

<b>ITEM:</b>		<b>RECOMMENDATION:</b>	APPROVAL
<b>REF NO:</b>	3PL/2021/0223/D	<b>CASE OFFICER</b>	Rebecca Collins
<b>LOCATION:</b>	CASTON Land Adjacent To Caston Primary School Caston	<b>APPNTYPE:</b>	Reserved Matters
<b>APPLICANT:</b>	Lanpro Services C/O Lanpro Brettingham House	<b>POLICY:</b>	Immediately Adjacent
<b>AGENT:</b>	Lanpro Services Brettingham House 98 Pottergate	<b>CONS AREA:</b>	N
<b>PROPOSAL:</b>	Reserved matters application for Erection of five dwellings following outline application 3PL/2017/1267/O		
		<b>LB GRADE:</b>	N
		<b>TPO:</b>	N

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

The previous Outline application was heard at Planning Committee.

#### **KEY ISSUES**

Principle of Development  
Layout, Appearance and Scale  
Residential Amenity  
Landscaping  
Access and car parking  
Flood Risk and Drainage  
Ecology  
Other matters

#### **DESCRIPTION OF DEVELOPMENT**

Reserved matters application for Erection of five dwellings and car park to serve the School, following the granting of outline application 3PL/2017/1267/O.

#### **SITE AND LOCATION**

The site is located just outside the rural settlement of Caston approximately 11km north west of Attleborough, extending to 0.3ha with Caston Primary School located to the north. The site is an area of open grassland and currently benefits from a perimeter of trees and vegetation.

Surrounding uses to the south are predominantly residential, with some amenity facilities including Caston Village Hall located within the village.

**EIA REQUIRED**

No

**RELEVANT SITE HISTORY**

3PL/2017/1267/O                      Permission                      13-12-18  
Erection of five dwellings and car park for Caston Primary School

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**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
COM04	Community Facilities
ENV01	Green Infrastructure
ENV02	Biodiversity protection and enhancement
ENV06	Trees, Hedgerows and Development
ENV09	Flood Risk & Surface Water Drainage
GEN02	Promoting High Quality Design
HOU01	Development Requirements (Minimum)
HOU06	Principle of New Housing
HOU10	Technical Design Standards for New Homes
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
TR01	Sustainable Transport Network
TR02	Transport Requirements

**OBLIGATIONS/CIL**

A Unilateral Undertaking is required to provide GIRAMs payment.

A Unilateral Undertaking was provided at Outline application stage to provide the Car Park for the School.

**CONSULTATIONS**

**JO BLACKMAN - PARISH CLERK**

The Parish Council object on the following basis:

- The original outline planning application 3PL/2017/1267/O was for five, two bedroomed homes (10 bedrooms total), providing affordable housing with the provision of a car park for the school to help alleviate parking congestion, particularly at drop off and collection times. This reserved matters application is for three, three bedroomed dwellings and two, four bedroom dwellings (17 bedrooms in total). The car park has been replaced with a "pond". The Council is of the opinion that this application substantially changes the scale, form and character of the original application. The units are all much larger, the hard surfaces more extensive and the car park included as a social benefit to support the school's parking problems has been removed. We would suggest that given the departure from the original outline approval, this should be considered as a new application.

The application clearly states that the site is not within 20 meters of a watercourse, this is not correct, there is a stream on the opposite side of the road which feeds directly into a watercourse and one which is prone to flooding, most recently and very extensively, on Christmas Eve 2020.

The plans still do not show the 8 properties built directly opposite at School View.

The design and materials proposed for these properties are not in keeping with surrounding properties on this side of the street, existing properties being of low elevation.

The development proposes a substantial increase in external hard surfaces and the drainage is wholly inadequate as this area is prone to severe flooding. The proposed plans directs all the surface water into the ditch which has no onward flow.

The increase in size of the plots will inevitably lead to additional vehicles which in turn will lead to further noise pollution. Equally, the increase in traffic, at a location which is already highly congested at certain times of the day (see below), is a major concern given the proximity to the school.

For an hour each school day vehicles are parked all along the school side of The Street. Vehicles exiting from the proposed site and turning left will be forced to travel on the wrong side of the road causing extreme danger to oncoming traffic and pedestrians not expecting vehicles from the wrong direction.

The revised plan proposes the removal of a very mature tree on the plot which is deemed unnecessary.

The revised plans will overlook neighbouring properties leading to a loss of privacy.

The power supply to the village is already overloaded and results in frequent power cuts to properties in this area of the village.

#### **TREE AND COUNTRYSIDE CONSULTANT**

Happy with the proposed landscaping scheme and satisfied that this is suitable for the site and in accordance with condition 6 of the approved outline permission.

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

No objections to the reserved matters application.

#### **CONTAMINATED LAND OFFICER**

I would recommend that the previous comments are applied.

#### **FLOOD & WATER MANAGEMENT TEAM**

No comments.

**HISTORIC BUILDINGS CONSULTANT**

No objection.

**HISTORIC ENVIRONMENT SERVICE**

No Comments Received

**ENVIRONMENT AGENCY**

No Comments Received

**NORFOLK COUNTY COUNCIL HIGHWAYS**

No Comments Received

**ECOLOGY**

No Comments Received

**REPRESENTATIONS**

99 letters of representation have been received (many addresses/neighbours have written in multiple times), objecting to the application, their comments are summarised, as follows:

- Flood Risk
- The Environmental Agency flood map for the area is out-of-date
- Insufficient access
- Noise and disturbance
- Cars blocking the highway from the school traffic is noisy and will cause congestion and accidents
- Overdevelopment
- Overlooking and overshadowing of existing properties and the school from new dwellings and balconies.
- Out of character in terms of design and layout
- Impact on Conservation Area.
- Oppressive views onto blank gables/elevations
- Development is sited too close to the boundaries of the site.
- Small affordable homes have been replaced with 3/4 bed two-storey dwellings to the detriment of neighbours and the village.
- The removal of trees is unacceptable
- There is no need for more houses
- UK Power Networks clearly indicated the recent power cuts experienced over Christmas and New Year 2020 were direct result of reduced electricity supply and lack of capacity to serve existing village dwellings. This will add further pressure on the supply.
- There is no play equipment.
- There is no affordable housing.
- The car park has now been added but at the detriment of the 'lagoon' soakaway.
- The "Car Park" is unsustainable and contrary to Health and Safety concerns especially as there will be young children involved.
- Who would be responsible for the car park?
- Reduction in green village spaces
- Impact on ecology
- Impact on Archaeology
- Plans and statements provided are inaccurate.
- Surely the outline planning application has expired.

Diocese of Norwich Education and Academies Trust have also written in and comment:

We are concerned about the impact this development will have on our school in two areas:

- 1) the area is prone to extensive flooding and this development will make matters significantly worse
- 2) The addition of a pond to the development will cause additional safety issues for children who may pass by the feature.

On behalf on the Local Governors of the school we oppose this proposed development as it will adversely impact our pupils, staff and families in 3 significant ways.

1. There is, as many other people have noted a significant issue with flooding in this location and this development will further enhance the risks of greater flooding. If this proposal is approved we suggest it should be subject to a complete review and assessment of how to prevent and mitigate future flooding risks.
2. Building double storey dwellings so close to the boundary of the school presents a safeguarding risk for our pupils. One dwelling in particular is directly adjacent to and overlooks our early years play area.
3. The increased traffic movements bring added risk to the safety of our pupils and families when entering or leaving the school premises.

## ASSESSMENT NOTES

### 1.0 Principle of Development

1.1 The principle of development is established by the grant of outline planning permission (ref: 3PL/2017/1267/O) at Planning Committee on 29th October 2018, decision issued on 13th December 2018. The planning application description was for the 'Erection of five dwellings and car park for Caston Primary School'.

1.2 The current application considers matters relating to appearance, layout, access, landscaping and scale of the development, which are discussed in the following sections of this report.

1.3 Concerns have been raised that the application might be out of time or that the outline planning permission has lapsed. The time condition (condition 1) attached to the outline planning permission (as with all standard time conditions) requires a reserved matters application within two years of the grant of outline planning permission and for development to commence within 2 years of reserved matters planning permission. The reserved matters application was valid on 11th February 2021, after the two year date. However, under section 93A of the Town and Country Planning Act 1990, unimplemented planning permissions with time limits for implementation which were due to lapse between 19 August 2020 (when the provisions came into force) and 31 December 2020 are extended to 1 May 2021. Therefore the outline planning permission remains extant.

### 2.0 Layout, Appearance and Scale

2.1 Section 12 of the NPPF and Policies HOU01, GEN02 and COM01 of the of the Breckland Local Plan (adopted 2019) seek to promote high quality design and protect the character of an area.

2.2 The application is for 5 dwellings and a car park to serve the school. The latter secured via the submission of a unilateral undertaking from the applicants at outline application stage. The application has been amended during the course of the application to include the car park for the school, previously submitted without as it was considered this was no longer required. As the car park has now been inserted into the proposed scheme the objections regarding its removal have not been further considered.

2.3 With regards to the amended layout the applicants state:

*'The introduction of the car park to the Reserved Matters application has had some inevitable knock on effects to the current application. The north eastern area of landscaped land with attenuation is no longer proposed and the house at Plot 1 has been reoriented to ensure that a car park of suitable size for manoeuvrability can be accommodated, along with an internal road network which meets with Highway Authority standards. However, the house types are as currently proposed'.*

AND

*'The car park is to be constructed of a permeable surface material to ensure that it does not result in any increase in flooding and is easily maintainable by the Diocese. It is proposed to have one entrance / exit into the car park from the school, this will result in the loss of one tree'.*

2.4 The current layout of the proposed development reflects that of the indicative layout proposed at outline application stage with access to the east of the application site off The Street, the car parking to serve the school to the front (north-east) of the application site and then 5 dwellings to the west of the site, with three to the northern boundary and two to the southern boundary of the application site. This layout is continued to be considered acceptable with space around the dwellings to provide good separation distances and garden areas to serve the new development (as well as landscaping and car park for the school).

2.5 The design is for two storey dwellings with two different house types on the site, one with flat roofed projecting garage (plots 3 and 4) and the other without garage, still two storey (plots 1, 2 and 5). The majority of development in the surrounding area is two stories, with modern two and half and two storey development to the north east of the application site constructed of buff brick and render and more historic two storey cottages and narrow gabled dwellings to the south and east constructed of red or buff brick or render. The red brick school also sited to the north of the site.

2.6 The elevations of the dwellings are shown to be quirky in design, with modern fenestration and flat roofed garages to two plots, as well as historic features such as chimney's and parapet at roof line, as well as narrow gables. This is considered to be an acceptable modern twist on the otherwise historic street scene, subject to the use of appropriate materials (as required to be submitted and approved by the outline planning permission). The set back of the development into the site behind landscaping and car park, also helps assimilate the development into the street scene, being similar to that of the adjacent school. The proposals are considered in character with the street scene and acceptable in this location.

2.7 Comments have been raised about the impact on the Conservation Area but the site actually sits well outside the Caston Conservation Area and therefore on this basis, the proposals are not considered to impact its character and appearance or significance.

2.8 On the basis of the above, the proposed Layout, Appearance and Scale are considered acceptable and accord with Section 12 of the NPPF and Policies HOU01, GEN02 and COM01 of the of the Breckland Local Plan (adopted 2019).

### Residential Amenity

2.9 Policy COM03 of the Breckland Local Plan (adopted 2019) seeks to avoid unacceptable effects on the residential amenity of neighbouring occupants, or development which does not provide for adequate levels of amenity for future occupants.

2.10 To the north of the application site is the school, which is over 13 metres from the side elevation of the nearest dwelling at plot 2. The proposal is separated from the school by an access route around the school

and existing boundary hedging/vegetation. This will provide good screening for the school and future occupants. To the south of the site are residential dwellings. The Old Chapel is to the frontage of the site, where no dwellings are situated. The Chapel, although set back further from The Street remains a good distance from the application site and the proposed development. The staggered nature of development in this location reflects the street scene and also protects amenity.

2.11 The proposed dwellings are in relatively small plots with relatively small gardens but this is as approved at outline application stage, albeit indicatively. Some gardens are much larger than others (plots 4 and 5), and in character with development to the south. Plot 1 only has a rear garden depth of 6.5, plot 2, 8metres and plot 3, 7metres. Although quite small gardens for the character of the area, given the outline planning permission these would provide sufficient amenity provision (with plots 1 and 3 having wide garden widths) for future occupants, as well as their being an element of buyer beware.

2.12 As stated above, the properties are two storey, there are no side windows proposed in plots 3 and 4 and the majority of glazing will be to the rear elevations so as not to impact the amenity of properties to the south or their rear gardens. There is good separation distance to the boundaries of the site and neighbouring dwellings to avoid any overbearing impact. There are windows in plot 3 facing the school at first floor level, but it is not unusual to have windows facing a school and given the intervening vegetation and separation distance, then this is considered acceptable also. Windows have been removed from the side elevation of plots 3 and 4 to remove any overlooking of plot 2.

2.13 Amendments have been requested to address other matters of overlooking. These have been addressed and with the first floor side windows in plots 3 and 4 omitted to avoid overlooking of plot 2, plot 2 internal layout has been changed to avoid overlooking from bedrooms to plot 1 and the same at plot 5 to avoid undue overlooking of The Old Chapel.

2.14 Comments are noted with regards to blank gables on the boundaries with existing properties, however, due to the separation distances involved there is not considered to be any overbearing impact and the proposals are considered acceptable in this regard.

2.15 The proposal is considered to accord with Policy COM03 of the Breckland Local Plan (adopted 2019).

### **3.0 Landscaping**

3.1 The retention of significant trees and hedgerows is supported by Policy ENV06 of the Breckland Local Plan (adopted 2019).

3.2 The majority of landscaping involves the retention of boundary vegetation with a tree to be removed at the rear south western corner of the site and one to the north eastern corner to provide access to the school and new car park. There is potential for landscaping to the front, south-east of the site on the area of open space shown. A condition on the outline planning permission has been added to secure this.

3.3 The Tree Officer has requested further information in the form of an arboricultural report as a tree is to be removed to provide access to the proposed car park. However, this was agreed at outline application stage when the car park was first proposed. The officer committee report states 'The Tree Officer was consulted on the basis of the indicative site layout. The removal of the Oaks to allow access onto the parking area was considered unfortunate although the trees are young and could be replaced within a relatively short period of time. It is considered the loss of trees could be compensated, therefore the proposal would have due regard to CP10'. A landscaping scheme has been conditioned as part of the outline planning permission approval.

2.4 On this basis, a further report is not required and the application is considered to accord with Policy ENV06 of the Breckland Local Plan (adopted 2019).

#### **4.0 Access and car parking**

4.1 Policies TR01 and TR02 of the Breckland Local Plan (adopted 2019) seek to promote sustainable transport. Policy TR01 requires development 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. Policy TR02 requires development to integrate into existing transport networks; mitigate highways impacts; protect and enhance access to public rights of way; provide safe, suitable and convenient access for all users, including appropriate parking; and avoid inappropriate traffic generation and do not compromise highway safety.

4.2 The comments of the Highways Authority are awaited. Subject to the information submitted being acceptable, the application is considered to accord with Policies TR01 and TR02 of the Breckland Local Plan (adopted 2019)

#### **5.0 Flood Risk and Drainage**

5.1 Section 14 of the NPPF and ENV09 of the Breckland Local Plan (adopted 2019) seek to minimise the risks of flooding by direct new development away from areas at highest risk of flooding and for new development not to increase flood risk elsewhere. The front of the site lies in flood zones 2 and 3, at the highest risk of flooding.

5.2 The indicative plan submitted with the outline planning permission shows the car park and amenity to the frontage of the site and housing to the rear, all in the flood zones. This reserved matters layout reflects that approved at outline application stage and there are no conditions restricting development within the flood zones proposed. The report, submitted with the outline application sets out the reasons why development in this location is acceptable, with drainage works to mitigate. These are set out as follows:

*' The agent has provided additional information by way of clarification of the existing ditch network in the locality, including on the site as well as potential compensatory measures which may not be necessary if there are no changes to ground levels (as indicated by the submitted topographical survey). The applicant has also provided a draft Unilateral Undertaking (UU) which sets out the details of the provision and ongoing maintenance of the car park.*

*A further re-consultation exercise with the Environment Agency has been undertaken which has concluded that the potential need for a flood compensation scheme is unlikely on the basis of the information submitted but that the 'betterment' option of a pond on the site would not provide a significant increase in flood storage capacity during the most sensitive times of the year because of the existing water levels during those periods. It is important to note that part of the car park would be located within Flood Risk Zone 2 and as such may not be usable during flood events, a fact reflected in the applicant's own Flood Risk Assessment (FRA). Nevertheless, in the event that any ground raising results from the development, including the construction of the car park, the flood compensation scheme would take account of the impacts which could affect the extent of the car park eventually provided.*

*For information, a flood compensation scheme generally consists of a 'cut and fill' operation whereby any ground that is raised should use material from the site and compensatory measures should be provided on a 'volume for volume' and 'level for level' basis. This means that the area within the site necessary to provide these measures needs to match in terms of volume displaced but also be at the same contour height. A*



*condition can be imposed that would ensure that these measures are incorporated in the event that they are required.*

*Officers have carried out informal consultation with the Lead Local Flood Authority (LLFA) to explore further the surface water drainage issues. The LLFA would not formally respond on a scheme of this limited size (less than 10 dwellings) and have no records of surface water drainage issues. Nevertheless, their standing advice is that the development should not result in the increase of flooding elsewhere and that any residual risk can be safely managed. The indicative site plan does not propose dwellings within the areas at risk of local flooding and there is scope to provide mitigation within the site to accommodate surface water resulting from the scheme it is on this basis that it has been concluded that the development is acceptable in this regard'.*

5.3 As the principle of development has already been established here by the granting of the outline planning permission and it was argued at outline application stage how suitable mitigation would be sufficient to address flood risk then we are unable to revisit that with this application. It is noted that concerns have been raised with regards to the drainage measures proposed instead of the soakaway (now a car park). However, conditions have been added at outline application stage to require further details of the drainage mitigation measures agreed at planning committee at outline application stage. On that basis, the development is considered acceptable in terms of flood risk and in accordance with Section 14 of the NPPF and ENV09 of the Breckland Local Plan (adopted 2019).

## **6.0 Ecology**

6.1 Section 15 of the NPPF and policy ENV02 of the Breckland Local Plan (adopted 2019) require the protection and enhancement of biodiversity.

6.2 Our ecologist has raised no objections to the proposals and conditions have been added at outline application stage to protect hedgerows and limit outside lighting. A biodiversity enhancement condition is also considered necessary and would be added to any subsequent permission for this site.

6.3 On this basis, the proposal is considered to accord with Section 15 of the NPPF and policy ENV02 of the Breckland Local Plan (adopted 2019).

## **GIRAMs**

6.3 The application will increase recreational pressure on Habitat Sites and as such shall be subject to a charge to mitigate the impact under the Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy (GIRAMS). This impact has been evidenced by the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation strategy which shows that schemes which create additional recreational impact (in combination with other development), in the zone of influence of European Protected wildlife site, will likely have a significant effect through recreation impact i.e. visiting sites for recreational purposes. Breckland District Council, along with all other Norfolk Authorities, require a one off tariff of £185.93 per unit to go towards the Norfolk Recreation Impact Avoidance Mitigation Strategy to be secured through a Unilateral Undertaking (UU). This will need to be agreed and signed prior to the determination of the application.

6.4 Subject to the signing of a UU and the above, the proposal is considered to accord with Section 15 of the NPPF and policy ENV02 of the Breckland Local Plan (adopted 2019).

## **7.0 Other Matters**

7.1 Section 15 of the NPPF and COM03(8) of the Breckland Local Plan (adopted 2019) states that planning decisions should take account of ground conditions, pollution and contamination risk. The contaminated land officer is content with the application subject to the application of conditions, which have been conditioned on the outline planning permission and therefore do not need to be repeated on this consent. The proposal is therefore considered to accord with Section 15 of the NPPF and COM03(8) of the Breckland Local Plan (adopted 2019).

7.2 Comments have been received with regards to the potential presence of archaeology and on that basis, NCC Historic Environment Service (HES) has been consulted and their comments are awaited.

7.3 Concerns have been raised about the lack of affordable housing on this site. Planning permission has been granted and no affordable housing is required as the proposals fall below the threshold for provided affordable housing (10 dwellings or 0.5 hectares of land).

7.4 Concerns have been raised about the provision of the car park, maintenance and ownership. A UU secured the car park as part of the outline consent. The car park will be provided and then transferred to the school/board who will then be responsible.

#### Nutrient Neutrality

7.4 This application has been assessed against the conservation objectives for the protected habitats of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site concerning nutrient pollution in accordance with the Conservation of Species and Habitats Regulations 2017 (as amended) (Habitats Regulations). The Habitat Regulations require Local Planning Authorities to ensure that new development does not cause adverse impacts to the integrity of protected habitats such as the River Wensum or the Broads prior to granting planning permission. The applicant has demonstrated that the site is located outside of the catchment area of the sites identified by Natural England and is such it is unlikely to lead to a significant effect as it would not involve a net increase in population in the catchment. This application has been screened, using a precautionary approach, as unlikely to have a significant effect on the conservation objectives either alone or in combination with other projects and there is no requirement for additional information to be submitted to further assess the effects. The application can, with regards nutrient neutrality, be safely determined with regards the Conservation of Species Habitats Regulations 2017 (as amended).

### **8.0 Conclusion/ Planning Balance**

8.1 The principle of development for the erection of dwellings has been established by the grant of outline planning permission. The current application considers matters relating to appearance, layout, access, landscaping and scale of the development, which have been assessed above and are considered to accord with relevant Development Plan policies and the NPPF, as listed above.

8.2 The proposal is therefore, recommended for approval subject to conditions and a UU for GIRAMs and no objections from the Highways Authority and the HES.

<b>RECOMMENDATION</b>
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The proposal is recommended for approval subject to conditions and a UU for GIRAMs and no objections from the Highways Authority and HES.

**CONDITIONS**

**1 Reserved Matters - time limit**

This approval is granted following the grant of Outline Planning Permission reference 3PL/2017/1267/O dated 13th December 2018. The timescales for implementation of the development are set out at condition 1 of the Outline Planning Permission.

Reason for condition:- For the avoidance of doubt and to ensure that the development accords with conditions attached to the outline planning permission for the proposal, including time limits specified for commencement, resulting in appropriate development of the site.

**2 Net Gain in Biodiversity**

Prior to first use/occupation of the building/dwelling 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).

**3 Retention of trees and hedges**

No trees or hedges shall be cut down, uprooted destroyed, lopped or topped, other than in accordance with the approved plans and particulars, without the previous written approval of the Local Planning Authority.

Any trees or hedges removed without consent shall be replaced during the next planting season November/March with trees of such size and species as agreed in writing with the Local Planning Authority.

Reason for condition:- To ensure that the trees and hedges are retained in the interests of the visual amenities of the area and the satisfactory appearance of the development in accordance with policy ENV06 of the Breckland Local Plan (adopted 2019).

**This condition will require to be discharged**