

<b>Parish:</b>	Thornham	
<b>Proposal:</b>	<b>Construction of 9 dwellings following demolition of existing dwelling</b>	
<b>Location:</b>	<b>The Pastures 6 Choseley Road Thornham Norfolk</b>	
<b>Applicant:</b>	<b>Butler &amp; Le Gallez Ltd</b>	
<b>Case No:</b>	<b>19/00122/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mrs N Osler</b>	<b>Date for Determination: 19 March 2019 Extension of Time Expiry Date: 3 May 2019</b>

**Reason for Referral to Planning Committee** – Referred by Assistant Director

**Neighbourhood Plan:** No

**Case Summary**

Full planning permission is sought for the erection of nine dwellings following the demolition of the existing dwelling. One of the dwellings would be an affordable unit and a further £36,000 financial contribution would also be required towards affordable housing provision.

The site lies wholly within the development boundary of Thornham (a Rural Village) and the Norfolk Coast Area of Outstanding Natural Beauty and is adjacent to Thornham Conservation Area.

The site is heavily treed, and during the determination period of the application all the existing trees to be retained have had group Tree Preservations Orders placed on them. The TPO also takes account of the tree planting that is required under the current proposal to ensure their ongoing protection.

The site lies in a low flood risk area (flood zone 1).

**Key Issues**

- Principle of Development
- Impact on AONB and Conservation Area
- Highway Safety
- Neighbour Amenity
- Protected Species
- Other Material Considerations

**Recommendation**

**A) APPROVE** subject to the completion of an acceptable S106 Agreement within 4 months of the date of this resolution

**B) REFUSE** if an acceptable S106 Agreement is not completed within 4 months of the date of this resolution

## **THE APPLICATION**

Full planning permission is sought for the erection of nine dwellings following the demolition of the existing c.1960s property that occupies the site. All the dwellings would be two-storey in height and would be constructed from multi-red facing bricks with random flint infills on prominent elevations, under red clay pantile roofs.

The nine dwellings would comprise: five x 2-bed units (one of which would be affordable); two x 3-bed units and two x 4-bed units.

Plot 3 would be the affordable unit, and a further £36,000 financial contribution would also be required via S106 Agreement towards wider affordable housing provision. The S106 would also secure £50 per dwelling Habitat Mitigation Fee.

The site lies wholly within the development boundary of Thornham (a Rural Village) and the Norfolk Coast AONB and is adjacent to Thornham Conservation Area.

The site is heavily treed and the proposal would see the removal of 78 trees. However the proposal would provide for a total of 85 new trees / shrubs. All the existing trees to be retained have had group Tree Preservations Orders placed on them. The TPO also takes account of the tree planting that is required to ensure their ongoing protection.

The site lies in a low flood risk area (flood zone 1).

## **SUPPORTING CASE**

This application has come forward as a major application based only on the site size not the amount of dwellings. From the outset of the design process we recognised the potential sensitivity of the site and came to the conclusion it was paramount to protect the existing streetscene, neighbour amenity and ultimately the AONB and adjacent conservation area.

To achieve the protection we desired in this scheme we felt it needed to be approached in a number of ways:

- Vernacular & Sympathetic Design - To complement and enhance the conservation area
- Protect & Enhance existing tree belts - Extensive AIA and planting scheme
- Mixed development - Produce 2-4 bedroom houses
- Neighbour consultation - Speak to the 4 adjacent Neighbours

With a scheme of multiple dwelling I believe the significances of traditional design increases further because multiple dwellings naturally have a larger impact as they form part of larger scheme. The materials used in this proposal all reflect the vernacular of Thornham from the stonework to the timber windows. With removal of non-vernacular styled building and the introduction of traditional materials the built form of Thornham continues naturally and enhances its surroundings.

In regards to the size of the properties, the intent was to produce a mixed development with the majority of dwellings be small cottage style. This again is a continuation of the built form of Thornham.

Density is a key issue so we very deliberately didn't propose a high density scheme. The 9 dwellings have an average plot size of 620m<sup>2</sup>, the wider area of 108 houses I studied as part of a density study has an average plot size of 575m<sup>2</sup>. Within the village other new build sites have an average plot size of around 350m<sup>2</sup>.

This enabled us to focus on the enhancement of the site with key planting areas and sensitive design to afford privacy to the development, surrounding neighbours and ultimately afford protection to the AONB.

Pre-application I consulted with all neighbours on different variations of the scheme out of respect as we are looking to build next to their homes. This I believe is the respectful approach to any scheme. We expected more opposition locally as it's much easier to write a letter of objections than support. However, I'm pleased to say many Thornham residents have welcomed this application along with taking the time to write a letter of support. Furthermore out of the four direct neighbours who share a boundary with the site, three have written letters of support.

In addition to some positive public support the Parish Council raised no objection, they recognised key points within their meeting which are engrained in the application:

- Good Design using local Materials
- Comfortable knowing that the amount of trees that are being retained affording protection to existing residents and new, also protecting the streetscene
- For the parish the addition of an Affordable Home was very welcomed in the village

### Conservation & AONB

Through meeting the Conservation officer on site and attending the CAAP meeting we have gained the support of the Conservation Department and the Norfolk Coastal Partnership. After no objections were raised from the Conservation department and the Norfolk Coastal Partnership I prepared 'as built' CGIs with Satellite position verified views with the trees removed as per our AIA. These views really show the negligible impact of the development and how every effort has been made to design a site that sits sympathetically within its surroundings.

In addition to all other points we have no objections from any Statutory Consultee, 7 letters of support and limited public objection.

In Summary this has been a very positive application, we have looked throughout the process to be as helpful and engaging with the local community as possible, this has been reflected in their positive responses.

In regards to the LPA we have taken the same approach and although we received no objections from statutory consultees, some small suggestions were made, all of which have been implemented through amendments during the consultation period.

### **PLANNING HISTORY**

No recent relevant history.

## RESPONSE TO CONSULTATION

**Parish Council:** **NO OBJECTION** and recommends **approval** of this application. The Council would like to make the comment that they would like to see more affordable housing for residents of Thornham or nearby village within the village. They also believe that these houses would be ideal to accommodate swift boxes.

**Highways Authority:** **NO OBJECTION** the proposed replacement dwellings would be served from an improved access, with acceptable levels of visibility onto Choseley Road.

The scheme proposes a frontage pedestrian provision, which is beneficial. However, I would seek to extend this provision north to the sites boundary to maximise the provision.

This has been discussed with the agent and is deemed acceptable. I understand that revised drawings will be forthcoming, as such, I am able to advise that subject to the receipt and acceptance of amended plans, should your Authority be minded to the grant of consent, I would seek to append the conditions relating to the following if permission is granted: visibility splays, car parking and turning, construction parking, and off-site highway improvements works.

**Conservation Officer:** **NO OBJECTION** The site is situated within the village boundary but lies immediately adjacent to the Thornham Conservation Area, therefore any impact upon the setting of the conservation area must be considered.

The site currently comprises a large detached post-war house of limited architectural value, sitting in large grounds with a thick tree cover to Choseley Lane and the fields to the south.

This tree cover ensures only limited views of the house are afforded, primarily through the entrance driveway. Whilst the architecture of the existing house does not contribute to the setting of the conservation area, the tree cover, as a key feature in the approach into the conservation area from the south, does. Retention, and as important due to the condition of some of the tree cover, enhancement of this is key to developing the site without eroding the setting of the conservation area. Provided this takes place, the principle of development of this site should not cause harm to the setting of the conservation area.

Any consent should therefore be accompanied by a condition relating to landscaping and screening to ensure that the sites trees are properly maintained and that a scheme to improve the landscaping is implemented, hence maintaining the setting of the conservation area.

The proposed development seeks to provide 9 units of various sizes / plot sizes. The applicant has confirmed in his Design and Access Statement (DAS) that he has sought to adopt a traditional design approach, which has resulted in a restrained architectural scheme which when viewed against the backdrop of the landscape will have a negligible impact upon the setting of the adjacent conservation area. Materials proposed in the DAS are acceptable and should be subject to condition. Likewise joinery detail should also be conditioned.

Within the site is a late Victorian brick pump house which displays attractive detailing but is not listed and I believe is not of listable quality. Nevertheless it is a structure of interest and must be considered as a non-designated heritage asset. On that basis it is pleasing to see its retention as part of the proposed scheme, and a condition should be attached to any consent seeking its repair.

Subject to appropriate conditions, particularly relating to landscaping and trees, there are no objections from a conservation perspective.

**Norfolk Coast Partnership (AONB): SUPPORT / NO OBJECTION** in principle to the application as the site is well screened by mature trees and hedgerows and is within the development boundary.

We would like to see a condition relating to landscaping and screening to ensure that the site's trees are properly maintained and that a scheme to improve the landscaping is implemented.

We would also like to see a condition on external lighting to reduce light pollution: National Planning Policy Framework Clause 125 and Norfolk County Council's Environmental Lighting Zones Policy both recognise the importance of preserving dark landscapes and dark skies. In order to minimise light pollution, we recommend that any outdoor lights associated with this proposed development should be:

- 1) fully shielded (enclosed in full cut-off flat glass fittings)
- 2) directed downwards (mounted horizontally to the ground and not tilted upwards)
- 3) switched on only when needed (no dusk to dawn lamps)
- 4) white light low-energy lamps (LED, metal halide or fluorescent) and not orange or pink sodium sources

We are happy with the proposals in the D&A Statement but would not like to see too much glass or steel in particular and keep to vernacular materials.

**Natural England: NO OBJECTION** In relation to the specific impact on the AONB, Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 172 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 172 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant the Norfolk Coast Partnership. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

This application has however triggered one or more Impact Risk Zones, indicating that impacts to statutory designated nature conservation sites (European sites or Sites of Special

Scientific Interest) are likely. Natural England's consultation response to this planning application is provided in the form of an advice note tailored for this type of development proposal (attached). We anticipate that this will contain sufficient guidance to enable you to make an informed decision regarding impacts to designated sites. If the planning application does not contain the necessary detail, we recommend that you request this from the applicant before reaching a decision.

Natural England has not assessed this application for impacts on protected species. We have published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice. Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

Please note that Natural England has only provided comments in relation to impacts on statutory designated nature conservation sites. This should not be taken to imply that there are no other more local impacts to biodiversity or other natural environment interests, and it is for the local planning authority to determine whether or not this application is consistent with national and local policies on the protection and enhancement of the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

In addition we advise a financial contribution of £50 per dwelling to the King's Lynn Borough Council's Natura 2000 Sites Monitoring and Mitigation Strategy as in line with Policy DM19.

**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 0.165 in Thornham. 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 1.6 units would be required.

However, NPPF states that affordable housing should only be sought on developments of 10 or more dwellings or 0.5ha other than in designated rural areas. In designated rural areas on sites of 6-9 dwellings and less than 0.5ha, a financial contribution based on £60,000 per equivalent whole affordable dwelling will be sought.

It is noted that demolition of 1 unit is planned on this site, leaving a net gain of 8 units. As the site area exceeds 0.5ha policy CS09 applies, the affordable contribution is therefore 1 no unit for rent and a financial contribution of £36,000.

It is recommended that, in order to best meet an identified housing need, a smaller unit i.e. 2-bed 4-person unit is provided. I have noted the applicant is proposing 5 x 2B4P units, all of which meet our space standards.

The affordable housing should be fully be integrated with the general market housing in order to achieve mixed and sustainable communities in which the accommodation is tenure blind. An objection from us is likely if this is not met.

A S.106 Agreement will be required to secure the affordable housing contribution.

**Arboricultural Officer: NO OBJECTION** Whilst I have no objections to the above proposals, I do have some observations; I have spoken to the arb consultant and they have said that during a revision, they mistakenly neglected to update parts of the report, G6 is NOT being removed and none of the trees within G6 will be removed; an updated report has since been received to reflect this. It's also worth pointing out that whilst the site plan (numbered D1. 7-5001) does show an indicative layout for the trees, we should refer to the Tree Protection Plan (Appendix 4 of the AIA – The Pastures Thornham V3) for the specific tree removal, protection and retention. On that note, we will be serving a Tree Preservation Order (TPO) to protect the trees around the edge of the proposed development to ensure the green cover for this area remains.

There are a number of trees that need to be removed to facilitate the development but many of these trees are of low quality and the replacement planting will be more than adequate to make up for any losses, I am of the opinion that the tree replacements would be an improvement to the overall tree cover on the site.

Please condition tree protection and the use of a 'no-dig' surface within the RPA of T1 in conjunction with appendix 4 of the updated AIA. We won't need a tree retention condition as I intend to serve a TPO to protect the remaining trees.

**Historic Environment Service: NO OBJECTION** The proposed development site lies within the area of the landscape park laid out around Thornham Hall. Although the park was laid out in the eighteenth century, the part including the present development was added in the 19th century and is now built upon. However, the site accommodates an early 20th century building which appears to be associated with Thornham Hall's water supply. In addition Roman coins have been found immediately to the west and south, medieval coins and other artefacts to the east, south and west. Consequently there is potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance will be adversely affected by the proposed development.

As the water supply building is due to be demolished and is of sufficient heritage interest to warrant recoding before it disappears, we suggest a photographic survey is undertaken as well as suitable conditions relation to wider archaeological investigations are appended to any permission granted. [Officer note: It should be noted that this building is no longer to be demolished.]

**Environmental Health & Housing – Environmental Quality: NO OBJECTION.** Recommends an informative is placed on any permission granted relating to asbestos (given the age of the dwelling that currently occupies the site).

**Conservation Area Advisory Panel: NO OBJECTION** The Panel considered that the principle of development was acceptable and would not harm the setting of the Conservation Area. They noted the importance of the trees, especially the tree boundary, and wished for those shown to be retained to have tree preservation orders placed on them. The Panel were happy with the design of the dwellings although a comment was made on the size of the windows (being small).

**REPRESENTATIONS** Letters of **objection** have been received from occupiers of **seven** properties. The issues raised can be summaries as:

- Overdevelopment of the site
- Increased traffic on a minor C road / highway safety, including users of the Costal Heritage Footpath
- Form and Character and impact on AONB

- A boundary wall is not required in this location and planting would be more appropriate
- Lack of services and facilities to serve the occupants of the proposed dwellings and the strain on existing utilities
- Exceeds the requirement for development as stated in the SADMP, 2016
- There is no exceptional need for this development and therefore the application should be refused as it represents major development in an AONB
- Loss of trees
- The number of bins associated with the development would be detrimental to the visual amenity of the locality especially on bin collection days.
- No mention is made relation to disabled access routes or ramps
- Light pollution
- Even give the smaller size of a number of the dwellings they are still unlikely to be within the reach of young local people
- Impact from car headlights to property opposite
- Damage to the trees during construction and shading from the retained trees on the proposed development which would put pressure on them being removed once the houses are built
- Increased potential for flash flooding by virtue of filling in a pit that occupies the northeast corner of the site and from the additional buildings / hard standing areas

Letters in **support** have been received from occupiers of **five** properties. These can be summarised as:

- The scheme is not major (it's for nine dwellings)
- The scheme is nicely designed and very much in-keeping with the village, has good size gardens and is ideal for full-time residence
- We would welcome development of the site that is in need of almost immediate attention
- The road-side trees are dead, dying or a possible hazard
- The trees of most value are being retained; the trees that are to be removed are of no value and will be replaced with new quality trees
- The alternative to a scheme that includes a number of smaller units would be a scheme of fewer 'executive' homes that would definitely not be within the reach of young local people
- The development will be well screened and will be barely visible
- The development would have limited impact on neighbouring properties
- The scheme will help to address the need for smaller properties to enable young local people to stay in the village / area
- The nearest neighbours are the ones supporting the development.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS08** - Sustainable Development

**CS09** - Housing Distribution

**CS11** – Transport

**CS12** - Environmental Assets



**CS14** - Infrastructure Provision

## **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

**DM19** - Green Infrastructure/Habitats Monitoring & Mitigation

## **NATIONAL GUIDANCE**

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

## **PLANNING CONSIDERATIONS**

The main issues for consideration in the determination of this application are:

Principle of Development  
Impact on AONB and Conservation Area  
Highway Safety  
Neighbour Amenity  
Protected Species  
Other Material Considerations

### **Principle of Development**

The site lies within the development boundary of Thornham, a Rural Village as classified in the settlement hierarchy of the Core Strategy.

As such the principle of residential development is acceptable subject to compliance with other relevant planning policy and guidance.

### **Impact on AONB and Conservation Area**

The site lies on the edge of the village of Thornham on the western side of Choseley Road. When entering the village from the south the approach to the village is from higher ground comprising open countryside with substantial hedgerows. The Conservation Area Character Statement states *'...from Choseley Road, the descent into the village is enclosed by walls and outbuildings or trees on either side and the view ahead is stopped by a high wall on the north side of the High Street, imparting a strong sense of "arrival"'*.

The trees that occupy the site, especially those on the site's boundaries, are an important contributor to this part of the AONB and the setting of the Conservation Area, the latter of which lies to the immediate north of the site.

However, the trees on the site have not been managed as well as they could, and this has caused some issues in relation to trees falling into neighbouring properties and across Choseley Road (as well as within the site itself). It has also led to the poor condition of a number of the trees on the site with the Arboricultural Impact Assessment (AIA) that accompanied the application stating that 16 trees need immediate felling.

The development itself would result in the loss of 78 trees comprising 15 individual trees and the remainder (63) from eight groups. However, it is proposed to plant 85 replacement trees / woody shrubs comprising 45 trees with a stem girth of 12 to 14cm and 40 rooted transplants of between 60 and 90cm. There would also be additional landscape planting.

Tree protection during construction will be appropriately conditioned. However, a group Tree Preservation Order has been placed on all the trees to be retained and will also cover those to be planted. As such no condition is required in relation to their future protection.

The 'thinning-out' of the trees will ultimately benefit those being retained, and, with the additional planting, overtime could actually improve the tree coverage of the site and the landscaping of the western entrance of the village from Choseley Road.

The current dwelling that occupies the site is stated to have an internal floor area of 240m<sup>2</sup> and is of no real architectural merit. No objections have been received in relation to its loss.

During the consultation period the proposed development has been amended and has resulted in the scheme before members. The changes were made without request from any statutory consultee or the LPA, and followed the applicant's review of comments on the website.

The current scheme retains more trees along the eastern boundary of the site with Choseley Road, removes the proposed eastern boundary wall, removes 2.5-storey elements, increases the number of 2-bed units (from 3 to 5); increases the number of 3-bed units (from 1 to 2); reduces the number of 4-bed units (from 4 to 2) and removes 1, 5-bed unit. This has resulted in a decrease in built form of 226m<sup>2</sup> (for comparison, almost the square footage of the existing dwellinghouse). The dwellings will take the form of 4 detached properties; 1-pair of semi-detached properties and a terrace of 3 properties. In accordance with the consultee comments a lighting condition will be placed on any permission granted to control external lighting. This is both in relation to protecting the AONB and bat mitigation.

The Conservation Area Character Statement lists traditional materials within the village as:

- Clunch (chalk), rubble or squared, sometimes galletted (points filled) with small pieces of carstone
- Flint
- Carstone rubble or squared
- Red brick
- Gault brick (pink-buff, either 'warm' or 'cool', but tends to weather to grey)
- Red clay pantiles
- Whitewash on any of these materials
- Lime-sand render over any of these materials.

The proposed materials are:

- Multi-red brickwork
- Random flintwork
- Red clay pantiles
- Softwood joinery.

The proposed materials are therefore of the vernacular. These materials would be conditioned, as would a sample panel and window details, if permission were granted.

Clearly the proposed development will alter the character of the site. However, your officers consider that the development has taken careful consideration of the constraints of the site, including its mature setting and how this setting contributes to the character of the AONB and Conservation Area. The dwellings are considered to offer a range of sizes that reflect the local vernacular. The affordable unit would be fully integrated into the site and cannot be distinguished from the market properties.

Your officers consider that the site can accommodate the proposed development without any adverse impact on the Conservation Area and AONB.

In this regard the proposed development has received no objections from statutory consultees including Historic England, Natural England, the Norfolk Coast Partnership and the Conservation Officer.

It is therefore concluded that the proposed development would result in little, if any harm to protected areas.

### **Highway Safety**

Notwithstanding third party concerns in relation to the impact of the increase in traffic that the proposed development would have the Local Highway Authority (LHA) raises no objection on the grounds of highway safety and parking provision is in accordance with Local Plan Policy requirements (DM17).

Conditions relating to visibility, parking provision and off-site highway improvement works (pedestrian provision) will be appended to any permission granted.

### **Residential Amenity**

The location of the dwellings within the site, their orientation and fenestration, degree / manner of separation, and retained screening all result in a scheme that would have no material overshadowing, overlooking or overbearing impacts on any existing neighbouring property.

The closest existing dwelling to the north (Holly Cottage) is 8m from the boundary, 14m to the closest single storey element and 19m from the closest 2-storey element.

The closest existing dwelling to the east (No3 Choseley Rd (Cedar Cottage)) is separated from the site by Choseley Road. No3 is 21m from the boundary, 30m to the closest 2-storey element and 32m to the closest single storey element.

The inter-development relationships are all considered to be acceptable.

In relation to the impact from the trees on the proposed dwellings, careful consideration has been given to room placement and size / degree of fenestration with extensive glazing at ground floor level to main living spaces.

It is therefore considered there would be no material impact on residential amenity from the proposed development.

## Protected Species

A Preliminary Ecology Appraisal (PEA) identified some potential for bats to roost within the roof void of the residential buildings. The survey also identified the potential for bats to forage and commute within the surrounding trees and garden.

The majority of trees to be removed have negligible or low roosting potential although two large sycamores (G18) have moderate roosting potential and will require further assessment. The requirements for further bat surveys across the site (including the dwelling) are contained within paragraph 5.19 to 5.24 inclusive of the Ecology Report. This will be conditioned if permission is granted.

The extent of tree cover means there is significant potential for nesting birds. Further survey information on nesting birds will be gathered as part of the proposed bat surveys. This will also be conditioned if permission is granted.

Mitigation is also proposed in relation to low suitability trees (which do not require further survey work); lighting, timing of removal of vegetation (outside bird nest season), planting of specific plants to attract insects on which bats may feed and the provision of bat and swift boxes. These are covered in Chapter 7 of the Ecology Report, and will also be conditioned if permission is granted.

The Ecology Report found:

- No evidence of badgers
- No evidence of and a lack of suitable habitat for reptiles
- No evidence of and little potential for amphibians including Great Crested Newts

It is considered that protected species have been appropriately assessed and that, subject to conditions, the proposed development would not have an unacceptable impact on them.

## Affordable Housing and Other Contributions

The site threshold triggers an affordable housing contribution. The development represents a net gain of 8 dwellings. As such 1.6 units would be required; one on-site unit and 0.6 in the form of a financial contribution of £36,000 (£36,000 being 0.6 of £60,000).

The affordable unit will be Unit 3, which as previously stated is fully integrated into the site and of no discernible difference to Units 1 and 2 in the same terrace.

## Other Material Considerations

### *Definition of Major Development within the AONB*

The site lies wholly within the Norfolk Coast AONB and measures approximately 0.55ha. The NPPF, 2019 defines 'major development', in relation to housing, as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more, other than for the specific purposes of paragraphs 172 and 173 in this Framework. [It should be noted that this is different to the definition of major development given in the Town and Country Planning (Development Management Procedure)(England) Order 2015 (DMPO) of which this application is not classed as major.]

Paragraph 172 of the NPPF states: 'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also

important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development Footnote 55 other than in exceptional circumstances...

*\*Footnote 55 states: For the purposes of paragraphs 172 and 173, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.*

Therefore whether the development is major development [to be defined by the impact it would have on the AONB] has a significant bearing on whether the application should be refused other than in exceptional circumstances.

In this regard the outcome of Judicial Review, JH & FW Green Ltd v Southdown National Park Authority (SNPA) has been used to guide your officers in correctly applying the 'test' for major development within an AONB.

*The outcome of this challenge was that SNPA had conducted a reasoned and reasonable assessment of the potential for harm and to conclude that, although some harm would eventuate, the criteria for categorising the proposal as a 'major development' within the meaning of the NPPF were not satisfied.*

Natural England confirmed in their response to the current application before Members that the statutory purpose of the AONB is to conserve and enhance the area's natural beauty, and in considering para 172 a careful assessment is needed as to whether the proposed development would have a significant impact on or harm to the statutory purpose. Natural England, as national custodians of AONBs, raised no objection to the proposed development, and it is therefore reasonable to conclude that NE does not themselves consider that the proposed development would have a significant impact on or harm the statutory purpose of the AONB.

Likewise the Norfolk Coast Partnership raised no objection to the proposed development.

It should be noted that in relation to the above-mentioned judgement, concerns and objections were raised in relation to the proposed development from statutory consultees including the Local Authority's own Landscape Officer, Historic England and the Dark Skies Ranger (the equivalent to the Norfolk Coast Partnership Officer). However, even with such concerns, the judge agreed with the Local Authority that 'although some harm would eventuate, the criteria for categorising the proposal as 'major development' within the meaning of the NPPF were not satisfied'.

The current application before members has received no such objections from statutory consultees.

Your officers therefore conclude, on the basis of their own assessment, together with comments from statutory consultees, that the proposed development is not 'major development' within the meaning of para 172 of the NPPF.

Paragraph 173 relates to development within the defined Heritage Coast. The site lies outside of this area and is not therefore relevant to the determination of this application.

*Drainage* The application form states foul to main sewer and surface water drainage via soakaway. This is in accordance with the drainage hierarchy. It also addresses Natural

England's advice note in relation to the Impact Risk Zones (which relates to foul drainage arrangements).

*Third Party Comments* In relation to third party comments not covered in the main body of the report your officers respond as follows:

- Lack of services and facilities to serve the occupants of the proposed dwellings and the strain on existing utilities – the site lies within the development boundary of one of the borough's 'Rural Villages' where limited residential development is to be supported;
- Exceeds the requirement for development as stated in the SADMP, 2016 – this is a minimum figure;
- The number of bins associated with the development would be detrimental to the visual amenity of the locality especially on bin collection days – this is not a reason for preventing development;
- No mention is made relation to disabled access routes or ramps – these would be covered under building regulations;
- Even give the smaller size of a number of the dwellings they are still unlikely to be within the reach of young local people – this is not a reason for refusing planning permission;
- Impact from car headlights to property opposite – It is not considered that this would be sufficient to warrant refusal of the proposed development;
- Increased potential for flash flooding by virtue of filling in a pit that occupies the northeast corner of the site and from the additional buildings / hard standing areas – the site is not in an area of risk of flooding as defined by the Environment Agency, Lead Local Flood Authority or Local Authority and proposed drainage is in accordance with the drainage hierarchy;
- The alternative to a scheme that includes a number of smaller units would be a scheme of fewer 'executive' homes that would definitely not be within the reach of young local people - if such an application were to be made it would have to be considered on its own merits.

### **Crime and Disorder**

There are no specific crime and disorder issues arising from the proposed development.

### **CONCLUSION**

The development is not considered to represent 'major development' within the meaning of paragraph 172 of the NPPF. As such exceptional circumstances are not required to enable development in this location. Notwithstanding this clearly the development must accord with other relevant planning policy and guidance.

The proposed development would increase, with a range of dwelling sizes, the housing stock within the development boundary of Thornham without detriment to the visual amenity of the locality or harm to the AONB or setting of the adjacent Conservation Area. It would also provide an affordable unit and £36,000 towards affordable housing provision within the borough.

The proposed tree works are likely to, in the long-term, improve landscaping whilst in the short term retain an appropriate degree of tree coverage that is characteristic of the approach to the village from the south.

The development would not result in any material residential amenity or highway safety issues and protected species have been appropriately considered.

There are very few third party objections. Furthermore letters of support have been received from the three closest neighbouring properties. No objections have been received from statutory consultees including the Parish Council.

It is therefore recommended that this application be approved subject to the following conditions

## **RECOMMENDATION:**

**APPROVE** subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 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.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans drawing nos: D1.9-5001, D2.2-05001, D3.1-05001, D5.2-05001, D6.2-05001, D12.2-05001, D13.2-05001, D14.2-05001, D16.2-05001, D17.2-05001, D18.2-05001, D20.2-05001, D21.2-05001, D22.1-05001, D25.1-05001 and D26.1-05001.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.
- 3 Reason: To ensure adequate off-street parking during construction in the interests of highway safety in accordance with the NPPF and Development Plan. This needs to be a pre-commencement condition as it deals with the construction period of the development.
- 4 Condition: Notwithstanding the details indicated on the submitted drawings no works above slab level shall commence on site unless otherwise agreed in writing until detailed drawings for the off-site highway improvement works indicated on drawing no: D1.9-5001 have been submitted to and approved in writing by the Local Planning Authority.
- 4 Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor in accordance with the NPPF and Development Plan.
- 5 Condition: Prior to the first occupation of the development hereby permitted the off-site highway improvement works (including Public Rights of Way works) referred to in Condition 4 of shall be completed to the written satisfaction of the Local Planning Authority.

- 5 Reason: To ensure that the highway network is adequate to cater for the development proposed in the interests of highway safety in accordance with the NPPF and Development Plan.
- 6 Condition: Prior to the first occupation of the development hereby permitted the proposed on-site access, car parking and turning areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 6 Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety in accordance with the NPPF and Development Plan.
- 7 Condition: Prior to the first occupation of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan. 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.
- 7 Reason: In the interests of highway safety in accordance with the NPPF and Development Plan.
- 8 Condition: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order (2015), (or any Order revoking, amending or re-enacting that Order) no gates/bollard/chain/other means of obstruction shall be erected across the approved access with Choseley Road unless details have first been submitted to and approved in writing by the Local Planning Authority.
- 8 Reason: In the interests of highway safety in accordance with the NPPF and Development Plan.
- 9 Condition: No development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation and 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.
- 9 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF. This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.
- 10 Condition: No development shall take place other than in accordance with the written scheme of investigation approved under condition 9.
- 10 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 11 Condition: The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition 9



and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

- 11 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 12 Condition: No development or other operations shall commence on site until the existing trees shown to be on the approved plan have been protected in accordance with the amended Arboricultural Impact Assessment (AIA) that accompanied the application (dated 20 March 2019, By A.T. Coombes Associates Ltd). The use of a 'no-dig' surface within the root protection area of T1 shall also be implemented in accordance with the aforementioned AIA.
- 12 Reason: To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF. This needs to be a pre-commencement condition given the potential for damage to protected trees during the construction phase.
- 13 Condition: The new trees shrubs shall be provided in full accordance with the amended Arboricultural Impact Assessment that accompanied the application.
- 13 Reason: To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.
- 14 Condition: Prior to the first use or occupation of the development hereby approved, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include finished levels or contours, hard surface materials, refuse or other storage units, street furniture, structures and other minor artefacts. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate.
- 14 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 15 Condition: All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 15 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 16 Condition: The development shall be carried out in accordance with the materials proposed in the amended DAS that accompanied the application (D23.2-5001) unless otherwise agreed in writing by the Local Planning Authority.
- 16 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.

- 17 Condition: No development shall commence on any external surface of the development until a sample panel of the materials to be used for the external surfaces of the building(s) and/or extension(s) hereby permitted has been erected on the site for the inspection and written approval of the Local Planning Authority. The sample panel shall measure at least 1 metre x 1 metre using the proposed materials, mortar type, bond and pointing technique. The development shall be constructed in accordance with the approved details.
- 17 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 18 Condition: Notwithstanding the information that accompanied the application, no development over or above foundations shall take place on site until full details of the window style, reveal, cill and header treatment has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- 18 Reason: To ensure that the design and appearance of the development is appropriate in accordance with the principles of the NPPF.
- 19 Condition: The existing brick pump house building shown on approved plan D1.9-5001 to be retained in the curtilage of Unit 8 shall be protected during construction and any damage that occurs to the building shall be repaired in accordance with a scheme to be submitted and agreed in writing by the LPA. Thereafter the building shall be retained as approved unless otherwise agreed in writing by the LPA.
- 19 Reason: To ensure appropriate protection of a non-designated heritage asset in accordance with the NPPF and Development Plan.
- 20 Condition: Prior to the installation of any external lighting, details of the method of lighting and extent of illumination shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be implemented as approved and thereafter maintained and retained as agreed. Your attention is drawn to Informative No.5 which relates to this condition.
- 20 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.
- 21 Condition: The further surveys required in relation to bat activity as detailed in the Ecological Appraisal that accompanied the application (Prepared by: Philip Parker Associates Ltd, Ref: P2019-24 R1 FINAL dated 14 March 2019) shall take place in accordance with paragraphs 5.19 to 5.24 inclusive unless otherwise agreed in writing by the Local Planning Authority.
- 21 Reason: To ensure that the impact of the development upon protected species is minimised in accordance with the NPPF and Development Plan.
- 22 Condition: The development hereby permitted shall be carried out in full accordance with the Mitigation Strategy (Chapter 7 (7.1 – 7.14 inclusive) of the Ecological Appraisal that accompanied the application (Prepared by: Philip Parker Associates Ltd, Ref: P2019-24 R1 FINAL dated 14 March 2019) unless otherwise required to be amended under licence requirements of Natural England or, in all other regards, unless otherwise agreed in writing by the Local Planning Authority.

- 22 Reason: To ensure that the impact of the development upon protected species is minimised in accordance with the NPPF and Development Plan.