

<b>ITEM:</b>		<b>RECOMMENDATION:</b> APPROVAL
<b>REF NO:</b>	3PL/2018/1143/D	<b>CASE OFFICER</b> Mark Simmonds
<b>LOCATION:</b>	BEETLEY Flint Cottage Fakenham Road East Bilney	<b>APPNTYPE:</b> Full <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>	Mr Stuart Harris 30 Blakestone Drive Norwich	
<b>AGENT:</b>	Architectural Design and Plann 73 Yarmouth Road Thorpe St Andrew	
<b>PROPOSAL:</b>	Details of Erection 1 dwelling with integral garage following Outline Application Approval 3PL/2017/1452/O	

#### **REASON FOR COMMITTEE CONSIDERATION**

The application is being referred to Committee as a significant application due to the history of the application and public interest.

#### **KEY ISSUES**

- Principle of development
- Layout, scale and appearance
- Impact upon amenity
- Landscaping
- Highway safety and Access

#### **DESCRIPTION OF DEVELOPMENT**

This application seeks approval of the reserved matters following Outline permission 3PL/2017/1452/O, which granted planning permission (Outline) to demolish an existing garage structure and for the erection of a single detached four bedroom dwelling, with integral garage, on land to the east of Fakenham Road, East Bilney.

All matters were reserved at Outline stage. Details for consideration include access, appearance, landscaping, layout and scale.

Indicative plans were submitted at the Outline stage.

#### **SITE AND LOCATION**

The site is located on the east side of Fakenham Road (B1146) which is the main road running through the village of East Bilney. The site area size is 0.053ha.

The site is located in East Bilney which Policy SS 1 defines as a rural settlement.

Bus stops are located 200m to the south of the site along Fakenham Road. No other services or facilities are available in the village.

The larger settlements of Whissonett and Beetley are located 3.2 miles to the north and 4 miles to the south, respectively. These are also rural settlements, however, have a few facilities and services. Whissonett has a village hall, church and post office. Beetley has a primary school, church and village hall.

**EIA REQUIRED**

No

**RELEVANT SITE HISTORY**

3PL/2017/1452/O

Outline planning permission was granted on this site for one detached dwelling.

The applicant initially submitted a full planning application following the outline application, however, due to issues with access it was advised by the council to change the application to a Reserved Matters application to help to overcome the issues.

**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.01	Housing
CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
CP.13	Accessibility
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.12	Trees and Landscape
DC.13	Flood Risk
DC.16	Design
DC.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

**OBLIGATIONS/CIL**

Not applicable

<b>CONSULTATIONS</b>
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**BRYAN LEIGH**

The Parish Council objects to this application.

Due to the detailed response received from the Parish Council their comments have been summarised below.

- The Parish Council feels that this development would be contrary to Policy DC1
- The revised design is far too big for the plot and is over development of a narrow plot.
- The proposed dwelling is too tall which will dominate the adjacent property. - This application is a one and half storey dwelling the height of the roof appears to be a two storey dwelling.
- The proposed dwelling would dominate, overshadow and cause loss of light to neighbouring properties.
- The new plans show an extended garage and the plans indicate a four bedroom dwelling which is not as per the outline permission granted which was for a three bed dwelling.
- A four bedroom property is not the correct size of dwelling needed for the village.
- The Parish Council still feels that if permission is to be granted then by moving the dwelling further to the front of the site in line with Flint Cottage would mean that there would be less intrusion onto the adjacent property.
- The garage should be sited to the rear of the property which would be possible if the dwelling is sited further to the front of the site.
- Concerns over highway safety.
- There is an adequate turning area where the oil tank is currently positioned and by moving this tank an area would be created which would be used.
- The Community Speed Watch Team has confirmed that there is excessive speeding at this point as vehicles enter East Bilney despite it being a 30 mph limit.
- A condition should be placed on any permission granted that there is no gate sited at the front of the drive of the property and that there is no fence at this point to ensure that vehicles can access the property without stopping on the main road and there is adequate visibility.
- The dwelling should not be built in red brick but have flint which would integrate with the dwelling to the south.
- The access is proposed to be widened, this would mean that an area of the trod that was partly funded by the Parish Council will be removed and a condition should be placed on any permission for this to be reinstated to its current standard.
- Connection should be to the mains drainage as there is a high water table and there could be pollution.

**NORFOLK COUNTY COUNCIL HIGHWAYS**

You have confirmed that the highway conditions requested at the time of the Outline application, and which related to replacement parking and turning facilities for Flint Cottage, were not imposed and that these details cannot form part of this application. You have also previously confirmed that the building plot has been sold away from Flint Cottage and is in separate ownership. Whilst the design detailed on Drawing 0002 Rev F is far from ideal, and would take more than 2 changes of gear to turn a vehicle within the site, I think it likely that any residents would make the effort rather than reversing out into the highway. A vehicle could not turn from the garage into the space immediately adjacent to the house (the 2.5m draw out distance has not been provided) but it could utilise the remaining room to turn.

If permission is to be granted then conditions have been specified.

**CONTAMINATED LAND OFFICER**

Based on the information provided to me at this time; there are no objections or comments on the grounds of Environmental Protection, providing the development proceeds in line with the application details.

**TREE AND COUNTRYSIDE CONSULTANT**

No comments.

**ENVIRONMENTAL HEALTH OFFICERS**

I have looked at the application submitted and, based on the information provided to me at this time; there are no objections or comments on the grounds of Environmental Protection, providing the development proceeds in line with the application details.

**NATIONAL GRID**

Thank you for consulting Cadent Gas for this application. We do not object to the proposal in principle.

**PRINCIPAL PLANNER MINERAL & WASTE POLICY** No Comments Received

**REPRESENTATIONS**

The Site notice was displayed from 20-10-2018 to 10-11-2018.

Six residents were directly notified.

Three local representations were received for this application, objecting to the proposals.

The comments are summarised below;

- The design is too large for the plot.
- The increase in the number of bedrooms from the outline permission is not acceptable.
- The garage should be sited to the rear of the property as the site is long and narrow and would accommodate the garage to the rear.
- This would also allow vehicles to have a larger parking and turning area than at present. The turning circle for the existing Flint Cottage is now shown to the rear of the property. At present this is separated from the existing drive by a fence so I can not see how vehicles from Flint Cottage would access this. There is a perfectly acceptable turning area to the front of the property if the oil tank is resited to the rear.
- The new dwelling should be constructed with flint as well as brick to make it more in keeping with the adjacent Flint Cottage as this site is the original garden for Flint Cottage.
- The outline planning permission should not have been granted as the oil tank to Flint Cottage was 'forgotten' and shown as a turning place for that property despite our objections to the council. We have already had serious accidents on the Fakenham Road.
- Last week permission was granted for a new house to loom over our bungalow at the front on the Hall Farm site and now you want us to live looking out of our lounge window at a 20foot plus brick wall which will be the side of this dwelling, this really is intolerable.
- I object most strongly to the overdevelopment of this narrow garden site that up till now has only had a single garage on.
- The builder wants to build it in red brick which is totally out of keeping with the quaint nature of other buildings and the neighbourhood. It has grown by one bedroom since the outline planning to be a four bedroom house so there are bound to be at least 2 or 3 cars with very little space to manoeuvre.
- The front of the building is not in Line with Flint Cottage.
- Why are they building a septic tank when we have been pressured to go onto the local sewerage system by Anglian Water?

- The height of the new Building will cause much of my garden and patio area to be in shade from approximately 11am to 3pm every day. ( see the recent ruling about the London Football Club Stadium development dwarfing a local resident and their right to daylight)
- The side wall of the new dwelling will block or be about 1 metre from 2 windows in my current spare garage which I was going to have as an artists studio in my retirement.
- The new dwelling will be built a metre away from oil tank- is this allowed?
- Power and telephone cables will have to be re-routed as the new building occupies their current route.
- I do believe this site is on or very near the route of the high pressure gas mains, has this been checked out.
- The outline planning permission was granted following the owner of Flint Cottage and this site agreeing to move the oil tank from the front of Flint cottage to enable vehicles to turn on that site. This did not happen. The new owner of the potential site/proposed new house tells me that he is not responsible for this now as it is not on his newly acquired property area.
- The proposed plans site the new house less than a metre from a 2000 litres oil tank, that can't be safe. The proposed new site will block daylight from patio and a 20 foot plus wall will be less than a metre from windows on property and only 6 metres away from main lounge window and source of light in main living area. You cannot do this to residents and active members of the local community.
- Access between the property and the B1146 is unsafe.
- There have been serious accidents on this stretch of road and (despite the local speedwatch and police presence) cars still exceed the speed limit and pose a risk to those joining/leaving the B1146. Especially joining as the property slopes away from the road making visibility that much more difficult.

## **ASSESSMENT NOTES**

### 1.0 Principle of development

1.1 The site was granted outline permission on 14-02-2018. The principle of developing this site for a residential property has therefore been established.

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

2.1 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. The NPPF (2019) highlights, in paragraph 124, that "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process."

2.2 The scheme has been submitted generally in line with the indicative layout provided via the outline approval which was deemed acceptable, the property has been moved back in the site to allow for parking to the frontage of the new dwelling. A minor change to the plans include an additional bedroom over the integral garage which results in the roof line being in line with the next property to the south- Flint Cottage. The indicative Outline plan showed three bedrooms but this was indicative only and no conditions were imposed to limit the Reserved Matters in this way.

2.3 The application proposes a modest, four bed dwelling with an integral garage. The scale at two storey is considered appropriate in this location. The materials are considered appropriate for the area and the layout

provides a spacious form of development.

2.4 The design concept is for a four bedroom dwelling to reflect the surrounding architectural styles, with a site area measuring 455 sq. metres. The house and garage is to be built using handmade multi finish facing bricks (Audley Antique or similar) with light mortar for the walls. Multi finish pantile profile tiles for the roof and traditional stone 'flat' profile capping stones for the extruded parapets. Windows to be upvc vertical 'tryptic' style and doors in painted timber. These are considered acceptable materials given the wider character of the area.

In light of the above factors the proposal is considered to accord with Policy DC16 as well as having regard to paragraph 127 of the National Planning Policy Framework (2019).

### 3.0 Impact upon amenity

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. The application site comprises a narrow rectangular plot of 0.053ha.

3.2 The plans shows a 2 storey dwelling, which is generally in line with the building line created by the adjacent neighbours to the south. This results in very limited overshadowing to neighbours. The property to the north is a bungalow, however, the property has a double garage directly adjacent to the proposed dwelling, therefore there would be no material or unacceptable loss of light to the main property.

3.3 There are no windows proposed to the side elevations-south and north, therefore no unacceptable levels of overlooking will be caused.

3.4 In light of these factors, the proposal is considered to accord with Policy DC1.

### 4.0 Trees, Landscaping and boundary treatments

4.1 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.

4.2 The Tree consultant has been consulted and they have no comments in respect of this application. There are no existing trees or hedgerow to the front of the proposed site, the only trees within the proposed plot are to the rear boundary which will not be effected by the development.

4.3 The Design and access statement confirms that patio decking will be installed to the rear of the property with a new lawn to extend towards the rear boundary. Supplementary shrub planting and soft landscaping will be implemented to the northern and southern boundaries of the rear garden area in order to provide additional screening to adjacent properties. A new lawn will be laid in the front garden (west) interspersed with vehicle driveway and hard standing. Supplementary shrub planting and soft landscaping will be implemented to the northern, southern and western boundaries of the front garden area in order to provide additional screening to adjacent properties and Fakenham road.

4.4 In light of the above, the proposal is considered to accord with the aims of Policy DC12 of the adopted Core Strategy.

## 5.0 Highways Safety

5.1 The NPPF (2019) requires new developments to provide safe and suitable access to the site for all people. Policy CP4 of the adopted Core Strategy seeks to ensure that all access and safety concerns are resolved in new developments.

5.2 The Highways officer has been consulted and confirms that whilst the design detailed on Drawing 0002 Rev F is far from ideal, and would take more than two changes of gear to turn a vehicle within the site, they think it likely that any residents would make the effort rather than reversing out into the highway. A vehicle could not turn from the garage into the space immediately adjacent to the house (the 2.5m draw out distance has not been provided) but it could utilise the remaining room to turn.

5.3 Policy DC19 requires in rural locations new housing to have a minimum of 2 car parking spaces and 1 cycle space per dwelling where there is no garage or private gardens. The plans show this can be achieved.

5.4 Therefore, the application is considered to accord with Policy CP4 of the adopted Core Strategy and the NPPF (2019) in respect of highway safety, subject to conditions.

5.5 The visibility from the site is restricted by features within the ownership of Flint Cottage to the South and this has led to concerns from Highways who commented at the Outline Stage that the parking and access arrangements for this plot and for Flint Cottage should be arranged in such a way as to facilitate safe parking and access to both properties.

5.6 Whilst the proposed arrangement is not ideal and there is not the necessary visibility to the South it must be noted that Outline planning permission HAS been granted and it may be unreasonable of the Local Planning Authority to seek to deny that permission.

5.7 It should be noted that as the 'blue edged land' as set out on the Outline is now severed from this development plot by way of sale this is within the relevant parties legal rights to do so and the Local Planning Authority still has a valid Outline Planning Permission to honour and to administer the Reserved Matters for.

## 6.0 Ecology

6.1 The site is kept grass land and previously developed land and is considered to have little ecological potential. The existing trees bordering the eastern part of the site can be retained. No negative impact is anticipated in respect of ecology and therefore the proposal accords with Policy CP 10.

## 7.0 Conclusion

7.1 Taking into account the principle of development at this site has been established, it is considered that the proposal represents a suitable form of development. Whilst the proposed access and parking are not considered ideal, there is Outline Planning Permission on the site and this is a significant and weighty material planning consideration.

7.2 In terms of its appearance, layout and scale, these are considered acceptable and the Landscaping is suitable .

7.3 The application is therefore considered to be compliant with existing national and local adopted policy and is therefore recommended for approval.

**RECOMMENDATION**

Approval recommended, subject to conditions.

**CONDITIONS**

- 1 Reserved Matters - time limit**

This approval is granted following the grant of Outline Planning Permission reference 3PL/2017/1452/O dated 14-02-2018. The timescales for implementation of the development are set out at condition 1 of the Outline Planning Permission.

Reason for condition:-  
For the avoidance of doubt and to ensure that the development accords with conditions attached to the outline planning permission for the proposal, including time limits specified for commencement, resulting in appropriate development of the site.
- 2 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.
- 3 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 the highways specification TRAD 1 and thereafter retained at the position shown on the approved plan. The access shall be designed to be paired with that of Flint Cottage and 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: 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**
- 4 Access gates - restriction**

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 unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason for condition:-  
In the interests of highway safety.
- 5 Provision of visibility splays - condition/approved plan**

Prior to the first occupation/use of the development hereby permitted a 2.4 metre wide parallel visibility splay (as measured back from the near edge of the adjacent highway carriageway) shall be provided across the whole of the site's roadside frontage. The splay shall thereafter be maintained at all times free from any obstruction exceeding 0.6metres above the level of the adjacent highway carriageway.

Reason:-

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

**This condition will require to be discharged**

**6**

**Provision of parking and servicing areas**

Prior to the first occupation of the development hereby permitted the proposed access parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason:-

To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.

**This condition will require to be discharged**

**7**

**Fencing/walls - details and implementation**

Prior to the commencement of any works above slab level precise details of the boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. Such scheme as may be agreed shall be completed prior to the occupation of the development hereby permitted and thereafter retained.

Reason for condition:-

To safeguard the interests of the amenities of neighbouring occupiers and to ensure the satisfactory appearance of the development, in accordance with Policy DC 1 and DC 16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**This condition will require to be discharged**

**8**

**Landscaping - details and implementation**

Prior to the occupation of the development hereby permitted a scheme of landscaping which shall take account of any existing trees or hedges on the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out during the planting season November/March immediately following the commencement of the development, or within such longer period as may be agreed in writing with the Local Planning Authority. The details shall take account of the Council's leaflet "Tree pack" (Landscaping advice for applicants). Any trees or plants which within a period of 5 (five) years from the completion of the landscaping scheme die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with others of the same size and species unless the Local Planning Authority gives written consent to any variation.

Reason for condition:-

To ensure the satisfactory appearance of the development, in accordance with Policy DC 12 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**This condition will require to be discharged**

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**External materials and samples to be approved**

Prior to the commencement of any works above slab level details and samples of all external materials to be used shall be submitted to and approved in writing by the Local Planning Authority, and this condition shall apply notwithstanding any indication as to these matters which have been given in the current application. Only such agreed materials shall be used in connection with this approval.

Reason for condition:-

To ensure the satisfactory appearance of the development, in accordance with Policy DC 1 and DC 16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**This condition will require to be discharged**

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**Fencing protection for existing trees**

Prior to the commencement of any work on the site, all existing trees shall be protected by the erection of Tree Protection Fencing. This fencing shall be retained throughout the period of the development and at all times when works (as defined below) are being carried out on the site.

For the purposes of this condition "work" shall include the storage of plant, materials, site huts or the use of any machinery either for preparatory site work or construction itself.

"Trees" shall refer to all trees both on and adjacent to the site.

Protective fencing shall be constructed and maintained in accordance with BS5837:2012 and the Council's document Practice Note: Construction and Maintenance of Tree Protection Fencing, which is available to download from the Council's website.

Reason for condition:-

The works are required to be undertaken prior to the commencement of the development in order to safeguard the protection of trees from the outset of the development, in accordance with Policy DC 12 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009

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**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.