

ITEM:		RECOMMENDATION:	REFUSAL
REF NO:	3PL/2017/0578/O	CASE OFFICER	Rebecca Collins
LOCATION:	BRETENHAM Land East of Arlington Way and West of A1088	APPNTYPE:	Outline
APPLICANT:	Shadwell Estate Company Ltd Nunnery Stud Thetford	POLICY:	Out Settlemnt Bndry
AGENT:	Mr Paul Sutton 66-68 Hills Road Cambridge	ALLOCATION:	N
PROPOSAL:	Outline application for up to 115 dwellings and open space		
		CONS AREA:	N
		LB GRADE:	N
		TPO:	N

DEFERRED REASON

1.1 Planning History

1.2 This application was heard at Planning Committee on 1st October 2018, the officer report is attached below for information. The application was recommended for refusal for the following reason:

1.3 The proposed development would result in the loss of a substantial number of preserved trees which are of group value. National and local planning guidance states that development should recognise the intrinsic character and beauty of the countryside and enhance the natural local environment and the loss of protected trees should only be permitted in exceptional circumstances, if suitable compensatory measures exist, and where there are wider public benefits. It is not considered that suitable compensatory measures could be provided or that the wider public benefits outweigh the substantial harm. The proposal is therefore contrary to national guidance of the NPPF (2019), in particular Paragraph 170 and Policies CP6, CP11 and DC.12.

1.4 Members voted (7:2) to refuse planning permission in accordance with the officers' recommendation.

1.5 At the Planning Committee and explained in the officers report, in order to achieve a safe access to the site to accord with county highways engineers requirements, a roundabout at the entrance to the site was proposed. However, this solution involved the removal of the TPO'd row of Scots Pine trees along the front boundary of the site, which form part of a much longer row of Scots Pines on the other side of the A1088. The offer report sets out that 'these trees collectively form a long avenue of specimen trees providing a pleasant and verdant transition from the rural hinterland into the town along this key entrance'.

1.6 The Council's trees and landscaping section advised that as many as 90 TPO'd trees would be lost to achieve an acceptable highways scheme. There was common agreement that the loss of the trees would be unavoidable in order to achieve a safe access. Objection from the Tree officer was reported in this regard. Following the Planning Committee the applicant made a request to provide additional information with regards to mitigation planting and compensation to alleviate the Council's concerns with regards to the impact of the removal of the trees and the time to establish.

1.7 Since the last committee the applicants submitted a Tree Loss Mitigation, Compensation and

Maintenance Strategy to show suitable mitigation and compensatory planting for the loss of a number of Scots Pines on the site's frontage, necessary to accommodate the installation of the site access.

1.8 The strategy proposed:

- The planting of Scots Pine along the frontage of the site, obviously set back into the site to allow for the new roundabout.
- To fill gaps in the existing row of Scot Pine trees on the opposite side of the road.
- The planting of Scots Pines along the A1066, as additional compensation/mitigation for the loss of protected trees at the western side of the A1088, acknowledging the importance of this key landscape feature at the entrance to Thetford.

1.9 The strategy states that this would create a line of 'Breckland' Scots Pines along an additional main entrance into Thetford, from Diss. This line of trees is estimated to be 145m in length (limited by a powerline which runs along this route at a later point) on the south side of the road.

1.10 All the trees are to be planted in a linear form, but with irregular spacing to mirror the sporadic spacing between the 'Breckland' Scots Pine on the opposite side of the road, referenced in The Breckland Pine Rows: History, Ecology and Landscape Character Report. The trees are to be pruned to replicate the existing pattern of straight growth.

1.11 The new trees will be the subject to a specific and detailed management and maintenance procedure (provided by the applicants), whilst they become established and until they reach maturity. Once mature, they will then form part of a general annual tree maintenance programme/regime (also set out by the applicants). These would be secured via the planning permission. Any new trees lost during the establishment stage, will be replaced as appropriate.

1.12 The original officers report set out that the Breckland Core Strategy Policy DC12 states that 'any development that would result in the loss of . . . protected trees and hedgerows will not normally be permitted . . . the retention of trees, hedgerows and other natural features in situ will always be preferable'. The report also cited Paragraph 170 b) of the NPPF (2019), which seeks to 'recognise the intrinsic character and beauty of the countryside'.

1.13 The report also considered the Councils current position with regards to the lack of a five year housing land supply and the public benefit in providing housing to meet local need and considered that whilst indicative compensation planting is suggested, replacing the group value and aesthetic contribution of this avenue of Scots Pines, cannot be readily replicated on a like for like basis. Instant impact would be difficult to achieve and any replacement would take time to establish and become a landscape feature of worth and would not be of commensurate value to those that would be lost. The report concluded that the loss of the TPO trees should carry substantial weight in the planning balance, not outweighed by the provision of housing in this instance.

1.14 The submitted strategy was publically consulted upon with statutory consultees and neighbouring properties. Their comments have been summarised as follows:

2.0 Statutory Consultee responses

Town Council

The Council has once again considered the applicant's proposal, including the recent mitigation measures for

its proposed loss of almost 100 Scots Pines, currently protected by a Tree Preservation Orders (TPO) and remains firmly opposed to the application.

The A1088 is an important 'Gateway' into Norfolk and the Brecks. The mature trees that the applicant proposes to remove are an important landscape feature, and their removal would be contrary to DC12 of the present Core Strategy and Development Control Policies. Further, it is contrary to Policy JNP 3 of Croxton and Brettenham & Kilverstone Parish Councils Joint Neighbourhood Plan (JNP). This gateway on the A1088 is designed to protect the landscape and surrounding countryside from development. This approach to Norfolk and Brettenham on the A1088 would be seriously harmed by the applicant's proposals.

The Council views the Applicant's proposed mitigation measures for the loss of the Scots Pines with deep concern. Firstly, the primary purpose of TPOs would be circumvented. Secondly, the new trees proposed would take decades to fully mature. In this respect, the Council agrees with Breckland's own Tree and Countryside Consultant. Thirdly, planting additional trees on the A1066, which is not a designated Gateway, cannot possibly mitigate for the loss of trees on the A1088.

The application is on the site rejected as unsuitable for development for the SUE and the reasons are still valid. The area lies within Stone Curlew special protection buffer zone, counter to Policy CP 10 (Natural Environment - Protection of species) and crosses into or abuts the Breckland Special Protection Area. The Council is still not persuaded that the Stone Curlew mitigation measure offered by the Applicant of half a kilometre square and some 9 kilometres to the north east of the site is appropriate or adequate.

The site also lies outside the Thetford Settlement Boundary (within Brettenham) and thus is counter to Policy CP 14 (Sustainable Rural Communities) and CP 4 (Infrastructure). There are no schools in Brettenham and thus the additional population of some 400 would have to travel to other areas for children's education. Moreover, there is no primary care provision in Brettenham and the 2 practices in Thetford are full (as is the one in East Harling). Additionally, now that Phase 1a (343 new homes - 3PL2017/1576/D) of the 5,000 new homes has started, this infrastructure problem is steadily becoming increasingly difficult and is of real concern to the Greater Thetford Development Board.

The site will adversely affect the landscape's intrinsic beauty and rural character of the area, counter to Policy CP 11 (protection and enhancement of the landscape). It will also conflict with the aim of the JNP, which seeks to protect its gateways and integrate the SUE into its community and maintain the rural character of the area.

Tree Officer

Policy DC 12 states that 'Any Development that would result in the loss of, or the deterioration in the quality of an important natural feature, including protected trees and hedgerows will not normally be permitted'.

If it is considered that this application qualifies as an exceptional circumstance and the council is of a mind to go back on the decision made at committee, then I would advise that the proposed planting scheme is suitable for the location, in broad terms of principle. However, and notwithstanding this, it must be realised and accepted that the loss of in excess of 90 protected trees will have an immediate negative impact on the landscape, something that no amount of planting can compensate for in the short term. The proposed planting scheme will, in the long term, theoretically provide mitigation, but it must be taken into account that the TPO trees have taken around 100 years to reach their current size. My opinion coincides with policy that retention of trees in situ is always preferable. The newly planted trees will not be without problem in their establishment and will require high levels of maintenance. Large planted trees can sit with little growth for many years, watering, weeding and replacement planting will be essential. In this particular instance, it is

suggested that the estate has the means by which to establish this replacement planting, where others may not, so this could be argued to be a dangerous precedent to set.

NCC Ecology

No further ecological information appears to be available on the planning portal in support of this application. Our previous comments dated 13th March 2018 and 2nd June 2017 still apply.

RSPB

Whilst we do not raise any specific comments on the fresh information with regards to the tree mitigation strategy, we do sustain our objection that was outlined in our previous correspondence.

Highway England

No objection.

LLFA

The County Council as Lead Local Flood Authority has no comments to make.

Housing Enabling Officer

No comments further to those previously made by the team

Contaminated Land Officer

No further comments.

NCC Green Infrastructure Officer

The footpath /cycle link throughout the site is welcomed as this will allow residents to access the town by cycling or walking. The footpath/cycle link will need to be surfaced to allow an all year round accessible route to the town. I welcome the fact that part of the proposed route will be within a green corridor to the north of the site as this will significantly enhance the route. The route is a shared route between cyclists and pedestrians and therefore will need to be a minimum of 3 metres wide.

We welcome the fact that the proposed route will be extended to reach Nuns Bridge Road in the SW of the site, we would like to see the route extended in the NW to Castle Street, ideally there should be a connection to Thetford Public Footpath No. 9.

3.0 Representations

Further public consultation was undertaken and comments have been summarised below for information also:

Object (x12)

- Please refer to our earlier objections;
- The trees are protected by a TPO and it is a criminal offence to do works to them/remove them;
- The photographs supplied are not a true representation as they do not show all the existing trees that they

wish to cut down. These are no ordinary trees they are very specific to this area of Breckland and has incredibly twisted trunks which makes them, especially because of their age, so necessary to keep in place and alive;

- The protected trees in question are part of the established landscape on the A1088 and enhance its visual approach to the area;
- The Croxton and Brettenham & Kilverstone Joint Neighbourhood Plan specifically includes a policy that seeks to protect this character feature as it is a gateway to Brettenham and Kilverstone. The JNP should be taken into consideration in determining this application;
- The Town and Country Planning Act 1990 also specifically mentions if any protected tree is removed 'it shall be the duty of the owner of the land to plant another tree of an appropriate size and species at the same place as soon as he reasonably can.' This proposal suggests that replacement trees will be provided along the A1066 which is neither part of the identified gateway in the JNP, and is not in the same place as per the Act;
- I note the plans for the roundabout exiting the site include substantial tree planting on both corners surely this will impede vision for those cars exiting the site?;
- I do not feel this development qualifies as an exceptional circumstance, as there are already plans for 5000 new properties on the north of Thetford, and these are now starting to be built;
- Planting trees elsewhere will not compensate for those cut down;
- It will be many years before newly planted trees mature;
- The loss of those trees mean a loss of heritage and a threat to the wildlife;
- There is no guarantee that any new planting would survive and be able to successfully replicate the lost trees;
- This is a dangerous precedent to set; and
- Cannot understand why this application has not been refused, as per the committee resolution.

Support (x2)

- The Shadwell Estate has been an exemplary custodian of its land over the years, showing a passion for improving the environment through thoughtful management and supporting 'green' projects throughout the town. The proposal to plant so many trees as mitigation for the development is clear evidence to its environmental commitment.
- The provision of so many 'affordable homes' (40%) would clearly help alleviate the 'affordable housing' shortage in Thetford.
- The Shadwell Estate has served, and continues to serve, the town of Thetford well and, as such, we feel that it would be a travesty if Breckland Council were not able to support the revised application.
- This is a highly sustainable location and an important new proposal for Thetford;
- The proposed Tree Mitigation Strategy is more than sufficient to compensate for the loss of the 90 TPO'd trees.

4.0 Assessment

4.1 Given that matters of principle, design, ecology, highways, amenity and historic environment were all considered at the Committee of 1st October 2018 and adequately addressed below, then it is not our intention to revisit these matters unless they are considered to relate to the additional information submitted after the committee. Consideration of the additional information has been set out below. Furthermore there has been a change to policy position with the Croxton, Kilverstone and Brettenham Neighbourhood Plan having been successfully passed at referendum. This is also further considered below.

4.2 Impact on Trees

Despite the submission of additional information, which has been further reviewed and consulted upon, it is not considered by officers and the Tree officers (as well as the Parish Council and other neighbouring

properties) that the mitigation and compensation planting proposed nor the provision of 115 dwellings constitutes an 'exceptional circumstance' as required by Policy DC12 of the Breckland Core Strategy to outweigh the benefit of preserving existing natural features. In this instance the retention of the Scot Pine, which contributes significantly to the character of the area and landscape, 'is preferable' in accordance with Policy DC12 and it is considered that this cannot be suitably mitigated against by the proposed landscaping adjacent to the new roundabout, filling gaps on the opposite side of the road and additional planting alongside the A1066.

4.3 Ecology

Although, the loss of trees does have the potential to harm ecology, this was not considered so significant, along with other ecological enhancements proposed, as to warrant refusal of planning permission previously. Given that the proposal has not significantly changed in this regard and that the applicant has provided additional detail to demonstrate further planting which could enhance ecology, then this is still not considered a reason for refusing planning permission in this instance.

4.4 Highways

Some concern has been raised over the proposed planting adjacent to the roundabout and that this would need to be agreed with the Highways Authority to ensure adequate visibility. However, there appears sufficient space within the site for this to be achieved.

4.5 Other matters

4.6 Consultation comments with regards to TPO trees relating to it being an offence to do works to them and their protection under the Planning Act, would not apply if planning permission was to be granted for this scheme with their removal shown as part of the approved planning permission .

4.7 Comments with regards to housing provision elsewhere are noted but each scheme must be considered on its own merit, in accordance with adopted planning policies and other material planning considerations, which have been set out in the earlier committee report and this update.

4.8 Change to Policy position

Since the application was first reviewed at Planning Committee the Croxton, Kilverstone and Brettenham Neighbourhood Plan has been successfully passed at referendum. The relevant policies and a summary of them has been provided to inform the decision on this application:

POLICY JNP1: Housing Design and Material - Requires high quality design.

POLICY JNP2: Housing Density - Requiring development of an appropriate density.

POLICY JNP3: Enhancing village gateways and protecting local landscape character - Requires the visual scenic value of the landscape and countryside surrounding the parishes to be protected from development, with, consideration given to the more sensitive areas and features such as those considered to be typical of the Brecks area e.g. lines of scots pines. Important gaps should be protected. Proposals that will enhance the visual appearance of an approach or "gateway" to a village and through the, use of appropriate hard or soft landscaping measures will be encouraged. Proposals that incorporate native planting with reference to the wider Brecks landscape, will be supported. Care should be taken to ensure that gateway enhancement improvements do not detract from highway safety.

POLICY JNP 5: Historic Environment - New development proposed, in close proximity, to designated or non-designated heritage assets should take account of the historic fabric of the area and preserve or enhance the

character or appearance of the Croxton Conservation Area, protect the significance of the Listed Buildings, protected trees, and/or other heritage assets as identified in the relevant Character Appraisal.

POLICY JNP6: Natural Environment - New developments will need to consider direct and indirect impacts to the European Protected Sites and SSSIs and where possible existing natural features such as trees or hedgerows, should be retained and enhancements made.

POLICY JNP7: Transport and Highway Safety - Development will be expected to ensure that there is no detriment to highway safety and, where possible, help to reduce existing risks. New footpaths should form part of a coherent network and aim to encourage pedestrian alternatives to using the private car and through roads. Walking and cycling should be encouraged. Highways impacts should be mitigated against.

POLICY JNP8: Community Facilities - Housing and other development will be expected to contribute towards improving local services and infrastructure

POLICY JNP 10: Surface Water Drainage and Flooding - Any new development or significant alteration to an existing building within the Plan area should be accompanied by an appropriate assessment which gives adequate and appropriate consideration to all sources of flooding and proposed surface water drainage.

4.9 It is not considered that these policies and considerations materially change the conclusions and recommendation of the original committee resolution. However, as policy JNP3 actually supports the earlier reason for refusal, this policy will be added to the reason for refusal as an update.

5.0 Conclusion

5.1 This application was previously recommended for refusal on the grounds of loss of trees not being outweighed by the benefits of providing housing in this location. Despite the additional information submitted, it remains that the proposal would result in the loss of a substantial number of preserved trees and the suitable compensatory measures together with the other benefits associated with the scheme including the provision of 115 houses and affordable housing do not significantly and demonstrably outweigh the substantial harm identified. Therefore, this application continues to be recommended for refusal for the following reason:

5.2 The proposed development would result in the loss of a substantial number of preserved trees which are of group value. National and local planning guidance states that development should recognise the intrinsic character and beauty of the countryside and enhance the natural local environment and the loss of protected trees should only be permitted in exceptional circumstances, if suitable compensatory measures exist, and where there are wider public benefits. It is not considered that suitable compensatory measures could be provided or that the wider public benefits outweigh the substantial harm. The proposal is therefore contrary to national guidance of the NPPF (2019), in particular Paragraph 170 and Policies CP6, CP11 and DC.12 of the Breckland Core Strategy and Policy JNP3 of the Croxton, Kilverstone and Brettenham Neighbourhood Plan.

5.3 All other matters have been adequately considered within the committee report dated 1/10/18 and there has been no significant change to planning policies to warrant an alternative decision to be made with regards to these matters.

6.0 Recommendation

The applicant remains unacceptable due to the loss of trees, contrary to the adopted development plan and

the NPPF (2019) and is therefore recommended for refusal.

REASON FOR COMMITTEE CONSIDERATION

The application relates to a major development and is located outside the settlement boundary for Thetford.

KEY ISSUES

Principle of development/Sustainability
Landscape, character and appearance of the area,
Design and Layout
Trees & Landscaping
Access and highway impact
Impact on amenity
Historic & Natural Environment
Other Matters - Affordable Housing/Development Contributions, Flood Risk, Contamination, Third Party Comments.

DESCRIPTION OF DEVELOPMENT

Outline planning permission is sought for up to 115 dwellings and open space at Land East of Arlington Way and West A1088. It is anticipated that that the development would consist of a mixture of dwelling types ranging from one to four bedroom properties, which will include two storey and single storey dwellings. It is proposed that 40% of the development would be provided as affordable housing, with 46 of the 115 proposed dwellings being identified for affordable housing.

The development would be accessed from the A1088. Pedestrians and cycle links will be provided onto the A1088 and direct access into Thetford. The indicative site plan shows a central public open space is proposed, together with green corridors to the northern and eastern boundaries and a footpath on the western boundary. An illustrative master plan included in the design and access statement submitted in support of the application incorporates these elements and shows a proposed development layout.

The application is supported by a number of technical reports and documents, including a Design & Access Statement, Arboricultural Implications Assessment, Landscape and Visual Plan, Affordable Housing Statement, Transport Assessment, Land Contamination Report and a Flood Risk Assessment.

SITE AND LOCATION

The site is outside but adjacent to the settlement boundary of Thetford, the town contains the typical services and facilities of a settlement with a population of circa 25,000 and there are sustainable transport links to settlements locally, and connecting trains to London. The settlement is therefore targeted for significant housing and employment growth, under the existing and emerging plan strategies, and this includes a proposed Sustainable Urban Extension for 5,000 homes which has received outline consent.

The application site is in close proximity to two European designated sites, Breckland Special Protection Area (SPA) and Breckland Special Area of Conservation (SAC) and therefore has the potential to affect their interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). Several component SSSIs of these sites are also within the vicinity of the proposal, such as Breckland Farmland Site of Special Scientific Interest (SSSI),

Breckland Forest SSSI and Barnham Cross Common SSSI.

The application site comprises an area of agricultural land on the southern edge of Thetford. The site is irregular, broadly rectangular shaped and extends to an area of 7.02 ha. The land slopes down gently from south-east to north-west. Currently the site is split in two with the divide being a hedge along the width of the site. The north part of the site is standard agricultural use and the southern part has previously been used as sports fields. The site is adjacent to a cluster of housing located at Arlington Way. The site is bounded to the south by dense mature trees, and there are trees (Scots Pines) along the A1088 road frontage, which are the subject of a group TPO. The area around the site is characterised by open swathes of arable farmland. The boundary treatments across all sectors of the site include mature trees and hedging.

EIA REQUIRED

No requirement for full Environmental Statement.

RELEVANT SITE HISTORY

3PL/2016/0463/O - Land East of Arlington Way, Brettenham - Residential development for up to 135 dwellings and open space. Withdrawn 11-08-16.

TPO 2018.NO.8 - Group TPO - issued 18.04.18. Confirmed 31.07.18.

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.04	Infrastructure
CP.05	Developer Obligations
CP.06	Green Infrastructure
CP.10	Natural Environment
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.04	Affordable Housing Principles
DC.11	Open Space
DC.12	Trees and Landscape
DC.16	Design
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

OBLIGATIONS/CIL

The following S.106 contributions are requested if planning permission is granted;

Affordable Housing 40%

Education - primary education contribution

Green Infrastructure improvements to the local network

CONSULTATIONS

BRETtenham & KILVERTONE PARISH COUNCIL

Brettenham and Kilverstone Parish Council is grateful for the extension to allow it to consider application 3PL/2017/0578/O (Residential development for up to 115 dwellings and open space on the land to the east of Arlington Way). The Parish Council is aware of the objections already submitted to Breckland DC by our parishioners and the comments and objections of some of the statutory consultees. The Parish Council considered the application at its meeting on 20 Jun 17 and agreed to object to the Outline Application for the following reasons: The application is on the site rejected as unsuitable for development for the SUE, as defined in the TAAP, and the reasons are still valid. The area lies within stone curlew special protection buffer zone, counter to Policy CP 10 (Natural Environment - (Protection of Species) and crosses into or abuts the Breckland Special Protection Area. It is also close to the Nunnery Lakes Nature Reserve and the BTO have several concerns including the impact of the increased disturbance to habitats and wildlife. The site lies outside the Thetford Settlement Boundary (within Brettenham) and thus is counter to Policy CP 14 (sustainable rural communities) and CP 4 (Infrastructure). There are no schools in Brettenham and thus the additional population of some 400 would have travel to other areas for children's education. Moreover, there is no primary care provision in Brettenham and the 2 practices in Thetford are full (as is the one in East Harling). The site will adversely affect the landscape's intrinsic beauty and rural character of the area, counter to Policy CP 11 (protection and enhancement of the landscape). It will also conflict with the aim of the emerging Joint Neighbourhood Plan (Croxtan and Brettenham & Kilverstone PCs) which seeks to integrate the SUE into its community and maintain the rural character of the 2 PC areas. Access onto the A1088 is a cause for concern as is the capacity of the road to accept more traffic on this scale. Moreover, the A1088 is not specified as a corridor of movement and thus the application does not comply with Policies CP4 (infrastructure) and CP 13 (accessibility). The Parish Council is aware of the earlier application for the same site (3PL/2016/0463/O) which was withdrawn by the applicant and the refusal of an earlier planning application for just 3 additional properties (3PL/2007/2025/O) because of its likely impact on traffic flow on the A1088 which would be detrimental to highway safety. The site with 115 new homes would lead to a loss of privacy to the residents of Arlington Way contrary to Policy DC1 (protection of amenity). In order to make way for the application, the site has seen the removal of playing fields and thus is counter to Policy CP 6 (green infrastructure). The emerging Local Plan states that the local housing supply is met until 2036. Moreover, 3PL/2011/2050/O will see 5,000 new homes in the built in the PC areas of Brettenham & Kilverstone and Croxtan and the emerging Joint Neighbourhood Plan aims to integrate this new community with those existing and preserve the present rural nature.

- Access/egress would lead to highway safety concerns.
- Concern about the removal of landscape features at a gateway site.

ANGLIAN WATER SERVICE

Available capacity for foul drainage and storage.

HIGHWAYS ENGLAND

No objection.

NATURAL ENGLAND

We have had a productive meeting with the applicant and their ecology team which has resulted in updated reports. We now consider that the report contains sufficient information to assess the effect on all the designated sites and that appropriate mitigation proposals have been included. No works should begin until the works to enhance the mitigation site for stone curlew have been completed. This should be secured by planning condition. Works should avoid the stone curlew breeding season (March to the end of August). Alternatively, measures to ensure that birds will not be disturbed by noise/light during construction should be included within a Construction Environmental Management Plan (CEMP). We recommend that this is also secured by planning condition.

CRIME REDUCTION & ARCHITECTURAL LIAISON OFFICER

Concern about the footpath running to the rear of Arlington Way. We believe an S106 contribution should be made towards Police infrastructure, otherwise we object to the proposal.

PUBLIC RIGHTS OF WAY OFFICER

No objection. Cycle path at Nunnery Place is essential to the development.

NORFOLK COUNTY COUNCIL HIGHWAYS

Proposal revised to include a roundabout on the A1088. No objection to the layout and access, subject to conditions and agreement of the detailed layout under section 278 of the Highway Act and subject to conditions.

OBLIGATIONS OFFICER, NORFOLK COUNTY COUNCIL

Education contributions for primary education. Based on indicative housing mix a contribution of 331,251 pounds

Requirement for 1no. fire hydrant

Contribution of 8,625 pounds for libraries

Green Infrastructure improvements in the immediate vicinity of the site

FLOOD & WATER MANAGEMENT TEAM

The applicant has provided a revised Flood Risk Assessment and Drainage Strategy. No objection subject to a suitably worded condition.

HISTORIC ENVIRONMENT SERVICE

An archaeological trial trenching evaluation carried out at the proposed development site revealed pits and ditches relating to enclosures or field systems. If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigatory work in accordance with national guidance.

TREE AND COUNTRYSIDE CONSULTANT

14.12.2017

The proposed development will result in significant tree loss and would be contrary to policy DC12. In addition ownership of the trees is not clear.

17.07.2018

The proposal will result in the loss of over 90 trees which are now subject to TPO. The trees form part of a significant landscape feature synonymous with the Breckland District.

08.08.2018

The proposal will result in the loss over 90 trees subject to TPO. There does not appear to be any overwhelming justification for this and no mitigation has been proposed.

04.09.2018

To reiterate, I do not support the application due to the level of tree loss and landscape impact. If the LPA were to consider approval, indicative tree planting would not be sufficient. Detail including tree sizes at time of planting must be provided and given that large instant impact trees can be difficult to establish planting specifications and a detailed maintenance plan would be required.

HOUSING ENABLING OFFICER

Officer confirms that the site area and number of dwellings proposed trigger the thresholds of the Council's affordable housing policy as per DC4 of the Council's Adopted Core Strategy and Development Control Policies Development Plan Document. I would recommend that, in order to best meet an identified housing need, a predominance of smaller units i.e. 2bed 4 person unit are provided.

In this instance 46 units would be required, 32 for rent and 14 for intermediate housing. The affordable housing mix i.e., unit types, layout etc. will need to be addressed in the reserved matters. Whilst at this stage I appreciate that it is difficult to agree the type of affordable housing unit, ie 2bed, 3 bed etc, I would recommend that, in order to best meet an identified housing need, a predominance of smaller units i.e. 2bed 4 person unit are provided. Please note however that housing need is not static and therefore the affordable housing mix may change as time progresses particularly if there is a significant delay in submitting the reserved matters. The indicative bedroom split provided appears to be acceptable to meet current need. The affordable housing should be integrated into residential layouts to provide a distribution of affordable housing within the development site that will enhance community cohesion

ECOLOGICAL AND BIODIVERSITY CONSULTANT

Whilst we acknowledge that potential impacts on the SPA are of primary importance, there are other lower-tier designated sites that could be impacted by the proposal. Potential impacts from increased footfall at these sites should be assessed as part of the application process. In our opinion, any impacts on the Local Sites could be addressed relatively easily through Section 106 contributions to enhance local green infrastructure to mitigate impacts from increased footfall. It should be noted that we support the BTO's comments regarding lighting of the track leading to Arlington Way which could impact on wildlife, in particular bats. Construction Ecological Management Plan (CEMP) would be required by condition.

CONTAMINATED LAND OFFICER

Officers have looked at the application submitted and read the Phase1 report. Given the vulnerable end use would recommend a site investigation particularly around the areas where there is potential for contamination, therefore based on the information provided to me at this time, I recommend approval providing the development proceeds in line with the application details and subject to conditions to alleviate environmental concerns.

NORFOLK WILDLIFE TRUST

We note that there is an ecological assessment, within the EIA, accompanying the application. Detailed assessment is included of the development site itself and with regard to the SAC and SPA. However, no assessment has been made of impacts on other designated sites. This is curious as the Design and Access Statement shows a proposed footpath to Nunnery Lakes Nature Reserve, which is a designated County Wildlife Site and is already subject to recreational pressure. We understand that there is no current public access along this route. In our view, no planning decision should be made until impacts on Nunnery Lakes and other local wildlife sites have been assessed. This should include: The impact of potential increase in

levels of people on and around the Nunnery Lakes Nature Reserve, resulting in a general increase in disturbance to the habitats and wildlife on the site, including the four County Wildlife Sites. The impact the proposed direct pedestrian/cycle path from the estate onto BTO land may have on the reserve by encouraging people to access areas of the reserve not open to the public. Also the significant amount of signage that would be required to try to ameliorate this. The impact of the potential increase in unauthorised access, fires, fly-tipping, poaching, vandalism, etc. on the Reserve In relation to the above, if the application is approved this should be on condition that mitigation is provided for impacts, including increased recreational impacts, on County Wildlife Sites

BRITISH TRUST FOR ORNITHOLOGY

Request that the ecological impacts on adjoining sites are fully assessed.

Our chief focus relates to approximately 100 metres of BTO owned track running east/west from the old railway embankment to the present access point leading to Arlington Way. The track has shared use with four neighbouring cottages. The proposal would result in increased footfall and lighting which would impact the currently semi-rural feel of the area.

NHS ENGLAND MIDLANDS AND EAST (EAST)

No Comments Received

RAMBLERS ASSOCIATION: NORFOLK AREA

No Comments Received

RSPB

Insufficient information to demonstrate that the predicted impacts would be avoided or mitigated, there would be an adverse effect on the integrity of the SPA. There is no need for housing of this scale in this location. Proposed mitigation cannot be considered as such if damage to the SPA remains, rather represents compensation. Compensation measures are only permissible if all of the preceding tests have been passed, including consideration of alternative solutions and where there are imperative reasons of over-riding public interest. There is a misinterpretation of the SPA conservation objectives. The proposed mitigation option adjacent to the A11 is considered sub-optimal.

We have considered the Proposal in detail along with the requirements of the Habitats Regulations. It is clear that the Proposal will have a permanent effect on the integrity of the Breckland SPA and that it fails to pass the tests that would allow consent to be granted. The mitigation measures proposed are not in our view mitigation and therefore not fit for purpose. We also note the feasible alternative housing solutions for the District, so even if our mitigation concerns were satisfactorily addressed, it is our view that the Habitats Regulations tests would still not be met.

Therefore consent should be refused. For these reasons, in order to safeguard the internationally important stone curlew population of the Breckland SPA from permanent irreversible damage, we strongly object to this proposal.

REPRESENTATIONS

The application was advertised in the local press, site notice displayed, and letters sent to neighbouring residents. The following 72 representation letters were received raising the following issues:

- Strain on local public services
- Drainage concerns

- Concerns relating to impact on amenity, overshadowing
- Impact on wildlife
- The proposal will result in significant loss of trees which will harm the character of the area
- Traffic congestion, access issues
- Impact on Breckland Special Protection Area, light pollution
- Impacts on the cycle route
- Design is not in keeping
- Crime increase and the market value of nearby existing homes decreasing
- Contrary to local Neighbourhood Plan
- Concerns regarding access to adjacent cottages

ASSESSMENT NOTES

1.0 Principle of Development

1.1 The current application follows a scheme that was withdrawn in 2016 for a similar large housing development. A recurring theme, which once again is prevalent, has been how to achieve a safe and suitable access into the site, to serve a housing scheme of this nature. This has involved amendments to the submitted layout and the inclusion of a roundabout at the access to the site. The responses from highway consultees suggest that the current layout is acceptable from this perspective. However the addition of a roundabout would result in the loss of approximately 90 TPO'd trees along the road frontage.

1.2 The application site is located in close proximity to Thetford, though just outside the settlement boundary and on agricultural/sports field land. The proposal is therefore contrary to local plan policies SS1, DC02 & CP14 which aims to restrict new development outside of settlement boundaries.

1.3 Thetford is identified as a key settlement suitable for substantial growth as detailed within policy SS1 of the Core Strategy. In that respect a Sustainable Urban Extension (SUE) to the north of the town is proposed and this will provide in the region of 5,000 new homes.

1.4 The Council does not currently have a published 5 year land housing supply as required by the National Planning Policy Framework, which provides national planning guidance for local planning authorities and is a strong material consideration in the determination of planning applications. The revised NPPF states that where an authority does not have an up-to-date five year housing land supply the relevant local policies specifically for the supply of housing, should not be considered up-to-date. Furthermore, housing applications should be considered in the context of the presumption in favour of sustainable development which means granting consent unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate that development should be restricted. On the aforementioned basis, other principle planning issues for the application are considered below.

Principle of Development - Sustainable Location

1.5 As outlined above the planning balance in such schemes is tilted towards an approval unless any adverse impacts significantly and demonstrably outweigh the benefits.

1.6 Whilst third party representations has raised the issue of further housing in and around the settlement of Thetford, national policy aims to boost significantly the supply of housing, and the district currently has an under provision.

1.7 Paragraph 8 of the NPPF outlines, there are three strands to sustainability; economic, social and environmental, each mutually dependent, and not assessed in isolation from each other. It is accepted that Thetford has many sustainable attributes and it is no coincidence that an urban extension will be undertaken at this settlement.

1.8 In that respect there is ready access to the retail, employment, goods and service facilities of a large town. There are sustainable transport options to access other settlements. Locating local residents with ease of access to a supply of employment, service and health etc. options finds favour with local and national planning guidance and from a spatial viewpoint is a tenet of good planning.

1.9 The economic contribution that this site could make to the local economy is not insignificant. The construction and implementation, sale and fitting out, marketing etc. would support and maintain local business. This should also be afforded appropriate weight in any planning balance.

1.10 Furthermore helping to meet the housing needs of the local population can be deemed socially sustainable. It is noted that the proposed scheme will include a policy compliant element of affordable units. A scheme providing a mix of housing size, type and tenure, engendering social cohesion in housing provision, can be deemed socially sustainable. The sustainable attributes of the town to provide housing can be accepted.

2.0 Landscape, Character and Appearance of the Area

2.1 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.

2.2 Whilst the proposal site is currently in agricultural/former sports field use, as detailed above, it is just outside the settlement limit and its development would result in a relatively natural expansion of the settlement, bearing in mind its suitability for meeting housing need. The site is relatively flat and impact on the landscape would be minimal. The character to the north of the site is residential in nature, with pockets of open space, and none are of a style, density or layout that would render what is proposed here contrary to any established pattern of development. The proposed scheme could assimilate relatively seamlessly into the established character of the area, notwithstanding the fact the actual sites character would inexorably change in the process. As an extension to the town the site would be suitable to accommodate the development and the change from agricultural land to a site facilitating housing is an incumbent part of most housing developments at settlement edges.

2.3 There would remain scope to retain and augment landscaped boundaries with further planting. It is considered that the wider impacts on the landscape and character of the area are deemed acceptable in relation to the development of the wider site. However, issues relating to the loss of the TPO trees and the impacts that would result are explored further below.

3.0 Design and Layout

3.1 The proposed density amounts to approximately 16 dwellings per hectare. Policy DC.02 of the Core Strategy aims for a density of 22-30 units per hectare at settlement edges. The density falls below this range, but given ecological constraints this is considered justifiable and a relatively green and spacious layout would result. The indicative plans indicate each dwelling would be served by a reasonable level of private amenity

space and on-street parking. The indicative layout does not conflict with DC.02.

3.2 The indicative plan makes an ample allowance for communal amenity space and as such as outdoor sports area and play spaces for children. There is scope within the indicative scheme to meet the requirements of policy DC.11.

3.3 Design would be a matter reserved for detailed consideration later. At this stage there are no apparent reasons to restrict the details, massing, scale or ridge levels. There appears no reason why a two storey development would not be suitable. Any scheme should provide an appropriate mix of dwelling types and sizes and finishes drawn for the local palette of materials.

4.0 Trees and Landscaping

4.1 As detailed above a recurring issue at the site has been achieving a safe access to serve a residential development that could be supported by county highways engineers. As will be discussed further in the highways section of the report, the proposed roundabout appears to resolve this issue. However it will be at a significant cost to the existing trees along the boundary of the site.

4.2 The roadside boundary of the site is heavily vegetated and contains a long row of Scots Pine trees. The trees are considered of such value to have been the recent subject of a Tree Preservation Order. Along with a similar line of Scots Pines on the other side of the A1088, these trees collectively form a long avenue of specimen trees providing a pleasant and verdant transition from the rural hinterland into the town along this key entrance.

In order to achieve a safe and suitable access to the development site, the trees along the boundary would be lost which would in turn result in the loss of the avenue that is currently an important landscape feature at this entrance to Thetford. The Council's trees and landscaping section advise that as many as 90 TPO trees would be lost. If the sustainable attributes of the site carry significant weight in any planning balance, the loss of these trees, including their group value, must also receive appropriate weight.

4.3 The NPPF at Paragraph 170 b) states that decisions should be

"recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;"

4.4 There is common agreement that the loss of the trees would be unavoidable in order to achieve a safe access. Policy states that the retention of trees, hedgerows and other natural features in situ will always be preferable. Although there would be public benefit in providing housing to meet local need, this needs to be tempered by the fact that any provision of additional needs is not exclusively tied to this site and there may well be other sites that are not subject of the same constraints.

4.5 Whilst indicative compensation planting is suggested, replacing the group value and aesthetic contribution of this avenue of Scots Pines, cannot be readily replicated and like for like replacement is probably unattainable. Instant impact would be difficult and any replacement would take time to establish and become a landscape feature of worth and would not be of commensurate value to those that would be lost. The loss of the TPO trees should carry substantial weight in the planning balance, and a determination can be made as to whether exceptional circumstances exist. The proposal is contrary to policies CP11 and DC.12 which aim to protect to retain protected trees and in turn the intrinsic beauty of the countryside in its wider context.

5.0 Impact on Amenity

5.1 The site is relatively stand-alone, retaining adequate separation distances to surrounding properties. Whilst there is existing residential development on the northern boundary on Arlington Way, no significant impact should result, and adequate separation and screening is achievable. Future residents would enjoy a good level of amenity and the submitted plans indicate that plots would be quite spacious with reasonable rear amenity areas. The scheme conforms to policy DC.01.

6.0 Access and Highway Impacts

6.1 As detailed above there have been ongoing consultations between the applicant and Norfolk County Council Highways Authority and achieving a safe access has been critical to the overall feasibility of the development. The Highways Authority appears content that the proposed roundabout would provide safe access and that the majority of earlier concerns have been addressed with the submission of an amended layout. Detailed layout could be further considered at reserved matters/Section 278 stage and the Highways Authority suggests conditions to attach. The scheme is generally acceptable from a highway perspective subject to appropriate conditions and therefore complies with DC.19, CP4 and CP.13.

Issues raised in relation to access to other existing properties would be matters for respective landowners, have not been the source of objection by the Highway Authority and are not in them themselves a material planning consideration.

7.0 Historic and Natural Environment

7.1 An archaeological trial trenching evaluation carried out at the proposed development site revealed pits and ditches relating to enclosures or field systems. If planning permission is granted, a programmed of archaeological works could be agreed by condition rendering the scheme in accordance with DC.17.

7.2 From an ecological perspective, this is a potentially sensitive site to develop. A range of ecological consultation responses have been received. There are a number of designated sites in the vicinity and potential adverse impacts on the local stone curlew population are paramount. Natural England are content with the level of information submitted and have formed a view that conditions, including a Construction Environmental Management Plan, could adequately mitigate potential impacts.

7.3 Section 106 contributions to enhance local green infrastructure could aid with mitigation and suitable lighting along the British Trust for Ornithology owned pathway could help maintain the semi-rural setting. Whilst the RSPB concern about impact on the Breckland SPA and stone curlews is noted, it is considered that adequate mitigation can be provided to offset any impact and the proposal is in general accordance with policy CP.10.

8.0 Other Matters

Flood Risk

8.1 The applicant has now submitted a revised FRA and Drainage Assessment (Flood Risk Assessment and Drainage Strategy, 35591) to support the drainage scheme for this planning application. This addresses the issues raised at the initial consultation by the Flood Risk Officer at Norfolk County Council. The proposed development is considered acceptable from a flood risk perspective and the scheme should not increase flood risk off-site, a concern raised in third party correspondence. Conditions agreeing the implementation of

a drainage strategy are necessary to ensure accordance with policy DC.13.

Contamination

8.2 The proposed development does not raise any significant concerns in relation to potential contamination. Conditions agreeing investigation, remediation and unexpected contamination are deemed reasonable and necessary. The scheme is in accordance with policy DC.09.

Affordable Housing/S106

8.3 The site area and number of dwellings proposed trigger the thresholds of the Council's affordable housing policy as per DC.04 of the Council's Adopted Core Strategy and Development Control Policies Development Plan Document. The council's Housing Enabling Officer has been consulted and provided comments.

8.4 This concludes that in this instance, based on a development of 115 dwellings, 46 affordable dwellings would be required, 32 for rent and 14 for intermediate housing. The affordable housing mix i.e., unit types, layout etc. will need to be addressed in the reserved matters. Whilst at this stage it is difficult to agree the type of affordable housing unit, it is suggested that, in order to best meet an identified housing need a mix smaller units is provided. This can be agreed by Section 106 Agreement should consent be granted. The proposal accords with policy DC.04.

8.5 As detailed above the proposed scheme triggers affordable housing requirements and the scheme should be tailored to take this into account. The details can be agreed by a Section 106 Agreement should consent be granted and are considered to meet the tests.

8.6 The NPPF makes clear that it is unlawful for a planning obligation to be taken into account in a planning decision on a development if the obligation does not meet all of the following tests. These are that the obligation is necessary to make the development acceptable in planning terms, is directly related to the development, and is fairly and reasonably related in scale and kind to the development.

8.7 The Obligations Officer at Norfolk County Council has been consulted and suggested contributions as below;

Education

Fire Service - Hydrants

Green Infrastructure

The above are considered to relate fairly to the development and can be secured through section 106 if consent is to be granted. The applicant has submitted a draft Heads of Terms which would secure the necessary contributions through an executed agreement.

Other Matters

8.8 The rear section of the site was formerly used as sport pitches, which would be lost with the proposed development. Policy CP.06 and DC.11 aims to ensure existing green infrastructure, which includes sports pitches, will be protected. Whilst this site would be lost new green infrastructure including cycle links will be provided with the development. The general low density, allows for a substantial area of open space within the development including an equipped play area. Arguably the bringing into use of usable space would bring local recreational benefits. The proposal would not result in a local shortfall in recreational space and can be

justified from this perspective. The proposal accords with CP.06 and DC.11.

8.9 Whilst concern is expressed that the proposal would be in conflict with a local Neighbourhood Plan, at present it remains unadopted and not part of the local decision making framework.

9.0 Conclusion/ Planning Balance

9.1 The application does not accord with the adopted development plan as the site falls outside any settlement boundary. However, the Council does not currently have a 5 year land supply as required by the NPPF and this development would provide a contribution towards Breckland's Housing supply. On this basis, the other key principle considerations for this proposal must be assessed and these are whether the site is a sustainable location for housing and the visual impact on the countryside. The impact on TPO trees is another key consideration.

9.2 It has been concluded above that the site has many sustainable attributes and the general principle of redevelopment can be accepted. The proposal would make a significant contribution towards local housing supply and residents would have access to a range of service and employment opportunities of a large town. Sustainable transport links are very good and walking to access services could be an option.

9.3 Whilst impact on the wider character of the countryside would be limited, the proposal would result in the loss of a large number of TPO trees, the group and visual value of which are considered highly significant. The avenue of trees when entering the town is considered of particular value.

9.4 National and local guidance states that the loss of protected trees should be refused, unless there are wholly exceptional reasons. Public benefit is provided by the provision of housing to meet local need, and the incumbent economic sustainable benefits that would follow.

9.5 The sustainable benefits and provision of housing must attract substantial weight. However, whilst the site appears ready and available for development, meeting housing need is not specifically tied to this site. Furthermore the Council is in the advanced stages of finalising a new local plan, which has been subject to examination hearings. This will include a strategy for addressing the Council's objectively assessed housing needs. It is not considered that addressing housing shortfall on the site meets the test of exceptional circumstances and the council has concerns that a suitable compensation strategy does not exist, or could be put in place. The public benefits, though weighty, do not outweigh the substantial harm in this case. When a planning balance is undertaken, the particularly adverse harm in this case, demonstrably outweighs the benefits. It is therefore recommended consent is refused.

REASON(S) FOR REFUSAL

1

Non-std reason for refusal

The proposed development would result in the loss of a substantial number of preserved trees which are of group value. National and local planning guidance states that development should recognise the intrinsic character and beauty of the countryside and enhance the natural local environment and the loss of protected trees should only be permitted in exceptional circumstances, if suitable compensatory measures exist, and where there are wider public benefits. It is not considered that suitable compensatory measures could be provided or that the wider public benefits outweigh the substantial harm. The proposal is therefore contrary to national guidance of the NPPF, in particular Paragraph 170

and Policies CP6, CP11 and DC.12 of the Breckland Core Strategy and Policy JNP3 of the Croxton, Kilverstone and Brettenham Neighbourhood Plan.

All other matters have been adequately considered within the committee report dated 1/10/18 and there has been no significant change to planning policies to warrant an alternative decision to be made with regards to these matters.