

AGENDA ITEM 9

SCHEDULE OF PLANNING APPLICATIONS

Item (c): Foulden (page 42 - 73)

Location: Site at School Road, Foulden

Proposal: Proposed Residential Development

REFERENCE: 3PL/2017/1603/O

Applicant: Derek Hales Ltd, 9 School Road, Foulden

Author: Carl Griffiths

DESCRIPTION OF DEVELOPMENT

It should be noted that the paragraph is erroneous in that the footpath proposal was made at the committee meeting on 2nd July and thus was not in response to the PAP letter or indeed to issues highlighted within it. The footpath between plots 20 & 21 was included in the application considered in July.

CONSULTATIONS

From the outset, it should be noted that the applicant has agreed to provide all of the planning obligations requested by the NCC obligations officer and set out within the report.

It should also be noted that in relation to the comments from the arboricultural officer, a tree survey was submitted with the application and conditions are attached accordingly. No further tree survey is considered to be necessary subject to tree protection measures being agreed through conditions 12 and 13.

The comments received from the Housing Enabling Officer outline that a minimum of 11 affordable units would be required which is erroneous given that the development proposes a maximum of 21 units and the policy requirement is for 40%. It should therefore be clarified that the minimum affordable housing requirement is for 8 units.

Since the publication of the committee recommendation report. Additional representations have been received from Natural England and the Crime Prevention Architectural Liaison Officer. The comments received do not raise any new issues beyond that which were outlined in previous responses.

The following additional responses were also received:

FOULDEN PARISH COUNCIL

Foulden Parish Council have asked me to reaffirm that, notwithstanding the amended plan and the Parish Council's 'agreement in principle' to allow the applicant to provide a pathway across the

recreation ground should the application be approved, the Parish Council has NOT changed its opinion and still remains a strong objector to the proposed development. Please refer to previous comments lodged with you on 22nd January 2018, 24th January 2018, 7th February 2018 and 26th June 2018 regarding Sewage and Water; Inadequate road systems (see Highways comments registered with you by Community and Environmental Services on 16th February 2018 ref. 9/3/17/1603 - In particular paragraphs headed 'SHCR07(Variation); SHCR02 and SHCR33); Lack of public transport (also referred to in above mentioned letter) and the already high percentage of social housing in the village. An assurance was given by our Breckland Councillor that the emerging local plan would ensure Foulden Development Boundary would be restricted to a 10% increase in house numbers over the next 20 years. He has since advised that it is planned Foulden and other villages will no longer have a development boundary but will be replaced by an absolute restriction on new-builds, calculated on a percentage of existing dwellings. This proposed new development, in the very heart of Foulden, will exceed the principles of the above boundaries/restrictions even before discussions and reviews take place, leaving the village vulnerable to excessive construction, which will place massive pressure on the infrastructure of the village.

NORFOLK COUNTY COUNCIL HIGHWAYS

As you'll be aware in our application response of 16 February 2018 we recommended the application be refused for 3 reasons, namely the inadequate nature of the highway network serving the site, a lack of off-site pedestrian provision and transport sustainability. The revised plan (3254.05.RevE) includes additional footway provision in the form of a permissive path across adjacent plan, albeit this land lies outside of site boundary and its delivery relies upon the cooperation of a third party land owner. Links to key local services would remain largely unchanged and there would remain no safe walking route to the catch primary school. With regard to the internal layout the footpath to the east of the site would link with a private drive and involve the general public walking across private land to access it, something they would have no right to do. In summary, the revised plan does not address the reasons for refusal and our recommendation remains unchanged. Should your Authority be minded to support the application contrary to our recommendation it is suggested the developer investigate what potential enhancements could be delivered to help integrate the development with facilities/services that already exist e.g. carriageway widening along School Road, extending the proposed site frontage footway to the existing provision outside Longfield House and offering missing lengths of footway e.g. towards the pub.

In response to the comments received from NCC Highways, additional representation was made by the applicant as follows:

I note that the officer argues that there is 'no safe walking route to the catch primary school (sic). In fact our drawing 3254.03B indicates the bus stops and it is clear from this drawing that, apart from needing to cross School Road, there are connecting footpaths to the collection point to the north of the site. Notwithstanding this, you have been advised, (Richard Buxton's letter of 12th September 2018 ref CMA1-001/LF/PT) that "the bus travels along School Road and collects children either when flagged down or at a stop at the junction of School Road". Given the flexible arrangement described, it would seem that there are a number of safe walking routes to the school bus.

In respect of the footpath to the east of the site, I am unsure why the officer feels there would be no right of access to it. Access remains a reserved matter to be determined later, whilst drawing 3254.05B clearly shows a footpath designed to provide pedestrian access to the playing field. There is no suggestion on the application plans that this will remain private and that is clearly not the purpose of providing the footpath!

In terms of his concerns regarding the inadequate nature of the highway network serving the site, this was fully considered by your officer in his July report. In respect of NPPF2 the same principal applies wherein Paragraph 109 states "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe." (my emphasis). In the highway officers letter of 16th February explaining his concerns he states:....

Clearly his concerns relate to the inadequacy of the highway network. Here, the test remains the same between paragraph 32 of the earlier NPPF and the July 18 version, and clearly your earlier consideration did not hold the highway network impacts to be severe. It is also relevant to note that children from the village enjoy bus transport along the highway network, such that there is no increase in traffic to the catchment schools generated by the development.

In terms of transport sustainability, again your earlier officers report at paragraph 4.4 clearly balances this aspect in recommending approval.

Turning to the proposed off-site footpath across the playing field. This is an option offered by the developer to the village immediately prior to the July committee, and conditional upon the Parish Council acceptance. It did not, and does not currently, form part of the planning application. However the offer was mentioned by the officer presenting the application to committee and I understand that one purpose of re-presenting the application to committee is to clarify the position in respect of it.

The position is that the applicant is prepared to provide a footpath as shown on drawing 3254.05 rev E for the benefit of the village, including formalising and connecting with an existing similar footpath that connects Uptons Way with the village playing field. However, as explained at committee, this offer is conditional upon acceptance of the proposal by the Parish Council, landowners of the village playing field. At their EGM on 23rd November the Parish Council agreed in principle to accept this offer. They have further asked for fencing and lighting to the footpath, which the applicant is happy to provide, although detailed design for reasonable surfacing and type of lighting/fencing is to be agreed between the parties. It would therefore seem reasonable to make your members aware that the applicant is happy to provide the footpath connections as outlined on drawing 3254.05 rev E, and that the Parish Council has resolved to accept.

It is suggested and agreed that this provision be included as an obligation within the s106 agreement for the developer to provide, subject to the consent of the Parish Council. Should the Parish Council not consent then there would be no obligation on the applicant to make the provision. The footpath provision is not therefore an integral part of the planning application, although it is a benefit to the

village should they continue to agree to accept the offer. This approach was provisionally agreed with Jon Berry and Mike Horn, the council's solicitor.

REPRESENTATIONS

Since the publication of the committee report, 8 additional representations were received from neighbouring residents which raised the following substantive issues:

- The presumption in favour of development should only be made where the development is sustainable. This proposed development does not meet the criteria of sustainable development;
- There is no evidence that the case officer identified 'at least the broad magnitude of any shortfall in the supply of housing land';
- There is no evidence of consideration being given to the extent of the shortfall or the Emerging Local Plan;
- The submitted drawings show the incorrect school bus route and show the bus going down Vicarage Road, which it would not be able to do as this road is too narrow. The school bus does not travel down this road but continues along School Road towards Hythe Road to let children off.

ASSESSMENT

Officers do not consider that any of the additional representations received or the corrections contained herein materially alter the assessment of the application as set out within the main report.

RECOMMENDATION

The recommendation remains unchanged and it is recommended that the application be approved, subject to the conditions and S106 obligations outlined.

CONDITIONS

In addition to the conditions previously listed, the following condition should also be added:

- 17) No development shall commence above slab level until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.