

<b>ITEM:</b>		<b>RECOMMENDATION:</b> APPROVAL
<b>REF NO:</b>	3PL/2019/0231/O	<b>CASE OFFICER</b> Lisa ODonovan
<b>LOCATION:</b>	OLD BUCKENHAM Land to the north of Fen Street Old Buckenham	<b>APPNTYPE:</b> Outline <b>POLICY:</b> Out Settlemnt Bndry <b>ALLOCATION:</b> N <b>CONS AREA:</b> N <b>LB GRADE:</b> N <b>TPO:</b> N
<b>APPLICANT:</b>	Askew & Partners The Barn Scales Farm	
<b>AGENT:</b>	Brown & Co The Atrium St Georges Street	
<b>PROPOSAL:</b>	Erection of four detached dwellings	

#### REASON FOR COMMITTEE CONSIDERATION

The application is brought to Committee as the recommendation is contrary to Policy.

#### KEY ISSUES

Principle  
Impact on character and appearance of the area  
Amenity impact  
Highway safety  
Ecological implications  
Tree impact

#### DESCRIPTION OF DEVELOPMENT

The application seeks outline consent with access only as a matter for approval for the erection of four detached dwellings on land to the north of Fen Street, Old Buckenham. Although in outline, an indicative layout plan has been provided which indicates four dwellings in a row, following the same building line.

All plots are shown indicatively as two storey dwellings. Two accesses are proposed, one serving plots 1 and 2 and the other 3 and 4.

#### SITE AND LOCATION

The land currently comprises of 0.4ha of agricultural land situated to the north of Fen Street. To the north-west and south of the site with agricultural land to the rear of the site (north) and a parcel agricultural land to the south-east however residential development carries on past this land. Whilst the site lies outside of the settlement boundary it lies immediately adjacent to it which is split into two sections in this location. The main settlement being situated to the south-east and the second section starting along the north-western side boundary of the application site.

**EIA REQUIRED**

No

**RELEVANT SITE HISTORY**

3PL/2015/1498/F - Erection of eight dwellings - Withdrawn

3PL/2012/0253/O - Five new homes - Refused

3PL/2012/1159/O - Outline application for 5 houses - Refused

**POLICY CONSIDERATIONS**

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

CP.04	Infrastructure
CP.10	Natural Environment
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.12	Trees and Landscape
DC.16	Design
DC.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

**OBLIGATIONS/CIL**

Not Applicable

**CONSULTATIONS**

**NORFOLK COUNTY COUNCIL HIGHWAYS**

Summary

The existence of Fen Street and its substandard junction with Hargham Road is historic and a matter of fact and it is accepted that some degree of conflict already exists. However the increase in vehicular and pedestrian activity which would result, if the development under consideration were permitted, would unacceptably increase this conflict.

Any increase in the use of Fen Street would give rise to the potential for pedestrians to be struck by passing vehicular traffic and for vehicles to collide when trying to pass or negotiate the junction with Hargham Road. The potential for collision and personal injury accident in this location leave me with no alternative than the recommend the proposal be refused for the following reasons.

The proposed development does not adequately provide off-site facilities for pedestrians or people with disabilities (those confined to a wheelchair or others with mobility difficulties) to link with existing provision and / or local services.

The unclassified road serving the site is considered to be inadequate to serve the development proposed, by reason of its poor alignment / restricted width / lack of passing provision / restricted visibility at adjacent road junctions. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety.

#### **CONTAMINATED LAND OFFICER**

I have considered the application and would not raise any contaminated land comments based on both the accuracy of the information provided and the current records of contaminated land issues we hold to date.

#### **ECOLOGICAL AND BIODIVERSITY CONSULTANT**

No objection subject to condition.

#### **TREE AND COUNTRYSIDE CONSULTANT**

No objection. Hedgerow at the back of the plot should be retained as shown on the layout plan

#### **OLD BUCKENHAM P C**

Fen Street is a very small and narrow road which already suffers with some issues. Firstly, the speeding of vehicles is a large problem as well as the weight of traffic. Both the Parish Council and Fen St residents have questioned its ability to cope with more vehicles, including large construction lorries. The dangerous nature of this road is not helped by the difficult junctions in which visibility can be poor. This in turn makes it a very hazardous road for all road user including drivers, cyclists and walkers, including children making their way to/from school.

Secondly, some utilities in the area struggle with the current number of dwellings, specifically water and sewerage. This can be frustrating for residents and there is concern about whether these problems will become exaggerated with the construction of 4 additional dwellings.

However, if these issues can be addressed by Breckland Council and the Applicants, then we do feel we could support the application. Specifically, we would like to see the 30mph zone extended to cover the entirety of Fen St and visibility at junctions improved where possible with the aim of improving safety for all road users. Additionally, we would like clarification on how the utilities will be improved for existing residents and whether they will be able to cope with an increase in population.

#### **ENVIRONMENTAL HEALTH OFFICERS**

There are no objections or comments on the grounds of Environmental Protection, providing the development proceeds in line with the application details.

<b>REPRESENTATIONS</b>
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Site notice erected: 12-03-2019

Consultations issued: 07-03-2019

18 representations received, 4 in support and the remaining raising objections relating to:

- Highway safety
- Outside Settlement Boundary location
- Surface water drainage issues
- Previous refusals on the site.

## ASSESSMENT NOTES

### 1.0 Principle

1.1 The application site is located outside of the Old Buckeham Settlement Boundary, as designated by the adopted Core Strategy and Development Control Policies Development Plan Document (2009). For this reason the proposal conflicts in principle with Policies DC 2 and CP 14, which seek to focus new housing within defined Settlement Boundaries.

1.2 Paragraph 10 of the NPPF states that at the heart of the Framework is a presumption in favour of sustainable development. Paragraph 11 further states that proposed development that accords with an up-to-date Local Plan should be approved without delay, and where there are no relevant development plan policies, or the policies which are most important for determining applications are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

1.3 The Council cannot demonstrate a current 5 year housing land supply and therefore the Core Strategy and Development Control Policies Document relating to housing supply are not considered up-to-date and therefore the material considerations are assessed in line with the sustainable development roles within paragraph 8 of the NPPF:

- economic, to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- social, to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- environmental, to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

1.4 In terms of the economic and social criteria, the proposal would provide four new dwellings and would provide some short-term economic benefits through construction, and longer-term economic benefits through additional household spend within the surrounding area that would be generated by the provision of the dwellings.

1.5 In terms of the social element, the site lies between the existing settlement boundary of Old Buckenham. The main settlement hub lies approximately 0.6 mile from the application site. Old Buckenham benefits from

two public houses, a primary school and High School, shop and post office with public transport links linking the village to Norwich, Monday to Friday via KonectBus service No 37A. Whilst Fen Street itself is unpaved, Hargham Road lies approximately a 0.1 of a mile from the site and here there is a footpath link to the village centre. It is considered that this is an acceptable route for walking and cycling, albeit unlikely in inclement weather.

1.6 On balance, given the the proximity of the existing settlement boundary and the existing development in the area, the relatively short distance between the site and the services and facilities within the village that the site meets the economic and social roles of sustainable development.

## 2.0 Impact on the character and appearance of the area

2.1 The environmental role of sustainable development seeks to, in part, contribute to protecting and enhancing the natural, built and historic environment. Consideration of a development's impact on the character and appearance of the area within which it is situated is, therefore, integral to the environmental dimension of sustainable design, as is its design.

2.2 Policy CP11 seeks the protection and enhancement of the landscape for the sake of its intrinsic beauty and benefit to the rural character. Development should have particular regard to maintaining the aesthetic and biodiversity qualities of natural and man-made features within the landscape, including consideration of individual or groups of natural and man-made features such as trees, hedges and woodland or rivers, streams or other topographical features.

2.3 Policy DC16 requires all new development to achieve the highest standard of design. As part of this, all design proposals must preserve or enhance the existing character of an area. Consideration will also be given to the density of buildings in a particular area and the landscape/townscape effect of any increased density.

2.4 The site itself is an open parcel of agricultural land with views beyond of the same. Other residential uses are situated to the south, west and east. The application has been submitted in outline with approval sought for access only at this stage. Therefore design, siting, appearance and scale will all be fully considered in the event that approval is given. Notwithstanding that, indicative plans have been submitted which indicates four, two storey dwellings which are largely comparable to the development in the vicinity. Concern was raised with the Agent in respect of the forward garages shown for plots 1 and 2 and the preference for these to be omitted, an amended indicative plan was submitted omitting these. On balance, it is considered that four dwellings can be accommodated within the site whilst providing ample plots with sufficient circulation space, parking and private amenity areas. In light of these factors, the proposal is considered to have due regard to policies CP11, DC16 and paragraph 127 of the NPPF.

## 3.0 Amenity impact

3.1 Policy DC1 seeks to protect residential amenity and that all new development must have regard to amenity considerations and states that development will not be permitted where there are unacceptable effects on the amenity of neighbouring residents and future occupants.

3.2 As stated, the application has been submitted in outline only therefore the full amenity impact of the development will be fully assessed as part of any subsequent reserved matters submission. However, the indicative plans submitted show that four dwellings can be located within the plot whilst retaining a good degree of separation between each property as well as the existing neighbouring dwellings so as not to cause an adverse impact in terms of overlooking or loss of privacy. Each plot can be provided with a

sufficient amount of private rear amenity space for any future occupiers, as a result, the proposal is considered to accord with Policy DC1 and paragraph 127(f) of the NPPF.

#### 4.0 Highway safety

4.1 Policy CP4 of the Core strategy seeks to ensure that all access and safety concerns are resolved in new developments. Policy DC19 requires sufficient parking for all new development.

4.2 Norfolk County Council Highways Authority was consulted on the proposal and recommends refusal on the basis that Fen Street's substandard junction with Hargham Road is historic and a matter of fact and it is accepted that some degree of conflict already exists. However the increase in vehicular and pedestrian activity which would result, if the development were permitted, would unacceptably increase this conflict. Any increase in the use of Fen Street would give rise to the potential for pedestrians to be struck by passing vehicular traffic and for vehicles to collide when trying to pass or negotiate the junction with Hargham Road. The potential for collision and personal injury accident in this location leaves no alternative than to recommend the proposal be refused.

4.3 These highway safety concerns have been carefully considered and whilst it is accepted that the junction with Hargham Road is not ideal, the level of housing already present along Fen Street is high. The Council do not have a 5 year housing land supply at present and therefore it has to be demonstrated that there is a significant and demonstrable harm resulting from a proposal in order to justify a refusal. In this instance, the addition of four dwellings along a road that serves 100+ residential dwelling is not considered to cause a significant increase in traffic in order to warrant a refusal on highway safety grounds in this instance.

#### 5.0 Ecological implications

5.1 Policy CP10 seeks the enhancement of biodiversity and geodiversity in the district. There is an expectation that development will incorporate biodiversity or geological features where opportunities exist.

5.2 The application is supported by an Ecological Assessment by Hopkins Ecology which was sent to the Ecology Team for assessment. It was concluded that the report conforms to industry best practice and is fit for purpose. The northern boundary hedge is the most significant ecological feature is to be retained ('avoidance mitigation'), and the report recommends that site clearance should have regard for the possibility of nesting birds, and ideally be outside of the nesting bird season or otherwise under a watching brief. Therefore, if permission is granted, it is recommended that this be subject to a condition in relation to nesting birds.

5.3 In line with the NPPF, some enhancements for biodiversity should be provided ('net gain'). The Ecology assessment includes measures in paragraphs 6.9 to 6.16 and the applicant will be committed to these via a condition on any subsequent approval.

5.4 In light of the above, the proposal is considered to accord with Policy CP10 and paragraph 175 of the NPPF.

#### 6.0 Tree implications

6.1 Policy DC12 seeks to preserve the District's trees, hedgerows and other natural features and secure appropriate landscaping schemes to mitigate the impact of, and complement, new development.

6.2 Other than an established hedgerow to the rear of the site, the site is open with no trees present. The

Tree and Countryside Officer was consulted and advised that there were no objections subject to the hedgerow being retained as shown. On this basis, the application is considered to have due regard to Policy DC12.

#### 7.0 Other issues

7.1 The comments made in respect of drainage on the site have been considered, however, having checked the Government's flooding maps, the site does not fall within a flood zone 2 or 3 and has a small portion of the site is at 'low risk' of surface water drainage. As a result, we can ask that surface water drainage details are included within any reserved matters submission.

7.2 The comments in respect of the previous refusals are also noted, however these refusals were in 2012, therefore a lot has changed in that time in terms of the NPPF steer. In addition, the Council has received several appeal decisions which have overturned refusals in similar areas, i.e. adjoining existing development, near to a sustainable village. In light of these changes and decisions, it is considered difficult to warrant a refusal in this instance.

#### 8.0 Conclusion

8.1 The application does not accord with the adopted development plan as the site falls outside of any settlement boundary. However, the Council does not currently have a 5 year land supply as required by the NPPF and this development would provide a contribution towards Breckland's Housing supply. On this basis, the other key principle considerations for this proposal must be assessed and whether the site is a sustainable location for housing and the visual impact on the countryside.

8.2 The site is in close proximity to other dwellings. The plans indicate that the site can be developed and due to the presence of dwellings to the south and north-west, the impact will be limited. On this basis, the development of the site would not negatively impact the character and appearance of the countryside and therefore complies with Policy CP 11.

8.3 When applying the tilted balance required by paragraph 11 of the NPPF, the nature of the site and its proximity to the existing settlement boundary and existing development when weighed against the the small negative harm created by the site's location outside of the settlement boundary and highway issues, is considered to be outweighed by the positive contribution towards housing in the district and due to the aforementioned reasons within the report that the development will not cause significant and demonstrable harm to the street scene or character and appearance of the countryside or highway safety given the number of dwellings proposed and already accommodated along Fen Street.

8.4 In accordance with the NPPF, no harm has been identified which would significantly and demonstrably outweigh the benefits, and therefore the granting of planning permission is recommended.

#### **RECOMMENDATION**

Grant planning permission subject to conditions:

#### **CONDITIONS**

- 1 Outline Time Limit (2 years) Early Delivery**  
Application for Approval of Reserved Matters must be made not later than the expiration of

TWO YEARS beginning with the date of this permission, and the development must be begun within TWO YEARS of the FINAL APPROVAL OF THE RESERVED MATTERS or, in the case of approval at different dates, the FINAL APPROVAL OF THE LAST SUCH MATTER to be approved.

Reason for condition:-

As required by section 92 of the Town & Country Planning Act 1990 and in order to ensure the early delivery of housing.

**2 Standard Outline Condition**

No development whatsoever shall take place until the plans and descriptions giving details of the reserved matters referred to above shall have been submitted to and approved by the Local Planning Authority and these plans and descriptions shall provide details of the appearance, layout, scale and landscaping of the development.

Reason for condition:-

The details are not included in the current submission.

**3 In accordance with submitted plans NEW 2017**

The development must be carried out in strict accordance with the application form, and approved documents and drawings as set out in the table at the end of this notice.

Reason for condition:-

To ensure the satisfactory development of the site.

**4 Highway improvements - off-site**

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 as indicated within the Access Strategy by Create Consulting Engineers Ltd - dated 12th March 2019, have been submitted to and approved in writing by the Local Planning Authority.

Reason for condition:-

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.

**5 Highway improvements - off-site**

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 Part A (condition 4) of this condition shall be completed to the written satisfaction of the Local Planning Authority.

Reason for condition:-

To ensure that the highway network is adequate to cater for the development proposed.

**This condition will require to be discharged**

**6 New access (over verge/ditch/watercourse/footway)**

Prior to the first occupation of the development hereby permitted the vehicular access shall be constructed in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority in accordance with highways specification and thereafter retained at the position shown on the approved plan. Arrangements shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.

Reason for condition:-

To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety.

**This condition will require to be discharged**

**7 Provision of visibility splays - condition/approved plan**

Prior to the first occupation/use of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.

Reason for condition:-

In the interests of highway safety in accordance with the principles of the NPPF.

**This condition will require to be discharged**

**8 Nesting birds - timing**

No removal, in full or in part, of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason for condition:-

To ensure the development is not detrimental to Protected Species and in order to protect the wildlife value of the site in accordance with Policy CP10 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009 and the National Planning Policy Framework.

**9 Ecology - enhancements**

The measures detailed within paragraphs 6.9 - 6.16 of the Ecological Assessment by Hopkins Ecology dated 05 February 2019 shall be incorporated within the design and landscaping of any subsequent reserved matters scheme.

Reason for condition:-

NPPF paragraph 170 states that planning policies and decisions should minimise impacts on and provide net gains for biodiversity; paragraph 174 requires plans to pursue opportunities for securing measurable net gains; paragraph 175 requires planning decisions to encourage biodiversity improvements in and around developments; and paragraph 118 states that the planning system should take opportunities to secure net environmental gains.

**10 Drainage strategy**

The reserved matters submission shall include a surface water drainage strategy.

Reason for condition:-

The details are required prior to commencement in order to ensure that the development does not increase surface water run-off/exacerbate surface water flooding in the locality.

**12 Variation of approved plans**

Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.

You or your agent or any person responsible for implementing this permission should inform the Development Control Section immediately of any proposed variation from the approved plans and ask to be advised to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new application.

