

<b>ITEM:</b>		<b>RECOMMENDATION:</b>	APPROVAL
<b>REF NO:</b>	3PL/2022/0634/O	<b>CASE OFFICER</b>	Matthew Blackie
<b>LOCATION:</b>	THOMPSON Toms Haven Tottington Road	<b>APPNTYPE:</b>	Outline
<b>APPLICANT:</b>	Land Group (Breckland) Ltd 1 Quay Point Station Road	<b>POLICY:</b>	In Settlemnt Bndry
<b>AGENT:</b>	Barefoot & Gilles Architect Ltd 2 Cromwell Court 16 St. Peters Street	<b>CONS AREA:</b>	N
<b>PROPOSAL:</b>	Erection 2 x 2-Bed houses.	<b>LB GRADE:</b>	N
		<b>TPO:</b>	N

#### REASON FOR COMMITTEE CONSIDERATION

The application is brought to planning committee as Breckland Council have an interest in the land.

#### KEY ISSUES

Principle of Development  
Design and Appearance  
Impact on Amenity  
Impact on Highways  
Ecological Considerations  
Impact on Trees  
Nutrient Neutrality  
Other Issues

#### DESCRIPTION OF DEVELOPMENT

The application seeks outline planning permission for the erection of 2 x 2-Bed houses.

#### SITE AND LOCATION

Toms Haven is open area of green land that is situated along Tottington Road and falls inside the defined settlement boundary of Thompson. Thompson is defined as a village with boundaries in the settlement hierarchy.

The site is not situated inside a conservation area nor has any listed buildings in the vicinity. However, the site is situated 1.5km from the Breckland Farmland Site of Special Scientific Interest (SSSI) and Stanford Training Area SSSI, it also sits in the 1.5km Stone Curlew buffer zone for The Brecks Special Protection Area.

#### EIA REQUIRED

No

**RELEVANT SITE HISTORY**

3PL/2012/0547/F

Permission

09-10-12

Construction of two bedroom bungalow including landscaping and parking

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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
ENV02	Biodiversity protection and enhancement
ENV03	The Brecks Protected Habitats & Species
ENV04	Open Space, Sport & Recreation
ENV06	Trees, Hedgerows and Development
ENV09	Flood Risk & Surface Water Drainage
GEN02	Promoting High Quality Design
GEN03	Settlement Hierarchy
GEN05	Settlement Boundaries
HOU04	Villages with Boundaries
HOU06	Principle of New Housing
HOU10	Technical Design Standards for New Homes
NDG	
NPPF	National Planning Policy Framework (Revised 2021)
NPPG	National Planning Practice Guidance
TR02	Transport Requirements

**OBLIGATIONS/CIL**

Not applicable

**CONSULTATIONS**

**THOMPSON PARISH CLERK**

Thompson Parish Council strongly objects to the planning application on the grounds:

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- Development is contrary to Policy HOU04 as the development will exceed the 5% housing target identified in the local plan period.
- The proposed design is not in keeping with the character of the area and it is out of scale.
- Impact on Highways including concerns over Tottington Road being a single track country road. Further concern on highway safety including on the primary school pick up/drop off and parking provisions.
- Impact on immediate neighbours including overlooking and loss of light
- The land is 'amenity' and used by local residents as a green space.

### **NORFOLK COUNTY COUNCIL HIGHWAYS**

No objection subject to a condition for the reserved matters application if approved.

The red line drawing appears to include public highway. This needs to be amended in line with advice provided by Norfolk County Councils Highway Boundary Team.

### **TREE AND COUNTRYSIDE CONSULTANT**

The plans supplied show 7 new trees, if we could condition the plan, and suitably sized replacements it would go along way to mitigate the tree removal. I would suggest X7 *Carpinus betulus Fastigiata*, measuring 12-14 cm girth.

### **NATURAL ENGLAND**

No objection, subject to condition

### **ECOLOGY**

No objection, subject to condition.

## **REPRESENTATIONS**

Neighbourhood consultation expired 10/08/2022.

Site Notice expired 01/07/2022.

Weekly list expired 08/07/2022.

8 letters of objections were received and are summarised as followed:

- The space is an open space for local residents
- The proposed development is out of character and would be overdevelopment of the site
- Impact on privacy including overlooking and loss of light
- Impact on wildlife
- Impact on highway safety and Tottington Road is not acceptable for further development
- Lack of parking provisions
- Impact on local school drop off/pick up
- Infrastructure not suitable for additional accommodation.

## **ASSESSMENT NOTES**

## **1.0 Principle of Development**

1.1. The sites lies within the defined Settlement Boundary of Thompson, defined as a Village with a Boundary in the settlement hierarchy. Due to the sites location within the designated settlement boundary, the principle for development is acceptable for the erection of two dwellings and accords with policies GEN03 and GEN05 of the Breckland Local Plan (adopted 2019), as well as the National Planning Policy Framework (2021).

1.2. Thompson Parish Council raised concern over the proposed development being contrary to Policy HOU04 of the Breckland Local Plan (adopted 2019). However, the site sits inside the settlement boundary for Thompson and Policy HOU04 only applies where sites are situated outside the defined settlement boundary.

## **2.0 Design and Appearance**

2.1. Policies COM01, ENV05 and GEN02 of the Breckland Local Plan (adopted 2019) seeks to ensure high quality standard for new developments and to help with protecting the character of the wider area.

2.2. The application has been submitted in outline with all matters reserved. An indicative site plan has been submitted with two proposed two storey dwellings with parking situated at the front of the site and private amenity spaces to the rear. It is considered the site has the potential to accommodate a pair of semi detached two storey dwellings and it will not constitute overdevelopment of the site. However, this application is to assess the principle of development solely.

2.3. Given that the majority of development in the immediate vicinity is two storey, then it is considered that the principle of development has been established for the erection for up to two dwellings and specific details including scale, layout and mass will be assessed at reserved matters stage.

2.4. The site is an open area or green space with a cul-de-sac built around it, two storey dwellings are situated to the south and a pair of semi-detached bungalows are situated to the north. Whilst the proposed development would remove an open area of green space, the built pattern of development is linear and an infill on the plot would not appear out of character. The semi-detached bungalows are an example of built form on a piece of land similar. Whilst the proposed development would have a change in the character of the area, it is not considered as detrimental or out-of-character and given dwellings already surround the green space, then its loss is not considered so significant to warrant refusal of planning permission, when balanced against the surrounding character and sustainable location.

2.5. Thompson Parish Council raised concern over the proposed erection of semi-detached two storey dwellings as being keeping out of character for the area. Semi-detached bungalows to the north have been identified as being more appropriate design. As the application is to establish the principle of development solely, and scale and appearance are reserved matters, not to be considered at this stage, then these matters will be further considered at reserved matters stage.

2.6 Subject to further consideration of the reserved matters, at a later stage, the proposal is considered to broadly comply with Policies COM01, ENV05 and GEN02 of the Breckland Local Plan (adopted 2019).

## **3.0 Impact on Amenity**

3.1. 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.

3.2. Thompson Parish Council and local objectors have raised concern over the potential impact of overlooking from the proposed dwellings onto existing residential dwellings to the west. The concerns are noted but it is considered that suitable separation distances between the site and existing residential dwellings could be achieved, so as not result in detrimental impact. This can be further reviewed at reserved matters application stage.

3.3. The proposal is in outline with all matters reserved, however the site appears and has been shown indicatively, large enough to adequately provide good separation between the existing dwellings as well as providing a private garden area for each proposed dwelling. Scale and layout can be considered at the reserved matters stage to fully reduce the amenity impact of the proposal in terms of over dominance and overlooking.

3.4 Subject to further consideration of the reserved matters, at a later stage, the proposal is considered to broadly comply with Policy COM03 of the Breckland Local Plan (adopted 2019).

#### **4.0 Impact on Highways**

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 Highways officer was consulted as part of the application and raised no objection subject to a condition setting out the specific details required at reserved matters stage.

4.3. The Highways officer has raised concern over the red line site plan potentially including the public highway. It has been recommended for the matter to be resolved prior to any formal decision. This matter is sought to be delegated to officers to resolve before a decision on the application is issued.

4.4. Thompson Parish Council has raised concern over Tottington Road being a single country track road and not suitable to accommodate additional housing. The concerns are noted including the request to widen part of Tottington Road, but all considerations have assessed by Norfolk County Council Highways including on the wider local highway network, who raise no objections to the proposals on this basis.

4.5 On this basis, the proposals are considered to accord with Policies TR01 and TR02 of the Breckland Local Plan (adopted 2019).

#### **5.0 Ecological Considerations**

5.1. Both Policy ENV02 of the Breckland Local Plan (adopted 2019) and the guidance contained within section 15 of the NPPF (2021) require that development should contribute to a net gain in biodiversity with an emphasis on improving ecological networks and linkages where possible.

5.2. The site is within 1.5km of the Breckland Farmland Site of Special Scientific Interest (SSSI) and Stanford Training Area SSSI, it also sits in the 1.5KM stone curlew buffer zone for The Brecks Special Protection Area. Natural England raised a holding objection due to insufficient information to assess if the proposed development would have an adverse impact on special designated sites.

5.3. A shadow habitats regulation assessment was submitted in support of the application. Both Natural England and the ecological consultant were consulted who both raised no objection subject to conditions. Natural England notes that Breckland Council, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects. This assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of the information provided, Natural England concurs with this view.

5.4 On this basis, the proposals are considered to accord with Policy ENV02 of the Breckland Local Plan (adopted 2019).

## **6.0 Trees and Landscaping**

6.1. Policy ENV06 of the Breckland Local Plan requires existing trees and hedgerows should be retained and integrated into proposed development.

6.2. A category B tree (and category C tree) is proposed for removal and an arboricultural impact assessment was submitted to support the removal of the tree. Mitigation was proposed including the planting of 7 new *Carpinus betulus Fastiagata*, measuring 12-14 cm girth, as suggested by the Tree Officer. A condition has been imposed to secure the mitigation.

6.3. On the basis of the proposed mitigation, the proposed development is considered acceptable and in accordance with Policy ENV06 of the Breckland Local Plan (adopted 2019), as well as the National Planning Policy Framework (2021).

## **7.0 Nutrient Neutrality**

7.1. 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. This site is located outside of the catchment area of the sites identified by Natural England. The applicant has demonstrated that the development proposed does not drain into the Catchment 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 Other Matters**

8.1. Breckland, and all Norfolk Authorities, have signed up to the Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy (GIRAMS). This strategy has looked at the in combination increase in recreational pressures on Habitat Sites, the impact has been evidenced by GIRAMS 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. This will need to be agreed and signed prior to the determination of the application and monies paid prior to commencement of development. A draft Unilateral Undertaking has been provided but a £75 administration fee has yet to be received and it is sought to delegate this matter to officers if the application is recommended for approval.

8.2. A condition is proposed, removing permitted development, as it is considered future development could result in harmful impact.

8.3. Concerns were raised by Thompson Parish Council and local objectors regarding the current use of the site as amenity space for local residents. The concerns are noted on the matter but the site is not formally designated open space as set out in Breckland Council Open Space Assessment (2015) and the adopted Local Plan Policy Map. The Local Plan Map for Thompson has the site highlighted as designated as having permission for housing. As the site is not a formally designated open space, no weight can be attached to policy ENV04 of the Breckland Local Plan (2019), with regards to the loss of open space.

## **9.0. Conclusion**

9.1. Overall, the application seeks outline planning permission for the erection of 2 x 2-Bed houses. The application is acceptable regarding the principle of development, design & appearance, impact on highways, ecological considerations, impact on trees, nutrient neutrality and other matters. The application accords with the Development Plan when considered as a whole, as well as the NPPF (2021).

9.2. Matters on Highway Boundaries and GIRAMs are requested to be delegated to officers if the application is accepted for approval.

### **RECOMMENDATION**

On the basis of the above assessment, the application is recommended for APPROVAL subject to conditions. Delegation is also sought with regards to GIRAMs and Highway Boundaries.

### **CONDITIONS**

- 1 Outline permission -time limit**

Approval of the details of the siting, design and external appearance of any building to be erected together with precise details of the type and colour of the materials, means of access thereto and the landscaping of the site (herein after called 'reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiry of THREE YEARS from the date of this permission.

Reason for condition:- The application is for Outline permission only and gives insufficient details for the proposed development and to comply with Section 92 of the Town & Country Planning Act 1999 (as amended).
- 2 Outline - time limits for implementation**

Application for approval of ALL "reserved matters" must be made to the Local Planning Authority not later than the expiry of THREE YEARS from the date of this decision. The

development hereby permitted must be begun in accordance with the "reserved matters" as approved not later than the expiration of TWO YEARS from either, the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such reserved matter to be approved.

Reason for the condition Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

**3 In accordance with submitted plans NEW 2017**

The development shall 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).

**4 Number of dwellings only (outline)**

The reserved matters application shall relate to the construction of 2 dwellings only.

Reason for condition:- To ensure that the development is compatible with the form and character of the surrounding area in accordance with Policy COM01, COM03 and GEN02 of the Breckland Local Plan (adopted 2019).

**5 Concurrent with reserved matters: Highways Information**

Concurrent with the reserved matters application, the following information shall be submitted:

- A visibility splay measuring 2.4m x 43m being provided across the site frontage to the south of the junction of estate road with Tottington Road
- Parking in accordance with adopted guidance
- The carriageway of Tottington Road widened to 4.8m along the site frontage
- Site access with visibility of 2.4m x 43m

Reason for condition:- In the interests of highway safety in accordance with Policies TR01 and TR02 of the Breckland Local Plan (adopted 2019).

**This condition will require to be discharged**

**6 Concurrent with reserved matters: Biodiversity Enhancement**

Concurrent with the reserved matters application, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).



The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Reason for condition:- To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

**This condition will require to be discharged**

**7 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.

**8 No PD for classes A B C D & E**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification), no extensions, roof alterations, porches or ancillary buildings as defined within Classes A, B, C, D and E of Part 1 of Schedule 2 of that Order shall be erected or brought onto the land unless an appropriate planning application is first submitted to and approved in writing by the Local Planning Authority.

Reason for condition:- In the interests of the satisfactory appearance of the development and/or the amenities of adjoining residents in accordance with Policy COM3 of the Breckland Local Plan (adopted 2019).

**9 Non-standard condition**

The development shall take place in accordance with the Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement & Tree Protection Plan - In Accordance with BS 5837:2012 (dated July 2021) and the Drg No 8979-D-AIA. The replacement trees to be planted shall be *Carpinus betulus Fastigiata*, measuring 12-14 cm girth.

Reason for condition:- To ensure that the replacement trees are 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).

**11 Variation of approved plans**

Any variation from the approved plans following commencement of the development,

irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.

You or your agent or any person responsible for implementing this permission should inform the Development Control Section immediately of any proposed variation from the approved plans and ask to be advised to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new application.