

AGENDA ITEM NO: 8/2(d)

Parish:	Hockwold cum Wilton	
Proposal:	OUTLINE APPLICATION SOME MATTERS RESERVED: Proposed residential development of 26 dwellings on land adjacent to Wilton Farm	
Location:	195 Main Street Hockwold cum Wilton Norfolk IP26 4NA	
Applicant:	Mr Nathan Enefer	
Case No:	15/02108/OM (Outline Application - Major Development)	
Case Officer:	Mr K Wilkinson	Date for Determination: 11 April 2016 Extension of Time Expiry Date: 9 September 2016

Reason for Referral to Planning Committee – The views of Hockwold cum Wilton Parish Council is contrary to the Officer recommendation.

Case Summary

The application site is a parcel of agricultural/paddock land (1.8Ha) on the northern side of Main Street, Hockwold-cum-Wilton, between the edge of the defined village and Wilton Farm.

The site lies in an area defined as 'countryside', adjoins and has a frontage strip within the Conservation Area, lies in Flood Zone 1 of the Strategic Flood Risk Assessment and within the consultation buffer of the Breckland SPA.

This application seeks outline permission for the residential development of 26 dwellings; access, layout and appearance are to be considered at this stage and scale and landscaping to be dealt with as reserved matters.

Key Issues

Principle of development
Impact upon ecology
Impact upon Heritage Assets
Highway issues
Crime and disorder
Other material considerations

Recommendation

REFUSE

THE APPLICATION

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The layout shows a new estate road access midway along the road frontage within the Conservation Area. This would involve the removal of a significant section of 1.4m high historic walling to accommodate the access and appropriate visibility splays (shown to be 2.4m x 50m). There would be frontage houses onto Main Street – 3 detached units and a terraced block of three. The remainder of the estate has houses following the alignment of the road and grouped around two areas of open space. There is a strip of land approx. 25m wide to the north to accommodate a waste treatment zone.

The Design & Access Statement accompanying the application states that the properties are proposed to be of a scale resembling existing vernacular form and character within the village conservation area.

Yellow and red toned bricks to reflect the colours in existing village buildings will form the facades. Random and coursed field flint nodules with brick quoining in keeping with the character and form of the existing buildings would form a strong visual connectivity to the local heritage. Pitched roofs of 35-40 degrees to match adjacent properties and farm buildings with clay pantiles or Welsh slate style coverings are proposed.

SUPPORTING CASE

Introduction:

The outline planning application is for proposed consent of a residential development of 26 dwellings on a parcel of 1.988 hectares of pasture land to the west of Wilton Farm, Main Street, Hockwold-cum-Wilton.

Residential mix:

Mix of two, three and four bedroom properties:

17 No. Open Market for sale units 2, 3 and 4 beds
4 No. Intermediate / Affordable units 2 and 3 beds
5 No. Social rented – 2 and 3 beds

Social, Economic and Environmental:

Aspirations to have a sustainable community in meeting local housing needs first. The provision of housing for families will provide internal and external economic impacts to the village and surrounding areas; employment, education, commercial, social and retail being jointly supported.

Yellow and red toned bricks, random and coursed field flint nodules and clay pantiles or Welsh slate style coverings on roofs to match existing form and character of the village would all be proposed.

Affordable housing:

A proportion of affordable housing has been allocated to support the needs of local population which have historical and current ties with the village.

Access:

Access to the development will be from Main Street within a 30mph zone. Highways requirements can be met within the curtilage of the development.

Landscaping:

Trees are proposed to be planted in the green public spaces. Private gardens bounded by brick and flint walls are intended to be landscaped within the private boundaries by the occupants.

Contamination:

A previous 2013 assessment for the adjacent land concluded, 'No significant evidence of contamination sources has been detectedNo remedial measures are considered to be needed'.

Flood Risk and Drainage:

The site lies within a zone 1 food zone and therefore the site is considered to be at low risk. A subterranean sewage treatment package is proposed at the rear of the site in a 20m wide parcel of land to the North of the development.

Breckland SSSI:

Extensive research and analysis has been carried out by Wild Frontier to determine negligible impact on the wildlife within the Breckland SSSI buffer zone. Wilton Farm has facilitated RSPB surveys for over twenty years with no records of nesting recorded. Applicant is favourable to accommodating any reasonable mitigation required in supporting the RSPB.

Relevant Planning History:

None

RESPONSE TO CONSULTATIONS:

Parish Council: SUPPORT - Of the 8 parish councillors present 5 voted to support the application with some reservations as follows:

- that more concern needs to be given over the impact of parking and traffic that this development will cause in the village.
- that the current wall along Main Street would need to be replaced with something that is in keeping with the village as this is part of a conservation area.

- that the buildings should be have a traditional look / materials as this is part of a conservation area.
- that more site survey / investigation needs to be done regarding the impact on protected birds in the area, particularly stone curlew / night jar / woodlark, as this has caused other developments to be prevented from going ahead in the village before but is not considered fully in the current documentation.
- concerns regarding whether local facilities such as doctor and school could support a large influx of village residents that would come with the development.

Local Highway Authority: NO OBJECTION to principle but modifications required to meet current standards; upgrading of bus stops to be DDA compliant.

Norfolk County Council (Policy & Planning): NO OBJECTION subject to library book contribution and fire hydrant provision

Lead Local Flooding Authority (NCC): Standing advice applies

Housing Development Officer: NO OBJECTION subject to on-site affordable housing provision to be covered in a Section 106 agreement

IDB: NO OBJECTION would need to demonstrate no adverse effects on localised flooding

CSNN: NO OBJECTION subject to conditions relating to foul and surface water disposal and amenity protection scheme during construction phase

Environmental Quality: NO OBJECTION subject to conditions regarding contamination

Historic Environment Service: NO OBJECTION subject to conditions relating to archaeological investigations

Historic England: CONCERNS EXPRESSED - This outline application proposes the development of a parcel of land west of Wilton Farm, Hockwold. The proposals are for the erection of 26 residential dwellings and Historic England would chiefly be concerned with the effect proposals might have on the significance and setting of the Hockwold Cum Wilton Conservation Area. We have concerns that the principle of development would harm the designated heritage asset and recommend that the Council weighs this harm against the public benefit in accordance with paragraph 128 of the NPPF.

Conservation Officer: OBJECTION - recommend this application be refused on the grounds that the proposed development will cause substantial harm to the significance of the conservation area, which is a designated heritage asset, and harm the setting of Wilton Farm which is an undesignated heritage asset.

Arboricultural Officer: NO OBJECTION in principle but I will need to see a tree survey, arboricultural implications assessment and arboricultural method statement to BS 5837:2012 should this application reach the next stage.

Natural England: OBJECTION - Natural England does not agree with the conclusions of the report entitle Supporting Evidence for Appropriate Assessment relating to Breckland Special Protection Area, namely that the proposal will not result in adverse effects on the integrity of Breckland SPA. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, it is the advice of Natural England that it is not possible to ascertain that the proposal will not result in adverse effects on site integrity. Natural England advises that the assessment currently does not provide enough information and certainty to justify the assessment conclusion and that your authority should not consider either adopting

the report as a 'shadow HRA', nor grant planning permission at this stage. Further assessment and consideration of mitigation options is required.

RSPB: OBJECTION - The evidence provided is not sufficient to support the applicant's claim that the proposal would avoid an adverse effect on the Breckland SPA. There are other locations in the district where housing needs can be met without resulting in an adverse effect on the SPA, and the evidence presented in support of mitigation are flawed. The proposals are contrary to planning policy and there is insufficient information to allow the Council to safely conclude that an adverse effect on the Breckland SPA can be avoided. The Regulations are clear that in such situations consent cannot be granted and we therefore maintain our objection to this proposal.

Representations: SIX letters of **OBJECTION** raising the following issues:

- Visitor parking on Main Street already problematic causing impact on visibility and highway safety;
- Loss of boundary wall and impact upon Conservation Area;
- Estate development out of character;
- Social housing not necessarily benefitting locals;
- Impact upon protected species/stone curlew;
- Access indicated to serve additional land;
- Precedent;
- Safe access for pedestrians to access village facilities?
- Surface water drainage concerns; and
- Village facilities and infrastructure take additional residents?

ONE letter neither opposing nor supporting the application raising the following matter:

- Should the location of the sewage treatment plant be included within the red line so that neighbours can raise concerns if appropriate?

NATIONAL GUIDANCE

National Planning Policy Framework – sets out the Government's planning policies for England and how these are expected to be applied.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS11 - Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

PLANNING CONSIDERATIONS

The key considerations when assessing this proposal are as follows:

- Principle of development
- Impact upon ecology
- Impact upon Heritage Assets
- Highway issues
- Crime and disorder
- Other material considerations

Principle of development

Hockwold-cum-Wilton, combined with Feltwell, is defined as a Key Rural Service Centre in the Core Strategy of the LDF.

The application site lies outside the defined development area of the village as defined on the saved Local Plan map for Hockwold-cum-Wilton. It also lies outside the development boundary of the village in the SADMPD. The proposal therefore constitutes development in the countryside contrary to the housing policies contained within the Development Plan (now proven to be up-to-date again in light of the recent Heacham appeal relating to the 5 year supply of housing land – appeal ref: APP/V2635/W/14/2221650). The application has not been supported by any special circumstances that would override the considerations of paragraph 55 of the NPPF or the policies of the development plan policies CS02 – Settlement Hierarchy, CS06 – Development in Rural Areas and DM2 – Development Boundaries.

Incidentally the site (No. 571) was put forward for consideration and rejected (on the basis that it was not well-screened from the Breckland SPA) at the preferred options stage of the LDF.

The principle of developing this site for residential purposes is therefore not acceptable.

Impact upon ecology

The application site is adjacent to the Breckland Special Protection Area (SPA) which is a designated European site, and the proposed development therefore has the potential to affect its interest features. In relation to this proposal, breeding stone curlews, one of three bird species for which the SPA is designated, could be affected. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The site is also notified at a national level as Breckland Farmland Site of Special Scientific Interest (SSSI).

During processing of this application a report was produced – Supporting Evidence for Appropriate Assessment relating to Breckland Special Protection Area produced by Wild

Frontier Ecology. This was produced to provide adequate information to allow an Appropriate Assessment to be undertaken by this Council, as the competent authority under the provisions of the Habitat Regulations.

Natural England and the RSPB were consulted on this report and have both raised objection.

Natural England state:

“Natural England does not agree with the conclusions of the report entitled Supporting Evidence for Appropriate Assessment relating to Breckland Special Protection Area, namely that the proposal will not result in adverse effects on the integrity of Breckland SPA. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, it is the advice of Natural England that it is not possible to ascertain that the proposal will not result in adverse effects on site integrity. Natural England advises that the assessment currently does not provide enough information and certainty to justify the assessment conclusion and that your authority should not consider either adopting the report as a ‘shadow HRA’, nor grant planning permission at this stage. Further assessment and consideration of mitigation options is required...”

The RSPB state:

“The evidence provided is not sufficient to support the applicant’s claim that the proposal would avoid an adverse effect on the Breckland SPA. There are other locations in the district where housing needs can be met without resulting in an adverse effect on the SPA, and the evidence presented in support of mitigation are flawed. The proposals are contrary to planning policy and there is insufficient information to allow the Council to safely conclude that an adverse effect on the Breckland SPA can be avoided. The Regulations are clear that in such situations consent cannot be granted and we therefore maintain our objection to this proposal.”

Core Strategy Policy CS12 states inter alia:

“New development will be restricted within 1,500m of the Breckland SPA. Development will be restricted to the re-use of existing buildings or where existing development completely masks the new proposal from the Breckland SPA. Beyond the SPA, a 1,500m buffer will also be applied to areas where the qualifying features are known to exist, or where nesting attempts have been made. In this area, development may be acceptable where suitable alternative habitat (outside the SPA) can be secured.”

The Council has sought to avoid allocating land for new housing in this location in order to avoid such adverse effects on the Breckland SPA. Indeed this site was rejected at the preferred options stage of the LDF.

Insufficient information has been provided by the applicant in respect to the likely impact the development would have upon the adjacent European designated site. Accordingly, the Local Planning Authority cannot carry out a Habitats Regulations Assessment as required under the Conservation of Habitats and Species Regulations 2010 to determine the likely significant effect on the European site, Breckland Special Protection Area, as required by s.61 and s.62 of the regulations. The proposal is therefore contrary to paragraph 109 of the National Planning Policy Framework and Policy CS12 of the Local Development Framework Core Strategy 2011.

Impact upon Heritage Assets

Hockwold and Wilton were 2 hamlets which merged over time to form one settlement based around agriculture and the river trade. It is the Wilton end with its C14th Church and village cross which forms the conservation area. The Conservation Area (CA) derives its character from the unity of the historic buildings, the largely linear form of development along Main Street/Nursery Lane and the accompanying spaces which give views to the mature landscape in between, behind and beyond them. The wall which runs along the roadside frontage of this site has deliberately been included within the CA boundary to afford it some protection.

The NPPF identifies conservation and enhancement of the historic environment/heritage assets as an important element of achieving sustainable development as per paragraphs 17, 129 & 137. Significance is defined as: "The value of a heritage asset to this and future generations because of its heritage interest. That may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage assets physical presence but from it setting i.e. the surroundings in which a heritage asset is experienced."

Historic England raise concerns regarding the effect that the proposal might have on the significance and setting of the Conservation Area. Concern is expressed that the principle of development would harm the designated heritage asset and recommend that the Council weighs this harm against the public benefit in accordance with paragraph 128 of the NPPF.

Our Conservation Officer considers that developing this site with houses would result in the loss of open views and the erosion of the rural feel of this end of the village, both of which are key contributors to the character of the conservation area. It would also cause harm to the setting of Wilton Farm which currently appears as a stand-alone agricultural complex detached from the built-up part of the village.

Whilst the roadside wall is a patchwork of materials due to repairs over the years, it has a presence in the street scene and contributes positively to the character of the conservation area. It is proposed to remove a large section of this walling to create a new estate road access with the appropriate visibility splays. A separate paired access is also proposed to serve two of the houses to the west of the estate road. Whilst it is proposed to rebuild the walling (1m high flint panelled, the enclosure would be lost – once again to the detriment of the character of this part of the conservation area.

Substantial harm would be created to both designated and non-designated heritage assets.

It is acknowledged that new housing could deliver some public benefit, but it is believed that it could be better accommodated elsewhere within the village, without significant detriment to heritage assets as described above.

In accordance with Paragraph 133 & 135 of the NPPF, it is recommended that this application be refused on the grounds that the proposed development will cause substantial harm to the significance of the conservation area, which is a designated heritage asset, and harm the setting of Wilton Farm which is an undesignated heritage asset.

As stated above, the proposed development site is located within the historic core of the settlement and Historic Environment Services indicate that artefacts recovered from the vicinity of the site include Roman, Saxon, medieval and post medieval objects. Consequently there is potential that heritage assets with archaeological interest (buried archaeological remains) may be present at the site and that their significance will be affected by the proposed development.

If planning permission was to be granted, Historic Environment Services ask that this be subject to conditions for a programme of archaeological work in accordance with paragraph 141 of the NPPF.

Highway issues

As stated above, access and layout forms part of this application and constitutes the formation of an estate road centrally along the road frontage. Visibility splays of 2.4m x 50m are shown on the submitted plans. A separate paired access is also proposed to serve two of the houses to the west of the estate road. The estate road takes a broadly Y-shaped format with potential linkage to further adjoining land to the west.

Whilst the Local Highway Authority (NCC) raised no objection to the principle of the proposed development, it offered the following concerns:

1. "Given the scale of development proposed it is recommended the development be served via a type 6 shared surface road. The junction with Main Street should take the form of a dropped kerb crossing and be provided with sightlines of 2.4m x 59m in both directions.
2. The terrace of three dwellings east of the access are currently reliant on rear parking and this will inevitably lead to on-street parking. All frontage plots should take access direct from Main Street. It should be demonstrated that private accesses should have appropriate visibility splays.
3. The proposed site frontage footway should be widened to 2m.
4. There are existing bus stops in front of the site on either side of Main Street, just west of the junction with Nursery Lane. Served by Suffolk Links Brecks & No40. These stops should be upgraded to DDA compliance
5. The layout proposes an excessive amount of estate road. If the existing layout of dwellings is retained then the adoptable highway should culminate in a size 3 turning head just south of the northern area of open space. The private drives accessed off the side arms of the size 3 turning head should also have size 3 turning heads.
6. No housing schedule has been provided. On receipt of further information advice can be provided on parking allowance.
7. Fronting the site there is currently a white line that delineates the edge of the carriageway and ties in with the existing footway to the west of the site. The layout plan does not appear to correspond with this and should be amended accordingly.
8. It would be useful for plot numbers to be added."

Given the concerns encountered relating to the principle of developing this site, the technical issues have not been addressed by the submission of further/amended plans. Certain matter could be dealt with via condition.

As it stands the application has failed to demonstrate safe access and site layout that would meet the standards of the Local Highway Authority. It therefore is contrary to the provisions of the NPPF, Policies CS08 & CS11 of the LDF and emerging policy DM15 of the SADMPD.

Crime and disorder

There are no significant crime and disorder issues raised by this proposal.

Other material considerations

Contamination plus foul and surface water disposal could be covered via condition as suggested by consultees. County Council library contribution, affordable housing and public open space provision plus SUDs may have been the subject of a Section 106 agreement.

The application is referred to the Planning Committee for decision due to the conflict of opinion with the Parish Council. It will however be noted from their response in the Consultation section above that certain concerns were expressed regarding the ecological implications.

CONCLUSION

In light of the above concerns, the proposal to develop an estate of 26 houses outside the defined development area of the village, adversely affecting designated and non-designated heritage assets and most likely the adjoining Breckland SPA, and with a layout which would not meet highway safety standards, results in a clear recommendation of refusal.

The proposed development would be contrary to Paragraphs 17, 55 & 109 of the NPPF, Core Strategy Policies CS02, CS06, CS08, CS11 & CS12 of the LDF and emerging Policies DM2 & DM15 of the SADMPD.

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 The site lies outside the settlement boundary for Hockwold-cum-Wilton as identified by the saved Local Plan map for the village and the emerging Site Allocations and Development Management Policies Document 2015. The applicant has not provided any special justification why countryside protection should be relaxed. The proposed development is therefore contrary to the provisions of Paragraphs 17 and 55 of the NPPF, Policies CS02 and CS06 of the Core Strategy 2011 and Policy DM2 of the Site Allocations and Development Management Policies Document 2015.
- 2 Removing the historic roadside walling and developing this site with houses would result in the loss of open views across paddock land and the erosion of the rural feel of this end of the village, both of which are key contributors to the character of the conservation area. It would also cause harm to the setting of Wilton Farm which currently appears as a stand-alone agricultural complex detached from the built-up part of the village. The proposed development would therefore cause substantial harm to the significance of the conservation area, which is a designated heritage asset, and harm the setting of Wilton Farm which is an undesignated heritage asset. The proposal is therefore contrary to the provisions of paragraph 17 of the NPPF and Core Strategy Policy CS12 of the LDF.
- 3 Insufficient information has been provided by the applicant in respect to the likely impact the development would have upon the adjacent European designated site. Accordingly, the Local Planning Authority cannot carry out a Habitats Regulations Assessment as required under the Conservation of Habitats and Species Regulations 2010 to determine the likely significant effect on the European site, Breckland Special Protection Area, as required by s.61 and s.62 of the regulations. The proposal is therefore contrary to paragraph 109 of the National Planning Policy Framework and Policy CS12 of the Local Development Framework Core Strategy 2011.
- 4 The application has failed to demonstrate safe access and site layout that would meet the standards of the Local Highway Authority. It therefore is contrary to the provisions of the NPPF, Policies CS08 & CS11 of the LDF and emerging policy DM15 of the SADMPD.