

<b>ITEM:</b>		<b>RECOMMENDATION:</b>	APPROVAL
<b>REF NO:</b>	3PL/2018/1583/O	<b>CASE OFFICER</b>	Mark Simmonds
<b>LOCATION:</b>	SAHAM TONEY Saham Tythe Barn Chequers Lane Saham Toney	<b>APPNTYPE:</b>	Outline
<b>APPLICANT:</b>	Garioch Property Holdings Ltd c/o agent	<b>POLICY:</b>	Out Settlemnt Bndry
<b>AGENT:</b>	Mr Colin Smith Down Ampney Well Hill Yaxham	<b>ALLOCATION:</b>	N
<b>PROPOSAL:</b>	Residential development	<b>CONS AREA:</b>	N
		<b>LB GRADE:</b>	N
		<b>TPO:</b>	N

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

This application is referred to Committee as the proposal is recommended for approval contrary to policy.

#### **KEY ISSUES**

- Principle of Development
- Saham Toney Neighbourhood Plan
- Impact upon the Character and Appearance of the Surrounding Area
- Amenity Impact
- Impact on Ecology
- Impact on Trees
- Access and Highway Safety Implications
- Flood Risk and Drainage Implications
- Other matters

#### **DESCRIPTION OF DEVELOPMENT**

This application seeks outline planning permission with all matters reserved for the erection of 4 dwellings. The reserved matters, comprising access, scale, layout, external appearance and landscaping, will be the subject of a future detailed reserved matters application.

This outline planning application, as submitted, seeks to establish the principle of development of the site for 4 dwellings. An indicative site plan and details have been submitted with the application, which indicates four detached bungalows.

#### **SITE AND LOCATION**

The site comprises an area of 0.48 hectares of what is described as "garden land to host dwelling" Saham Tythe Barn, Chequers Lane, Saham Toney.

**EIA REQUIRED**

Not required.

**RELEVANT SITE HISTORY**

3PL/2018/0771/O

This application was recently withdrawn following discussions with the applicant. The site was unacceptable in terms of flood risk as it was in a zone at risk of surface water flooding, with implications for design and finished floor levels. Pre-application advice was given for this new application which includes a maximum of four bungalows to reduce the visual impact within the open countryside.

**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.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
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.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

**OBLIGATIONS/CIL**

Not applicable.

**CONSULTATIONS**

**SAHAM TONEY P C**

Saham Toney Parish Council discussed the above plan at its meeting on the 7th January 2019 and it was unanimously voted to object for the following reasons:-

1. The site is somewhat outside the adopted settlement boundary. The adopted Development Plan allows only development within the settlement boundary.
2. Breckland Core Strategy and Development Control Policies Development Plan Policy CP1 allocates zero

new dwellings to Saham Toney between 2012 and 2026.

Policy CP10 requires the enhancement of biodiversity and geodiversity and that open spaces and areas of biodiversity interest will be protected from harm. No Ecological Report has been submitted and the applicant should be asked to provide a full ecological assessment of the site.

Policy CP11 requires the development to have regard to the findings of the Councils Landscape Assessment and Settlement Fringe Landscape Assessment to ensure land is released, where appropriate, in areas where the impact on the landscape is at a minimum. The site is in an area of high sensitivity to development.

### 3. Emerging Local Plan

Policy HOU4 requires any development not within a settlement boundary to be immediately adjacent to the settlement boundary. This site does not meet this requirement.

## **NORFOLK COUNTY COUNCIL HIGHWAYS**

The application is a re-submission of 3PL/2018/0711 with the 4 dwellings relocated further into the site. The site lies some distance from the footpath network which would link pedestrians with village amenities such as the school, village hall and pub. In this instance the nearest footway lies some 460m to the north west and there would not appear to be sufficient land within the highway verge to facilitate a new footway between the site and the existing provision. The site does, however, lie within cycling distance of all of these amenities and I am mindful of the Appeal decision in relation to the application for 10 dwellings off Ovington Road (3PL/2016/0766/F App/F2605/W/17/3176900), where the inspector concluded "...I do not consider the extra walking journeys that would be generated would be sufficient to justify the provision of a pavement. Indeed as most of the other roads in the village do not benefit from pavements, as with many rural settlements, the regular use of the roads by pedestrians is common and drivers would be well aware of the need to take appropriate care"

On that basis, and given the scale of the development, I consider it would be difficult to substantiate an objection to the proposal on the lack of satisfactory pedestrian facilities in the vicinity of the site.

The indicative details show that the site will be served by the existing access and I am satisfied that the applicant owns sufficient land to provide acceptable level of visibility onto Chequers Lane. This may involve the removal of a short length of hedge.

No communal turning facility is shown however I note that the submitted details are only indicative and the applicant controls sufficient land to achieve this .

If your Authority is minded to grant approval any reserved matters application will need to include the following conditions:-

Access achieving 4.5m for the first 10m into the site

On site communal turning facilities

Parking in accordance with adopted guidelines

Visibility measuring 2.4m x 59m from the access onto Chequers lane

## **ENVIRONMENT AGENCY**

The Environment Agency have been consulted and offer the following guidance:

Groundwater and Contaminated Land The site is located above a Principal Aquifer. The developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency Guiding Principles for Land Contamination, which can be found here: <https://www.gov.uk/government/publications/managing-and-reducing-land-contamination> If the development proposes to use deep infiltration systems including boreholes and other structures that bypass the soil layer we would wish to be re-consulted.

## **FLOOD & WATER MANAGEMENT TEAM**

No comments.

## **TREE AND COUNTRYSIDE CONSULTANT**

No objection to the principal. no objection. A tree protection plan will be required based on final layout which

should take into account the constraints identified in the arboricultural report supplied by Oakfield

#### **CONTAMINATED LAND OFFICER**

Based on the information provided, namely the agricultural nature of the site, I recommend approval providing the development proceeds in line with the application details and subject to conditions to alleviate environmental concerns.

#### **ECOLOGICAL AND BIODIVERSITY CONSULTANT**

This planning application is supported by an Ecological Report (Wild Frontier Ecology; January 2019). The report is fit for purpose. The mitigation measures proposed in the report will reduce the risk of impacts on ecological receptors to acceptable levels. If you are minded to approve this application, we recommend that you condition the following:

The development must proceed in-line with the mitigation measures outlined in section 7 of the Ecological Report (Wild Frontier Ecology; January 2019).

Enhancement measures outlined in section 8 of the Ecological Report (Wild Frontier Ecology; January 2019) need to be incorporated into the sites design to provide net gains for biodiversity in-line with paragraph 170 of the NPPF.

#### **HISTORIC ENVIRONMENT SERVICE**

The proposed development will not have any significant impact on the historic environment and we do not wish to make any recommendations for archaeological work.

### **REPRESENTATIONS**

A Site Notice was displayed 11-01-2019 to 01-02-2019.

Four neighbours were directly notified.

Four representations were received objecting to the proposal. Their comments are detailed below;

This application is for four properties along Chequers Lane, one of the main routes through the village, which is a narrow, rural lane with no footpaths. There are already two approved applications for development along Chequers Lane on land adjacent to Stanway Farm:

3PL/2015/0242 for 5 houses; work has commenced on 1 house;

3PL/2017/1423 for three houses; no work has commenced.

In addition to this application at Saham Tythe Barn, there is an application, 3PL/2019/0011, for 3 houses at Meadow Farm in the consultation phase and there is a proposal for 10 houses on land at Grange Farm (STNP 1) being reviewed by AECOM as part of the Saham Toney Neighbourhood Plan Call for Sites. When considering any Planning Applications along Chequers Lane consideration must be given to improving highway safety and pedestrian safety.

On an earlier application for change of use from domestic garage/storage to separate dwelling (3PL/2015/1001/F) an alternative access was proposed by the applicant. This was accepted by Highways, subject to conditions which included:

"Vehicle access at the position shown on the approved plan, in accordance with highway specification Dwg No TRAD 4 Visibility splay measuring 2.4 X 90 metres to the north west of the access A 2.4-metre-wide, parallel visibility splay to be provided to the south east of the access"

If these were the requirements for a proposed single dwelling, the same condition should be the minimum

requirement for four dwellings.

In addition, in 2016 Planning Application 3PL/2016/0415 approved change of use of a Stable to a Hairdresser's Salon and Studio resulting in additional traffic through the existing access.

Property owners along the area to the south of the site along Chequers Lane have suffered severe flooding within the last three years. We are not convinced by the submitted application that the full potential impact of flooding on downstream properties has been addressed.

The Leader of the Saham Toney Neighbourhood Plan Steering Committee Work Group comments as follows;

- CP1 allocates zero new dwellings to Saham Toney between 2012 and 2026. Therefore this development is not warranted.
- Policy CP11 requires development to "have regard to the findings of the Council's Landscape Character Assessment (LCA) and Settlement Fringe Landscape Assessment to ensure land is released, where appropriate, in areas where the impact on the landscape is at a minimum". As shown in the Settlement Fringe Landscape Assessment the site is in an area of high sensitivity to development, and therefore the application is not compliant with Policy CP11.
- The site is outside the adopted settlement boundary and somewhat distant from it.
- The emerging Local Plan has been examined and although the final Inspector's report is awaited, Breckland Council are fully aware of the likely recommendations and have made those public. The emerging Plan therefore carries weight in planning decisions, yet is not once referred to in the application, but the application contravenes the following emerging policies:

- \* Policy HOU 04 requires any development that is not within a settlement boundary to be "immediately adjacent" to the settlement boundary". The proposed site is neither and therefore the application is non-compliant with the policy.

- \* Policy TR01 requires development to "seek to minimise the need to travel". This site is further than the Government's maximum walking distance from services and public transport (which can only be reached on foot along roads with no footpaths nor usable pedestrian verges) and hence non-compliant with that requirement.

- \* Policy ENV 05 requires development to "have regard to the findings of the Council's Landscape Character Assessment (LCA) and Settlement Fringe Landscape Assessment to ensure land is only released in areas where the impact on the landscape is minimal". As shown in the Breckland Settlement Fringe Landscape Assessment the site is in an area of high sensitivity to development, and therefore the application is not compliant with Policy ENV 05.

- With Respect to the Emerging Saham Toney Neighbourhood Plan;

Policy 1 requires proposals to comply with the following criteria:

- a. The landscape setting and character of Saham Toney shall be preserved and where possible enhanced;
- b. There will be acceptable availability and accessibility of services and facilities;
- c. Development will address Parish specific housing needs;
- d. Sites shall be in readily accessible locations with safe access to and from the public highway and shall have no unacceptable effects on highway safety;

This proposal contravenes each of these requirements.

Policy 2B requires development outside the settlement boundary to be one of the following:

- a. Allocated sites STNP1 to STNP16 providing proposals fully comply with the criteria set out in Policies 2E

to 2U respectively;

b. The conversion to residential use of buildings in the countryside in accordance with emerging Local Plan policy HOU 12;

c. Agricultural worker exceptions in accordance with emerging Local Plan Policy HOU 13;

d. Rural exception sites in accordance with emerging Local Plan Policy HOU 14;

e. Isolated dwellings in the countryside that meet one or all of the criteria set out in the National Planning Policy framework paragraph 79.

The proposed site satisfies none of the above and is therefore non-compliant.

Policy 2C requires development to meet Saham Toney's identified housing needs. The application does not address any of the required criteria (as set out in the 2018 Saham Toney Housing Needs Assessment, submitted in evidence for the Regulation 14 pre-submission of the Saham Toney Neighbourhood Plan), and is therefore non-compliant.

Policy 3C requires that "site access shall be compatible with and link successfully with the local road network and shall not impact on highway safety". The proposal does not demonstrate that to be the case.

Policy 7A shows the proposed site to be in an area of high landscape sensitivity and moderate to high combined landscape and visual sensitivity (based on a specific Saham Toney Landscape Character Assessment independently prepared in November 2018). Among other requirements this policy specifies:

" Subject to the requirements of the individual landscape area policies, in general development proposals will be supported where:

a) Their scale, location and design are appropriate to the landscape character and sensitivity of the area in which they are located; and

b) They will not have an adverse impact on the key natural or historic features of the area's landscape character or the overall composition or quality of the landscape character, particularly if the landscape is currently largely unspoiled by obtrusive or discordant features.

When considered with other recent developments, proposals shall not have an adverse cumulative impact on the local landscape character.

All proposals for sites located in areas of high or moderate-high combined landscape sensitivity, and not allocated in this Plan, shall include a professionally prepared Landscape and Visual Impact Assessment that provides full justification for the proposal in landscape terms, shows how the area's special landscape qualities will be preserved, and where possible enhanced, and sets out measures that will be taken to mitigate landscape impact. In such areas changes that would degrade the area's landscape sensitivity will not be supported."

The proposal contravenes all of the above.

- Re: NPPF 2018;

Paragraphs 39 and 42 deal with early engagement. An ideal opportunity for engagement was available between 12 August and 18 October 2018 when a "Call for Sites" was published, inviting landowners, developers and others to submit sites for potential allocation in the Saham Toney Neighbourhood Plan. The applicant was specifically and individually invited to make a proposal but declined to do so. Therefore this site will not undergo the rigorous independent site assessments being made to determine which sites in the village are suitable to be allocated in the Saham Toney Neighbourhood Plan.

Paragraph 43 highlights the need for applicants to present correct information. Section 2 of this representation highlights the many errors and omissions in the documents submitted with the application. Paragraph 77 requires housing developments in rural areas to support local needs. As noted in section 1.4 the application is not in compliance with the Saham Toney Housing Needs Assessment 2018, which is attached with this objection.

The proposed site is located in an area defined by Breckland Council (in its Settlement Fringe Assessment) and the more recent Saham Toney Landscape Assessment as being of high sensitivity to development. It therefore contravenes Paragraph 170.

Reference to an application 3PL/2017/1423/O is irrelevant and invalid since each application must be decided on its merits and one application cannot be used as a precedent for another. However of much more relevance is the applicant's own previous application 3PL/2015/1452/F for conversion of a garage to a domestic dwelling on the applicant's land immediately to the south of the presently proposed site, which was refused by Breckland Council. If one building conversion was unacceptable on this land then, one must question how 4 new dwellings could be deemed acceptable now.

The statement that the site's location satisfies the sequential test is incorrect and invalid since the site has not undergone a sequential test against other potential sites in Saham Toney. Conversely sixteen sites put forward for independent assessment of suitability for allocation in the Saham Toney Neighbourhood Plan will undergo such a test. This site should have been put forward as part of that process.

The appraisal recognises a walking distance of 800m to services and facilities as being appropriate but erroneously states the site is within that distance of such services and facilities. In fact the site is:

- 1100m from the community centre;
- 1490m from the village pub;
- 1050m from the nearest bus stop;
- 1200m from the primary school;
- 1400m from the church.

It is also stated that "The site is near a bus stop whereby services to Norwich can be reached." This is false: the nearest bus stop serving Norwich is 2300m away in Watton.

Reference made to an appeal of an application in a different part of the country is not applicable, particularly as that decision was guided by the now superseded NPPF 2012.

In justifying a social element to the site's claimed sustainability the appraisal makes reference to a shop and post office that closed in 2013. Other than that it simply lists the facilities available. That does not constitute a demonstration of the development's own social dimension of sustainability.

It is untrue that the southern boundary hedge is of no importance. Actually it is of a length that affords it protection under the Hedgerow Regulations. It may also contain protected species, but the application's ecology appraisal does not deal with that.

Highways;

Although when the Highways Development Management Officer responded to the withdrawn application 3PL/2018/0711/O; that officer compared that proposal on Chequers Lane with another on Ovington Road (3PL/2016/0766/F App/F2605/W/17/3176900 - which was allowed on appeal) with regard to pedestrian safety. However that was not a valid comparison: Ovington Road is a straight highway with excellent visibility in both directions from that site's access / egress point which will be via the existing Mill View. The proposed site at Saham Tythe Barn is by contrast on a bend with vision obscured by a hedge in excess of 4m high both to the north and south of the access / egress point, and close to a road junction between Chequers Lane and Ploughboy Lane immediately to the north, and therefore presents a different and far greater risk to motorists, cyclists and pedestrians alike.

Breckland Council has previously refused an application from the same landowner on another part of his overall plot of land. That was application 3PL/2015/1452/F for change of use of an existing building. Refusal was on the grounds of landscape impact.

As a minimum it can be presumed that the Local Highways Authority will require a visibility splay measuring 2.4 x 59 metres to each side of the access where it meets the highway. The drawing submitted shows this; albeit the resubmitted previous planning statement notes that emerging from the access there are clear visibility splays in excess of 2.4 metres x 65 metres. This anomaly should be clarified with the applicant. Of more concern is that checking the actual possibility of providing an adequate splay to the south, it has been measured that the actual distance from the site entrance to a point where visibility is lost, is actually approximately only 50 metres. Hence an adequate splay could only be achieved by removal of a significant length of the existing hedge that borders the road: yet that would contravene both landscape policies and the Hedgerow Regulations. Both would be unacceptable so an alternate access scheme would be required.

## ASSESSMENT NOTES

### 1.0 Principle of Development

1.1 This application seeks outline consent with all matters reserved for the erection of four dwellings.

1.2 The site is located outside of any settlement boundary in an area of open countryside on the edge of Saham Toney. For this reason, the proposal conflicts in principle with Policies DC2 and CP14 of the Core Strategy and Development Control Policies Development Plan Document (2009), which seek to focus new housing within defined Settlement Boundaries. However, paragraph 11 of the NPPF (2019) 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.

1.3 Paragraph 10 of the NPPF (2019) states that at the heart of the Framework is a presumption in favour of sustainable development. Paragraph 11 further states that proposed development that accords with an up-to-date Local Plan should be approved without delay, and where there are no relevant development plan policies, or the policies which are most important for determining applications are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

1.4 The Council cannot demonstrate a current 5 year housing land supply and therefore the Core Strategy and Development Control Policies Document relating to housing land supply are not considered up-to-date and therefore the material considerations are assessed in line with the sustainable development roles within paragraph 8 of the NPPF (2019):

- economic, to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types 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;
- social, to support 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
- environmental, to contribute 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.

1.5 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.

1.6 In terms of the economic criteria, the proposal would provide four new dwellings and would therefore make a small contribution to the housing supply. The proposal would provide limited short-term economic benefits through labour and supply chain demand required during construction. However, given the small scale nature of the development these benefits are not considered to be significant and not definitive in this instance.

1.7 The social role of sustainable development seeks to ensure, amongst other matters, the creation of a high quality built environment with accessible local services. The proposal seeks to provide four new dwellings on the application site. In determining this application the council noted that although outside the defined settlement limit of Saham Toney, the proposed development would be within close proximity, with the primary school approximately 0.8 miles and 1000m to the nearest bus stop. Additionally, a wider range of facilities in nearby Watton, approximately 1.4 miles away. The need for short car journeys to access Watton is therefore considered a minor negative of the proposal.

1.8 Saham Toney is classed as a Service centre village within the Breckland core Strategy, it says that these villages contain adequate services and facilities to meet the day-to-day requirement of their existing residents. The Breckland Local Plan is currently in the process of being signed off, therefore, this is a material consideration for this application but with limited weight. This Local Plan confirms that Saham Toney is one of 16 settlements identified as having 3/4 of the services and facilities listed and that as a location with a greater level of services and facilities compared to other rural areas will see a higher level of development when compared to other rural areas over the plan period.

1.9 The assessment within the Local Plan has had regard to the distance of services and facilities from the designated settlement boundary/village core- and should only be considered to be available when they are within a recognised acceptable walking distance- taken to be 800m.

1.10 Taking into consideration all the above, the application site is considered to be a sustainable location for some form of new development.

1.11 With respect to the environmental aspect of sustainable development further discussion of the environmental implications and the effects of the proposed additional dwellings on the character and appearance of the area are considered in detail below

1.12 The environmental role of sustainable development seeks to, in part, contribute to protecting and enhancing the natural, built and historic environment. Policy DC16 requires all new development to achieve the highest standard of design. As part of this, all design proposals must preserve or enhance the existing character of an area. Consideration will also be given to the density of buildings in a particular area and the landscape/townscape effect of any increased density.

## 2.0 Impact on the Character and Appearance of the Surrounding Area

2.1 The environmental role of sustainable development seeks to, in part, contribute to protecting and

enhancing the natural, built and historic environment. Consideration of a development's impact on the character and appearance of the area within which it is situated is, therefore, integral to the environmental dimension of sustainable design, as is its design.

2.2 Policy DC16 expects that 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.

2.3 The Saham Toney Parish Council Landscape Character Assessment (2019) indicates that Chequers Lane is an area highly sensitive in landscape terms and low to moderately sensitive in visual terms. It says that the area is not suitable for village expansion owing to its strong rural character and intact scattered settlement pattern. It also says that the area would be less sensitive to small scale development in the form of conversions or occasional single plots, that are carefully integrated.

2.4 The proposed development would be sat north of the existing Saham Tythe Barn and meadows Farm. To the north would be open land with the closest built form being Meadow Cottage some distance away. Scattered built form lies to the west adjacent to Chequers Lane.

2.5 With respect to layout, scale, appearance and landscaping, these are reserved matters to be considered at a later date. The indicative form indicates four bungalows on a square plot, with all existing boundary trees and hedgerow to remain, it is considered that, in principle, four dwellings could be provided on the site in an acceptable form.

2.6 As a result, due to the revised proposed development, it has the ability to comply with Policy DC16 and the NPPF (2019) and will be fully assessed at the Reserved Matters stage.

### 3.0 Amenity Impact

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

3.2 The application site sits to the east of Saham Toney adjacent to Saham Tythe Barn and Meadows farm slightly further south. The provision of landscaping and planting along the site boundaries together, with appropriate fencing would further ensure sufficient privacy screens would be provided. Whilst the proposals would alter the open outlook to the north of these neighbouring properties, there is nothing to suggest that the development, if appropriately designed and laid out, would have an overbearing effect on adjacent dwellings or cause any overlooking or overshadowing. Therefore, it is considered that the proposals would not cause unacceptable impact on the amenity of those residents to the south of the site.

3.3 Paragraph 122 of the NPPF (2019) states that planning policies and decisions should support development that makes efficient use of the land, taking into account the criteria given.

3.4 Given the density, height and scale of the dwellings proposed, it is considered that in principle the proposals would provide for an acceptable form of residential environment. Additional traffic movements would result in some additional disturbance to existing residents along Chequers Lane approaching the application site. However, given the size of the site and the likely volume, speed and distribution of such traffic, it is not considered that such disturbance would cause significant harm to the amenity of nearby residents.

3.5 The submitted plan indicates that the proposed dwellings would be set well back from the road, it is considered that the proposed development could comply with the environmental dimension of sustainable development, if the dwellings were designed to respect the character and appearance of the surrounding area.

3.6 As a result, it is considered that subject to suitably designed properties, the proposal has the ability to comply with Policy DC1.

#### 4.0 Impact on Ecology

4.1 Both Core Strategy Policy CP10 and the NPPF (2019) require that development should contribute to a net gain in biodiversity with an emphasis on improving ecological networks and linkages where possible. The National Planning Policy Framework (2019) and policies CP6, CP8, CP10 and CP11 all promote the conservation and enhancement of biodiversity through sustainable development.

4.2 The Natural Environment Team have been consulted and advised that the planning application is supported by an Ecological Report (Wild Frontier Ecology; January 2019). The report is fit for purpose. The mitigation measures proposed in the report will reduce the risk of impacts on ecological receptors to acceptable levels. Subject to conditions.

4.3 As a result, the proposal has the ability to comply with Policies CP6, CP8, CP10 and CP11 and the NPPF (2019).

#### 5.0 Impact on Trees

5.1 Policy DC12 seeks to protect the district's trees and hedges.

5.2 The Tree and Countryside Consultant has no objection to the principal of the development. A tree protection plan will be required based on the final layout which should take into account the constraints identified in the arboricultural report supplied by Oakfield.

5.3 The indicative layout shows that the hedgerow to the eastern boundary is to be retained, also the trees to the west will all be retained and provide a natural screen to the proposed development from chequers Lane.

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

#### 6.0 Access and Highway Safety Implications

6.1 The NPPF (2019) requires new developments to provide safe and suitable access to the site for all people. Policy CP4 seeks to ensure that all access and safety concerns are resolved in new developments. Policy DC19 sets out the car parking requirements.

6.2 The Highways Authority advised that the site lies some distance from the footpath network which would link pedestrians with village amenities such as the school, village hall and pub. In this instance the nearest footway lies some 460m to the north west and there would not appear to be sufficient land within the highway verge to facilitate a new footway between the site and the existing provision. The site does, however, lie within cycling distance of all of these amenities and the Highways Officer noted that they are mindful of the Appeal decision in relation to the application for 10 dwellings off Ovington Road (3PL/2016/0766/F App/F2605/W/17/3176900), where the inspector concluded " I do not consider the extra walking journeys that

would be generated would be sufficient to justify the provision of a pavement. Indeed as most of the other roads in the village do not benefit from pavements, as with many rural settlements, the regular use of the roads by pedestrians is common and drivers would be well aware of the need to take appropriate care"

6.3 On that basis, and given the scale of the development, they consider it would be difficult to substantiate an objection to the proposal on the lack of satisfactory pedestrian facilities in the vicinity of the site. The indicative details show that the site will be served by the existing access and they are satisfied that the applicant owns sufficient land to provide acceptable level of visibility onto Chequers Lane. This may involve the removal of a short length of hedge.

No communal turning facility is shown however they note that the submitted details are only indicative and the applicant controls sufficient land to achieve this.

The following conditions to be part of a reserved matters application have been specified if permission should be granted.

- Access achieving 4.5m for the first 10m into the site.
- On site communal turning facilities.
- Parking in accordance with adopted guidelines.
- Visibility measuring 2.4m x 59m from the access onto Chequers lane.

6.4 With regards to traffic generation, the proposal will inevitably result in some additional vehicular traffic on the surrounding highway network and additional traffic slowing and turning into and out of the site access. However, it is not considered that a residential development of the size indicated would cause severe impacts on the capacity of the surrounding network. The indicative layout also demonstrates that sufficient vehicular parking could be provided for each dwelling on site.

## 7.0 Flood Risk and Drainage

7.1 Policy DC13 relates to flood risk and paragraph 163 of the NPPF (2019) stipulates that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as appropriate) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

7.2 The application site is located within Flood Zone 1 and is, therefore, within an area at lowest risk of flooding from various sources including that from rivers, surface water, tidal, reservoir and canal sources. However, from the comments of the LLFA on a previous application, the site sits adjacent to areas of medium-high risk of surface water flooding.

7.3 With regards to managing surface water flows, the site's ground conditions are unlikely to be suitable for infiltration drainage due to the low permeability of the subsoil. A sustainable approach to surface water management is proposed and this will need to be detailed upon the reserved matters application should the proposal be granted permission.

## 8.0 Other Matters

### 8.1 Historic Environment:

The Historic Environment Team have been consulted and advised that based on currently available information the proposed development will not have any significant impact on the historic environment and we do not wish to make any recommendations for archaeological work.

### 8.2 Contamination

The Contamination Officer has been consulted and has no objections subject to conditions.

### 8.3 The Environment Agency have been consulted and offer the following guidance:

Groundwater and Contaminated Land The site is located above a Principal Aquifer. The developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency Guiding Principles for Land Contamination, which can be found here: <https://www.gov.uk/government/publications/managing-and-reducing-land-contamination> If the development proposes to use deep infiltration systems including boreholes and other structures that bypass the soil layer we would wish to be re-consulted.

### 8.4 Cadent Gas.

Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works. A note will be added to any subsequent permission.

## 9.0 Conclusion

9.1 In terms of the overall planning balance, given that the Council does not have a five-year housing land supply, the site is located in relative proximity to services and facilities, four dwellings could be accommodated on the site. It is therefore considered that these tip the balance in their favour and the application is recommended for approval.

### RECOMMENDATION

Recommend approval, subject to conditions.

### CONDITIONS

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#### **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 by the Local Planning Authority and these plans and descriptions shall provide details of the appearance, layout, scale, access and landscaping of the development.

Reason for condition:-

The 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 Ecology**

The development must proceed in-line with the mitigation measures outlined in section 7 of the Ecological Report (Wild Frontier Ecology; January 2019).

Enhancement measures outlined in section 8 of the Ecological Report (Wild Frontier Ecology; January 2019) shall be incorporated into the site's design.

Reason: To provide net gains for biodiversity in-line with paragraph 170 of the NPPF (2019).

**5 External wall and roof materials to be agreed**

No development beyond slab level shall take place until precise details, (including samples where required), of the materials used in the construction of the external walls and roof(s) of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. This condition shall apply notwithstanding any indication as to these matters that have been given in the current application. The materials to be used in the development shall be in accordance with the approved details.

Reason for condition:-

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**

**6 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**

7

**Contaminated Land - Desk Study/Site Investigation**

Prior to the commencement of the development, the following details shall be submitted to and approved in writing by the Local Planning Authority:

**A. Desk Study**

A desk study and risk assessment to determine the risk of any contamination on the site, whether or not it originates on the site. The desk study and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments.

**B. Site Investigation**

A site investigation and risk assessment to determine the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include (i) the same details as in part A above (ii) a survey of the extent, scale and nature of contamination and (iii) an appraisal of remedial options, and proposal of the preferred option(s).

**C. Remediation Scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

**D Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

The above must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason for condition:-

The details are required prior to the commencement of the development 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 from the outset of the development.

INFORMATIVE:-

Land contamination risk assessment is a step-by-step process. During the course of the risk assessment process set out in the above condition, it may become clear that no further work is necessary to address land contamination risks. Where this is the case the condition may be discharged by the Council without all the steps specified being completed. In all cases written confirmation should be obtained from the Council confirming that the requirements of the condition have been met.

**This condition will require to be discharged**

**10 Precise details of surface water disposal**

Prior to the commencement of any works above the laying of foundations precise details of the means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. Only such agreed system or works shall be used in connection with this approval.

Reason for condition:-

The details are required to be submitted prior to the commencement of development to minimise the possibilities of flooding from the outset of the development.

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**

**11 Precise details of foul water disposal**

Prior to the commencement of any works above the laying of foundations 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 the commencement of development to minimise the possibilities of flooding from the outset of the development.

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**

**13 Non-standard condition**