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| ITEM: | | RECOMMENDATION: | APPROVAL |
| REF NO: | 3PL/2018/0234/F | CASE OFFICER | Mark Simmonds |
| LOCATION: | BRISLEY Land Off Gateley Road Adjacent to the Panford Beck Bintree | APPNTYPE: | Full |
| APPLICANT: | Mr Steven Howell Tower Farm , Bintree Dereham | POLICY: | Out Settlemnt Bndry |
| AGENT: | Blue Forest (UK) Ltd The Studio Bensfield Farm | ALLOCATION: | N |
| PROPOSAL: | Erection of detached single-storey holiday let tree house | CONS AREA: | N |
| | | LB GRADE: | N |
| | | TPO: | N |

REASON FOR COMMITTEE CONSIDERATION

The planning application is to be considered by Planning Committee as it is contrary to planning policy.

KEY ISSUES

Principle of the development
Amenity
Design
Impact upon Trees
Impact upon Ecology
Impact upon Highways
Drainage Matters

DESCRIPTION OF DEVELOPMENT

Planning permission is sought for a one unit tree house holiday let. The tree house would be constructed of timber and would be supported on solid timber posts. Internally it would contain space for a bed, living area, kitchen and bathroom. Externally there would be decking areas to the north and south. Timber spiral stairs to both the north and south decking areas would provide access to the tree house.

Access to the site would be off Gateley Road, to the west.

SITE AND LOCATION

The application site is a densely wooded area within open agricultural land. It is located approximately 1 mile north of Brisley and 2.5 miles north west of North Elmham. Access to the site is currently provided by an unmade track from Gateley Road, to the west.

The application site is not within a Settlement Boundary.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2017/1340/F Withdrawn 20-12-17

Erection of detached single-storey holiday let tree house

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

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| CP.03 | Employment |
| CP.04 | Infrastructure |
| CP.10 | Natural Environment |
| CP.14 | Sustainable Rural Communities |
| DC.01 | Protection of Amenity |
| DC.07 | Employment Development Outside of General Employment Area |
| DC.08 | Tourism Related Development |
| DC.12 | Trees and Landscape |
| DC.13 | Flood Risk |
| DC.16 | Design |
| DC.19 | Parking Provision |
| DC.21 | Farm Diversification |
| NPPF | National Planning Policy Framework |
| NPPG | National Planning Practice Guidance |

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

NORFOLK COUNTY COUNCIL HIGHWAYS

The site is served by a single track rural highway with limited passing provision. However given the proposed use is that of a holiday let it would not be possible to substantiate a highway objection in respect of the

increased use of the local highway network. The site is to be served by an open, un-surfaced ,agricultural access. If permitted the use would add to the mud and debris being carried out onto the highway and the erosion of the carriageway edge. Condition therefore recommended to ensure first 10m of access is built to a particular specification.

TREE AND COUNTRYSIDE CONSULTANT

The proximity of works (including services, access etc) means that there is potential for damage to trees to occur. Conditions recommended to ensure works take place in accordance with approved Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement, and for the submission of the details of the proposed ground surface material and construction.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

If you are minded to approve this application, we recommend that you condition to ensure Mitigation measures need to be implemented as outlined in sections 5.2, 5.2.1, 5.2.2, 5.2.3 of the Protected Species Survey report (Insight Ecology; September 2018) and enhancements measures outlined in sections 5.2, 5.2.1, 5.2.2, 5.2.3 of the Protected Species Survey report (Insight Ecology; September 2018) need to be incorporated into the site and design including but not limited to a single pole-mounted barn owl box, two bat boxes and seeding of the fallow field for farmland bird species.

BRISLEY P C

Brisley Parish Council object to the application on the following grounds:

- The development has no benefit to the local community.
- The development is in a location where there currently is none and will set a precedent, if allowed.
- The development will have a damaging impact to the local environment and wildlife.
- The development will increase traffic on a very minor road, by both holiday visitors and service vehicles.
- The proposed access road is significant in its build quality and excessive for the site location.

BINTREE P C

No Comments Received

REPRESENTATIONS

A site notice was erected and the application was advertised in the local press. Eight letters of support were received from local businesses, summarised as follows:

- The luxury glamping market is growing.
- Norfolk is a good location for this kind of accommodation.
- Tree houses are in demand.
- Tree houses are low impact and non intrusive.
- Generation of local employment and business
- Use of local suppliers in supporting the tree house business
- Boost to local tourism
- Applicants will be encouraging guests to use local businesses

ASSESSMENT NOTES

1.0 Principle of the development

1.1 Planning permission is sought for a tree house to be used as a holiday let. It would be one unit.

1.2 Town centres are generally protected and promoted as the focus for retail, leisure, office and tourism

development, as set out in policy CP3 of the adopted Core Strategy. The application site is not within a town centre or any Settlement Boundary. However, Core Strategy policy DC8 on Tourism Related Development supports tourist accommodation in the countryside, subject to considerations including a demonstrable need for the accommodation, its relationship to existing settlements and facilities, and its role in rural diversification or is the expansion of an existing attraction. Additionally, policy CP14 supports the diversification of existing rural enterprises and the development of new enterprises (including rural tourism) where a rural location is either environmentally or operationally justified, provided there are no significant detrimental environmental, landscape, conservation or highway impacts.

1.3 In this case, the applicant has explained that they seek to diversify their existing agricultural enterprise. The proposed tourism venture would help to sustain the existing rural business. Planning permission was granted in 2005 for the conversion of an on-site redundant farm building to Bed and Breakfast use. The conversion did not come to fruition due to lack of funds and since then it has become apparent that instances of disease on the farm would prevent use of on site tourist accommodation. For this reason, accommodation away from the working farm would present the most viable option.

1.4 The proposed tree house would not be within a Settlement Boundary. There are a number of pubs, restaurants, cafes and farm shops within 1 to 3 miles of the application site and several of the owners have expressed their support for the proposal on the basis of the role the tourist accommodation could play in boosting their own business. Whilst walking and cycling from the application site to the local businesses would be possible, the lack of footpaths and streetlights means this would only be a feasible option in summer months. Nevertheless, it is considered that sufficient relationship would exist with local businesses to help justify the proposal.

1.5 Subject to the acceptability of other material considerations, the principle of the tree house is acceptable having regard to policies CP14 and DC8.

2.0 Amenity

2.1 The application site is not located close to any residential dwellings and thus there would be no impact on residential amenity in terms of noise, privacy, over shadowing, over dominance, etc.

2.2 The proposed location of the tree house is within a densely wooded area and it would not be readily visible from public areas. The proposal would not impact upon the amenity of the area.

2.3 The proposal is acceptable having regard to policy DC1.

3.0 Design

3.1 Policy DC16 requires new development to be of the highest standard of design. Proposals should be designed to reflect local character, compliment the surrounding natural landscape and features, and use high quality details and materials.

3.2 The proposed tree house would be constructed of solid timber, with cedar cladding on the external walls and cedar shingles on the roof. The palette of materials is considered appropriate for the location. The exterior walls would be curved, giving a more organic appearance that would reflect the location well. The proposed tree house would be sited below the canopy of the tree. Its scale would be suitable in this location, and fit well with the existing tree.

3.3 The proposed tree house is acceptable having regard to policy DC16.

4.0 Impact upon Trees

4.1 The application is accompanied by an Arboricultural Implications Assessment and Preliminary Method Statement. The Assessment sets out that the proposal would not require the removal of any of the significant trees on site. Scrub and small stemmed self set trees would be cleared but are not of importance. One individual tree T4 should be removed on arboricultural grounds due to its poor condition and limited life expectancy within the context of the proposed development. The development and its associated access would take place within the root protection areas of several trees.

4.2 The Preliminary Method Statement provides guidance on tree protection methods, construction techniques and working practices to aid the preservation of the trees on site.

4.3 The Council's Tree and Countryside Consultant has considered the proposals and submitted supporting information. They have requested a condition that would ensure works are carried out as per the submitted Method Statement, and also a condition that would allow for a full understanding of the proposed surface and its construction. Subject to these conditions, the proposal is acceptable having regard to policy DC12 on Trees and Landscape.

5.0 Impact upon Ecology

5.1 Policy CP 10 relates to Natural Environment requires new development through the promotion of positive action and the development control process, the enhancement of biodiversity and geo diversity in the district will be sought. There is an expectation that development will incorporate biodiversity or geological features where opportunities exist. Development that fails to exploit opportunities to incorporate available biodiversity or geological features will not be considered appropriate.

5.2 A Preliminary Ecological Appraisal was submitted with the application. The Appraisal concluded that the mature oak proposed for incorporation into the tree house has 'moderate suitability' to support roosting bats, and nearby Panford Beck was identified as having potential to support water voles. Further surveys for these species are recommended within the Appraisal to fully ascertain the impact of the proposal. This conclusion was shared by the County Ecologist.

5.3 A Preliminary Ecological Appraisal report (Insight Ecology; February 2018) and a Protected Species Survey report (Insight Ecology; September 2018) was later submitted. The Council's Ecology consultant find the reports fit for purpose.

5.4 Mitigation, compensation and enhancement measures (providing net gains for biodiversity in-line with paragraph 170 of the NPPF) need to be implemented as outlined in sections 5.2, 5.2.1, 5.2.2, 5.2.3 of the Protected Species Survey report (Insight Ecology; September 2018) to reduce the likelihood of impacts on ecological receptors to acceptable levels. We agree with the report that due to the scale and nature of the proposed development there are unlikely to be impacts on designated sites.

5.5 A condition is recommended to ensure that mitigation measures need to be implemented as outlined in sections 5.2, 5.2.1, 5.2.2, 5.2.3 of the Protected Species Survey report (Insight Ecology; September 2018) and enhancements measures outlined in sections 5.2, 5.2.1, 5.2.2, 5.2.3 of the Protected Species Survey report (Insight Ecology; September 2018) need to be incorporated into the site and the design including but

not limited to a single pole-mounted barn owl box, two bat boxes and seeding of the fallow field for farmland bird species.

5.6 The proposed tree house is acceptable having regard to policy CP10, subjected to conditions.

6.0 Impact upon Highways

6.1 Access to the application site would be from Gateley Road, using a track. Two car parking spaces would be provided within the site.

6.2 The Highway Authority has noted the single track rural highway has limited passing provision. However given the proposed holiday let use, this would not give rise to unacceptable impacts on the local highway network.

6.3 The Highway Authority raised concerns that the rural access track would see mud and debris being carried out onto the highway and the erosion of the carriageway edge. A condition has therefore been recommended to ensure the first 10m of access is built to a particular specification.

7.0 Drainage Matters

7.1 The application site is within Flood Zone 1 so generally at a low risk of flooding. Due to the proximity of Panford Beck, the eastern edge of the site is at a low to medium risk of surface water flooding. Given the proposed development's elevated position, it is not considered that the development would be at risk of surface water flooding. Due to the limited nature of the development, it is not considered that it would unacceptably increase surface water run-off and flood risk.

7.3 Foul water will be disposed of via a septic tank. This would be an acceptable approach.

7.4 The proposal is acceptable having regard to policies CP9 on Pollution and Waste and DC13 on Flood Risk.

8.0 Planning Balance and Conclusion

8.1 On balance, it is considered that the proposal would constitute a sustainable form of development as defined in the NPPF, which would help to support the local rural community, would not compromise local amenity, would not adversely impact the character and appearance of the surrounding area or present any other, significant impact. The application is therefore recommended for approval.

CONDITIONS

1 **Full Permission Time Limit (3 years)**

The development must be begun not later than the expiration of THREE YEARS beginning with the date of this permission.

Reason for Condition:

As required by section 91 of the Town and Country Planning Act 1990.

2 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.

3 Existing access - widened or improved

Prior to the commencement of the use hereby permitted the vehicular access shall be upgraded in accordance with the Norfolk County Council agricultural access construction specification Field Type 1 or 2 for the first 10 metres as measured back from the near channel edge of the adjacent carriageway in accordance with a scheme to be agreed by the Local Planning Authority. Arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason for condition:

In the interest of highway safety and traffic movement.

4 Ecology - Mitigation

The development works shall be implemented in accordance with the mitigation measures outlined in Section 6 of the Ecological Report (Norfolk Wildlife Services; October 2018,) including but not limited to an inspection of potential roost features prior to any arboricultural works on G2, G1 and T4 trees assessed as having moderate potential for roosting bats.

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.

5 Non standard occupancy restriction

The accommodation hereby approved shall only be used as tourist accommodation and shall not be occupied as a permanent dwelling or by any persons for a continuous period exceeding 28 days in any calendar year, without the prior consent in writing of the Local Planning Authority.

Reason for condition:

In order that the Local Planning Authority may retain control over any future use of the site, in the interest of the amenity of the locality.

6 In accordance with Arboricultural report

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 Oakfield, reference OAS/17-264-AR01.. 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:

To protect the longevity of the trees in accordance with policy DC12 of the Adopted Core

Strategy and Development Control Policies Development Control Document 2009.

7 "No dig" construction through RPA

The proposed layout is heavily reliant on no-dig construction. In order to ensure that tree roots are adequately protected it is essential that a stable structure is provided which will distribute loads, reduce pressure at ground level whilst promoting the migration of water and nutrients. It will be necessary to provide details of the product to be used including the sub base, infill material and surface material. Specifications must be based on existing ground conditions and soil information (CBR) details of which should be provided. Loading information should be included specifying assumed maximum gross vehicle weight and assumed maximum axle load. No development shall take place in pursuance of this permission until details of the no-dig construction as well as of an auditable system of arboricultural site supervision and inspection for the duration of the no dig construction have been submitted to and approved in writing with the Local Planning Authority.

Reason for condition:

To protect the rooting area of trees in accordance with policy DC12 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

This condition will require to be discharged

8 Non-standard condition

No development shall take place in pursuance of this permission until details of an auditable system of arboricultural site supervision and inspection have been submitted to and approved in writing with the Local Planning Authority. The details shall provide for site supervision and inspection for the duration of the construction works. The construction works shall be supervised in full accordance with the agreed details.

Reason for condition:

To protect the longevity of the trees in accordance with policy DC12 of the Adopted Core Strategy and Development Control Policies Development Control Document 2009.

9 Inf 2

This development involves works within the public highway that can only be carried out by Norfolk County Council as Highway Authority unless otherwise agreed in writing.

It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the Applicants' responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Advice on this matter can be obtained from the County Council's Highway Development Management Group. Please contact Kay Gordon 01362 656211.

If required, street furniture will need to be repositioned at the Applicants own expense.

Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.

Please be aware it is the applicants responsibility to clarify the boundary with the public highway. Private structures such as fences or walls will not be permitted on highway land. The highway boundary may not match the applicants title plan. Please contact the highway research team at highway.boundaries@norfolk.gov.uk for further details.

