

<b>ITEM:</b>		<b>RECOMMENDATION:</b>	APPROVAL
<b>REF NO:</b>	3PL/2018/0909/O	<b>CASE OFFICER</b>	Natalie Levett
<b>LOCATION:</b>	BEETLEY Church Road East Bilney Beetley	<b>APPNTYPE:</b>	Outline
<b>APPLICANT:</b>	Mr Neville Middleton Bradmore Mill Drift	<b>POLICY:</b>	Out Settlemnt Bndry
<b>AGENT:</b>	Stone Planning Consulting 4, Redisham Close, Lowestoft	<b>ALLOCATION:</b>	N
<b>PROPOSAL:</b>	Erection of one cottage style property and garage	<b>CONS AREA:</b>	N
		<b>LB GRADE:</b>	N
		<b>TPO:</b>	N

#### **REASON FOR COMMITTEE CONSIDERATION**

The application is reported to Committee because the application is recommended for approval contrary to Policy.

#### **KEY ISSUES**

- Principle of Development
- Design and Impact upon the Character and Appearance of the Area and Listed Building
- Impact on Trees and Hedgerows
- Impact upon Highway Safety

#### **DESCRIPTION OF DEVELOPMENT**

Outline planning permission is sought for the "erection of one cottage style property and garage" on vacant land, formerly garden land, to the front of Highfield House in East Bilney. The land is no longer in the ownership of the dwelling to which it related because no "blue" land has been identified and the applicant does not live in the street. Access would be directly via Church Road.

#### **SITE AND LOCATION**

The application site is located outside of any settlement boundary and comprises 0.075 hectares of land just off the Fakenham Road in East Bilney, approximately 2.3miles/3.72km to the north of Beetley and 3.5miles/5.63km from Gressenhall, the nearest settlement villages. The site is a corner plot currently comprising grassed land to the west of Highfield Farm, located on the corner of Church Road and Highfields Meadow. The site and the land is slightly raised to that of Church Road. There is a large oak tree at the front of the site close to Church Road. Martyr's Cottage, a Grade II Listed Building, is located to the east of Highfield Farm.

The site is located in the open countryside. Highfields Meadow to the west of the site is a relatively recently

built development of five dwellings approved as part of the redevelopment of the former piggery buildings. Highfield Farm is a detached, two storey dwelling.

**EIA REQUIRED**

Not required.

**RELEVANT SITE HISTORY**

- 3PL/2016/1430/F: Dwelling and garage - withdrawn
- 3PL/2016/0261/F - Erection of dwelling & garage - Refused

**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.01	Housing
CP.08	Natural Resources
CP.09	Pollution and Waste
CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
CP.12	Energy
CP.13	Accessibility
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.12	Trees and Landscape
DC.13	Flood Risk
DC.16	Design
DC.17	Historic Environment
DC.19	Parking Provision
LBC	Planning(Listed Building & Conservation Areas) Act 1990
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

**OBLIGATIONS/CIL**

Not applicable.

**CONSULTATIONS**

**BEETLEY PARISH COUNCIL**

The Parish Council objects to this application. This site is outside the settlement boundary for Beetley. The Parish Council objected to the previous applications for the same reason and concerns regarding highway safety with vehicles turning into Church Road from Fakenham Road. The Parish Council also notes that the Design and Access Statement refers to Besthorpe which is irrelevant to this site. The Parish Council has already requested that this be referred to the Planning Committee if it is likely to be approved. the Parish Council requests that any approval contains a condition that the plans remain for a cottage style dwelling and are not changed for the detailed application.

**NORFOLK COUNTY COUNCIL HIGHWAYS**

The site is situated in location which lacks services and amenities and it is therefore considered that the residents of the property would have a high reliance on travelling by car to access these. A condition is recommended if outline permission is granted.

**CONTAMINATED LAND OFFICER**

No objection, subject to condition.

**TREE AND COUNTRYSIDE CONSULTANT**

No objection in principle, although an updated tree protection plan will be required based on final layout. (the submitted survey is based on a different layout).

**ENVIRONMENTAL HEALTH OFFICERS**

No environmental health objections in principle to the proposal. However, as there were no details of the foul water drainage system included, should the proposed development intend to use a shared system or a septic tank for the disposal of foul water, further information to ensure that sufficient capacity and any shared responsibility is conditioned if necessary.

**NATIONAL GRID**

Provides notes for the developer to follow and take into account.

**HISTORIC BUILDINGS CONSULTANT**

No objection to the principle of development.

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

**REPRESENTATIONS**

A Site Notice was displayed on 13th August 2018, advertised in the EDP and 4 neighbours were directly notified. Two local residents made representations both supporting the proposal, which can be summarised as follows:

- the cottage would fit into the site well and be an asset to the village;
- my property overlooks the site and fully support the application.

**ASSESSMENT NOTES**

## 1. Principle of Development

1.1 This application seeks outline consent for the erection of one cottage-style dwelling and garage and associated access. The site is located outside of any Settlement Boundary. For this reason, the proposal conflicts, in principle, with Policies DC2 and CP14 of the Core Strategy and Development Control Policies Development Plan (2009), which seek to focus new housing within defined Settlement Boundaries. However, paragraph 11 of the NPPF (2018) states that where an authority does not have an up-to-date Development Plan or 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.

1.2 The Statement of Five Year Housing Land Supply as at 31st March 2017 was published in July 2017. This outlined that the District does not benefit from having a five year supply of housing land (it can only demonstrate a 4.6 years housing land supply). In these cases the NPPF makes provision, in principle, for Local Planning Authorities to positively consider sites that are not within defined Settlement Boundaries. This must be balanced against other policy requirements and aims including securing sustainable development, protecting the countryside, and good design.

1.3 The NPPF constitutes guidance for local planning authorities and decision-takers and is a material consideration in the determination of planning applications to achieve sustainable development. The Government outlines three dimensions to sustainable development: economic, social and environmental (paragraph 8). These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- a social role - supporting strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- an environmental role - contributing to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

1.4 Paragraph 9 states that these roles should not be undertaken in isolation, because they are mutually dependent and that the planning system should play an active role in guiding development to sustainable solutions. A balanced assessment against these roles is, therefore, required.

1.5 East Bilney is a small hamlet and the site is located approximately 3.5miles/5.63km from the rural settlements of Gressenhall and 2.3miles/3.72km from Beetley. Dereham is a market town approximately 5.3miles/8.53km to the south, its role as a Service Centre serving the north of the District is not walkable in terms of distance and the B1146 which is a busy, unlit road with no footpath provision. The route to local facilities is not, therefore, considered safe for pedestrians.

1.6 Whilst there are bus stops approximately 600m (0.37miles/0.6km) to the proposed dwelling, these offer a limited service providing less than a daily return, with no service on a Sunday. The restricted bus service is to Dereham, Fakenham and Norwich. This would not enable regular easy accessibility to local services and for

these reasons the occupants of the dwellings would rely on the use of the private car to gain access to local facilities. Consequently, the proposal would conflict with the NPPF to minimise the need to travel and weighs against the proposal.

1.7 The next nearest settlements are the Local Service Centre of Litcham and the rural settlement of Whissonett and Beetley, which are located approximately 5.3miles/8.53km to the southwest and 3.9miles/6.28km to the north respectively. Litcham has a primary and high school, post office, general store, pub, village hall and health centre. Whissonett has a village hall (which includes a post office opening a few days a week and a church.

1.8 Paragraph 78 states that housing should be located where it will maintain the viability of rural communities and that where there are groups of smaller settlements, development in one village may support services in a village nearby. Whilst one dwelling alone would not sustain such services alone, it would play a very small role in complying with the NPPF's goal.

1.9 The site is located within the countryside on a vacant plot of land. The site is viewed as an infill plot and, if developed sensitively, it would not appear out of character with the street. In addition, the site's current visual appearance has a negative impact on the street scene.

1.10 The proposal would allow for a positive impact on the character of the street and wider landscape if appropriately developed. A single dwelling could, therefore, be accommodated without adverse impact due to the infill nature of the site.

1.11 As a result of the above, it is considered that the principle of development is acceptable.

## 2.0 Design and Impact upon the Character and Appearance of the Area and Listed Building

2.1 Policy DC16 on Design expects all new development should achieve the highest standards of design. All design proposals must preserve or enhance the existing character of an area. Policy CP11 on Protection and Enhancement of the Landscape sets out that the landscape of the District will be protected for the sake of its own intrinsic beauty. Policy DC17 seeks to protect the district's historic environment and developments should preserve and enhance Listed Buildings.

2.2 Whilst the design is a Reserved Matter, an indicative plan has been submitted illustrating dwelling of one-and-a-half storey in height. Whilst it is considered that the design should be amended from the indicative plan submitted, it has demonstrated that a dwelling could sufficiently fit on the site.

2.3 With regard to the Listed Building (Martyr's Cottage), any decisions relating to listed buildings and their settings must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990, in particular Section 66, as well as satisfying the relevant policies within the National Planning Policy Framework and the development plan. National policy states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Core Strategy Policy DC17 seeks to ensure that new development preserves and enhances the character, appearance and setting of conservation areas and listed buildings.

2.4 The significance of the listed building derives principally from its historic fabric and architectural features. The proposed dwelling would be located to the west of Highfield Farm and for this reason would result in no harmful impact on the setting and appearance of Martyr's Cottage since the proposal is detached in terms of location to the Listed Building. The Historic Buildings Consultant has raised no objection to the principle of the development. The principle of the development is considered acceptable having regard to the

requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. However, it is to be noted that this would be fully considered at the Reserved Matters stage.

2.5 As a result, the proposal has the ability to comply with Policies DC16, CP11 and DC17.

### 3.0 Impact on Trees and Hedgerows

3.1 Policy DC12 seeks to protect the district's trees and hedgerows.

3.2 The Tree and Countryside Consultant advised that there is no objection in principle, although an updated tree protection plan will be required based on final layout as part of the Reserved Matters application because the submitted survey is based on a different layout.

3.3 As a result, the proposal has the ability to comply with Policy DC12.

### 4.0 Impact upon Highway Safety

4.1 Policy CP13 requires new developments to provide safe access.

4.2 The Highway Authority has advised that the site is located in an area that lacks services and amenities and it is, therefore, considered that the residents of the property would have a high reliance on travelling by car to access these. A condition is recommended if outline permission is granted.

4.3 As a result, the proposal has the ability to provide safe access and egress in accordance with Policy CP13.

### 5.0 Other matters

5.1 Policy CP9 seeks to ensure that development minimises any unavoidable polluting effects and the development's design should actively seek to minimise or mitigate against all forms of pollution. The Contaminated Land Officer was consulted on this application and raised no objections, subject to condition.

### 6.0 Planning Balance and Conclusion

6.1 The application does not accord with the adopted development plan because the site falls outside of any settlement boundary. However, the Council does not currently have a five year land supply as required by the NPPF and this development would provide a small contribution towards Breckland's Housing supply. On this basis, the other key principle considerations for this proposal and material considerations must be assessed.

6.2 The site is within a cluster of dwellings within East Bilney. The applicant has submitted indicative development plans which show how the site could be developed, and although it is considered that the design would need to be amended, it has demonstrated that a dwelling could satisfactorily be located on the site and would enhance the setting of the area.

6.3 The site is not in a sustainable location with good access to services and facilities in particular, the only service or facility within comfortable walking distance is an irregular bus service to Dereham, Fakenham and Norwich. This is a negative aspect of the proposal, and does not accord with policies SS1 and CP14.

6.4 It is considered that, in the instance, when applying the tilted balance, given that the Council cannot

demonstrate a five-year housing land supply, the proposal is for one dwelling on what can be considered as an infill plot and would enhance the character and appearance of the area, these outweigh the negative harm created by the site's location away from services and facilities.

6.5 As a result, outline planning permission, subject to conditions, is recommended.

**RECOMMENDATION**

**Outline Planning Permission**

**CONDITIONS**

- 1 Outline Time Limit (2 years) Early Delivery**

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

Reason for condition:-  
As required by section 92 of the Town & Country Planning Act 1990 and in order to ensure the early delivery of housing.
- 2 Standard Outline Condition**

No development whatsoever shall take place until the plans and descriptions giving details of the reserved matters referred to above shall have been submitted to and approved in writing by the Local Planning Authority and these plans and descriptions shall provide details of the appearance, scale, access and landscaping of the development.

Reason for condition:  
The full details are not included in the current submission.
- 3 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.
- 4 Number of dwellings only (outline)**

The reserved matters referred to above shall relate to the construction of one, cottage style dwelling only of no more than one-and-a-half storeys in height.

Reason for condition:-  
To ensure that the development is compatible with the form and character of the surrounding area in accordance with policies DC1 & DC16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.
- 5 Boundary screening to be agreed**

As part of the submission of the Reserved Matters application, a scheme for the provision of all boundary screening shall be submitted. Such scheme as may be approved shall be completed prior to the first occupation of the development to the written satisfaction of the Local Planning Authority.

Reason for condition:-  
To safeguard the interests of the amenities of neighbouring occupiers and to ensure the satisfactory appearance of the development, in accordance with Policy DC 1 and DC 16 of

the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**This condition will require to be discharged**

**6**

**External materials to be approved**

As part of the submission of the Reserved Matters application, details of the external materials to be used in the construction of the development hereby permitted shall be submitted. The materials to be used in the development shall be in accordance with the approved details.

Reason for condition:-

The details are not included in the current submission and to enable the Local Planning Authority to control the colour, tone, texture and appearance of the materials used to ensure the satisfactory appearance of the development, as required by Policy DC 1 and DC 16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**This condition will require to be discharged**

**7**

**Slab level to be arranged**

As part of the submission of the Reserved Matters application, precise details of the slab levels of the dwelling hereby approved shall be submitted. Such details shall also provide comparative levels with adjoining properties and details of the levels of any boundary treatments proposed. The development shall be carried out in accordance with the details as approved.

Reason for condition:-

The details are not included in the current submission and to ensure that the development approved does not have an adverse effect on the amenities of local residents or on the character and appearance of the area, as required by policies DC1 & DC16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**This condition will require to be discharged**

**8**

**Precise details of surface water disposal**

As part of the submission of the Reserved Matters application, precise details of the means of surface water disposal shall be submitted. Only such agreed system or works shall be used in connection with this approval.

Reason for condition:-

The details are required to be submitted to ensure that the development can minimise the possibilities of flooding from the outset of the development and not create conditions detrimental to the amenities of the local area.

This condition is imposed in accordance with Policies DC 1 and DC 13 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009

**This condition will require to be discharged**

**9**

**Precise details of foul water disposal**

As part of the submission of the Reserved Matters application, precise details of the means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority.

Reason for condition:-

The details are required to be submitted prior to ensure that the proposal would minimise the possibilities of flooding from the outset of the development and not create conditions detrimental to the amenities of the local area.

This condition is imposed in accordance with Policies DC 1 and DC 13 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009

**This condition will require to be discharged**

**10 Submission of highway details**

As part of the Reserved Matters application, the following shall be submitted to and approved in writing:

- Access (the gradient shall not to exceed 1:12 for the first 5 metres into the site with measures indicated to prevent the discharge of surface water onto the highway. Any access gates shall be set back at least 5m from the carriageway edge with side fences splayed at 45 degrees);
- Visibility (the visibility splays should measure at least 2.4m x 43m);
- Parking;
- Turning facilities;
- Any communal access being a minimum of 4.5m in width.

The development shall be undertaken in accordance with the approved details prior to the first occupation of the dwelling hereby permitted.

Reason for condition:

The full details are not included in the current submission and to ensure safe highway and pedestrian access and parking facilities in accordance with Policy CP13 adopted Breckland Core Strategy and Development Control Policies Development Plan Document (2009) and the NPPF.

**11 Submission of TPP**

As part of the Reserved Matters application, an updated tree protection plan will be required based upon the final layout.

Reason for condition:

The full details are not included in the current submission and to ensure the development is in accordance with Policy DC12 of the adopted Breckland Core Strategy and Development Control Policies Development Plan Document (2009).

**12 Standard outline landscaping condition**

No development whatsoever shall take place until the plans and descriptions giving details of the reserved matters referred to above shall have been submitted to and approved by the Local Planning Authority and these plans and descriptions shall provide for a landscaping and tree planting scheme, which shall take account of any existing trees or hedges on the site. The landscaping and tree planting shall be carried out in accordance with the scheme as approved during the planting season of the November/March immediately following the commencement of the development, or within such longer period as may be agreed in writing, with the Local Planning Authority, and in accordance with the Council's leaflet "Tree pack" (Landscaping advice for applicants).

Any trees or plants which within a period of 5 (five) years from the completion of the landscaping scheme die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with others of the same size and species unless the Local Planning Authority gives written consent to any variation.

Reason for condition:-

The details are not included in the current submission.

**This condition will require to be discharged**

**13 Fencing protection for existing trees**

Prior to the commencement of any work on the site, all existing trees shall be protected by the erection of Tree Protection Fencing. This fencing shall be retained throughout the period of the development and at all times when works (as defined below) are being carried out on the site.

For the purposes of this condition "work" shall include the storage of plant, materials, site huts or the use of any machinery either for preparatory site work or construction itself.

"Trees" shall refer to all trees both on and adjacent to the site.

Protective fencing shall be constructed and maintained in accordance with BS5837:2012 and the Council's document Practice Note: Construction and Maintenance of Tree Protection Fencing, which is available to download from the Council's website.

Reason for condition:-

The works are required to be undertaken prior to the commencement of the development 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

**15 Contaminated Land - Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with details to be agreed in writing with the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason for condition:-

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

This condition is imposed in accordance with CP9 of the Breckland Adopted Core Strategy.

**This condition will require to be discharged**

**16 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.