

ITEM:		RECOMMENDATION:	REFUSAL
REF NO:	3PL/2019/0809/O	CASE OFFICER	Mark Simmonds
LOCATION:	BEESTON Land off Chapel Lane	APPNTYPE:	Outline
APPLICANT:	Mr Stuart Wordley c/o Agent	POLICY:	Out Settlemnt Bndry
AGENT:	Icon Consulting Hethel Engineering Centre Chapman Way	CONS AREA:	N
PROPOSAL:	Residential Development	LB GRADE:	N
		TPO:	N

REASON FOR COMMITTEE CONSIDERATION

The application is being presented to committee for determination as it has been called in by a Councillor.

KEY ISSUES

Principle of development
Character & appearance
Residential amenity
Ecology
Highway safety

DESCRIPTION OF DEVELOPMENT

This application seeks outline planning permission for residential development comprising 5 no. detached dwellings and 4 semi-detached dwellings.

SITE AND LOCATION

The area is also predominantly characterised by residential development. The site is fronted by Chapel Lane which is a narrow rural road to the north. The site amounts approximately to 0.49 hectares and is open agricultural arable land. The eastern and western boundaries are formed by the edges of established residential development by informal hedging and tree planting. In terms of spatial strategy, the site is adjoining to the southern settlement boundary for Beeston.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2017/1141/O - Residential development - Refusal

POLICY CONSIDERATIONS

The following policies of the Breckland Local Plan, 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

GEN01	Sustainable Development in Breckland
GEN02	Promoting High Quality Design
GEN03	Settlement Hierarchy
GEN05	Settlement Boundaries
HOU02	Level and Location of Growth
HOU04	Villages with Boundaries
HOU06	Principle of New Housing
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

OBLIGATIONS/CIL

Not applicable

CONSULTATIONS

CLERK TO BEESTON WITH BITTERING PARISH COUNCIL

There is an objection with regards to the design and layout.

"The parish council would wish to see the 4 proposed semi detached dwellings to consist of 2 x 2 bed properties and 2 x 3 bed properties. It also feels that the number of detached properties should be reduced from 5 to 4 to enable adequate on-site parking arrangements to be made and these should be shown on this application so that proposed parking arrangements are known from the outset"

CONTAMINATED LAND OFFICER

No objection.

TREE AND COUNTRYSIDE CONSULTANT

No comments.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

No ecological information has been submitted in support of this application. From publicly available aerial sources there appears to be several ponds in close proximity to the site and the site comprises an arable field, bordered by hedgerows and a ditch and therefore there is potential for protected and notable species to present on the site. Great crested newts and all species of bat are protected under Schedule 5 of the Wildlife

and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2017 (as amended) making great crested adall species of bat European Protected Species. The extant government circular on planning and biodiversity (Circular 06/2005) makes it explicit that the presence or absence of protected species, and the extent to which they could be affected by a proposed development, should be established before planning permission is granted, since otherwise all material considerations might not have been considered in making the decision

CPRE NORFOLK

CPRE Norfolk objects to this application for the following reasons:

The proposed site lies in land classified as countryside, as it lies on land which is outside the settlement boundary of Beeston as shown on the Proposals Map (adopted January 2012.)

Beeston is classified as one of the smaller rural settlements within Breckland. This means that housing development of this scale should not be permitted even if the site was within the settlement boundary, as this would also contravene Local Plan Policy SS1, Spatial Strategy.

The applicant's sustainability plan is very misleading as the distances given to the various nearest services are given as the crow flies, rather than the actual distances which would need to be travelled, often along narrow and winding minor roads.

This proposal would result in a change in the landscape character of this part of the countryside and should therefore not be permitted.

In the Local Plan Beeston will be classified as a village with a boundary and therefore will be covered by Policy HOU 04, villages with boundaries. This would mean that appropriate development will be allowed immediately adjacent to the settlement boundary, subject to being supported by other policies within the Development Plan and where all of the following criteria are satisfied:

- "1. The development is of an appropriate scale and design to the settlement;
2. It would not lead to the number of dwellings in the settlement significantly increasing by more than 5% from the date of adoption of the Plan. The settlement refers to the number of dwellings inside the defined settlement boundary;
3. The design contributes to preserving, and where possible, enhancing the historic nature and connectivity of communities; and
4. The development avoids coalescence of settlements.

Opportunities for self-build dwellings which meet the criteria set out above will be supported."

We consider the addition of nine or ten houses outside but adjacent to the settlement boundary would constitute a development which would be beyond what is an appropriate scale for a settlement the size of Beeston, and would therefore be contrary to this policy. Moreover, the development would be contrary to various other policies within the Local Plan such as Policy TR 01 Sustainable Transport Network and Policy ENV 05 Protection and Enhancement of the Landscape.

NORFOLK FIRE AND RESCUE SERVICE

Norfolk Fire and Rescue Service would like to add a fire hydrant.

NORFOLK COUNTY COUNCIL HIGHWAYS

No Comments Received

Norfolk County Council (Highways)

Given the raft of off-site works will benefit the wider community, it would be difficult to substantiate an objection. However, the proposed widening and footway provision along the site frontage will require the piping or diversion of the existing ditch. Has the applicant obtained approval in principle for this from LLFA please?

REPRESENTATIONS

Site notice displayed 22-07-2019 to 12-08-2019

22 objections have been received, their comments have been summarised below.

- Unsustainable location, no need for further housing in Beeston.
- Shortage of facilities and amenities in Beeston to serve the future residents of the proposed dwellings.
- The proposal omits the existence of a ditch adjacent to the eastern site boundary
- Absence of drainage strategy, loss of existing greenfield would create potential risk of flooding on the adjacent roads and properties.
- Highway safety would be undermined due to increased road traffic, insufficient width of Chapel Lane for additional vehicles and busy road junction between Chapel Lane and Dereham Road at school times.
- Detrimental impact upon the rural character of the area.
- Loss of biodiversity on the site.
- This agricultural field provides essential drainage to the surrounding area. Also the two drainage ditches to the west and north are essential for drainage to neighbouring properties.
- There is no confirmation that the new development could be connected to the mains sewage drainage system, which we understand stops to the east of the site. All other neighbouring properties are not on mains drains.

ASSESSMENT NOTES

1.0 Principle of sustainable development

1.1 This application seeks outline planning permission for residential development comprising 5 no. detached dwellings and 4 semi-detached dwellings on land adjacent to the settlement boundary of Beeston.

1.2 The proposed development would be served by Chapel Lane which is an unclassified highway which is unlit and has an average carriageway width of 3.5m.

1.3 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises of the Breckland Local Plan (adopted); and any made Neighbourhood Plans. The Government's National Planning Policy Framework (NPPF) is a material consideration.

1.4 The Council does now 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.

1.5 Policy GEN 01 of the Breckland Local Plan (adopted) (Sustainable Development in Breckland) seeks to

enable development that improves the economic, social and environmental objectives of Breckland through the application of the following national and locally distinctive sustainable development principles.

1.6 Policy GEN 03 of the Breckland Local Plan (adopted) specifies that most new development needs will be met through the proposed sustainable settlement hierarchy. Beeston is classed as a village with a boundary. This hierarchy is based upon the utilisation of existing infrastructure and resources, the prioritisation of new infrastructure and allowing jobs, homes and other facilities to provide for choice.

1.7 Policy HOU 04 (villages with Boundaries) is relevant as Beeston has a settlement boundary as defined in the proposals map. The site itself is immediately adjacent the settlement boundary of Beeston

Appropriate development will be allowed immediately adjacent to the settlement boundary, subject to being supported by other policies within the Development Plan Local Plan and where all of the following criteria are satisfied:

1. The development is a minor development of an appropriate scale and design to the settlement
2. It would not lead to the number of dwellings in the settlement significantly increasing by more than 5% from the date of adoption of the Plan. The settlement refers to the number of dwellings inside the defined settlement boundary;
3. The design contributes to preserving, and where possible enhancing, the historic nature and connectivity of communities; and
4. The development avoids coalescence of settlements.

Opportunities for self build dwellings which meet the criteria set out above will be considered in accordance with national guidance supported.

1.8 The Council's Planning Policy officers have confirmed that 8 new dwellings in Beeston would amount to and increase of 5%, however added to this is the 20 recent approvals for dwellings which would make this application a significant increase to the number of dwellings in the village. On this basis the application fails to meet this aspect of the policy.

1.9 The proposed development is fairly significant in size, at 9 dwellings, and this scale of built form intruding into the open countryside would have an unacceptably harmful visual impact and, would not contribute to preserving or enhancing, the historic nature of the village setting and would not aid in the connectivity of communities and the resulting loss of openness and the undeveloped nature of the site would cause material harm to the rural character and open appearance of the area. Thus, the proposal would detract from the rural character and open appearance of the area, contrary to Policies HOU 04 and ENV 05 of the Breckland Local Plan (adopted) and the guidance set out in paragraph 170 of the NPPF (2019).

1.10 On balance and taking into account the number of dwellings proposed and the assessment above, the principle of a development of nine dwellings on this site is not acceptable and not in accordance with Policy GEN 03 and HOU 04.

2.0 Impact on character and appearance

2.1 An indicative site layout has been submitted to support the application showing a total of 9 dwellings comprising 5 no. detached and 4 semi-detached houses. The form of development is linear with buildings fairly set back from the road frontage. New hedge planting would be placed along the edge of Chapel Lane as well as the rear site boundary.

2.2 Notwithstanding this, the site is currently an area of open land within the surrounding built up rural

residential context. The proposal would extend the built-up frontage of this area, which would be to the detriment to the long-range open views and established rural character and appearance of the site and surrounding area. Consequently, these views across the site into the open rural countryside would be disrupted and would lead to consolidation of development in an area that has historically allowed open views of the wider countryside.

2.3 It is considered that the design of the proposed development, by virtue of its size and scale, at 9 dwellings, would not contribute to preserving, OR enhancing, the historic nature and connectivity of communities and the resulting loss of openness and the undeveloped nature of the site would cause material harm to the rural character and open appearance of the area, contrary to Policies HOU 04 and ENV 05 of the Breckland Local Plan (adopted) and the guidance set out in paragraph 170 of the NPPF (2019). Thus, the proposal would detract from the rural character and open appearance of the area contrary to Policy ENV 05 of the Breckland Local Plan (adopted) and section 15 of the NPPF (2019).

3.0 Highway safety

3.1 The site is served by Chapel Lane, an unclassified highway which is unlit and has an average carriageway width of 3.5m. This falls below the average carriageway width which allows cars to pass at 4.1m with a width of 4.8m necessary for a larger vehicle.

3.2 Policy TR 01 (Sustainable Transport Network) of the Breckland Local Plan (adopted) seeks to promote a safe, efficient and convenient sustainable transport system. Development should seek to minimise the need to travel, promote opportunities for sustainable transport modes, not adversely impact on the operation or safety of the strategic road network, improve accessibility to services and support the transition to a low carbon future.

3.3 Policy TR 02 (Transport Requirements) of the Breckland Local Plan (adopted) seeks to ensure that developments should be of high quality, sustainable in design, construction and layout as well as offering maximum flexibility in the choice of travel modes for all potential users. Proposals will be permitted that integrate satisfactorily into existing transport networks, mitigate impacts on the local or strategic highway networks arising from the development itself, or the cumulative effects of development, through the provision of, or contributions towards, any relevant transport improvement deemed to be necessary, including those secured by legal agreement, protect, and where possible enhance, access to public rights of way, provide safe, suitable and convenient access for all users, including appropriate parking and servicing provision in terms of amount, design and layout and avoid inappropriate traffic generation and do not compromise highway safety.

3.4 The current layout of the road and alignment raises serious concerns over forward visibility even though improvement has been made in infrastructure for pedestrian safety. Further information has been requested by Highways Authority to demonstrate that the visibility splays are appropriate to ensure the passage of vehicles in a safe and convenient manner. Information has been received however the Highways Authority required confirmation on the formal clearance from the Local Lead Flood Authority on the works to the drainage ditch and given the extent of piping, and the fact that Access forms part of the matters for current consideration, no formal response can be given in the absence of these details. The proposal cannot be approved in terms of highway safety and fails to comply with Policies TR 01 and TR 02 of the Breckland Local Plan (adopted).

4.0 Ecology

4.1 Policy ENV02 seeks to protect and enhance Biodiversity and requires the highest level of protection to be

given to European Sites, with development only permitted where the proposal is in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017. Where measures to mitigate for potential adverse effects on European sites are required the proposed mitigation measures must be justified as fit for purpose with appropriate evidence, to inform the Council's Habitats Regulations Assessment. Development likely to have an adverse effect (either directly or indirectly) on a site of national, regional or local biodiversity, or geological interest, as identified on the Policies Map, will not be permitted unless:

- a. it can be clearly demonstrated that there are reasons for the proposal that outweigh the need to safeguard the special ecological / geological interest of the site, and;
- b. it has been demonstrated, where development would result in significant harm, that it cannot be reasonably located on an alternative site that would result in less or no harm, and;
- c. residual harm, after all measures to prevent and adequately mitigate have been applied, will be adequately compensated for.

4.2 The Council's Natural Environment Team made the following comments:

"No ecological information has been submitted in support of this application. From publicly available aerial sources there appears to be several ponds in close proximity to the site and the site comprises an arable field, bordered by hedgerows and a ditch and therefore there is potential for protected and notable species to present on the site. Great crested newts and all species of bat are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2017 (as amended) making great crested and all species of bat European Protected Species.

The extant government circular on planning and biodiversity (Circular 06/2005) makes it explicit that the presence or absence of protected species, and the extent to which they could be affected by a proposed development, should be established before planning permission is granted, since otherwise all material considerations might not have been considered in making the decision."

4.4 On the basis of the above comments the applicant has not submitted sufficient information in order to assess the Ecological impacts of the proposal, therefore the proposal is contrary to ENV02.

5.0 Conclusion

5.1 The proposed site location in Beeston for nine dwellings is outside of any defined settlement boundary and does not meet the essential criteria as set out in Policy HOU 04 for development adjacent to a settlement boundary, and therefore conflicts with Policy GEN 01, GEN 05 and HOU 04 of the Breckland Local Plan (adopted) and the NPPF (2019), and for the above reasons does not represent sustainable development.

5.2 The proposal would detract from the rural character and open appearance of the area contrary to Policy ENV 05 of the Breckland Local Plan (adopted) and section 15 of the NPPF (2019).

5.3 Insufficient information has been submitted in order to enable the Highway Authority to properly consider the proposal and issue a final formal comment. On this basis the proposal is contrary to Policy TR 02 (Transport Requirements) of the Breckland Local Plan (adopted).

5.4 The proposal is not supported by any ecological information therefore an assessment of Ecological impacts has not been possible and on this basis the proposal is contrary to ENV02 of the Breckland Local Plan (adopted).

RECOMMENDATION

That Planning Permission be REFUSED for the following reasons:

REASON(S) FOR REFUSAL

- 1 This refusal is made on the following grounds -**

The proposal is located outside of any defined settlement Boundary and does not meet any of the criteria as set out in Policy HOU 04 and therefore conflicts with Policy GEN 01, GEN 05 and HOU 04 of the Breckland Local Plan (adopted) and the NPPF (2019) and is therefore not considered to be sustainable development.
- 2 Further consolidation of sporadic development**

The site is currently an area of open land within the surrounding built up rural residential context. The proposal would extend the built-up frontage of this area, which would be to the detriment to the long-range open views and established rural character and appearance of the site and surrounding area. Consequently, these views across the site into the open rural countryside would be disrupted and would lead to consolidation of development in an area that has historically allowed open views of the wider countryside.

Furthermore the design of the proposed development, by virtue of its size and scale, at 9 dwellings, would not contribute to preserving, OR enhancing, the historic nature and connectivity of communities and the resulting loss of openness and the undeveloped nature of the site would cause material harm to the rural character and open appearance of the area, contrary to Policies HOU 04 and ENV 05 of the Breckland Local Plan (adopted) and the guidance set out in paragraph 170 of the NPPF (2019).
- 3 Any highway reason for refusal**

The applicant has failed to demonstrate that the visibility splays are appropriate to ensure the passage of vehicles in a safe and convenient manner. Information has been received however the Highways Authority required confirmation on the formal clearance from the Local Lead Flood Authority on the works to the drainage ditch and given the extent of piping, and the fact that Access forms part of the matters for current consideration this issue would need to be satisfactorily addressed at this stage.

The resulting lack of information results in the proposal being contrary to Policy TR 02 (Transport Requirements) of the Breckland Local Plan (adopted).
- 4 Non-std reason for refusal**

The proposal is not supported by any ecological information therefore an assessment of Ecological impacts and enhancements has not been possible and on this basis the proposal is contrary to ENV02 of the Breckland Local Plan (adopted).