

AGENDA ITEM NO: 8/1(a)

Parish:	Feltwell	
Proposal:	Outline Application: Residential development for a maximum of 19 dwellings following demolition of existing	
Location:	Long Lane Farm 30 Long Lane Feltwell Thetford	
Applicant:	Mrs Christine Barrett	
Case No:	18/01320/OM (Outline Application - Major Development)	
Case Officer:	Mrs N Osler	Date for Determination: 28 November 2018 Extension of Time Expiry Date: 7 December 2018

Reason for Referral to Planning Committee – The views of the Parish Council are contrary to the Officer recommendation.

Neighbourhood Plan: No

Case Summary

Outline permission with all matters except access for a maximum of 19 dwellings is sought.

The site lies wholly within the development boundary of Feltwell, a Joint Key Rural Service Centre (with Hockwold). The forward third of the site is brownfield with the remainder being residential accommodating a bungalow and garden.

A drain runs along the northern perimeter of the site and in its immediate location the site is at risk of flooding. The remainder of the site remains in flood zone 1.

The site lies within the bufferzone of a SSSI and SPA.

Key Issues

Principle of Development
Highway Safety
Loss of Undesignated Heritage Assets
Form, Character and Residential Amenity
Protected Sites
Flood Risk
S106 Considerations
Crime and Disorder
Other Material Considerations

Recommendation

A) APPROVE subject to the completion of S106 within 4 months of the date of this resolution.

B) REFUSE if S106 is not completed with 4 months of the date of this resolution to approve.

THE APPLICATION

Outline permission with all matters except access for a minimum of 19 dwellings is sought.

The site lies wholly within the development boundary of Feltwell, a Joint Key Rural Service Centre (with Hockwold). The forward third of the site is brownfield with the remainder being residential accommodating a bungalow and garden.

The site has residential uses to its east, south and south west. To the west, northwest and north is countryside. A takeaway forms part of the southern boundary of the site. Two cottages occupy land at the southeast of the site and these would need to be demolished to enable suitable access.

A drain runs along the northern perimeter of the site and in its immediate location the site is at risk of flooding. The remainder of the site remains in flood zone 1.

The site lies within the bufferzone of a Site of Special Scientific Interest (SSSI) and Special Protect Area (SPA).

SUPPORTING CASE

A supporting statement was requested, however one was not received at the time of writing report.

PLANNING HISTORY

17/01636/OM: Application Withdrawn: 27/11/17 - Outline Application: development of 22 dwellings following demolition 28-30 and Coal Yard Bungalow

16/01371/OM: Application Withdrawn: 25/09/16 - OUTLINE SOME MATTERS RESERVED: residential development of 27 dwellings following demolition of 28-30 Long Lane and Coal Yard Bungalow

RESPONSE TO CONSULTATION

Parish Council: OBJECT to the above outline application for a minimum of 19 dwellings following demolition of existing at Long Lane Farm, 30 Long Lane because it is over-intensive and the Parish Councillors feel strongly that older properties should not be demolished.

Conservation Officer: NO OBJECTION I've read the heritage appraisal, and it does give a very good overview of the buildings origins and how they've changed over time.

Given the information provided I agree that the building as it now stands has limited merit as a non-designated heritage asset and its loss will cause less than substantial harm to Feltwell's historic significance / character, especially when set that against the public benefits of delivering new homes. I therefore have no objection to its demolition and I do not see the need for a recording condition but I will forward a copy of the report to Gressenhall for the Historic Environment Record (HER).

Highways Authority: NO OBJECTION With reference to the amended access layout shown on drawing 352/12 rev A I can confirm that the comments made in my previous response (dated 9 October 2018) have been addressed.

As a consequence, in relation to highway matters, I can confirm the County Council would have no objection to the granting of planning permission subject to conditions.

Natural England: NO OBJECTION The proposed development site is in close proximity to Breckland Special Protection Area (SPA), a European site. In particular it sits within the 1.5km constraint zone around Breckland SPA, put in place to protect stone curlew, the qualifying species of Breckland SPA. However, due to the size of the application, coupled with its specific location in relation to other development within the zone, Natural England does not consider that the proposed development, alone, will have a significant effect on Breckland SPA or Breckland Farmland SSSI.

However we have concerns about the cumulative effect of increasing levels of development within the 1.5km zone. With this in mind, Natural England is currently working towards a strategic land use planning solution for the Breckland Special Protection Area (SPA), which will seek to progress a sustainable development solution for stone curlew. We anticipate that, whilst a general principle of the avoidance of built development within the 1,500m constraint zone will remain (consistent with best practise), and should remain the preferred approach to the allocation of sites for development, a strategic solution will be devised which would identify options for mitigation which have so far not been available to developers. We will be in touch about this strategy.

Whilst we are working on this strategy we will only be providing detailed comments on those applications within the zone which we consider are likely to have a significant effect alone or in combination on Breckland SPA as there is currently no means of collecting funds for strategic mitigation for the ongoing cumulative effect discussed above.

Internal Drainage Board: The Board has **NO OBJECTION** from a drainage point of view

Anglian Water: NO OBJECTION subject to condition relating to surface water drainage.

In relation to wastewater treatment, the foul drainage from the development is in the catchment of Feltwell Water Recycling Centre that will have available capacity for these flows

Environmental Health & Housing – Environmental Quality: NO OBJECTION subject to condition

Environment Agency: NO OBJECTION subject to conditions relating to contamination of water courses due to the site position over a principal chalk aquifer.

Housing Enabling Officer: NO OBJECTION The site area and number of dwellings proposed trigger the thresholds of the Council's affordable housing policy as per CS09 of the Council's adopted Core Strategy.

At present a 20% provision is required on sites capable of accommodating 5 or more dwellings and/or 0.165ha in Feltwell. The affordable housing provision is then further split into 70% of the affordable homes being made available for rent and the other 30% for shared ownership or any other intermediate product that meets the intermediate definition within NPPF, meets an identified need in the Borough and is agreed by the Council. In this instance 4 units would be required, 3 for rent and 1 for shared ownership.

A S106 Agreement will be required to secure the affordable housing contribution.

Norfolk Constabulary: NO OBJECTION, but unable to offer advice at this stage given the outline nature of the application.

REPRESENTATIONS

Nine letters of objection have been received. The issues raised can be summarised as:

- Loss of existing character cottages is not acceptable
- Highway Safety - the access will not be safe
- Noise during construction would be detrimental to neighbour amenity
- Overlooking
- Overshadowing
- Density of development - the number of dwellings is too high
- Pollution from the additional cars
- Car headlight intrusion
- Another 19 dwellings is not needed in Feltwell where there are a number of dwellings already on the market
- Lack of infrastructure to cope with the additional dwellings
- Contamination
- Impact on protected species
- Access from neighbouring land will not be permitted (specifically in relation to the chalk / flint barn which is indicated to be retained)
- The Ecology Survey is out-of-date being dated August 2017.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS08 - Sustainable Development

CS09 - Housing Distribution

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

PLANNING CONSIDERATIONS

The main considerations in the determination of this application are:

- Principle of Development
- Highway Safety
- Loss of Undesignated Heritage Assets
- Form, Character and Residential Amenity
- Protected Sites
- Flood Risk
- S106 Considerations
- Crime and Disorder
- Other Material Considerations

Principle of Development

The site lies wholly within the development boundary of Feltwell and a third of the site is brownfield / previously developed land.

Both the NPPF and Local Plan support residential development in sustainable locations particularly on brownfield sites.

The principle of development is therefore to be supported subject to compliance with other relevant national and local planning policy and guidance.

Highway Safety

Access is the only matter not reserved for future consideration. To provide suitable visibility splays (and therefore access to the site) the two cottages in the southeast corner of the site need to be demolished (Nos. 28 and 30 Long Lane).

Subject to provision of access as indicated on the submitted plan, the Local Highway Authority would have no objection to the proposed development on the grounds of highway safety.

Loss of Undesignated Heritage Assets

The two dwellings to be demolished are not listed or in a Conservation Area. However, the cottages are considered to be non-designated heritage assets dating back to 1839. In order to help assess the impact of their loss, a Heritage Statement was submitted with the application.

In relation to the loss of non-designated heritage assets the NPPF requires a balance to be made in relation to the significance of the asset and the public benefit of the proposed development.

In respect of the heritage statement that accompanied the application the Conservation Officer made the following comments: "I've read the heritage appraisal, and it does give a very good overview of the buildings origins and how they've changed over time. Given the

information provided I agree that the building as it now stands has limited merit as a non-designated heritage asset and its loss will cause less than substantial harm to Feltwell's historic significance / character, especially when set that against the public benefits of delivering new homes. I therefore have no objection to its demolition and I do not see the need for a recording condition but I will forward a copy of the report to Gressenhall for the HER."

In this regard the provision of market and affordable housing, on a part brownfield site, within the development boundary of a Key Rural Service Centre is considered a significant public benefit.

It is therefore considered on balance that the public benefit of the proposal to provide a maximum of 19 dwellings outweighs the loss of these non-designated heritage assets.

Form, Character and Residential Amenity

Layout, scale, appearance and landscaping are all reserved matters and will therefore be considered at a later stage if outline permission is granted.

There are a number of developments in Feltwell that comprise small comprehensive developments of a type similar to that which the proposed development would need to take (small estate type developments). As such it is not considered that the likely form of any development on the site would form an alien feature or be of material detriment to the visual amenity of the locality.

In relation to character / appearance and residential amenity, this application follows the withdrawal of two previous applications; one for 27 dwellings and the other for 22 dwellings. Indicative layout plans were submitted with both these previous applications that suggested such numbers, coupled with the need for open space provision in any development where the numbers exceed 20, would lead to poor residential relationships particularly with existing boundary properties.

No indicative layout has been submitted with the current application. However, and notwithstanding comments made by CSNN objecting to the numbers, your officers believe that the site could accommodate 19 dwellings. Such a number would require a large percentage of the properties to be semi-detached / terrace properties. However, a maximum number of 19 (which could be conditioned if permission were granted) would enable a scheme of lower density to be submitted at the reserved matters stage if factors so dictates at that time. As such a maximum number of dwellings would build in flexibility that would enable a greater mix of dwelling types (large detached, small detached. etc.) at the reserved matters stage. Notwithstanding this the number would have to be conditioned to a maximum of 19, as anything exceeding this number would require the provision of equipped open space which your officers do not consider the site is of a size to satisfactorily accommodate.

In conclusion character and appearance will be fully considered at a later stage, but it is considered, that with careful layout and design, the site could accommodate 19 dwellings without detriment to the visual amenity of the locality or residential amenity.

Protected Sites / Species

Natural England has no objection to the proposed development in terms of its impact on the nearby SSSI / SPA. Whilst Natural England are working towards a strategic land use planning solution for the Breckland Special Protection Area (SPA), this is not in place yet and is therefore not a material consideration in the determination of this application to which Natural England do not object.

In terms of protected species, the Ecology assessment that accompanied the application concludes that the site is of low ecological value and that no further surveys are required although some mitigation is needed. The mitigation would take the form of protecting nesting birds and reptiles and appropriate planting. These issues could be suitably conditioned if permission were granted.

Flood Risk

Part of the site falls within in an area at risk of flooding. However, it is a very small strip of land at the north of the site along its northern boundary. The risk is from a drainage channel that runs along this boundary. The risk of this drain flooding would be as a result of flooding of the New Cut Drain to the west of Feltwell. The New Cut Drain is a Board maintained drain and the change therefore of this intensely maintained drain flooding is slight.

In such instances (where only a small part of a site is at risk of flooding) the NPPF concludes that the most vulnerable development (in this case it would be the dwellinghouses themselves) is located in areas of lowest risk of flooding within the site.

It is considered that the layout of any subsequent reserved matters application can suitably consider this aspect, and any permission granted could be conditioned to have finished floor levels raised 300mm above existing ground level. In this regard the site is relatively flat and such an increase in height would not result in material impact.

S106 Considerations

Heads of terms have been submitted confirming the intention to enter into a S106 agreement that would cover affordable housing (on-site provision of 20% (if 19 were built this would equate to 4 affordable units)), SuDS and Habitat Mitigation Fee (£50 / dwelling). Any resolution to approve this application by Committee would be subject to completion of such a S106 within four months of the date of the resolution.

The development is CIL liable and any contribution required will be secured under CIL legislation.

Crime and Disorder

There are no specific crime and disorder issues associated with the application.

Given the outline nature of the application such considerations will take place at the reserved matters stage.

CONCLUSION

The application seeks to provide up to 19 dwellings, four of which would be affordable. The site is partly brownfield and is wholly within the development boundary of a Key Rural Service Centre.

However, to enable access to the site two cottages will need to be demolished (Nos. 28 and 30 Long Lane). These properties are not listed and are not located within a Conservation Area. However, they are shown on the OS maps dating back to 1839 and are considered to be non-designated heritage assets. The Conservation Officer concludes, as do your officers, that the loss of these cottages would be unfortunate, but due to changes to the cottages made over time their loss would result in less than significant harm and that the public benefit of the provision of up to 19 dwellings outweighs this less than significant harm.

It is therefore recommended that the application be approved subject to completion of a S106 Agreement and the following conditions.

RECOMMENDATION:

A) APPROVE subject to the completion of S106 within 4 months of the date of this resolution and subject to the imposition of the following condition(s):

- 1 Condition Approval of layout, scale, appearance and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority before any development is commenced.
- 1 Reason To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted to the Local Planning Authority in writing and shall be carried out as approved.
- 2 Reason To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 Condition Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 Reason To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 4 Condition The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the latest such matter to be approved.
- 4 Reason To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 5 Condition No dwelling shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act (1980) or a Private Management and Maintenance Company has been established.
- 5 Reason To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard.
- 6 Condition No works shall commence on the site until such time as detailed plans of the roads, footways, foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. All construction works shall be carried out in accordance with the approved plans.
- 6 Reason To ensure satisfactory development of the site and a satisfactory standard of highway design and construction.

This also needs to be a pre-commencement condition given the fundamental details linked to drainage and other infrastructure which needs to be planned for at the earliest stage in the development.

- 7 Condition Prior to the occupation of the final dwelling all works shall be carried out on roads, footways, foul and surface water sewers in accordance with the approved specification (agreed under Condition 6 of this permission) to the satisfaction of the Local Planning Authority.
- 7 Reason To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway.
- 8 Condition Before any dwelling is first occupied the road(s) and footway(s) shall be constructed to binder course surfacing level from the dwelling to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority.
- 8 Reason To ensure satisfactory development of the site.
- 9 Condition Prior to the first occupation hereby permitted visibility splays measuring 2.4 x 43 metres shall be provided to each side of the access where it meets the highway. The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.
- 9 Reason In the interests of highway safety.
- 10 Condition Prior to the commencement of groundworks, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
- 10 Reason 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.

11 Condition Prior to the commencement of groundworks, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

11 Reason 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.

12 Condition The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of groundworks, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

12 Reason 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.

13 Condition 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 the requirements of condition 10, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 11, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 12.

13 Reason 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.

14 Condition No development shall commencement on site until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approval details.

14 Reason To ensure that there is a satisfactory means of drainage in accordance with the NPPF.

This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.

15 Condition Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

15 Reason To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with the NPPF and Development Plan.

16 Condition The development shall not be brought into use until a scheme for the provision of fire hydrants has been implemented in accordance with a scheme that has previously been submitted to and approved in writing by the Local Planning Authority.

16 Reason In order to ensure that water supplies are available in the event of an emergency in accordance with the NPPF.

17 Condition The finished floor levels of the dwellings hereby permitted shall be set no lower than 300mm above adjacent ground levels.

17 Reason To reduce the risks associated with flooding in accordance with the NPPF and Development Plan.

18 Condition The development hereby permitted shall be carried out in full accordance with paragraphs 7.10, 7.12 and 7.13 of the Ecology Assessment that accompanied the application dated 04 August 2017 by Dr GW Hopkins CEnv MCIEEN that accompanied the application unless otherwise agreed in writing by the Local Planning Authority.

18 Reason To ensure that the impact of the development upon protected species is minimised in accordance with the NPPF and NPPG.

19 Condition The development hereby permitted shall comprise of no more than 19 dwellings.

19 Reason To define the terms of the permission.

20 Condition In relation to access only, the development hereby permitted shall be carried out in accordance with the following approved plan drawing no: 352/12 Rev.A.

20 Reason For the avoidance of doubt and in the interests of proper planning.

B) REFUSE if S106 is not completed with 4 months of the date of this resolution to approve.