

ITEM:		RECOMMENDATION: REFUSAL
REF NO:	3PL/2022/1285/F	CASE OFFICER Will Hornbuckle
LOCATION:	GRESSENHALL Dove Farm, 107 Bittering Street	APPNTYPE: Full
APPLICANT:	Mr Daren Squires 107 Bittering Street Gressenhall	POLICY: Part In Set Bndry
AGENT:	Mr Daren Squires 107 Bittering Street Gressenhall	CONS AREA: N
PROPOSAL:	Change of use - Proposal to convert an existing brick built stable/barn behind main dwelling within curtilage into a cattery.	
		LB GRADE: N
		TPO: N

REASON FOR COMMITTEE CONSIDERATION

This application has been brought to Planning Committee following referral from the Chairman's Panel.

KEY ISSUES

Principle of development
Character and appearance
Amenity
Highway safety
Other matters

DESCRIPTION OF DEVELOPMENT

This application seeks permission for the change of use of the existing brick built stable/barn to the rear of the main dwelling into a cattery at Dove Farm, 107 Bittering Street, Gressenhall.

SITE AND LOCATION

The subject stable/barn is situated within the garden land to the north of the host dwelling, Dove Farm, 107 Bittering Street within the defined settlement boundary of Gressenhall. The brick built building comprises a rendered finish with clay pantiles.

EIA REQUIRED

No

RELEVANT SITE HISTORY

No relevant site history

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
EC04	Employment Development Outside General Employment Areas
GEN02	Promoting High Quality Design
GEN03	Settlement Hierarchy
GEN05	Settlement Boundaries
INF03	Local Plan Policy Review
NPPF	National Planning Policy Framework (Revised 2021)
NPPG	National Planning Practice Guidance
TR01	Sustainable Transport Network

OBLIGATIONS/CIL

Not applicable

CONSULTATIONS

GRESSENHALL P C

Gressenhall Parish Council have no objections to this application.

NORFOLK COUNTY COUNCIL HIGHWAYS

I have highway safety concerns regarding the establishment of the commercial use proposed and would recommend permission be refused based on the following assessment.

The site is served by an unclassified highway (Unc 35125) Bittering Street. In the vicinity of the site, Bittering Street is subject to a 30mph speed limit. No speed data has been submitted to demonstrate the 85th percentile traffic speed but I would assess this to be in the region of 25/30 mph in this location.

Visibility guidance for roads of this nature is derived from the CLG and DfT publication Manual for Streets which recommends splays, measured from a 2.4 m set back, of between 33m and 43m to either side of an access. Visibility from the access onto Bittering Street currently achieves only some 14m to the south west (the approaching traffic direction) and some 10m to the north east.

Even if it were demonstrated that the 85 percentile traffic speed was as low as 25mph, and no evidence has been submitted to show this is the case, the level of visibility actually available would still only provide just 45% of the recommended safety standard to the south west and a mere 30% of the safety standard to the north east.

Visibility is one of the most important factors in terms of highway safety. Appropriate visibility splays enable drivers emerging from an access to have adequate vision in each direction to see oncoming traffic in sufficient time to make their manoeuvre safely and for through traffic to be aware of an emerging vehicle.

In this instance visibility falls so far below safety standards that I have highway safety concerns that the establishment of a 14 pen cattery could result in collision and personal injury accidents.

Further, in the absence of on-site client parking, vehicles will be left in the adjacent carriageway causing an obstruction within close proximity to a bend. The applicant has advised that there will be no increase in vehicular traffic as they will collect and drop off all of the cats and that there will be no visitors to the site. However you have advised me that you are unable to impose a condition in this respect.

The site is no longer a working farm and generates only those traffic movements associated with a dwelling and I have highway safety concerns regarding the intensification of an access with substandard visibility, together with the lack of on-site parking, giving rise to the potential for collision and personal injury accident.

ENVIRONMENTAL HEALTH OFFICERS

No objection, subject to conditions.

REPRESENTATIONS

Site notice expired 24-01-23

Neighbouring consultations expired 12-01-23

Weekly List 16-01023

Seven neighbours were directly consulted with no representations received.

ASSESSMENT NOTES

1.0 Principle of development

1.1 The application building is in a good state of repair located within the curtilage, and to the rear of, the host dwelling, Dove Farm. The proposed use will provide a local service to local residents and the wider community and no external alterations are proposed, with internal changes comprising installation of cat pens.

1.2 Policy EC 04 of the Breckland Local Plan (adopted 2019) allows for employment development outside of employment areas in certain circumstances, i.e. where there are particular reasons for the development not being located on an established employment site. As this use is secondary to primary residential use operated by an occupant of that host dwelling, with no increases in employment and therefore a low-key use of a small scale, the proposal is considered to accord with this policy, in this regard.

1.3 Notwithstanding the above, further criteria under Policy EC 04 of the Breckland Local Plan (adopted 2019) sets out that consideration is given to whether the development of the site would not adversely affect the type and volume of traffic generated. NCC Highways were consulted as part of the application and raised highway safety concerns regarding the establishment of the commercial use proposed and would recommend permission be refused. This is by virtue of inadequate visibility splays provided at the junction of

the access with the County highway, as well as an undesirable increase in on-street parking to the detriment of highway safety. This matter is discussed in further detail throughout the report.

1.4 Accordingly, given the conflict identified above, the principle of development is not acceptable with regards to Policy EC 04 of the Breckland Local Plan (adopted 2019).

2.0 Character and appearance

2.1 The design and scale of the proposed works are considered with regards to Policies COM 01 and GEN 02 of the Breckland Local Plan (adopted 2019) with these policies seeking to achieve the highest standards of design in all new development. Section 12 of the NPPF (2021) seeks to achieve a high quality design and to protect the landscape.

2.2 The application building comprises a rendered elevational treatment with clay pantiles and there are to be no alterations to the external appearance of the building. The building is single storey and set to the rear of the host dwelling, within a spacious plot and as such, is well screened from the public realm. The building is existing and therefore no important landscape views will be affected.

2.3 In light of the above factors, the proposal has due regard to Policies COM 01 and GEN 02 of the Breckland Local Plan (adopted 2019).

3.0 Amenity

3.1 Policy COM 03 of the Breckland Local Plan (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 The building is sited to the north of the dwelling, set within a spacious plot, a sufficient distance away from the nearest neighbouring dwelling to the south. The size of the building is also modest and therefore limits the extent of the use. The applicant has advised the cattery would operate via collecting and dropping off the residents via a specially adapted vehicle, offering a website with virtual tour negating the need for people to visit the site.

3.3 As part of the application process, the Councils Environmental Health team were consulted and raised no objection to the proposal, subject to the inclusion of a waste management plan.

3.4 No objections have been received from local residents or the Parish Council.

3.4 It is considered the proposal has due regard to Policy COM 03 of the Breckland Local Plan (adopted 2019).

4.0 Highways

4.1 Policy TR 01 of the Breckland Local Plan (adopted 2019) seeks to ensure that development is sustainable and minimises the need to travel. Policy TR 02 of the Breckland Local Plan (adopted 2019), in addition to Section 9 of the NPPF (2021) seeks to ensure that there is safe access to and from development sites, as well as safe and suitable parking provision. Policy COM 01 of the Breckland Local Plan (adopted 2019) is also relevant.

4.2 The application form states that residents of the cattery would be collected and dropped off by the

applicants themselves to avoid need to customers to visit the site; one journey would be made in the morning for collection and one in the afternoon/evening for dropping off and therefore a maximum of 2 journeys per day. Transport would be made via a specially adapted vehicle. The application form further explains that the business will have a comprehensive website with virtual tours of the premises and introductions to the staff to negate the need for people to inspect the premises before boarding their pet.

4.3 As part of the application process, Norfolk County Council Highways team were consulted and advised:

I have highway safety concerns regarding the establishment of the commercial use proposed and would recommend permission be refused based on the following assessment. The site is served by an unclassified highway (Unc 35125) Bittering Street. In the vicinity of the site, Bittering Street is subject to a 30mph speed limit. No speed data has been submitted to demonstrate the 85th percentile traffic speed but I would assess this to be in the region of 25/30 mph in this location.

Visibility guidance for roads of this nature is derived from the CLG and DfT publication Manual for Streets which recommends splays, measured from a 2.4 m set back, of between 33m and 43m to either side of an access. Visibility from the access onto Bittering Street currently achieves only some 14m to the south west (the approaching traffic direction) and some 10m to the north east. Even if it were demonstrated that the 85 percentile traffic speed was as low as 25mph, and no evidence has been submitted to show this is the case, the level of visibility actually available would still only provide just 45% of the recommended safety standard to the south west and a mere 30% of the safety standard to the north east.

Visibility is one of the most important factors in terms of highway safety. Appropriate visibility splays enable drivers emerging from an access to have adequate vision in each direction to see oncoming traffic in sufficient time to make their manoeuvre safely and for through traffic to be aware of an emerging vehicle.

In this instance visibility falls so far below safety standards that I have highway safety concerns that the establishment of a 14 pen cattery could result in collision and personal injury accidents.

Further, in the absence of on-site client parking, vehicles will be left in the adjacent carriageway causing an obstruction within close proximity to a bend. The applicant has advised that there will be no increase in vehicular traffic as they will collect and drop off all of the cats and that there will be no visitors to the site. However you have advised me that you are unable to impose a condition in this respect.

The site is no longer a working farm and generates only those traffic movements associated with a dwelling and I have highway safety concerns regarding the intensification of an access with substandard visibility, together with the lack of on-site parking, giving rise to the potential for collision and personal injury accident. I would therefore recommend that permission is refused for the following reasons:

Inadequate visibility splays are provided at the junction of the access with the County highway and this would cause danger and inconvenience to users of the adjoining public highway.

The proposal does not incorporate adequate on-site vehicular parking and manoeuvring facilities to the standard required by the Local Planning Authority. The proposal, if permitted, would therefore be likely to lead to an undesirable increase in on-street parking to the detriment to highway safety.

4.4 Whilst it acknowledged that the applicant advises that they will collect and deliver the cats who stay and will offer virtual tours as to negate customers visiting the site, vehicle movements cannot be controlled and such condition would fail to meet the tests for applying a planning condition as set in paragraph 56 of the NPPF (2021) and Planning Law.

4.5 For the reasons set out above, the policy fails to comply with Policies COM 01, TR 01 and TR 02 of the Breckland Local Plan (adopted 2019), as well as the NPPF (2021).

5.0 Other matters

5.1 Policy INF 03 of the Breckland Local Plan, includes a requirement for the Council to undertake a Partial Update of the Plan with regard to housing, non- travelling gypsy and travellers, accessibility of homes standards and economic development by November 2022. On this basis, the Council has carried out a Single Policy Partial Update of Policy INF 03. The Partial Update was submitted for Examination on 29 November 2022. The Partial Update of the Local Plan sets out the rationale behind the approach. The Council therefore concludes that it has met the requirement set by Policy INF 03 and that the relevant policies within the Development Plan, against which this application has been considered, remain up to date and have been given full weight in the determination of this application.

6.0 Conclusion

6.1 For the reasons set out above, the application is accordingly recommended for refusal.

RECOMMENDATION

On the basis of the above assessment, the application is recommended for REFUSAL on the basis of unacceptable impact on highway safety.

REASON(S) FOR REFUSAL

- 1 Non-std reason for refusal**
The proposal fails to meet the criteria set out in Policy EC 04 of the Breckland Local Plan (adopted 2019) by virtue of highway safety concerns arising from the proposed development and is therefore not acceptable in principle.
- 2 Non-std reason for refusal**
Inadequate visibility splays are provided at the junction of the access with the County highway and this would cause danger and inconvenience to users of the adjoining public highway. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety contrary to Policies TR 01, TR 02 and COM 01 of the Breckland Local Plan (adopted 2019) and Section 9 of the NPPF (2021).
- 3 Non-std reason for refusal**
The proposal does not incorporate adequate on-site vehicular parking and manoeuvring facilities to the standard required by the Local Planning Authority. The proposal, if permitted, would therefore be likely to lead to an undesirable increase in on-street parking to the detriment to highway safety. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety contrary to Policies TR 01, TR 02 and COM 01 of the Breckland Local Plan (adopted 2019) and Section 9 of the NPPF (2021).