

ITEM:		RECOMMENDATION:	APPROVAL
REF NO:	3PL/2017/1568/F	CASE OFFICER	Lisa ODonovan
LOCATION:	GREAT ELLINGHAM Land east of Town Cottage, Town Green Great Ellingham	APPNTYPE:	Full
APPLICANT:	Mr Bradley Beales C/O agent	POLICY:	Out Settlemnt Bndry
AGENT:	Parker Planning Services Ltd Ketteringham Hall Church Road	ALLOCATION:	N
PROPOSAL:	Erection of one dwelling and detached double garage	CONS AREA:	N
		LB GRADE:	N
		TPO:	N

REASON FOR COMMITTEE CONSIDERATION

The application is brought to Committee as the recommendation is contrary to Policy.

KEY ISSUES

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

DESCRIPTION OF DEVELOPMENT

The application seeks permission for the erection of one single storey dwelling and detached double garage. Access, parking and turning is proposed to the front of the proposed dwelling, off Town Green. Proposed materials are buff brick and clay pantiles (anthracite).

SITE AND LOCATION

The application site is located outside of any defined Settlement Boundary. The site has recently been cleared to the front with log piles present, machinery and a number of materials with a grassed area to the rear (north of the site) where a shipping container is also sited. The site is bounded to the east by residential dwellings, to the north, north east and north west by grassed areas and agricultural land, to the west by a dwelling, and to the south by a private access drive. The boundary to the north is open, to the east consists of vegetation and trees, to the west also vegetation and trees with part of the boundary open to the existing dwelling to the west (The Cottage), and to the south partly open with some trees still present.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2016/1191/F - 3 new dwellings with garages and access - Refused - Upheld at appeal

POLICY CONSIDERATIONS

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

CP.04	Infrastructure
CP.10	Natural Environment
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
SS1	Spatial Strategy

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

GREAT ELLINGHAM P C

This application was discussed at the meeting of Great Ellingham Parish Council on 17 January 2018. Councillors do not object to the plans, subject to any approval granted including the conditions requested by Kay Gordon, in her letter of 9 January. In view of Great Ellingham's "dark sky" status, Councillors request that a lighting clause is included in any permission granted. National Planning Policy Framework Clause 125 and Norfolk County Council's Environmental Lighting Zones Policy both recognise the importance of preserving dark landscapes and dark skies. In order to minimise light pollution, we recommend that any outdoor lights associated with this application should be: 1) fully shielded (enclosed in full cut-off flat glass fitments) 2) directed downwards (mounted horizontally to the ground and not tilted upwards) 3) switched on only when needed (no dusk to dawn lamps) 4) white light low-energy lamps (LED, metal halide or fluorescent) and not

orange or pink sodium sources

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection subject to condition.

TREE AND COUNTRYSIDE CONSULTANT

No objection subject to condition.

CONTAMINATED LAND OFFICER

I have considered the application and would not raise any contaminated land comments based on both the accuracy of the information provided and the current records of contaminated land issues we hold to date.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

No objection subject to conditions.

ENVIRONMENTAL HEALTH OFFICERS

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

REPRESENTATIONS

One representation received raising issues including the ownership of the access - this is a civil issue with which the Planning Authority have no control. There was also a concern regarding the precedent for future development. In terms of this concern, each application is determined on its own merits and it is clear from the previous appeal dismissal that development for more dwellings in this location is likely to have an adverse impact on the overall form and character of the area.

ASSESSMENT NOTES

1. Principle of Development

1.1 The previously refused scheme was for three dwellings, the Inspectors decision to dismiss the appeal was primarily on character and appearance grounds. It is considered that the amended scheme for one, single storey dwelling addresses this issue.

1.2 The application site is located outside of the Great Ellingham Settlement Boundary as designated by the adopted Core Strategy and Development Control Policies Development Plan Document (2009). For this reason the proposal conflicts in principle with policies DC2 and CP14 of the Core Strategy and Development Control Policies Development Plan Document which seeks to focus new housing within defined Settlement Boundaries. However, paragraph 49 of the National Planning Policy Framework (NPPF) states that where an authority does not have an up to date five year housing land supply, the relevant local policies for the supply of housing as referred to above should not be considered up-to-date and that housing applications should be considered in the context of the presumption in favour of sustainable development.

1.3 The Government defines sustainable development as having three broad roles:

- Economic, in terms of building a strong economy and in particular by ensuring that sufficient land of the right type is available in the right places

- Social, by supporting, strong vibrant and healthy communities by providing the supply of housing required to meet future need in a high quality environment with accessible local services and
- Environmental, through the protection and enhancement of the natural, built and historic environment

1.4 Paragraph 8 of the NPPF also stresses that these roles should not be undertaken in isolation because they are mutually dependent; therefore a balanced assessment against these three roles is required. In terms of the economic and social criteria, the proposal would one new dwelling and would therefore make a small contribution to the housing supply shortfall. The proposal would also provide some limited short-term economic benefits through labour and supply chain demand required during construction, and longer-term economic benefits through the additional household spend within the surrounding area that would be generated by the provision of an additional dwelling.

1.5 Social - The land lies outside, but closely related to the Great Ellingham Settlement Boundary which is defined as a service centre village via Policy SS1. As such, the village is considered to have adequate services and facilities to meet the day-to-day requirements of the existing residents. In addition, there are good public transport links (bus) in the village to Attleborough and Norwich, therefore linking the village to a wider network without the need to travel by car. As a result, the proposal is considered to accord with the social dimension.

1.6 Environmentally, although outside the Settlement Boundary, the site is in an area which is surrounded by other residential uses. The site will also be contained within its existing, well screened site boundary and relates as an appropriate infill plot with further dwellings to the west restricting further encroachment in this direction. The combination of all of these environmental factors together and not in isolation result in the proposal satisfying the environmental role of sustainable development.

1.7 It is concluded that the proposal would not result in an isolated development in the countryside. The scheme would provide one additional dwelling, generate some economic activity and be developed without causing significant harm to the character and appearance of the area.

2. Impact on the character and appearance of the area

2.1 Policy DC16 requires all new development to achieve the highest standard of design. As part of this, all design proposals must preserve or enhance the existing character of an area. Consideration will also be given to the density of buildings in a particular area and the landscape/townscape effect of any increased density.

2.2 The application proposes a single storey, three bedroom dwelling and detached garage of a form and scale similar to that of the dwelling to the west. Materials are proposed as buff facing brick and anthracite tiles which are considered acceptable given the varied mix of materials used in the vicinity of the site. The dwelling has been positioned within the site to ensure that there are sufficient distances away from all boundaries so as to ensure that the development does not appear cramped and out of keeping, having due regard to Policy DC16.

3. Impact on amenity

3.1 Policy DC1 seeks to protect residential amenity and that all new development must have regard to amenity considerations and states that development will not be permitted where there are unacceptable effects on the amenity of neighbouring residents and future occupants.

3.2 The proposed dwelling would be single storey and would be set within a well screened plot with good separation between all boundaries. The access road serving the development site already serves four other dwellings. In light of these factors, the proposal is not considered likely to have an adverse impact on the level of amenity currently enjoyed by neighbouring occupiers, particularly in terms of loss of light, overlooking, over dominance and increased noise and disturbance. The proposal also provides a significant amount of private, rear amenity space for any future occupants, the application is therefore considered to have due regard to Policy DC1.

4. Highway safety

4.1 Policy CP4 of the Core strategy seeks to ensure that all access and safety concerns are resolved in new developments. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy DC19 requires sufficient parking for all new development. The Highway Authority considers that the site lies within walking distance of local facilities and amenities and the adjacent footway provision is adequate to link the site with these. No objections were subsequently raised on highway safety grounds subject to the access and parking area being provided and retained as shown.

5. Impact on trees

5.1 Policy DC12 seeks to preserve the District's trees, hedgerows and other natural features and secure appropriate landscaping schemes to mitigate the impact of, and complement, new development.

5.2 An Arboricultural Report was requested and submitted during the application process. The Tree and Countryside Officer was subsequently consulted and raised no objection subject to a condition requiring operations on site to take place in accordance with this report. As a result, the proposal is considered to have due regard to Policy DC12.

6. Ecology Impact

6.1 Policy CP10 seeks the enhancement of biodiversity and geodiversity in the District. Proposals need to ensure that the ecological network and protected species are not harmed or detrimentally impacted and mitigation measures are put in place where appropriate.

6.2 The application was supported by a Preliminary Ecological Appraisal. NCC Ecology Team was consulted on this information and subsequently raised no objection subject to conditions relating to: works being carried out as per the report in respect of Great Crested Newts and reptiles; a low level lighting scheme; vegetation clearance and enhancements being provided. Subject to these conditions, the application is considered to accord with Policy CP10.

7. Conclusion

7.1 The application provides one dwelling within close proximity to an existing service centre village whilst respecting the form and character of the area and without having a significant adverse impact on the highway network or neighbour amenity, the application is therefore recommended for approval.

RECOMMENDATION

Planning Permission

CONDITIONS

- LS10 Implementation of submitted boundary treatment**
The boundary treatment shown on the plans and particulars hereby approved shall be constructed in the manner shown and completed before the building is first occupied.
- Reason for condition:-
In the interests of the satisfactory appearance of the development in accordance with Policy DC16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.
- This condition will require to be discharged**
- 3006 Full Permission Time Limit (2 years)**
The development must be begun not later than the expiration of TWO YEARS beginning with the date of this permission.
- Reason for condition:-
As required by section 91 of the Town & Country Planning Act 1990 (as amended) and to ensure the deliverability of the scheme to contribute to the five year housing land supply.
- 3047A In accordance with submitted plans NEW 2017**
The development must be carried out in strict accordance with the application form, and approved documents and drawings as set out in the table at the end of this notice.
- Reason for condition:-
To ensure the satisfactory development of the site.
- MT02 External materials as approved**
The development hereby permitted shall be constructed using the materials specified on the planning application form and / or submitted drawings.
- Reason for condition:-
To enable the Local Planning Authority to ensure the satisfactory appearance of the development, as required by policies DC1 and DC 16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.
- HA24 Provision of parking and servicing - when shown on plan**
Prior to the first occupation of the development hereby permitted the proposed access and parking area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- Reason for condition:-
To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.
- 3920 Great Crested Newt - Precautionary methods**
All works to be conducted following precautionary mitigation measures outlined in paragraph 8.12.1 to 8.12.7 of the PEA report (Greenlight Environmental Consultancy Ltd.; November 2017) and the mitigation strategy section of the GCN Mitigation Strategy report (Greenlight

Environmental Consultancy Ltd.; January 2017).

Reason for condition:-

To ensure no harm will result on Great Crested Newts from the proposed development.

3920 Reptiles - Precautionary methods

All works to be conducted following precautionary mitigation measures outlined in paragraph 8.30 of the PEA report (Greenlight Environmental Consultancy Ltd.; November 2017).

Reason for condition:-

To ensure no harm will result to reptiles from the proposed development.

3920 Lighting - reduce impact on bats

No external lighting shall be erected unless full details have first been submitted to and agreed in writing with the Local Planning Authority. Any lighting shall include the following measures:

- Minimal lighting as far as possible (as necessary for security and safety only), and no lighting shall be directed toward trees containing bat boxes;
- Any lighting shall use hoods, cowls or directional lighting to avoid light directed at the sky;
- limit lighting times to provide dark periods. Security lights should be sensitive to large moving objects only.
- Where possible, low pressure sodium security lights with glass glazing should be used, as these products produce the least amount of UV light. White and blue wavelengths of the light spectrum shall be avoided. Brightness shall be kept to a as low as possible.
- Construction work should be limited to daylight hours.

Reason for condition:-

To ensure the development is not detrimental to Protected Species and in order to protect the wildlife value of the site in accordance with Policy CP10 of the Adopted Core Strategy and Development Control Polices Development Plan Document 2009 and the National Planning Policy Framework and Great Ellingham's Dark Sky Status.

3920 Nesting birds

No removal, in full or in part, of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason for condition:-

To ensure the development is not detrimental to Protected Species and in order to protect the wildlife value of the site in accordance with Policy CP10 of the Adopted Core Strategy and Development Control Polices Development Plan Document 2009 and the National Planning Policy Framework.

3920 Tree protection

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) submitted by Greenlight dated 28th November 2017 and added to file 25th January 2018. No other operations shall commence on site in connection with the development until

the tree protection works and any pre-emptive tree works required by the approved AIA or AMS have been carried out and all tree protection barriers are in place as indicated on the TPP. The protective fencing shall be retained in a good and effective condition for the duration of the construction of the development and shall not be moved or removed, temporarily or otherwise, until all site works have been completed and all equipment, machinery and surplus materials removed from site, unless the prior written approval of the Local Planning Authority has been sought and obtained.

Reason for condition:-

In order to safeguard the protection of trees from the outset of the development, in accordance with Policy DC 12 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

- 3994 Ecology informative**
- Occasionally European protected species, such as great crested newts or bats, can be found during the course of development even when the site appears unlikely to support them or after an ecological survey has found no previous evidence of them. In the event that this occurs, it is advised that the developer stops work immediately and seeks the advice of a suitability qualified ecological consultant.
- 4000 Variation of approved plans**
- Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.
- You or your agent or any person responsible for implementing this permission should inform the Development Control Section immediately of any proposed variation from the approved plans and ask to be advised to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new application.
- 3996 Note - Discharge of Conditions**
- If the formal discharge of any condition is required, it will be necessary for you to submit to the Council all relevant details, together with a completed application for the "Discharge of Conditions" and the fee as appropriate.
- 2001 Application Approved Following Revisions**
- The Local Planning Authority has acted positively and proactively in determining this application, and by assessing the application against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal in as timely a manner as possible in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- Copies of all documentation submitted in connection with this application can be viewed online at <http://www.breckland.gov.uk/content/planning-search-0>
- 2014 Criterion E - Planning Apps Where Approved**
- Appeals against planning decisions

If you are aggrieved by the decision of your local planning authority to attach any particular condition/s to this permission, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.planningportal.co.uk

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.