



Appeal Decision

Site visit made on 19 September 2016

by Caroline Mulloy BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10th October 2016

Appeal Ref: APP/F2605/W/16/3152342

Land at Church Road, Griston, Norfolk IP25 6PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Trell Developments Ltd against the decision of Breckland Council.
 - The application Ref 3PL/2016/0087/F, dated 25 January 2016, was refused by notice dated 6 April 2016.
 - The development proposed is demolition of existing buildings and erection of 3 no dwellings and garages.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on the living conditions of future occupiers with specific reference to noise;
 - The effect of the proposal on the human health with specific reference to contaminated land; and
 - The effect of the proposal on biodiversity and protected species with specific reference to bats.

Reasons

Character and appearance

3. The appeal site is situated within the settlement boundary of Griston and currently consists of vacant commercial premises. The site is bounded to the west by the road, to the north by an access which serves the adjacent industrial premises to the south and open land lies beyond to the north.
 4. The surrounding area is characterised by commercial and residential development. Immediately opposite the site are traditional cottages set well back from the road. To the south are more modern one and two storey detached properties. Whilst there is some variation in terms of design and materials there is, nevertheless, consistency in terms of layout. The majority of properties are detached set in spacious plots and set well back from the road which creates an open and spacious feel to the area.
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5. Due to the limited width and depth of the appeal site the proposed dwellings would extend up to the site boundaries occupying almost the full width of the plot, particularly in relation to plots 1 and 2. Consequently, they would appear cramped and excessive in their plots when compared to the properties in the surrounding area. The garage serving plot 3 would be situated to the front of the site resulting in a feature which is not characteristic of the area. Taking these factors in combination, I find that the proposal would be an uncharacteristic and incongruous form of development and would consequently harm the character and appearance of the area.
6. Attention is drawn to an outline planning permission which has been granted permission to the rear of the appeal site for 37 dwellings in which properties are positioned closer together to the extent that they are terraced. The Council point out that the application was an outline with all matters reserved and consequently the reserved matters would deal with layout, scale and design of the proposed development. The plans were therefore for illustrative purposes only. Furthermore, the proposal has not yet been implemented. This limits the weight which I can attach to this case in my Decision.
7. The appellant considers that the proposal would be in accordance with Policy DC2 of the Breckland Core Strategy and Development Control Policies Development Plan Document (DPD) 2009 which states that within the settlement boundaries defined on the proposals map, new housing development will be permitted. However, the proposal must also accord with the criteria set out in the Policy relating to, amongst other things, the design and layout of development.
8. For the reasons stated above I conclude that the proposal would harm the character and appearance of the area and would, therefore, be contrary to Policy DC1 of DPD 2009 which states that development will not be permitted where there are unacceptable effects on the amenities of the area, including, amongst other things the quality of the landscape or townscape. The proposal would also conflict with Policy DC16 of the DPD which seeks to achieve the highest standards of design. Furthermore, conflict arises with paragraphs 17 and 58 of the National Planning Policy Framework which seek to secure a high quality of design.

Living conditions-Noise

9. The Council are concerned that the future occupiers of the proposed houses would be affected from noise arising from the existing commercial premises and also the commercial units which have been granted planning permission for light industry and warehouse use adjacent to the site, on land which is currently vacant. Furthermore there is an immediately adjoining unit which is general industrial. I share these concerns.
10. I am particularly concerned regarding the noise which would be generated by the commercial vehicles which would enter and leave the site including heavy vehicles. I note that there are conditions on the hours of operation of the new industrial units, however there is no restriction in terms of hours of deliveries or collections. The noise arising from vehicles as the engines are started up and the acceleration as they pull away from a standstill would result in higher levels of low frequency noise which would cause disturbance to future occupiers of the site.
11. Attention is drawn to an outline planning permission which has been granted permission to the rear of the appeal site for 37 dwellings as part of a mixed use development. The Council point out that the application was an outline with all matters reserved and consequently the reserved matters would deal with layout,

scale and design of the proposed development. Furthermore, I am not aware of the evidence which was submitted in support of the proposal. Moreover, the proposal has not yet been implemented. This limits the weight which I can attach to this case in my Decision.

12. There is no evidence before me to suggest that any such noise would be attenuated and given the close proximity of residential and commercial properties it would not be reasonable to leave the acceptability of any such noise measures to be approved by way of a planning condition.
13. For the reasons stated I consider that the proposal would harm the living conditions of future occupiers of the proposal. The proposal is, therefore, contrary to Policy DC1 of the DPD which states that development will not be permitted where there are unacceptable effects on the amenities of the area of the residential amenity of neighbouring occupants or future occupants.

Contaminated Land

14. A contaminated land study was submitted with the planning application. However, the Council raised concerns that the site investigation undertaken was limited with limited sampling undertaken. An additional site investigation was not undertaken. Whilst the Study concluded that the site was suitable for residential development I, nevertheless, share the Council's concerns regarding the limitations of the sampling.
15. However, I consider that this issue could be addressed by way of a condition requiring a site investigation, risk assessment and a remediation scheme had I decided to allow the appeal.
16. I, therefore, conclude that with the suggested condition the proposal would not be contrary to Policy DC1 of the DPD.

Biodiversity and Protected Species

17. Paragraph 99 of Circular 06/2005 'Biodiversity and Geological Conservation-statutory obligations and their impact within the planning system' ODPM states that developers should not be required to carry out surveys for protected species unless there is a reasonable likelihood of the species being present and affected by development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted.
18. At the time of determination no assessment had been undertaken of the ecological potential of the appeal site and building. Given the potential for roosting bats in the disused building and the potential for them to be adversely affected by the proposal, I consider that a preliminary roost assessment would be necessary. Circular 6/2005 indicates that a survey should be carried out before planning permission is granted where there is a reasonable likelihood of a protected species being present and affected. Surveys should only be required by condition in exceptional circumstances and no such circumstances are before me.
19. I, therefore, conclude that there is insufficient evidence to determine the potential effect of the proposal on the ecology of the site and in particular bats. The proposal is, therefore, contrary to Policy CP10 of the DPD which requires, amongst other things, development proposals to be accompanied by an impact study commensurate with the scale of the impact and the importance of the species.

Other matters

20. I acknowledge that the proposal is in a sustainable location. The proposal would also make a contribution to the economic dimension of sustainable development in the short term during the construction phase, in addition to the long term support of local shops and services. The proposal would contribute to the social dimension by way of a contribution, albeit limited, to housing land supply.
21. However, I consider that, for the reasons stated above, the proposal would not meet the environmental dimension of sustainable development as set out at paragraph 7 of the Framework. The proposal would not, therefore, constitute sustainable development.

Conclusion

22. For the reasons stated above and taking all other considerations into account the appeal should be dismissed.

Caroline Mulloy

INSPECTOR