

ITEM:		RECOMMENDATION: APPROVAL
REF NO:	3PL/2017/1548/O	CASE OFFICER Mark Simmonds
LOCATION:	SWANTON MORLEY Land adjacent to Crispins, Gooseberry Hill Swanton Morley	APPNTYPE: Outline POLICY: Out Settlemnt Bndry
APPLICANT:	Friends of All Saints Church c/o Sworders 11 Holkham Studios Longlands	CONS AREA: N LB GRADE: Adjacent Grade 2
AGENT:	Sworders 11 Holkham Studios Longlands	TPO: N
PROPOSAL:	Erection of detached dwelling	

REASON FOR COMMITTEE CONSIDERATION

This application is referred to Committee as the proposal is recommended for approval contrary to policy and the issues raised make this a significant development.

KEY ISSUES

- Principle of development
- Impact on setting of Listed Building (Keswick House)
- 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

DESCRIPTION OF DEVELOPMENT

The proposal seeks outline planning permission with all matters reserved to establish the principle of constructing a single detached dwelling on land to the north-east of a two storey detached dwelling known as Crispins in order to generate and facilitate improvement works to All Saints Church. The essential works comprise repairs to the Castellation, flashings, windows, walls, pew platforms and the removal of cement rendering, re-plastering and re-decorating. Improvements to the Church are also planned including new kitchen facilities, to better serve the community and to provide a more attractive facility for community events and involvement.

SITE AND LOCATION

The application site lies outside but immediately adjacent the Settlement Boundary of the village of Swanton Morley and comprises land located in the southernmost corner of an area of land currently used as grazing/paddock land. The site is opposite Kesmark House, a Grade II Listed Building. The site area is 0.09 Ha.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2012/0776/O Outline planning permission for a single dwelling-refused at Planning committee 03.10.2012

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

COM01	Design
COM03	Protection of Amenity
ENV02	Biodiversity protection and enhancement
ENV03	The Brecks Protected Habitats & Species
ENV05	Protection and Enhancement of the Landscape
ENV06	Trees, Hedgerows and Development
ENV07	Designated Heritage Assets
ENV09	Flood Risk & Surface Water Drainage
GEN01	Sustainable Development in Breckland
GEN02	Promoting High Quality Design
GEN03	Settlement Hierarchy
HOU02	Level and Location of Growth
HOU03	Development Outside of the Boundaries of Local Service Centres
HOU06	Principle of New Housing
LBC	Planning(Listed Building & Conservation Areas) Act 1990
NP	Neighbourhood Plan
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
TR01	Sustainable Transport Network
TR02	Transport Requirements

English Heritage Enabling Development and the Conservation of Significant Places

OBLIGATIONS/CIL

A Section 106 Legal Agreement is required to ensure the funds generated by the development are used in their entirety for the works to the Grade I Listed Church.

CONSULTATIONS

SWANTON MORLEY PARISH COUNCIL

Please be advised that Swanton Morley Parish Council has no objections to this application due to the resulting community benefit.

Having now assessed this application against policies of the Swanton Morley Neighbourhood Plan and Breckland Local Plan, Swanton Morley Parish Council is mindful of the fact that the application does not accord with the requirements of Policy 1 of the Neighbourhood Plan or Policy HOU 03 of the Local Plan. However, taking account of the unique circumstances surrounding this application and the requirement for a s.106 ensuring that all proceeds will be used for the benefit of the grade 1 listed All Saints Church and the Historic Buildings report concerning the grade 2 listed Kesmark House, we are satisfied that the following section of the NPPF allows for approval of this application:-

202. Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the dis-benefits of departing from those policies.

HISTORIC BUILDINGS CONSULTANT

Following the submission of additional information from the Agent the Historic Buildings Officer confirmed that the Agent has answered his original questions on this and that it could go forward to Planning Committee, while remaining a balanced case.

HISTORIC ENVIRONMENT SERVICE

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.

CONTAMINATED LAND OFFICER

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.

FLOOD & WATER MANAGEMENT TEAM

No comments.

NORFOLK COUNTY COUNCIL HIGHWAYS

No Comments Received

REPRESENTATIONS

The site notice was displayed from 05.01.2018 - 26.01.2018

Ten neighbours have been directly notified.
3 objections have been received.

2 letters received with comments but not directly opposing the scheme.

1 letter of support to fund essential maintenance works to the fabric of the building.

-Outside the settlement boundary

-Disregard for the neighbourhood plan

-Kesmark House Listed House- Any development will ruin the integrity of design intended for such a building.

-Additional traffic close to a children's play area

-Fully support the local Church attempting to raise funds, however we find it disturbing that the local church (Friends of) supports development outside of the development boundaries, by resubmitting a previously failed application instead of seeking alternative locations. Without any material change to the application, how can a previously failed application be considered to become a successful one?

- Whilst we understand that Church repairs are needed the supporting documents do not really explain the scope of the requirements and are from a report written in 2013 - it is unclear what has been done in the last 4 years, either in terms of repairs or alternative fund raising efforts (or since the previous refusal in 2012).

-There are no real details provided of incomings / outgoings etc - so difficult to be able to truly assess the status of the income streams. There are many different ways of generating income for the church - have other options truly been exhausted?

-Have the cited options of reducing associated costs from the Diocesan Advisory Committee (DAC) requirements been exhausted (cited via the Friends website as in excess of 14% additional fees plus professional costs).

- No information publicised on the fundraising initiatives or the long term plans for development.

-The nature of the village and its greenspace are what makes Swanton Morley the village it is - it is just as important to preserve this too, along with the local businesses / village hall. The village hall has a significant local profile in terms of visibility, accessibility and activity. It is run as a charity and supports itself successfully in this regard, without the need to build outside development boundaries.

- The village has supported a significant increase in housing stock in the past 4 years with a number of new developments both completed and currently in progress and is currently actively reviewing development boundaries, whilst ensuring that the character of the village is maintained. We fully support this measured approach and question why this planning application is so urgent as to require circumnavigating the existing process.

- It is also unclear if all the proceeds from the sale / development are to go to the church - is it charitable initiative?

- The submission cites that the area is scrub land - to be clear this has been a relatively recent development around the last 2 years. The area was always previously subject to horse grazing around the boundaries of our property and regular cutting back, and then a 'fence / demarked' area was erected around this area and it was allowed to become in the situation we currently see - I cannot comment on the reasoning for this but it may be linked to this (re)submission. The horses have also been relatively recently removed from the plot - so it is unclear what the future intent is for the rest of this land - will it also revert to 'scrub' land?

- Due to the detail of the plans, we are unable to verify if the proposal exceeds the current area of

'scrub' land which does not seem to be able to support the full size of the planned development.

- likely that this would set a precedent and further adjacent areas (remaining devoid of use) could also then be developed as the boundaries would have already been essentially bypassed. We are aware that the application refers to this point, but irrespective of this, a precedent is a precedent.

- With regards to biodiversity - we are regularly visited by Kingfishers, birds of prey, herons, newts, toads, fieldmice and hedgehogs, so there is currently a very diverse wildlife environment enjoying the rural surroundings and protection offered by such areas - we suspect any development would have a negative impact on this.

- The development will have a significant negative impact on the views that we as a family currently enjoy, and those of the village as a whole as the views are not only visible from our property, but surrounding properties and to all pedestrians walking down Gooseberry Hill.

-will potentially (dependant on detail / exact placement on plot) have an adverse effect on our privacy of neighbours -resultant potential negative effect on our quality of life and property value.

- The views currently enjoyed were a fundamental part of our purchase of this property for our family enjoyment of the view and the associated wildlife.

- The enabling development argument is neither convincing nor significantly relevant.

- There appears to be no records of All Saints Swanton Morley with the Heritage Lottery Fund and Historic England have no record of any approach for funding or consultation within the past 10 years.

- If planning permission is granted would like to see this as a 'special circumstance' to ensure no further development and protecting the remainder of the site as open green space.

ASSESSMENT NOTES

1.0 Principle of Development

1.1 This application seeks outline consent with all matters reserved for the erection of one dwelling, it is of significant material importance that the application is being assessed as Enabling Development whereby the funds generated by the development will be used to carry out essential repairs to the Parish Church. There are harms identified with the development including;

- Outside settlement boundary;
- Impacts upon the setting of Keswick House.

However these harms are considered to be outweighed by the public benefits of the repairs to the Church and the contribution this will make to securing the Church as a heritage asset in its own right (and it is to be noted that the Church is Grade I) and its continued use as a place where community activities can take place.

The proposals have been independently assessed by the District Valuer who agrees with the Agent's case and confirms that the finance raised will be able to be used for the Church repairs as the land is being gifted.

1.2 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.

1.3 The Council does 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.

1.4 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.

1.5 Policy HOU 03 of the Breckland Local Plan (adopted) states that any development outside of the boundaries of the Local Service Centres will normally be resisted where the Local Plan housing target (as set in Policy HOU 02) is provided for unless supported by other policies within the Local Plan. *Where the Local Plan does not identify sufficient sites to achieve the housing target, then further development will be allowed subject to being supported by relevant policies within the Development Plan and meeting all of the following criteria:

1. It is immediately adjacent to the settlement boundary;
2. It would not lead to the number of dwellings in the settlement significantly exceeding the identified housing target;
3. the design contributes to conserving, and where possible enhancing, the historic nature and connectivity of communities; and
4. the development avoids coalescence of settlements.

*Where it has not been possible to identify a suitable, available and deliverable allocation for a settlement defined as a Local Service Centre, development that meets the criteria outlined in Policy HOU 03 will be permitted in order to meet the identified housing target for the plan period (2036). The policy enables an element of flexibility in the housing delivery for the larger rural settlements and helps to support and sustain their services and facilities.

1.6 Swanton Morley is identified as a Local Service Centre through the locational strategy and Policy HOU03 advises that development outside of the Local Service Centres will normally be resisted where the housing target identified in Policy HOU02 has been met. Policy HOU02 indicates that Swanton Morley has a need for 184 additional homes. Initial monitoring indicates approximate commitments and completions for the village of 306, therefore already exceeding its housing target. The proposal therefore is not considered to accord with these policies.

*Swanton Morley parish council have prepared a neighbourhood plan, this has recently been officially made and will form part of the development plan for the area. *The neighbourhood plan provides the opportunity to meet the parish's aspirations for further growth.

1.7 In a recent referendum for the Swanton Morley Neighbourhood Plan, more than half those voting supported the plan (84.5%) to "help it decide planning applications in the Neighbourhood (Plan) Area", which means that it now forms part of the 'development plan' for that area.

1.8 Policy 1 of the Swanton Morley Neighbourhood Plan says that development will not be supported outside of the built up area (settlement boundary) individually or cumulatively, if it would result in increasing the

coalescence between Swanton Morley and neighbouring towns and villages (in particular Dereham) or reducing the separate identity of Swanton Morley by:

- 1) Reducing the openness and visual break between Swanton Morley and Dereham, or
- 2) Increasing the intensification of development within existing curtilages that would lead to an increased sense of coalescence.

1.9 The site is located outside of but immediately adjacent to the settlement boundary. However, the proposal conflicts in principle with Policy HOU 03 of the Breckland Local Plan (adopted) as the Local Plan Housing Target will be met by the Local Plan. Additionally, as the Neighbourhood Plan for Swanton Morley is formally made the proposals fail to comply with Policy 1 which seeks to prevent any development outside of the settlement boundary and would require any sites to be put forward through the Local Plan.

1.10 Swanton Morley Parish Council have been consulted and are mindful of the fact that the application does not accord with the requirements of Policy 1 of the Neighbourhood Plan or Policy HOU 03 of the Local Plan and taking account of the unique circumstances surrounding this application and the requirement for a s.106 ensuring that all proceeds will be used for the benefit of the grade I Listed Church and the Historic Buildings report concerning the grade II Listed house, they are satisfied that the following paragraph of the NPPF allows for approval of this application:-

202. Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the dis-benefits of departing from those policies.

1.11 In terms of public transport, in close proximity are bus stops, which are served by the number 4 bus which runs from Swanton Morley to Norwich, which also stops at Dereham where further services can be caught to further afield as well as Norwich. This bus runs hourly throughout the day, Monday to Saturday, with a reduced service on a Sunday.

1.12 The development is put forward as enabling the restoration of a Grade I heritage asset - the Parish Church - and the benefits of this are given significant weight and are considered to outweigh the negative impacts of the location outside of the development boundary for Swanton Morley and that the proposal is considered contrary to the development plan.

2.0 Impact on setting of Listed Building (Keswick House) and Impact on the Character and Appearance of the Surrounding Area.

2.1 The consideration with regards to the impact of the proposed development on the setting of the neighbouring Listed Building (Keswick House) is not only a material policy consideration but a requirement by law to consider, as set out in the Planning (Listed Building and Conservation Areas) Act 1990.

2.2 Policy ENV 07 of the Breckland Local Plan (adopted) (Designated Heritage Assets), seeks to conserve, or wherever possible, and enhance designated heritage assets and their settings and states that great weight should be given to their conservation. Proposals that may affect the significance of a designated heritage asset will be required to provide proportionate evidence to the assets importance, sufficient to identify its significance, including any contribution that its setting makes to enable any impact to be fully assessed, in accordance with national policy.

Development that will affect any designated heritage asset will be subject to comprehensive assessment and should conserve or, wherever possible, enhance the architectural and historic character, appearance and setting of the asset. Where a proposed development will affect the character or setting of a Listed Building,

particular regard will need to be given to the protection, conservation and potential enhancement of any features of historic or architectural interest; including within the curtilage of a listed building that predates 1st July 1948.

The conversion of listed buildings economic or residential purposes in locations that would otherwise be unacceptable will be considered where this would ensure the retention and ongoing conservation of the building. Proposals will be considered having regard to national policy and relevant guidance.

2.3 The proposed development would be diagonally opposite Kesmark House, a Grade II Listed Building. The proposal is for the erection of one dwelling in order to generate funds and facilitate improvement works to All Saints Church, a Grade I Listed Building, it is accepted that the construction of a new dwelling in the vicinity of Keswick House will have an impact upon its 'setting' but Officers consider that due to the distance and separation across the main road the impact is not substantial and does not warrant refusal of this application.

2.4 It should be noted that the District Valuer, in their capacity as independent expert, has reviewed all the relevant case material and they concluded that as the land is being gifted the funds realised by the development would meet the needs of the Church as set out by the Agent.

2.5 Paragraph 189 of the NPPF (2019) states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

2.6 Paragraph 190 of the NPPF (2019) states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

2.7 Paragraph 193 of the NPPF (2019) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

2.8 Paragraph 194 of the NPPF (2019) states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

2.9 Paragraph 196 of the NPPF (2019) states that where a development proposal will lead to less than

substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

2.91 Paragraph 202 of the NPPF (2019) states local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

2.92 Therefore, what needs to be considered is whether the harm to the Grade II Kesmark House is justified in terms of the enabling nature of this proposal to repair the Grade I Parish Church and whether the public benefits outweigh any harm.

2.93 The Council's Historic Buildings Officer has been consulted and confirms that The Historic England definition of enabling development is:

'Enabling development' is development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out, and which could not otherwise be achieved. While normally a last resort, it is an established and useful planning tool by which a community may be able to secure the long term future of a place of heritage significance, and sometimes other public benefits, provided it is satisfied that the balance of public advantage lies in doing so. The public benefits are paid for by the value added to land as a result of the granting of planning permission for its development'.

The Historic England Policy states -

'Enabling development that would secure the future of a significant place, but contravene other planning policy objectives, should be unacceptable unless:

- a) It will not materially harm the heritage values of the place or its setting
- b) It avoids detrimental fragmentation of management of the place
- c) It will secure the long term future of the place and, where applicable, its continued use for a sympathetic purpose
- d) It is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid
- e) Sufficient subsidy is not available from any other source
- f) It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to the public interests
- g) The public benefit of securing the future of the significant place through such enabling development decisively outweighs the disbenefits of breaching other public policies'.

2.94 Consequently, whilst it is accepted that the proposed enabling development will not cause any material harm to the setting of the Church of All Saints as it is not in close proximity, the potential impact of the proposal on the setting of Kesmark House is a material consideration.

2.95 It is accepted in broad terms of principle that any development profit, and any necessary associated section 106 agreement, would appear to be able secure the long term future of the Church and safeguard its continued use. It is accepted that there are works of 'essential repair' which have been identified through the quinquennial inspections. Whilst it is not clear from the submission material what other forms of subsidy have been investigated and pursued, the agent has confirmed that other sources of funds have been factored into the Viability Appraisal, these are grants, trusts and donations but that they do not cover the full cost.

2.96 The Historic Building's Officer initially objected to the proposals and requested further details from the

agent (which are set out below with the Historic Building's Officer's questions underlined and the Agents responses below each question). The agent has submitted a full response for consideration (which is also set out below). The additional information submitted has satisfied the heritage questions and the Historic Building's Officer has not raised any objection and is content for the application to proceed to Committee.

How any 'Harm' to the Grade II Kesmark House is justified in terms of the enabling nature of this proposal to repair the Grade I Parish Church and whether the public benefits outweigh any harm.

'it is accepted that the extent of 'setting' is not fixed and that the setting constitutes the surroundings in which the asset is 'experienced'. However, whilst not a determining factor in itself, the distance of a proposed building from a Heritage Asset nevertheless does provide a parameter by which to begin to consider and judge the impact of a proposed development on the setting of a Heritage Asset. It is therefore wrong in my professional opinion for the Conservation Officer to simply be dismissive of such observations. In this case, the proposed development, which will comprise modest built form of limited scale and vertical massing, will have minimal impact on the setting of the large and imposing Kesmark House. Most notably, when assessing how the Heritage Asset is 'experienced' it is material to this case that this will be influenced by the presence of the B1147 and the environmental factors that arise from this. The public highway effectively physically separates the two sites and will significantly reduce any affects that the proposed development will have on the setting of Kesmark House and how that setting is 'experienced'. Also the presence of existing modern dwellings in the vicinity of Kesmark house, of which the proposed development will neighbour, also influences how the asset is currently experienced in the context of its setting. The proposed development will not appear incongruous with neighbouring modern development and any impact on the setting of Kesmark House will thus be reduced. Clearly, if the setting of Kesmark House did not comprise of any modern development, the proposed development would have a greater impact on how the Heritage Asset is experienced within its setting.'

- The proposed development directly opposite Kesmark House is likely to impact on its significance as it would further add to existing C20th encroachment.

'The application site relates to a small area of overgrown scrubland neighbouring 'Crispins' and is separated by the more open paddock land located immediately to the north by a field access and track. This open paddock land is of a marked difference in character to the application site and is of importance in defining the overall open character of land immediately to the north fronting the public highway. This will be unaffected by the proposal and open land will remain facing the majority of the property that comprises Kesmark House. The proposed development of the small scrubby area adjacent to Crispins will not affect the overall open and rural character of the land located opposite Kesmark House and for these reasons how the setting of Kesmark House is experienced will not be detrimentally affected by the proposed development. This is particularly so when other factors are taken into account as already touched upon i.e. the limited massing and scale of the built form proposed, the distance of the built form from the Heritage Asset, the presence and separation of the two sites by the B1147 and the presence of existing modern built form, which cumulatively will all inform the context of how the setting is experienced.'

- The views from Kesmark House will be impacted upon by the proposed development (which have been open since at least the 1st series OS).

Given the distance and angle of view and the fact that open land will remain opposite much of the frontage to the property of Kesmark House, views of the open paddocks will remain and will continue to be a significant feature when viewed from habitable rooms. The presence of a modest dwelling of minimal massing and scale, set back from the highway with open land readily visible in this context from Kesmark House, will not give rise to detriment to the listed building or how the asset is experienced. From a planning perspective,

there is no right to a view across third party land.

The views of Kesmark House from the north west would be impacted upon by the proposed development.

There are no clear views of Kesmark House available from the north west. Both Mann's and Harker's Lanes are bordered by generous hedging and trees as to are the southern boundaries of the village hall, the sporting pitches and the allotment gardens off to the north. In addition, Kesmark House itself is already partly screened on its front boundary by tall mature hedging and mature trees on the northern side of its frontage, which reduces any views still further. The Local Planning Authority cannot provide evidence that any views of the development from publicly accessible areas to the north west will be impacted upon by the proposed development.

The impact on the significance of Kesmark House may also damage its economic viability, threatening its ongoing preservation.

Whilst a material consideration, for the aforementioned reasons, the limited impacts of the proposed development both in regard to views from the property and its setting, will ensure that there will be no likely affects in the future concerning its economic viability and thus preservation. Such affects are only likely to occur where any impacts caused by development are significant and clearly impact on the assets amenity, enjoyment and attractiveness. This point is demonstrated by the fact that the owners, who objected to the application, successfully sold the property in March of this year, despite the fact that the application was current at the time and was presumably a matter the purchasers were aware of.

The agent has also summarised in response that any impacts of the proposed dwelling on the setting of Kesmark House will be minimal and the positive matters which weigh in favour of the application are;

1. The proposed development constitutes 'Enabling Development', which will ensure that essential repairs and improvement works are undertaken to a Grade 1 Heritage Asset. The funding of such works will bring the church up to optimum viable use and secure its long-term future and its continued use for a sympathetic purpose, in compliance with paragraph 202 of the NPPF. The benefits afforded to such a nationally important Heritage Asset, should be afforded significant weight and as paragraph 202 of the NPPF advocates: "outweigh the disbenefits of departing from those policies."
2. The benefits afforded to the church by being able to ensure essential repairs and improvement works are undertaken, will increase the scope and frequency of the use of the church as a community facility, to the benefit of the local community.
3. The proposal will clearly not result in the formation of an isolated dwelling within the countryside, being bordered on its southern boundary by an existing residential property and faced by other residential properties located on the opposite side of Gooseberry Hill. However, even if the application site were to be judged to occupy an isolated position in the countryside, paragraph 79 of the NPPF cites 'enabling development' that would secure the future of heritage assets as a circumstance where isolated homes in the countryside are permissible.
4. Socially, economically and environmentally the proposal complies with the three dimensions of sustainable development as set down by paragraph 8 of the NPPF and also in regard to housing in rural areas as set down by paragraph 79 of the NPPF.
5. The provision of a new dwelling on the site will make a small, but meaningful contribution to the housing land supply within the district to meet the current need, which at the time of writing, is in shortfall.

Has the Schedule of repairs required by the Church been updated in the most recent Quinquennial Review and do these works have the approval of the Diocese?

The Viability Appraisal uses the 2013 review figures which were current at the time of the Appraisal in December 2017; however, given the time that has passed, the schedule of repairs has been updated.

The agent has listed the updated repairs and costs in detail and confirmed that these costs are higher than those used in the Viability Appraisal which means that the actual quantum of the conservation deficit may be greater than that appraised. However, on the basis that the Appraisal was up to date at the time of submission and has been subject to scrutiny by the District Valuer, it would not be expedient to update all inputs in light of these costs.

Can the Diocese provide any evidence that the works are assessed as essential and urgent and that the works identified are only those that are essential?

As set out in paragraphs 6.20 and 6.57 of the Viability Appraisal report, enabling development should "secure the future of the place" (HE guidance) and secure its "optimum viable use" (NPPF). This requires enabling development to go beyond simply repairing the structure and should seek to secure the optimum viable use. The works required to be funded by the enabling development proposed include both essential repairs to the building as well as improvements to bring the church up to a standard that will enable it to hold concerts, lunches and community events etc in order to secure a viable future.

Are you able to demonstrate that the proposals are the ONLY way to achieve the repairs to the Church?; ie that there are no public funds, donations etc.

Other sources of funds have been factored into the Viability Appraisal. For the avoidance of doubt, these are grants, trusts and donations but they do not cover the full cost. See Viability Appraisal paragraphs 4.5, 5.1-5.8 and 6.8-6.17.

Are you able to demonstrate that the value achieved through the proposed development is the Minimum that is required for the Church repairs and that no additional value is achieved?

Yes, see Viability Appraisal, specifically paragraphs 6.51-6.58 and 7.4.

We need to see that the costs of repairing the Church are X and what proportion of 'X' the development will deliver.

This is summarised in paragraphs 6.1-6.7 of the Viability Appraisal. Using the original quinquennial costs the conservation deficit (costs minus funds available). In light of the new costs, the new conservation deficit is greater than the value generated by the enabling development. As such, the proposed development would not be the minimum that is required, but would be less than the minimum.

2.97 With respect to layout, scale, appearance and landscaping, these are reserved matters to be considered at a later date. The indicative form indicates one detached 2-storey dwelling on a rectangular plot, it is considered that, in principle, one dwelling could be provided on the site in an acceptable form.

2.98 A viability assessment was completed for the proposals which confirms that the value of the proposed land for development if planning permission is approved would be sufficient to support the conservation deficit with a small surplus.

2.99 As a result, the proposal has the ability to comply with Policy GEN 02 and COM 01 of the Breckland Local Plan (adopted), and the NPPF (2019) and could be fully assessed at the Reserved Matters stage.

3.0 Amenity Impact

3.1 Policy COM 03 of the Breckland Local Plan (adopted) requires all new development to give consideration to general amenity impact issues, especially living conditions. Development will not be permitted which causes unacceptable effects on the residential amenity of neighbouring occupants, or does not provide for adequate levels of amenity for future occupants. In assessing the impact of development, especially on the living conditions of occupants, regard will be had to overlooking, overbearing impact/visual dominance, overshadowing, loss of light, odour, noise, vibration or other forms of nuisance and any forms of pollution.

3.2 The application site sits to the north-west of Crispins, a two-storey dwelling. There are open views to the north, north-west and north-east of the site. Whilst the proposals would alter the open outlook to the north of this neighbouring property, there is nothing to suggest that the development, if appropriately designed and laid out, would have an overbearing effect 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-west 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 dwelling 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 Gooseberry Hill approaching the application site. However, given the size of the site and the likely volume of such traffic, it is not considered that such disturbance would cause significant harm to the amenity of nearby residents.

3.5 The submitted indicative plan indicates that the proposed dwelling 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 dwelling is designed to respect the character and appearance of the surrounding area.

3.6 As a result, it is considered that subject to a suitably designed property, the proposal has the ability to comply with Policy COM 03 of the Breckland Local Plan (adopted) and Paragraph 127 of The NPPF (2019).

4.0 Impact on Ecology & Trees

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 Policy ENV03 - The Brecks Protected Habitats and Species

4.3 The Council requires that a Habitats Regulations Assessment is undertaken on all proposals for development that are likely to have a significant effect on The Breckland Special Protection Area (SPA) which is classified for its populations of Stone Curlew, Woodlark and Nightjar, and/or Breckland Special Area of Conservation (SAC), which is designated for its heathland habitats. Development will only be permitted where it can be demonstrated that the proposal will not adversely affect the integrity of the SPA or the SAC.

4.4 Policy ENV 06 of the Breckland Local Plan (adopted) requires the protection of trees and hedgerow and says that they should be retained as an integral part of the design of development except where their long-term survival would be compromised by their age or physical condition, or there are exceptional and overriding benefits in accepting their loss. Development requiring the loss of a protected tree or hedgerow (including preserved trees, protected hedgerows, trees in Conservation Areas, ancient trees, aged and veteran trees and trees classified as being of categories A or B in value (BS5837:2012) will only be permitted where it would allow for a substantially improved overall approach to the design and landscaping of the development that would outweigh the loss of any tree or hedgerow. Where the loss of such features is demonstrably unavoidable, adequate replacement provision, preferably by native species will be sought. Where the loss of a tree is accepted in these circumstances, developers will be required to ensure that the loss will be suitably compensated for, taking into account the size and condition of the tree.

4.5 The planning statement states that there are no priority habitats or other biodiversity conservation features on the site. There are no mature trees on the site and the proposed development will not effect any other trees surrounding the site.

4.6 As a result, the proposal has the ability to comply with Policies ENV 02, ENV 03 and ENV 06 of the Breckland Local Plan (adopted), and the NPPF (2019) subject to conditions.

5.0 Access and Highway Safety Implications

5.1 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.

5.2 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.

5.3 The NPPF (2019) requires new developments to provide safe and suitable access to the site for all people.

5.4 The Highways officer has been consulted and comment that there have been no significant changes in

the highway network since the previous application was submitted, therefore the advice of the Highways Authority remains that if approval is granted full details of the following will be required to be submitted with any reserved matters submission:-

Access - with gates set back 5m from the carriageway edge

Visibility

Parking in accordance with approved guidelines

Turning facilities

5.5 These matters can be secured through appropriately worded conditions, as proposed.

6.0 Flood Risk and Drainage

6.1 Policy ENV 09 of the Breckland Local Plan (adopted) requires development to be located to minimise the risk of flooding, mitigating any such risk through design and implementing sustainable drainage (SuDS) principles. Also to incorporate appropriate surface water drainage mitigation measures to minimise its own risk of flooding and should not materially increase the flood risk to other areas. Particular care will be required in relation to habitats designated as being of international importance in the area and beyond which are water sensitive, as well as habitats designated of regional or local importance.

6.2 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.

6.3 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, tidal, reservoir and canal sources. There are low areas of risk for surface water flooding surrounding the site but the application site is in a very low to low risk area.

6.4 A Flood Risk assessment has been submitted and it is fit for purpose and shows that the dwelling can be sited outside the surface water flood risk area. The proposed building will be set at 47.90 m AOD and will also be located across very low risk areas and above the flood level by up to 0.40 m, providing a safe refuge at all times. Safe access/egress can be achieved during the peak of the low risk event via Gooseberry Hill in a south westerly direction. A warning and evacuation strategy has been provided within the assessment, which can be conditioned.

6.5 Therefore, the proposals are considered to comply with Policy ENV 09 of the Breckland Local Plan (adopted) and paragraph 163 of the NPPF (2019).

7.0 Other Matters

7.1 Historic Environment (Archaeology)

The Historic Environment Team at Norfolk County Council 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 do not wish to make any recommendations for archaeological work.

7.2 Contamination

7.3 Paragraph 178 of the NPPF (2019) says that development sites need to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation).

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

8.0 Conclusion

8.1 The site is located in relative proximity to services and facilities, one dwelling could be accommodated on the site.

8.2 The previous application was refused due to a lack of information and failing to satisfactorily demonstrate that the works are essential in order to secure the long term future of the building and sufficient to justify a significant departure from policy or that the funds needed to facilitate the proposed works could not otherwise be achieved. There was also a lack of information to assess any potential impacts upon the setting of the Grade II Listed building ' Kesmark House'.

8.3 This new application is considered to provide in depth justification which has demonstrated that the enabling development would secure the future of The Church Of All Saints. Other forms of subsidy have been investigated which have been factored into the Viability Appraisal, these are grants, trusts and donations but they do not cover the full cost. It has also been demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place.

8.4 Overall, this is a very finely balanced application and it is acknowledged that the proposal will introduce new development within the vicinity of a Grade II Listed Building, however, due to the site location in relation to Kesmark House and existing modern development in the locality that it is not considered to materially harm the heritage values of the place or its setting.

8.5 It is therefore considered that these tip the balance in favour of the development and the application is recommended for approval.

RECOMMENDATION

Recommend approval of outline planning permission subject to the completion of a Section 106 Legal Agreement to ensure the funds generated by the development are used in their entirety for the works to the Church.

CONDITIONS

- 1 Outline Time Limit (3 years)**
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.
- 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.
The details to be submitted in order to satisfy the Reserved Matters in terms of Access are;
1. Access - with gates set back 5m from the carriageway edge
 2. Visibility
 3. Parking in accordance with approved guidelines
 4. Turning facilities
- Reason for condition:-
The details are not included in the current submission and so the proposal complies with Policy COM 01, TR01 and TR02 of the Breckland Local Plan (adopted).
- 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 Materials**
Prior to the commencement of any works above slab level the type and colour of the external wall materials shall be agreed in writing with the Local Planning Authority. Only such agreed materials shall be used in connection with this approval.
Reason for condition:-
To ensure the satisfactory appearance of the development, in accordance with Policy GEN 02, COM 01 and COM 03 of the Breckland Local Plan (adopted).
This condition will require to be discharged
- 5 Non-standard design condition**
The hereby approved development shall be carried out in strict accordance with the Flood Risk Assessment which has been submitted with the application.
- the dwelling shall be sited outside the flood risk area.
- the dwelling shall will be set at 47.90m AOD with finished floor levels raised by 400mm above the existing ground level where necessary to meet the floor level of 47.9M AOD
- the dwelling shall be two-storey to provide a safe refuge at all times.
- safe access/egress shall be achieved during the peak of any flood event via Gooseberry

Hill in a south westerly direction.

- before the dwelling is first occupied a copy of the warning and evacuation strategy set out in the Flood Risk Assessment shall be made available on site and thereafter kept for the reference of future occupiers.

Reason for condition:

To reduce flood risk, and to mitigate the impacts of a flood event and to comply with policy ENV 09 of the Breckland Local Plan (adopted) and the guidance within the NPPF (2019).

6

Precise details of surface water disposal

Prior to the commencement of any works above slab level 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:-

To minimise the possibilities of flooding from the outset of the development.

This condition is imposed in accordance with Policies COM 03 and ENV 09 of the Breckland Local Plan (adopted).

This condition will require to be discharged

7

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 paragraph 178 of the NPPF (2019).

This condition will require to be discharged

8

Non-standard highways condition

As part of the reserved matters submission details of access - with gates set back 5m from the carriageway edge, visibility, parking, turning and construction traffic management shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason for condition:-

To ensure the provision of satisfactory details are provided having regard to Policy COM 01 and TR 02 of the Breckland Local Plan (adopted).