The application seeks permission for the conversion and extension of an existing vacant former agricultural building to form a dwelling at Oxborough Lakes, Oxborough Road, Oxborough. The proposals would utilise the existing vehicular access to the site. The proposed extensions would project out at a right angle to the existing building from the roof and extend out on stilts over the adjacent landscape. The resultant dwelling would comprise garage, plant room, lobby and third bedroom suite at ground floor within the existing building, with the proposed extension providing an open plan living area at first floor bathroom and two bedrooms and projecting balcony at first floor, with access to the flat roof. The proposed scheme also includes the provision of a package of ecological enhancement measures including; the incorporation of habitats features within the building; provision of two flint spits within the adjacent lakes, on-going management of the lakes until 2036 and provision of a publicly accessible bird hide.

### SITE AND LOCATION

The application site comprises open land, a vacant building and access road at Oxborough Lakes, Oxborough Road, Oxborough. The site is located within the open countryside to the north of Oxborough Road and east of Stoke Road with the settlement of Oxborough further to the east. The site is predominantly located within the Fens National Character Area and the surrounding

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area characterised by a wetland landscape and small and medium sized deciduous and mixed woodland. The site is accessed via a gravel track with a vacant building adjacent to the lakes originally used in association with sand and peat extraction undertaken at the site until 2011, and more recently for agricultural purposes.

### **EIA REQUIRED**

No

### **RELEVANT SITE HISTORY**

3PN/2014/0024/UC - Prior Approval for conversion of barn to dwelling - Granted.

### **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

Policy SS1 Spatial Strategy  
Policy CP01 Housing  
Policy CP04 Infrastructure  
Policy CP05 Developer Obligations  
Policy CP06 Green Infrastructure  
Policy CP10 Natural Environment  
Policy CP11 Protection and Enhancement of the Landscape  
Policy CP13 Accessibility  
Policy CP14 Sustainable Rural Communities  
Policy DC01 Protection of Amenity  
Policy DC02 Principles of New Housing  
Policy DC04 Affordable Housing Provision  
Policy DC11 Open Space  
Policy DC12 Trees and Landscape  
Policy DC13 Flood Risk  
Policy DC16 Design  
Policy DC19 Parking Provision  
Policy DC20 Conversion of Buildings in the Open Countryside

National Planning Policy Framework (NPPF)

With particular regard to paras 11 - 14, 17, 32, 34, 35, 47, 49, 54, 55, 58, 63 - 65, 93-96, 100 - 103, 109 203 - 206 & 215.

NPPG National Planning Practice Guidance

### **CIL / OBLIGATIONS**

The applicant has drafted up a Legal Agreement by way of unilateral undertaking to extend the management plan for Oxborough Lakes to 2036.

### **CONSULTATIONS**

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### **OXBOROUGH P C**

Although there are a number of benefits there are no specific details; and Boughten Parish Council managers of Boughten Fen have not been approached.

Officer Note: The proposed bird hide would be accessible to the public with the exact details to be the subject of discussions with Boughten Parish Council and secured by way of a condition on the grant of permission requiring a scheme to be approved in writing by the LPA, and by way of an agreed management plan for the site secured by Legal Agreement.

### **NORFOLK COUNTY COUNCIL HIGHWAYS**

No objections subject to conditions.

### **CONTAMINATED LAND OFFICER**

No objections.

### **TREE AND COUNTRYSIDE CONSULTANT**

No objections.

### **NATURAL ENGLAND**

No comments to make on application.

### **ENVIRONMENT AGENCY**

No objections.

### **NORFOLK WILDLIFE TRUST**

No objections in relation to impacts on biodiversity.

With regard to biodiversity, the application proposes an extension of the existing conservation management plan to 2036. Support the proposals within the management plan as they will ensure that the site continues to be well managed for conservation into the future. Pleased to see that there is an intention to allow limited public access.

The information within the plan appears to confirm that the area of the site that lies outside of the former works area is likely to meet CWS criteria. NWT would be happy to formally assess the site on behalf of the County Wildlife Sites Partnership.

### **BOUGHTON PARISH COUNCIL - No Comments Received**

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

Ecological Consultant - No objections subject to conditions.

## **REPRESENTATIONS**

Letters were sent to neighbouring residents; a site notice displayed at the site and notice displayed in the local press. The Council has received two representations objecting to the proposals for the following reasons:

- Previously granted under prior approval which did not allow extensions.
- Not clear what is proposed, residential, holiday let, public bird hide.

The Council has received one representation in support highlighting the following:

- the proposals could provide an excellent facility.

## **ASSESSMENT NOTES**

1.0 This application is referred to Committee as a development proposal outside of settlement

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boundaries.

### 2.0 Principle of development and material considerations

2.1 For decision making purposes, as required by Section 38(6) of the Planning & Compulsory Purchase Act 2004, the Development Plan comprises the Adopted Core Strategy and Development Control Policies Development Plan Document, together with the Site Specific Allocations DPD. Material considerations in respect of national planning policy are the NPPF and the more recently published National Planning Policy Guidance.

2.2 In relation to settlement boundaries, the objectives of Policy CP14 include focusing development in sustainable locations with access to key services and protecting the form and character of settlements. These objectives are consistent with the NPPF's key aims and so in this respect Policy CP14 can be afforded some weight in accordance with paragraph 215. The site is located outside the settlement boundaries in an area of open countryside, (as defined by policies SS1, DC02, CP01 and CP14 of the Core Strategy and Development Control Policies Development Plan Document 2009), where development is heavily restricted. Policy CP14 does allow for the appropriate re-use of existing rural buildings, for which the criteria are set out in policy DC20. However, given the sites location and the modern industrial appearance of the building it is not considered that the proposals would comply with the tests set out in Policy DC20, and therefore there would be a conflict with both policies DC20 and CP14.

2.4 Planning law requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. It is necessary to considered therefore whether in this case any such material considerations, including national planning policy, would justify a departure from policy.

2.5 Paragraph 49 of the NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development. The NPPF defines sustainable development in broad terms by reference to economic, social and environmental considerations and indicates that planning should seek gains in relation to each element. The conservation of the natural environment is also central to the NPPF, including protecting valued landscapes and minimising effects on biodiversity. In order to promote sustainable development in rural areas, the NPPF indicates that housing should be located where it will enhance or maintain the vitality of local communities.

2.6 It is noted in this particular case that the site benefits from extant permission, (3PN/2014/0024/UC), for a dwelling at the site granted in 2014. This granted approval by way of the prior approval procedure for the conversion of the existing building at the site to form a dwelling. The presence of a fall back position is a material consideration, which in this case it is noted that the permission could reasonably be implemented in the short term. As such, this has been given significant weight in the consideration of this application. Therefore, whilst the proposal conflicts with policies CP14 and DC20 the proposals would not give rise to any significant additional harm over and above that that would occur by way of the extant permission.

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2.7 With respect to other social and economic benefits, it is noted that the new household would provide some limited economic support for existing shops and facilities which would in turn assist in contributing to the vitality of the local community, with some limited short-term economic benefits derived during construction. However, given the scale concerned in this case this is not considered to be decisive. Discussion of the environmental impacts are considered in further detail elsewhere in this report.

2.8 National planning policy, as set out in Paragraph 55 of the National Planning Policy Framework, (NPPF), does states that local planning authorities should avoid isolated new homes in the countryside, but sets out special circumstances that may justify development to include, amongst other things, the exceptional quality or innovative nature of the design of the dwelling. Such dwellings should:

- Be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- Reflect the highest standards of architecture;
- Significantly enhance its immediate setting; and
- Be sensitive to the defining characteristics of the local area.

2.9 The applicant contends that the proposal would satisfy these criteria and the application has been submitted on this basis. In this respect it is noted that the proposal would be:

- Designed to achieve code level 5 of the code for sustainable homes. Whilst not achieving code level 6 the applicants note that to achieve greater renewable energy performance would require intrusive works to the surrounding landscape and more visually prominent works which is contrary to the light touch design approach to the surrounding habitats and landscape.
- Designed to maximise thermal performance through air tight construction, use of triple glazing, and electrical shutters to all openings in order to maximise the benefit of solar gain and solar shading in order to achieve to achieve Passive Haus Standards and reduce energy use. The design of the dwelling allows all parts of the building to benefit from natural light and with careful orientation helps to capture the best views out, whilst maximising the potential of solar gains;
- Constructed using accoya wood for timber cladding, a sustainably sourced softwood innovatively treated to provide long term robustness;
- Utilising a green roof to accommodate various types of local flora and fauna to help visually bed the building into the landscape and promote biodiversity, reduce rain water run-off, and help to buffer radiant heat and keep the building cool in the summer;
- Sources of electric and power provided by solar Photo-voltaic panels located on the roof.
- Heating provided by an air source heat pump, and a mechanical ventilation / heat recovery system.
- Grey water and sewerage to be treated on site within a package sewage treatment plant with the green roof storing rainfall before discharge into adjacent ditch.

2.10 Other features of the building seek to minimise its impact on the surrounding area by

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utilising the existing building and extend out with little work. The building design incorporates many features that would enhance the ecological and biodiversity value of the site, including the introduction of a green roof, bug boxes, bat boxes, owl boxes, house martin nesting sites in the eaves, non-aligned windows to avoid bird strike, the creation of two flint rubble spits within the adjacent water bodies to provide habitats for the little ring plover. The inclusion of metal shutters within the window and door openings would further limit light spill in the hours of darkness in the interests of nocturnal wildlife.

2.11 In general terms the proposed design is interesting and contemporary in its approach, architectural style and use of materials. The proposals would utilise alternating vertical timber and aluminium cladding and a green roof designed to reflect the materials used within the existing building and the surrounding rural and wooded context, with patterns of timber and aluminium cladding replicating the pattern of the surrounding reeds and coniferous trees. In terms of architecture the design of the dwelling is bespoke and contemporary and given its location would be viewed in its own context. Taking a light touch approach utilising the existing building with new extensions built on stilts the proposed development not only has a unique and innovative appearance but also minimises its intrusion into the surrounding landscape and habitats.

2.12 Having regard to the criteria in paragraph 55, the provision of ecological enhancements is therefore imbedded in the design of the proposed scheme and as seen within the original design concept, ecological enhancements attention to detail provides for a unique and innovative approach to design and small scale house building. The incorporation of various measures to minimise the impact on the surrounding ecology and habitats, the incorporation of measures to meet passivehaus standards, designing in long-term sustainability of materials and flexibility in the internal layout the proposals would reflect the highest standards in architecture, furthermore, through the design and appearance of proposed extensions and conversion the proposals also provide the opportunity to enhance the character and appearance of the existing building, whilst being sensitive and limiting any physical works to the surrounding lake and woodland landscape.

### 3.0 Design and Impact on Character and impact on surrounding area and landscape

3.1 The NPPF highlights in paragraph 56 that "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people."

3.2 Paragraph 64 further states that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

3.3 Development within the District is further expected to be of the highest design quality in terms of both architecture and landscape. It should have regard to good practice in urban design and fully consider the context within which it sits. It should embrace opportunities to enhance the character and appearance of an area and contribute to creating a sense of local distinctiveness. The importance of the character and form, height, scale, massing and layout amongst other key

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design considerations are also set out in policy DC16 of the Core Strategy.

3.4 Policy CP11 of the Core Strategy seeks to ensure that the landscape of the District will be protected for the sake of its own intrinsic beauty and its benefit to the rural character. Development within the District is also expected to be of the highest design quality in terms of both architecture and landscape. It should have regard to good practice in urban design and fully consider the context within which it sits. It should embrace opportunities to enhance the character and appearance of an area and contribute to creating a sense of local distinctiveness.

3.5 The Breckland District Landscape Character Assessment, (2007), indicates that the landscape is classified as part of the River Wissey Settled Tributary Farmland, (B5), character area. The site is in the Saham Toney South West, (ST1), character area as identified within the Settlement Fringe Landscape Character Assessment, (2007), which is considered to be highly sensitive. General Landscape Management principles include conserving the landscape setting of Saham Hall and Broom Hall. The principles for new development include; conserving the sensitive rural gap between Watton and Saham Toney created by the wooded watercourse and parkland landscape of Broom Hall; avoid infill or the creation of further blocks of development.

3.6 The proposed development takes a bespoke and contemporary approach which given that the proposals would be viewed in their own context is considered an appropriate design approach. Also taking a light touch approach utilising the existing building with new extensions built on stilts the proposed development not only has a unique and innovative appearance but also minimises its intrusion into the surrounding landscape and habitats.

3.7 The proposed extensions would project out into an otherwise open landscape and in order to minimise this amendments have been made to reduce the length of the projection. The additional bulk of the extensions would have a greater impact on the openness of the site than the existing building at the site. However, the stilted design allows views through and under the proposed development of the site and surrounding lakeside and woodland landscape remain. In terms of its wider landscape impact it is noted that the site sits in a secluded location surrounded by lakes and woodland and is well screened from public view.

3.8 Having regard to the above, whilst there would be localised harm as a result of the projection of the extensions out into the open landscape, given the secluded nature of the site and proposed conversion and extensions, the character and appearance of the existing building, it is not considered that there would be significant harm caused to character and openness of the open countryside and. Therefore, the proposals would not conflict to a significant degree with Core Strategy Policies CP11, DC02 or DC16, and the policies set out in paragraphs 58 and 109 of the NPPF.

### **4.0 Ecology and Arboricultural Implications**

4.1 Both Core Strategy Policy CP10 and the NPPF require that development should contribute to a net gain in biodiversity with an emphasis on improving ecological networks and linkages where

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possible. Furthermore, in order to accord with Section 40 of the 2006 Natural Environment & Rural Communities, (NERC), Act, paragraph 118 of the 2012 National Planning Policy Framework, (NPPF) and policies CP06, CP08, CP10 and CP11 and of the 2012 Breckland Adopted Core Strategy & Development Control Policies Development Plan, all of which promote the conservation and enhancement of biodiversity through sustainable development. The applicant must do more to ensure that the scheme constitutes sustainable development and that the existing natural features are conserved in a way that guarantees their long-term viability.

8.2 With regards to implications on protected sites the site is located adjacent to the Fens SSSI located immediately to the west and County Wildlife Site to the north. Natural England and the Council's Ecologist have raised no objections to the proposed development. Given the scale and nature of the proposals, it is considered that there would be no significant adverse impacts by way of the physical development and recreational use on the surrounding statutorily and non-statutorily protected sites.

8.3 The application site comprises open land and a vacant building adjacent to Oxborough Lakes with access track leading through mature mixed woodland from Oxborough Road. By using the existing track and building, and siting building on stilts over the land the proposed works would minimise impacts on the existing habitats. With regards to protected species and local flora and fauna, the Council's Ecologist has raised no objections subject to conditions securing the proposed ecological and habitat enhancement and creation measures set out in the landscape strategy; the implementation of the extended management plan to 2036; the implementation of the various measures within the building to minimise light spill and provide the proposed nests and roosts for wildlife and the submission and approval of details of suitable working methods and mitigation birds.

8.4 In addition to those measures contained within the proposed extensions to provide habitats for

a variety of flora and fauna, the proposed scheme includes the following ecological benefits:

- Wildlife enhancements including provision of two new flint rubble spits to provide nesting habitats for the little ringed plover.
- Extension of the long term management plan for the Oxborough Lakes site up to 2036, secured by way of a unilateral undertaking.
- Provision of a publicly accessible bird hide and bird viewing space at Oxborough Lakes. Details of siting design and appearance, access and on going management to be secured by way of a

Legal Agreement and condition.

8.5 Whilst full details of the bird hide have been provided, these remain indicative in order to allow further discussions and workshops to take place with local interest groups including Boughton Parish Council on the final detail of the bird hide, including its siting, design and access times. The requirement to submit a scheme for the provision and on going management of a bird hide has been secured within a unilateral undertaking to accompany the application. With the final detailed siting and design of the bird hide would be secured by way of a condition should permission be granted once further workshops have taken place.

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8.6 The proposed development would retain the existing trees within the site. The Council's Arboriculture Officer has raised no objections to the proposed development. In conclusion, it is considered that the proposals would offer significant benefits to the biodiversity and ecological value of the site and surrounding area and that subject to the signing of the unilateral undertaking and conditions submission and approval of the enhancement measures, provision of a detailed scheme for the bird hide, the proposed development would accord with the objectives of the NPPF and Core Strategy Policy CP10.

### 5.0 Highway Safety and Traffic Implications

5.1 Paragraph 32 of the NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Planning decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

5.2 The proposed development of a dwelling with additional annexe accommodation for guests would access the site via the existing highway network and access track. The Highways Authority have reviewed the proposals and have raised no objections. With regards to traffic generation, given the scale of development it is considered there would be no significant additional vehicular traffic on the surrounding highway network and utilising the site accesses. However, it is not considered that a residential development of the size indicated would cause severe impacts on the capacity of the surrounding network. The layout also demonstrates that sufficient vehicular parking would be provided for each dwelling on site.

5.3 Having regard to the above it is considered that the proposed access arrangements would be acceptable, the application is considered to accord with paragraph 32 of the NPPF, which states that, 'development should only be refused on transport grounds, where the residual cumulative impacts of development are severe'.

### 6.0 Flood risk and drainage

6.1 Paragraph 103 of the NPPF stipulates that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the sequential test, and if required the Exception Test, it can be demonstrated that:

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- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

6.2 The applicants have submitted a site specific flood risk assessment and preliminary drainage strategy. The application site is located within flood zone 1 and is therefore within an area at lowest risk of flooding from various sources including that from rivers, surface water, tidal, reservoir and canal sources. The proposals would utilise an existing building and access track and involve first floor extension to provide the main living accommodation. Furthermore, the Environment Agency have raised no objections to the proposed development.

6.3 With regards to managing surface water flows, it is noted that the proposals would not introduce any significant increase in the extent of hardstanding. Having regard to the above it is considered that subject to such a condition it is considered that satisfactory measures could be delivered to ensure the dwellings proposed would not be at risk of flooding themselves and the proposals would not significantly increase the risk of flooding elsewhere.

6.5 Foul drainage would be via the existing mains system. Anglian Water have confirmed that there would be capacity available in the surrounding sewerage system and within the Watton Water Recycling Centre for the flows from the proposed development and have raised no objection to the application subject to conditions, including a requirement to submit details of the foul water drainage scheme.

6.6 In this instance it is noted that the Environment Agency have raised objections to the proposed development. Having regard to the above the proposed dwelling would be safeguarded from flood risk and it would not increase the risk of flooding elsewhere. The proposals would therefore accord with paragraphs 103 and 120 of the NPPF and Core Strategy Policy DC13.

### 8.0 Other material considerations

#### Land contamination

8.2 Paragraph 121 of the NPPF indicates that planning policies and decisions should ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;
- after remediation, as a minimum, land should not be capable of being

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determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

- adequate site investigation information, prepared by a competent person, is presented.

8.3 The application has been reviewed by the Council's Contaminated Land Officer who has raised no objections to the proposed development. It is noted that the proposals would involve minimal excavation and ground works. Therefore, it is considered that the proposed site would be suitable for residential development and the guidance contained within the NPPF would be met.

### 9.0 Conclusion

9.1 As noted above, the proposed development would conflict with policies CP14 and DC20 of the adopted Core Strategy and there would be some localised impact on the site and immediate surrounding landscape from the proposed extensions. Planning law requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. It is necessary to consider therefore whether in this case any such material considerations, including national planning policy, would justify a departure from policy.

9.2 In this case, extant permission exists for the conversion of the existing building to form a dwelling and the proposed conversion and extensions to form a dwelling would not give rise to significant adverse impacts to policy objectives set out in policies CP14 and DC20 over and above the already permitted development.

9.3 The National Planning Policy Framework, (NPPF), is clear and explicit that Local Planning Authorities should consider favourably sustainable development. The ecological benefits of the development can be summarised as follows:

- significant ecological and biodiversity enhancements to Oxborough Lakes through the provision of flint spits, suppression of invasive species, and the incorporation of a number of habitat and nesting features within the building;
- the provision of publicly accessible bird hide facility and plan to secure its on going management and accessibility;
- the on going ecological and landscape management of Oxborough Lakes for a further 10 years up to 2036.

9.4 The proposed development would also provide a new dwelling of high quality, unique and innovative design and construction that is an improvement on the existing building and is sensitive to its setting and surrounding flora and fauna and as such is considered to meet the criteria set out in paragraph 55 of the NPPF. Whilst there would be some social and economic benefits through the provision of a dwelling it is not considered that these would be significant given the limited scale of the proposed development. Provision of a bird hide accessible to the

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public would though provide for a significant social benefit to the local community and associated interest groups.

9.5 Having regard to the above benefits derived through the proposed scheme it is considered that these would outweigh the harm caused by way of conflict with development plan policy and the localised impact on the openness of the surrounding area. For the reasons summarised above, it is concluded that the benefits of the scheme would outweigh the adverse impacts and subject to conditions and Legal Agreement to secure the above ecological benefits, the proposal would form sustainable development, taking into account the development plan and the policies of the NPPF as a whole.

### 10.0 RECOMMENDATION

10.1 The application is therefore recommended for approval, subject to conditions, the completion of a Legal Agreement.

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 Legal Agreement are not completed within three months of any resolution to approve by members or that the Planning Manager has the authority to agree another more appropriate time scale for the completion of any such agreement.

**RECOMMENDATION** Planning Permission

### **CONDITIONS**

- 3006** Full Permission Time Limit (3 years)
- 3047** In accordance with submitted
- 3920** Details of all Materials
- 3920** Scheme for publicly access bird hide prior to commencement
- 3920** Details of flint spits
- 3920** Details of foul and surface water drainage
- 3920** Any external Lighting to be approved
- 3920** Contruction Environmental Management Plan (CEMP)
- 3920** No clearance within bird nesting season
- 3920** Access, parking and turning areas laid out
- 3923** Contaminated Land - Informative (Extensions)
- 4000** Variation of approved plans
- 3996** Note - Discharge of Conditions
- 3992** Non-standard note re: S106
- 3972** NOTE: Bats and Owls
- 2001** Application Approved Following Revisions

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

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<b>ITEM</b>	<b>4</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2016/1167/D	<b>CASE OFFICER:</b> Heather Byrne
<b>LOCATION:</b>	SPORLE Thatched Cottage Too 29 The Street	<b>APPN TYPE:</b> Reserved Matters <b>POLICY:</b> Part In Set Bndry <b>ALLOCATION:</b> <b>CONS AREA:</b> N <b>LB GRADE:</b> N <b>TPO:</b> N
<b>APPLICANT:</b>	Mr & Mrs D Russell Thatched Cottage Too 29, The Street	
<b>AGENT:</b>	Parsons & Whittlely Ltd 1 London Street Swaffham	
<b>PROPOSAL:</b>	Approval of reserved matters 'Appearance, Landscaping, Layout & Scale' for the Proposed Single Storey	

### REASON FOR COMMITTEE CONSIDERATION

At the request of the Members of the Committee.

### KEY ISSUES

Principle of development  
Impact upon character and appearance of area  
Impact upon amenity  
Impact upon highway safety

### DESCRIPTION OF DEVELOPMENT

This application seeks reserved matters consent for a new dwelling within the garden of an existing dwellings. The application proposes a single storey dwelling with detached garage. The dwelling would be constructed of timber weatherboarding with a red brick plinth for the walls and the roof would be part sedum covering to the flat element and zinc to the remaining part, (precise details to be agreed).

### SITE AND LOCATION

The proposed site forms part of the existing rear residential amenity space of 'Thatched Cottage Too'. The proposal is located outside of the defined Sporle Settlement Boundary. The surrounding area is characterised by residential development, with access gained to the proposed site via The Street. The site is bounded by residential development to the north, south and east and agricultural land to the west.

### EIA REQUIRED

No

### RELEVANT SITE HISTORY

3PL/2015/0537/O

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Proposed Single Storey dwelling  
Permission 23-10-2015  
3PL/2016/0290/VAR  
Change of condition 3 on 3PL/2015/0537/O revised access  
Permission 25-04-2016  
3PL/2016/0556/D  
Erection of Dwelling  
Withdrawn 27-07-2016  
3PL/2016/1177/VAR  
Removal of condition 4 on 3PL/2016/0290/VAR in respect of proposed roof tiles

### **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.12	Trees and Landscape
DC.16	Design
DC.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

### **CIL / OBLIGATIONS**

Not applicable

### **CONSULTATIONS**

#### **SPORLE WITH PALGRAVE PARISH COUNCIL**

No objection to the revised position of the garage but suggest further hedging is planted to provide extra screening. Still have concerns regarding the south boundary being excavated for the access. After re-consultation on additional information submitted still raised the above concerns and also stated there is no provision to lower the height of the ground behind the existing properties to prevent overlooking.

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

It is noted the site benefits from outline approval and that conditions relating to access and visibility have already been imposed. If approved a condition should be imposed relating to the access, parking and turning area.

#### **CONTAMINATED LAND OFFICER**

No objections or comments on the grounds of Environmental Protection, providing the development proceeds in line with the application details.

#### **TREE AND COUNTRYSIDE CONSULTANT**

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Operations on site shall take place in complete accordance with the approved Arboricultural Impact Assessment, (AIA), Tree Protection Plan, (TPP) and Arboricultural Method Statement, (AMS), supplied by Plandescil, dated September 2016.

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

#### **REPRESENTATIONS**

Three representations have been received and are summarised below:

- The proposal should include a tree / shrub planting scheme to supplement existing along the boundaries to provide adequate screening / privacy;
  - Issues regarding the proposed re-grading of the access within close proximity to neighbouring property / boundary and impact upon this;
  - Impact upon adjacent dwellings;
  - Proposed floor level and ridge height higher than adjacent properties and should be lowered;
- and
- Proposal would dominate adjacent dwellings.

#### **ASSESSMENT NOTES**

1.0 This application seeks reserved matters consent for a new dwelling within the garden of an existing dwellings. The application proposes a single storey dwelling with detached garage.

#### 2.0 Principle of development

2.1 A previous reserved matters application, reference 3PL/2016/0556/D, was submitted and withdrawn. This application proposed the erection of the detached garage adjacent to the boundary with no.29a and it was considered this would result in a significant overbearing impact upon amenity and would result in a dominant form of development. It was also requested that further details would need to be provided in regards to proposed site levels, in particular regard to the access. The current application has relocated the garage to the western boundary away from the neighbouring properties and further information has been provided in regards to site levels and a proposed streetscene plan has also been submitted.

2.2 It was also noted that the outline permission was subject to a condition (number 4) for the roofing materials to be Norfolk pantiles only. A removal of condition application, reference 3PL/2016/1177/VAR, is currently under consideration to remove this condition due to the proposed design including a sedum and zinc roof.

2.3 In terms of design, scale and appearance it is considered the proposed single storey dwelling would not impact unduly upon the surrounding area due to its single storey nature and the fact it is set to the rear of an existing dwelling and therefore would not impact significantly upon the existing streetscene. It is also considered that the proposal would not result in overdevelopment of the site and sufficient amenity space would be provided for the proposed dwelling.

2.4 In terms of materials, the dwelling would be constructed of timber weatherboarding with a red brick plinth for the walls, and the roof would be part sedum covering to the flat element and zinc to the remaining part. Precise details have not been provided; however it is noted the outline

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approval is subject to a condition for precise details to be approved.

2.5 Sporle Parish Council raise no objection to the revised position of the garage but suggest further hedging is planted to provide extra screening. They still have concerns regarding the south boundary being excavated for the access. After re-consultation on additional information submitted in regards to proposed site levels they still raised the above concerns and also stated there is no provision to lower the height of the ground behind the existing properties to prevent overlooking.

2.6 Three representations have been received and are summarised below:

- The proposal should include a tree / shrub planting scheme to supplement existing along the boundaries to provide adequate screening/privacy;
  - Issues regarding the proposed re-grading of the access within close proximity to neighbouring property / boundary and impact upon this;
  - Impact upon adjacent dwellings;
  - Proposed floor level and ridge height higher than adjacent properties and should be lowered;
- and
- Proposal would dominate adjacent dwellings.

2.7 In terms of neighbour amenity, it is considered the proposal would not impact significantly upon amenity in terms of loss of light, privacy, overlooking, or by being overbearing, due to its single storey nature, separation distances, and existing/proposed boundary treatments. During the outline application concerns were raised regarding the site levels due to the fact the site is higher than the neighbouring dwellings, (no.29a and 31) and additional information was requested at this stage in regards to proposed site levels and it was stated that the finished floor level of the proposed dwelling would be 11.50. This was considered acceptable and whilst it was noted this would be approximately 1m higher than the assumed floor level of no.31 it was considered this would not cause significant harm to amenity. The current application still proposes the finished floor level to be 11.50 and therefore is deemed acceptable.

2.8 If approved permitted development rights for extensions etc, balconies / roof gardens, and fencing / walls would be removed to ensure the proposal does not result in overdevelopment of the site and to protect and maintain neighbour amenity.

2.9 The proposal highlights that the existing hedging between no.29a and 31 is to remain. It is also noted the outline approval is subject to a condition for landscaping details to be agreed. The current application includes no detailed landscaping scheme and therefore this condition remains. It is considered the existing hedging along the eastern boundary should be reinforced where necessary and the boundary with no.29a and 29 adjacent to the proposed access should be landscaped with trees/hedging to protect and maintain neighbour amenity. A note would be attached if approved stating the conditions on the outline remain extant.

2.10 The Highways Authority stated the site benefits from outline approval and that conditions relating to access and visibility have already been imposed. If approved a condition should be imposed relating to the access, parking and turning area.

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2.11 The Contaminated Land Officer raised no objections or comments on the grounds of Environmental Protection, providing the development proceeds in line with the application details.

2.12 The Tree Consultant stated operations on site shall take place in complete accordance with the approved Arboricultural Impact Assessment, (AIA), Tree Protection Plan, (TPP) and Arboricultural Method Statement ,(AMS), supplied by Plandescil, dated September 2016.

### 3.0 Conclusion

In conclusion, the application is considered to be acceptable in planning terms and therefore is recommended for approval, subject to the imposition of conditions.

**RECOMMENDATION** Approval of Reserved Matters

#### **CONDITIONS**

<b>3012</b>	Approval of Reserved Matters condition
<b>3047</b>	In accordance with submitted
<b>HA24</b>	Provision of parking and servicing - when shown on plan
<b>3920</b>	Tree condition
<b>PD07</b>	No PD for classes A B C D & E
<b>PD10</b>	PD removed for balcony, roof garden etc
<b>PD04</b>	No PD for fences, walls etc
<b>3994</b>	Note - Outline conditions
<b>4000</b>	Variation of approved plans
<b>3996</b>	Note - Discharge of Conditions
<b>2000</b>	NOTE: Application Approved
<b>2014</b>	Criterion E - Planning Apps Where Approved

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<b>ITEM</b>	<b>5</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2016/1196/F	<b>CASE OFFICER:</b> Viv Bebbington
<b>LOCATION:</b>	BAWDESWELL The Shetlands Reepham Road	<b>APPN TYPE:</b> Full <b>POLICY:</b> <b>ALLOCATION:</b> <b>CONS AREA:</b> N <b>LB GRADE:</b> N <b>TPO:</b> N
<b>APPLICANT:</b>	Mr F Massingham The Shetlands Reepham Road	
<b>AGENT:</b>	Mr F Massingham The Shetlands Reepham Road	
<b>PROPOSAL:</b>	Standing of 3 units of accommodation	

### REASON FOR COMMITTEE CONSIDERATION

The application is referred to Planning Committee as it is a departure from Development Plan Policy.

### KEY ISSUES

Principle  
Planning History

### DESCRIPTION OF DEVELOPMENT

The proposal seeks full planning permission for the retention of three units of accommodation. The accommodation relates to two mobile homes and one touring caravan. The applicant has requested that the permission be made permanent.

### SITE AND LOCATION

The site is to the north-east of Bawdeswell village, on the southern side of the Reepham Road. The site has an area of approximately 2,812 square metres. The site is served by mains electricity and a septic tank. There are additional small buildings towards the rear of the site. The frontage to the road has been fenced and planted. The rear boundary is relatively open. The side boundaries are marked by planting and fencing. There are fields to the east, south and west. Immediately abutting the site to the south is a field used for the grazing of horses; there is a stable block, field shelter and another building on this site which is known as The Old Workhouse.

### EIA REQUIRED

No

### RELEVANT SITE HISTORY

A local traveller family occupied this site in 1992. At the time, the Council served an enforcement notice on the use on the 5 May 1992 and the occupants appealed. At inquiry, the appeal against

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the notice was dismissed on the 19 November 1992, (Ref T/APP/C/92/F2605/618897-8/P6). In dismissing the appeal, the Inspector considered the site was suitable for the siting of a travellers caravans in most respects and that "in the particular circumstances of this case an exception to normal settlement policies is appropriate". The appeal failed, however, on the sole ground of inadequate visibility at the site access.

Planning Permission for the retrospective standing of a mobile home and portacabin for ancillary storage was granted in 2000 under reference 3PL/2000/1407. The permission was made temporary for five years and personal to the applicant, Mr Massingham

3PL2003/1156/F - construction of day room - Refused

3PL/2006/0632/F- standing of 3 units of accommodation, (renewal) - Approved - Temporary permission five years and personal to applicant.

3PL/2011/0633/F - renewal of planning permission 3PL/2006/0632/F - standing of three units of accommodation - Approved Temporary permission for five years and personal to the applicant.

### **POLICY CONSIDERATIONS**

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

CP.14	Sustainable Rural Communities
NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

### **CIL / OBLIGATIONS**

Not Applicable

### **CONSULTATIONS**

#### **BAWDESWELL PARISH COUNCIL**

Bawdeswell Parish Council wish to make the following comments with regards to this planning application. The Parish Council share Highways concerns regarding the 60MPH speed limit on the B1145 making entering and leaving the site difficult with safety, especially as it has poor visibility. The site is remote and all occupants of the site would need vehicles to access local amenities. The site is a considerable distance outside the settlement boundary which would in normal circumstances prohibit any agreement to granting planning permission for habitable dwellings. To grant this application would set a bad precedent. A recent application for a permanent site just a few hundred yards from this site was refused. Will that application now ask for temporary permission knowing that in future this could become permanent? For all these reasons, the Parish Council wish to object to the application.

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

The current proposal seeks permanent consent for the standing of three No. residential units which have been granted temporary permission for the past 15 years. You will be aware that this Authority has consistently raised highway safety concerns regarding the existence of

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development in this location on the grounds of the inadequacy of the site access, in particular the level of visibility available. The site is served by Reepham Road, (B1145), a busy and important stretch of the highway network, which is designated as a Main Distributor Route with the primary function of carrying traffic safely and freely between centres of population. Reepham Road is subject to the national speed limit of 60mph and consequently visibility of 2.4m x 215m should be available to either side of the access. However, as previously advised, the level of available visibility at this site access is limited to some 85m to the north-east, (the approaching traffic direction) and 45m to the south-west. This level of visibility falls significantly short of Government safety guidance achieving only some 39% and 21%, respectively, of the recommended standard.

Whilst the original permission 3PL/2000/1467 required visibility splays measuring 2m x 215m to be provided in both directions, it would appear that the applicant does not control the necessary land to achieve this and I note the condition has not been re-imposed on subsequent permissions. The site is located remotely from local services and amenities with the nearest local transport connections some 2Km from the site in Reepham and Bawdeswell. Consequently any residents would be reliant on accessing services and amenities by car. I am not aware, however, of any recorded personal injury accidents resulting from the use of the access and would therefore have difficulty in substantiating a highway objection to the continued use of the site provided that the use is restricted to the applicant and his dependants and that the residential use of the site will cease when the applicant and his immediate dependants no longer live there. My concern remains that the site could be sold and be redeveloped for permanent residential use. I would therefore also recommend that suitably worded conditions are imposed preventing this.

### **REPRESENTATIONS**

The following is a summary of representations received;

Two letters of support

- tidy site
- provide accommodation for traveller who wishes to settle down
- should remain personal to applicant

Two letters of objection

- outside settlement boundary
- should remain temporary to prevent future sale of site
- no longer a gypsy

### **ASSESSMENT NOTES**

1.0 The applicant seeks the retention of three units of accommodation, ( two mobile homes and a touring caravan).

1.1 The applicant has occupied the site since 1992. Successive temporary permissions have been renewed on a personal basis since 2000 up to the present date. Although the original application took into account the travelling background and gypsy status of the applicant and considered the application against the relevant guidance and definition of gypsy and travellers, the permissions were made temporary and personal to the applicant rather than for occupation by members of the wider gypsy and traveller community.

1.2 The applicant seeks the retention of the accommodation on a permanent basis.

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1.3 Circular 11/95, advises that a temporary permission may only be justified where it is expected that the planning circumstances will change in a particular way at the end of the permission. It is clear that in this instance that there have been no changes circumstances since 2000 and the applicant wishes to continue living on the site and therefore his circumstances are unlikely to change in the future. The use of a temporary permission in such circumstances is contrary to the advise set out in Circular 11/95. Therefore the application should either be made permanent or refused.

2.0 The site is outside a settlement boundary and in an area where planning permission would not normally be granted for permanent dwellings. One of the exceptions set out in Policy CP14 is where the proposal provides a site for gypsy and travellers.

2.1 Although there is a need for dedicated traveller and gypsy accommodation within the District and the grant of a permanent permission for a one family gypsy and traveller site would provide a further site. It would not be, however, appropriate, in this instance to grant a permanent permission subject to a gypsy and traveller occupancy condition. The planning definition of gypsies and travellers has recently changed as a result of the Planning Policy for Traveller Sites August 2015 and information provided in the latest Gypsy & Traveller Accommodation Assessment would suggest that the applicant does not fall within the current definition.

2.2 Notwithstanding this the applicant, his wife and two children have been continually residing on the site with temporary permission for over 16 years and for over 24 years in total. It is considered that this is a material consideration which must be given significant weight. This applies to the continued occupancy of the site and the highway deficiencies.

2.3 Given the permission has always been granted on the basis of the personal circumstances of the applicant and there have been no material change in circumstances since the previous application it is considered appropriate to restrict the occupancy of the accommodation to the occupant and his immediate family.

2.4 It is therefore recommended that the permission is made personal to the benefit of the applicant and his immediate family. Conditions requiring the retention of hedging and trees have been re imposed to ensure the site remains well screened.

### **RECOMMENDATION**

**Planning Permission**

### **CONDITIONS**

- 3047** In accordance with submitted
- 3920** Use personal to applicant
- 3920** Retention of hedgerows
- 3920** Hedgerows maintained to minimum of 2 metres

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<b>ITEM</b>	<b>6</b>	<b>RECOMMENDATION : APPROVAL</b>
<b>REF NO:</b>	3PL/2016/1226/F	<b>CASE OFFICER:</b> Heather Byrne
<b>LOCATION:</b>	GRESSENHALL Land opposite 22 Chequers Lane	<b>APPN TYPE:</b> Full <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> <b>CONS AREA:</b> N <b>LB GRADE:</b> N <b>TPO:</b> N
<b>APPLICANT:</b>	David Marshall c/o Agent	
<b>AGENT:</b>	Michael Graham Hethel Engineering Centre Chapman Way	
<b>PROPOSAL:</b>	Residential development comprising two detached houses and garages	

### REASON FOR COMMITTEE CONSIDERATION

The application is referred to planning committee as it is contrary to policy.

### KEY ISSUES

Site history  
Principle of development  
Impact upon character and appearance of area  
Impact upon amenity  
Impact upon highway safety  
Impact upon trees  
Protected Species

### DESCRIPTION OF DEVELOPMENT

This application seeks full planning permission for the erection of two detached houses with detached single garages and the creation of two accesses off Chequers Lane. The proposed dwellings would be two storey and would be constructed of Verona bricks from Traditional Brick and Stone Ltd for the walls, with a small area of timber boarding, (precise details to be agreed), and double pannes clay tiles in Satin Black from IMERYS Roof Tiles Ltd for the roof.

### SITE AND LOCATION

The application site is located outside of any defined Settlement Boundary and is a triangular parcel of land. It currently comprises of overgrown, grassy land surrounding by mature hedgerows along the boundaries and mature trees fronting the highway. The site is bounded to the south west by the highway and beyond residential dwellings, to the north west by an existing farm, and on all other sides by open fields.

### EIA REQUIRED

No

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### **RELEVANT SITE HISTORY**

3PL/2012/0113/O  
Residential development (3 dwellings)  
Refusal 29-03-2012

3PL/2013/0230/O  
Residential Development (5 Dwellings)  
Refusal 07-05-2013

3PL/2014/0461/O  
Residential Development (2 Dwellings)  
Refusal 05-08-2014

3PL/2015/0386/O  
Residential development (2 Dwellings)  
Permission 27-08-2015

3PL/2015/1405/D  
Residential development (2 dwellings)  
Permission 04-02-2016

3PL/2015/1460/F  
Erection of one dwelling  
Withdrawn 24-03-2016

### **POLICY CONSIDERATIONS**

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

CP.11	Protection and Enhancement of the Landscape
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.12	Trees and Landscape
DC.16	Design
DC.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

### **CIL / OBLIGATIONS**

Not Applicable

### **CONSULTATIONS**

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

Requested the application include the off-site highway works, which were agreed as part of the previous scheme. These were provided and the highways authority raises no objections subject to the imposition of conditions relating to the vehicular accesses, parking and turning, gates, visibility splay, off-site highway improvement works and an informative relating to works within the

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public highway.

### **TREE AND COUNTRYSIDE CONSULTANT**

Initially requested the submission of further details relating to the trees, which should be in accordance with BS5837:2012. This was provided and is considered acceptable. As the layout depends heavily on no dig construction of parking and access areas, a condition should be imposed requiring the submission of technical details of the no dig area, including product type, soil type for the site, loading information, and details of the infill and surface materials.

### **CONTAMINATED LAND OFFICER**

No objections.

### **GRESSENHALL P C**

No objections.

### **ECOLOGICAL AND BIODIVERSITY CONSULTANT**

The report sufficiently addresses the ecological considerations of the current development. The Mitigation measures within section 7.2 and the enhancement measures in 7.3 should be adhered to and incorporated within the development.

### **REPRESENTATIONS**

One local representation received stating:

- Does not allow access to neighbouring land and blocks a right of way to this; and
- Passing place has been removed.

### **ASSESSMENT NOTES**

1.0 The application is referred to planning committee as it is contrary to policy.

#### 2.0 Site history

2.1 Previous planning applications have been considered on the application site for three and five dwellings under planning permission reference 3PL/2012/0113/O and 3PL/2013/0230/O both of which were refused.

2.2 A further application was submitted under planning reference 3PL/2014/0461/O for two dwellings which was refused on the following grounds: unsustainable location in the countryside; 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; insufficient information submitted in regards to the proposals impact on mature trees; and that the proposal would be likely to create a serious precedent for future proposals of a similar nature in the area. This application was subject of an appeal, which was dismissed on access and tree impact grounds as the Inspector concluded there was inadequate information regarding the proposals impact upon trees before him and that a safe access could not be demonstrated. The Inspector opined that the site is not in an unsustainable location.

2.3 A further application, reference 3PL/2015/0386/O was submitted for two dwellings and approved as the above issues had been addressed and adequate information submitted. A reserved matters application was submitted and approved, reference 3PL/2015/1405/D, which

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proposed two, two storey detached dwellings with detached garages constructed using a palette of materials, and would be served by individual accesses off Chequers Lane.

2.4 This application seeks approval for two, two storey detached dwellings with detached garages. The site area has increased as it now includes the previous land shown in blue in previous applications.

2.5 It should be noted due to the proposed footprints of the current application the previous approval could not be implemented concurrently with the proposal.

### 3.0 Principle of development

3.1 As highlighted above the principle of development on the application has been established through the granting of previous applications for two dwellings.

3.2 During the previous appeal for application reference 3PL/2014/0461/O the Inspector noted that the site lies immediately adjacent to the north-eastern boundary of the village Settlement Boundary which runs along Chequers Lane in front of the site. The site is within walking distance from the village centre and close to the adjoining village of Beetley, which is effectively contiguous with Gressenhall. As noted by the Inspector, facilities in Gressenhall include a shop, public house, church, public transport and manufacturing employment. The Inspector did not consider the site to be in an unsustainable location.

### 4.0 Impact upon character and appearance of area

4.1 Within the previous appeal, the Inspector stated that development of the site would be an advancement of built form in the countryside. However, in view of its location between Ivy House, which is set back some 40m from Chequers Lane to the south of the site; the buildings of Lodge Barn Farm to the north; and the application being within the existing mature boundaries of the site, the Inspector concluded it would not appear as an isolated intrusion into open farmland. From within Chequers Lane and from the north it would be seen in the context of the continuous residential development along the south-west side of the lane.

4.2 On this basis and the scheme proposed, it is considered the current scheme responds positively to the rural locality and neighbouring properties by being set back from the road frontage and by using a palette of materials which reflect the local vernacular. The proposed dwellings would be two storey and would be constructed of Verona bricks from Traditional Brick and Stone Ltd for the walls, with a small area of timber boarding, (precise details to be agreed) and double panned clay tiles in Satin Black from IMERYS Roof Tiles Ltd for the roof. If approved, a condition would be imposed for the timber boarding details to be agreed to ensure the proposal does not impact unduly upon the existing streetscene.

4.3 The application site is of a size that would result in a density of development that is similar to surrounding plots and would not be out of character with development in the surrounding area

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and would not result in a cramped form of development.

### 5.0 Impact upon amenity

5.1 In terms of neighbour amenity it is considered the proposal would not impact significantly upon amenity in terms of loss of light, privacy or overlooking due to the proposed separation distances, the orientation of the plots, and existing / proposed boundary treatments.

5.2 Concerns were initially raised regarding the location of the first floor window serving bedroom four of both properties being within close proximity of each other and therefore would result in loss of privacy and outlook, contrary to DC01 of the Core Strategy and paragraph 17 of the NPPF. However this has since been amended with the internal layouts altered with the first floor side windows now serving a bathroom and an en-suite on both plots, which is deemed acceptable. A condition would be imposed for these to be obscure glazed and for permitted development rights for further first floor side windows to be removed to ensure the proposal maintains and protects neighbour amenity.

5.3 If approved a condition would also be imposed for boundary treatments and landscaping to be agreed, which should take into account the required visibility splays and the character of the area, to ensure the proposal maintains and protect neighbour amenity. This should also take into account the Ecological and Biodiversity Consultant comments below.

### 6.0 Impact upon highway safety

6.1 The Highways Authority initially requested the application include the off-site highway works, which were agreed as part of the previous scheme. These were provided and the highways authority raises no objections subject to the imposition of conditions relating to the vehicular accesses, parking and turning, gates, visibility splay, off-site highway improvement works, and an informative relating to works within the public highway.

### 7.0 Impact upon trees

7.1 The Tree Consultant initially requested the submission of further details relating to the trees, which should be in accordance with BS5837:2012. This was provided and is considered acceptable. As the layout depends heavily on no dig construction of parking and access areas, a condition should be imposed requiring the submission of technical details of the no dig area, including product type, soil type for the site, loading information, and details of the infill and surface materials.

7.2 If approved conditions would therefore be imposed for development to be in accordance with the submitted tree survey and tree protection plan and for technical details to be submitted in regards to the no dig areas to ensure the proposal does not impact upon trees.

### 8.0 Protected Species

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8.1 The Ecological and Biodiversity Consultant states the Ecological report submitted by Wild Frontier Ecology, revised January 2016 sufficiently addresses the ecological considerations of the current development and request that the mitigation measures in section 7.2 is adhered to and the enhancement measures in section 7.3 should be incorporated into the scheme and comments regarding hedgerow loss and replacements. Conditions would therefore be imposed relating to the mitigation measures and for an enhancement scheme to be submitted, which should incorporate the enhancement measures in section 7.3 of the report.

### 9.0 Other Matters

9.1 The Contaminated Land Officer raised no objections.

### 10.0 Conclusion

10.1 Approval is recommended subject to conditions.

<b>RECOMMENDATION</b>	<b>Planning Permission</b>
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<b>CONDITIONS</b>
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<b>3006</b>	Full Permission Time Limit (2 years)	
<b>3047</b>	In accordance with submitted	
<b>MT02</b>	External materials as approved	
<b>3920</b>	Timber boarding to be agreed	
<b>3920</b>	Tree Condition AIA	
<b>3920</b>	Tree- Technical no dig area details to be agreed	
<b>DE10</b>	Obscure glazing	
<b>PD01</b>	No additional windows at first floor	
<b>3302</b>	No P.D. for extensions, roof alterations, porches	
<b>3920</b>	Mitigation and enhancement measures 7.2&7.3	
<b>HA08</b>	New access - construction over verge	
<b>HA24</b>	Provision of parking and servicing - when shown on plan	
<b>HA19</b>	Provision of visibility splay on approved plan	
<b>HA39B</b>	Highway improvements off-site B	
<b>AN60</b>	NOTE NCC Inf 1 When off-site road improvements are required	
<b>3402</b>	Boundary screening to be agreed	This condition will require to be discharged
<b>3408</b>	Landscaping - details and implementation	This condition will require to be discharged
<b>HA13</b>	Access gates - configuration	This condition will require to be discharged

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