

ITEM:		RECOMMENDATION:	APPROVAL
REF NO:	3PL/2021/1524/F	CASE OFFICER	Nicolla Ellis
LOCATION:	BEETLEY Shorthorns Garden Centre Elmham Road	APPNTYPE:	Full
APPLICANT:	Mr Leveridge Shorthorns Garden Centre Elmham Road	POLICY:	Out Settlemnt Bndry
AGENT:	Architech Design and Planning Meadow Barn Low Road, North Tuddenham	CONS AREA:	N
PROPOSAL:	Proposed mixed use garden centre and stationing of static caravans & utility blocks for residential use inclusive of all ancillary utilities		
		LB GRADE:	N
		TPO:	N

REASON FOR COMMITTEE CONSIDERATION

The application is brought to Planning Committee as it is considered significant due to its site history.

KEY ISSUES

- Principle of development
- Impact upon the character of the area
- Impact upon residential amenity
- Impact upon highway safety.

DESCRIPTION OF DEVELOPMENT

The application seeks consent for the creation of 2no. residential pitches for the stationing of caravans to provide accomdation for 1 traveller family. The pitches would be located to the north and south of the existing garden centre building which is proposed to be retained and as such as mixed use of the site is proposed.

Serving each caravan would be a utility building measuring 5m in length, 5m in width and 3.5m in ridge height, comprising a cloakroom, utility area and dayroom. The buildings would be constructed with timber cladding to walls and a pantile roof.

Access to the pitches would be via the existing access to the site.

For the avoidance of doubt, the pitch to the north of the site is already created with a static caravan in situ. As such, the proposal is in part retrospective.

SITE AND LOCATION

The site is located to the north of the village of Beetley, approximately 130m from the edge of the defined settlement boundary. The site is currently occupied by a garden centre and a static caravan (for which planning permission is sought for its pitch).

Adjacent to the site is Otter's Mead Holiday Park to the north and fields to the south and east.

A planning application for a new dwelling within the site was refused planning permission in 2019, and dismissed on appeal, due to the site's location outside of the settlement boundary for Beetley, as well as the harmful impact upon the character of the countryside in which it would be located.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/1990/1273/CU	Permission	30-10-90	Garden Centre
3PL/1994/0713/F	Permission	26-10-94	Proposed garden centre
3PL/2001/1299/F	Permission	08-01-02	Two greenhouses for horticultural use
3PL/2002/0981/F	Permission	05-09-02	Erection of 2 polytunnels
3PL/2006/1308/CU	Refusal	06-12-06	Change of use from part garden centre to land for the stationing of 5 holiday lodges
3PL/2008/0811/F	Permission	18-07-08	Proposed Garden Centre shop and greenhouse sales area
3PL/2009/0639/F	Permission	16-02-10	Change of use of part of garden centre to land for the stationing of 5 holiday lodges - Revised Scheme
3PL/2014/1198/F	Refusal	15-01-15	Proposed single storey sales building to garden centre including cafe
3PL/2015/0188/F	Refusal	09-04-15	Proposed single storey sales building to garden centre
3PL/2016/1400/VAR	Permission	17-05-17	Variation of Conditions 6 & 8 on 3PL/2008/0811/F - Remove before commencement of works on site
3PL/2017/0666/F	Permission	11-10-17	New access into parking area

3PL/2017/0708/VAR Permission 21-09-17

Variation of condition 3 on 3PL/2008/0811/F

3PL/2019/0796/F Refusal 17-09-19

New Detached Two storey dwelling and garage

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
ENV05	Protection and Enhancement of the Landscape
GEN01	Sustainable Development in Breckland
GEN02	Promoting High Quality Design
GEN03	Settlement Hierarchy
GEN05	Settlement Boundaries
HOU04	Villages with Boundaries
HOU08	Provision for Travellers and Travelling Showpeople
NPPF	National Planning Policy Framework (Revised 2021)
TR01	Sustainable Transport Network
TR02	Transport Requirements

OBLIGATIONS/CIL

Not applicable

CONSULTATIONS

ANGELA LEIGH

Beetley Parish Council objects to this application as it is outside of the settlement boundary.

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection on the assumption that the residential use will be tied to the commercial use

CONTAMINATED LAND OFFICER

No objection, subject to condition.

REPRESENTATIONS

3 Letters of representation have been received raising the following comments,

- Site has had 2 applications refused for residential use and this is another attempt to get permission.
- Applicants have been living on the site without permission.
- There are 2 utility blocks in the proposal on opposite sides of the site - is this preparation for more development.
- A traveller site already exists in Beetley.
- There are no circumstances that require a 2nd dwelling on site.
- No value to the village for any permission to be granted for this or any other application for this land as it would bring no benefit to the village.
- Site is outside village building line and therefore should be rejected.
- Nursery has closed down and site is now used for storage of construction vehicles and materials, along with alleged illegal dog breeding.
- Bonfires are regularly happening on site which have resulted in the fire brigade attending.
- There is no existing treatment plant on site.
- The family are not travellers.

1 Letter of support has been received stating that the family have lived on the site for over 4 years and that there are no other traveller sites available around Norfolk.

ASSESSMENT NOTES

1.0 The Parameters of Decision Making

1.1 Planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise (s.38(6) of the Planning and Compulsory Purchase Act 2004, s.70(2) of the Town and Country Planning Act 1990 and Paragraph 2 of the NPPF). Whilst this sets a legislative framework for decision making it is important to set out the parameters of exactly what can be taken into consideration in the assessment and determination of the eventual planning decision.

1.2 There are some objections related to personal views of the applicant and the future of the village if permission was granted, along with how the site would be maintained from a waste perspective - all of which are not material planning considerations in the determination of this application. This means that although they have been raised as concerns, health and safety legislation and other statutory guidance outside of the planning framework governs the policing of some of these issues, while others are unregulated and personal opinions.

1.3 This report offers an assessment of the proposal against all relevant planning considerations upon which a decision can be made. For the avoidance of doubt, any offensive, racist, and potentially slanderous comments, which have been made in representations have been entirely discounted by the Local Planning Authority.

2.0 Principle of Development

2.1 Paragraph 62 of the NPPF (2021) supports the sufficient supply of home for Gypsy and Traveller communities, which is backed up by Planning Policy for Traveller Sites (PPfTS).

2.2 Paragraph 18 of PPfTS encourages local planning authorities to consider traveller sites suitable for mixed residential and business uses, having regard to the safety and amenity of the occupants and neighbouring residents. As the site already has an existing garden centre business, this paragraph is of particular relevance to this application.

2.3 Policy HOU08 of the Breckland Local Plan (adopted 2019) permits 4 additional pitches for Gypsy and Traveller households, of which 1 should be provided in the first five years of the plan and which may be provided by the expansion of existing sites. Additional pitches/ plots for any additional requirements associated with newly confirmed need from unknown households are also allowed via the expansion of the existing sites.

2.4 The site is currently occupied by a garden centre and 1no. static caravan which has been positioned without prior consent from the Local Planning Authority (LPA) and as such, the application is in part retrospective and relates to a new site for the purposes of planning policy.

2.5 Policy HOU08 of the Local Plan permits the provision of new sites where the following criteria are met:

1. The site is otherwise suitable for residential development and the associated necessary infrastructure requirements will be made available as part of the development proposal;
2. The site will have safe access to the highway and will not result in any unacceptable impact on the capacity and environment of the highway network;
3. The site is in a sustainable location in reasonable proximity to relevant services and facilities including but not limited to transport, education, healthcare and other community infrastructure provision;
4. The ability to achieve neighbourliness can be demonstrated in relation to the living conditions of current or future residents of the site and interaction with immediate neighbours and the wider settled community neighbourhood; and
5. The site is sensitive to local character and does not have an adverse visual impact on the character and appearance of the surrounding landscape.

2.6 With regards to the above criteria, it is considered that the site is of reasonable proximity to the village of Beetley, being 136m to the NW of the edge of the village with access to the village's services and facilities. As such, this is considered a sustainable location and could promote neighbourliness given the likely use of local amenities. Furthermore, the existing garden centre has provision to utilities which the new pitches and utility block can connect to. They would be sited next to an existing holiday park, thus the infrastructure proposed as part of this application would not sit isolated within the rural landscape, especially given the proposed structures would be similar in appearance.

2.7 In terms of highway safety, this is discussed later in the report, however to summarise, the Highway Authority have raised no objection to the proposal.

2.8 In addition to the above, Policy HOU08 of the Local Plan also states that preference is also given to the use of brownfield locations that can be readily serviced. Given that the site is located within an existing garden centre, it is considered that the site constitutes a brownfield development plot which already has access to facilities.

2.9 For the avoidance of doubt, the applicant has submitted a personal statement and the LPA are satisfied that the applicant meets the definition of a 'gypsy and traveller' as defined by Annex 1 of the PPfTS.

2.10 On the basis of the above, it is considered that the principle of the proposal meets the requirements of Policy HOU08 of the Local Plan, the NPPF and the PPfTS.

2.11 The LPA are mindful of the previous refusal of a planning application for a new dwelling within the site in 2019.

However, at the time of this earlier application, the Gypsy and Traveller status of the applicants was not brought forward as a material planning consideration. Furthermore, this current planning application seeks to provide pitches for caravans rather than a permanent dwelling which must be considered on its own merits against the relevant planning policy.

3.0 Layout, Design and Impact on the Landscape

3.1 The proposed layout submitted shows 2no. caravans each with their own utility block comprising a cloakroom, utility area and day room. The caravans would be spaced out within the site, one of which would be located adjacent to the garden centre, the other a short distance away from the existing building. Whilst it is considered that the structures would have less impact if clustered together, in this instance it is not considered that the proposal would have such a detrimental impact upon the character of the area that it would warrant refusal of the application, particularly given the permitted use of the adjacent site.

3.2 In addition to the above, due to existing vegetation and boundary screening, there would be limited visibility of the pitches and utility blocks from the public highway, thus limiting the overall impact.

3.3 The design of the caravans is not for determination under this application as, for the purposes of Section 55 (The Meaning of Development) of The Town and Country Planning Act 1990, a caravan is not considered to constitute operational development and therefore only the material change of use of the land for the siting of caravans can be considered. The site is not within or near any Special Landscape Areas or Conversation Areas nor near any Listed Buildings. It is therefore found that due to the site screening from existing vegetation and not being close to any sensitive conversation receptors, that design does not need to be secured by way of condition and could be left to be determined by the residents needs in due course.

3.4 Based on the foregoing, there is no conflict with Policies GEN 02 or ENV 05 of the Breckland Local Plan (adopted 2019) or paragraphs 130 and 174 of the NPPF (2021)

4.0 Highways

4.1 The site is currently used for commercial purposes and as such there are already a number of comings and goings throughout the day. As such, the Highway Authority have advised that the proposed mixed use of the site is acceptable from a highway safety aspect, providing the commercial and residential use are tied together.

4.2 In addition to the above, there is sufficient parking space within the site for both the commercial and residential uses of the site and as such the application is considered to comply with Policy TR02 of the Local Plan.

4.3 Furthermore, the site is within walking distance to the village of Beetley, with access services. However, it is noted that a footpath does not extend along the entirety of the route, resulting in some reliance upon private vehicle particularly outside of daylight hours.

4.4 Given the above, on balance, the proposal is considered to comply with Policies TR01 and TR02 of the Local Plan and paragraphs 110 and 111 of the NPPF.

5.0 Residential Amenity

5.1 Policy COM03 of the Breckland Local Plan (adopted 2019) seeks to ensure that development does not detrimentally impact upon the amenities of surrounding land uses.

5.2 The site is located adjacent to residential uses, however the proposed residential use is of a minor scale and as such it is not considered that the addition of 2 residential pitches would be likely to have an adverse impact upon amenity, particularly as there would be good separation distance from the neighbouring development. As such, the proposal is considered acceptable in accordance with Policy COM03 of the Local Plan.

6.0 Conclusions

6.1 The development is within the countryside which is resisted by Policy HOU05, GEN03 and GEN05 of the Breckland Local Plan (adopted 2019). However, Policy HOU08 of the Local Plan does provide for new Gypsy and Traveller sites, providing the criteria listed within the policy is met, along with the aims of the NPPF and PPFTS.

6.2 Having assessed the proposal against Policy HOU08 of the Breckland Local Plan (adopted 2019), it is considered that the proposal meets the requirement of this policy due to its location and proximity to the village of Beetley and the site's status as a brownfield site. Furthermore, the proposal is not considered to have an adverse impact upon the character of the area, highway safety or residential amenity.

6.3 Given the above, it is considered that the proposal accords with the relevant policies within the Breckland Local Plan (adopted 2019), the NPPF (2021) and the Planning Policy for Traveller Sites (2015) and is therefore recommended for approval, subject to the conditions listed below.

RECOMMENDATION

The proposal is therefore recommended for approval, subject to conditions.

CONDITIONS

- 1 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, in accordance with Policy COM01 of the Breckland Local Plan (adopted 2019).
- 2 External materials as approved**

The development hereby permitted shall be constructed using the materials specified on the planning application form and / or submitted drawings.

Reason for condition:-
To enable the Local Planning Authority to ensure the satisfactory appearance of the development, as required by Policies COM3, GEN2 and COM1 of the Breckland Local Plan (adopted 2019).
- 3 Precise details of surface water disposal**

Prior to commencement of development 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:-

To minimise the possibilities of flooding from the outset of the development, in accordance with Policy COM03 and ENV09 of the Breckland Local Plan (adopted 2019).

This condition will require to be discharged

4 Precise details of foul water disposal

Prior to commencement of any development 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. 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, in accordance with Policy COM03 and ENV09 of the Breckland Local Plan (adopted 2019).

This condition will require to be discharged

5 Net Gain in Biodiversity

Prior to first use of the site hereby approved, a scheme demonstrating how net gains for biodiversity are being secured as part of the development, shall be submitted to and approved in writing by the Local Planning Authority. This could include bird/bat boxes, swift bricks and hedgehog holes for example. The development shall be carried out in accordance with the approved details, prior to first occupation.

Reason for condition:-

To ensure a net gain in biodiversity in accordance with Policy ENV02 of the Breckland Local Plan (adopted 2019).

6 Non-standard condition

No more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, shall be stationed on the site at any time.

Reason for condition:-

In the interests of visual amenity and ensuring the protection of the intrinsic character and beauty of the countryside in accordance with Policies GEN02, GEN05 and COM01 of the Breckland Local Plan (2019).

7 Gypsy and traveller occupancy

The development hereby approved shall not be occupied by any persons other than gypsies and travellers as defined by Annex 1 of the Planning Policy for Traveller Sites (2015) or its equivalent in replacement national policy

Reason for condition:-

Whereas the Local Planning Authority would not grant planning permission for a caravan or dwelling on this site, it acknowledges that a use for gypsy and traveller purposes is acceptable in accordance with Policies HOU03, HOU04 and HOU05 of the Breckland Local

Plan (adopted 2019).

8 Non standard occupancy restriction

The caravan pitches and utility buildings hereby approved shall only be used by person(s) employed by the existing garden centre business, or the spouse, widow, widower or resident dependent of a person(s) last employed by the garden centre business.

Reason for condition:-

To ensure that the use of the site remains in mixed use and that the residential use does not become separated or sold off from the business use of the site.

9 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 Section 15 of the National Planning Policy Framework.

13 Discharge of conditions

If the formal discharge of any condition is required, it will be necessary for you to submit to the Council all relevant details, together with a completed application for the "Discharge of Conditions" and the fee as appropriate.