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| ITEM: | | RECOMMENDATION: | APPROVAL |
| REF NO: | 3PL/2019/0367/O | CASE OFFICER | Lisa ODonovan |
| LOCATION: | COLKIRK Land to side and rear of Oakridge Market Hill Colkirk | APPNTYPE: | Outline |
| APPLICANT: | Mr Goodey c/o Agent | POLICY: | Out Settlemt Bndry |
| AGENT: | Studio 35 Suite GF1 Crafton House | ALLOCATION: | N |
| PROPOSAL: | Outline permission (access only) for 2 no. dwellings, associated access, driveways and amenity. | CONS AREA: | N |
| | | LB GRADE: | N |
| | | TPO: | N |

REASON FOR COMMITTEE CONSIDERATION

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

KEY ISSUES

Principle
Impact on the character and appearance of the area
Amenity impact
Highway safety
Archaeology

DESCRIPTION OF DEVELOPMENT

The application seeks outline permission with access only as a matter for approval at this stage for the erection of 2 dwellings. Each dwelling is proposed to have its own access.

SITE AND LOCATION

The site is currently a paddock and is situated between a dwelling to the north and south with agricultural land to the rear. A short distance north of the site lies the crossroad with Market Hill and an unnamed road leading to Hall Lane to the south east. Boundary screening is provided by way of hedging.

EIA REQUIRED

No

RELEVANT SITE HISTORY

No relevant site history

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.04 | Infrastructure |
| CP.10 | Natural Environment |
| 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

COLKIRK P C

Colkirk Parish Council OBJECTS to the above proposals for the following reasons: 1) This site lies outside the development boundary for Colkirk and as such is contrary to current policy. Should development be permitted on this site, it should be restricted to two dwellings that respect the current build line and style of dwellings on that side of Market Hill. Any permission that is granted should be conditioned to ensure that no further development is permitted on the site. 2) Market Hill is the main route for the village to and from its nearest service location, Fakenham. Recent measurements have shown that some 400 vehicles a day use this road as an access to the village. Speed at this point on Market Hill is seen as an issue although recent measurements further south on Market Hill have shown that this is not such a problem. It could be argued that an additional access onto Market Hill would act as a deterrent to speeding; this would only be the case if adequate signage were provided. The applicant should be required to undertake traffic monitoring at the proposed entrance to the site and NCC Highways should require an assessment of the findings to be submitted as part of the application to ensure that any remedial actions needed are addressed at the earliest opportunity and certainly before any decision is reached

NORFOLK COUNTY COUNCIL HIGHWAYS

No objections raised subject to conditions.

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. The applicant should ensure that any soil imported to site is suitable for a residential with gardens end use and that this is certified and obtained from a reliable source.

TREE AND COUNTRYSIDE CONSULTANT

No objection providing that the hedgerow along the site frontage is retained.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

The Design and Access and Planning Statement (Studio 35: March 2018) states 'The development is maintained on a paddock which currently houses two horses and is well maintained.' From publicly available aerial sources the site appears to be heavily grazed. There are no ponds within 250 metres of the site. The site is surrounded by hedgerows and trees. A small section of hedgerow will require removal to facilitate access and therefore the works will need to be subject to a timing constraint to avoid the bird nesting season. Precautionary methods of working will need to be followed to ensure impacts on protected species are reduced to acceptable levels. Due to the scale of the proposed works and distances involved there are unlikely to be impacts on designated sites.

If approval is given this should be subject to conditions in terms of a timing constraint to prevent disturbance to nesting birds and a biodiversity method statement/working practices.

HISTORIC ENVIRONMENT SERVICE

The proposed development site lies adjacent to a probable Roman settlement and Early Anglo-Saxon cemetery, as evidenced by the discover by metal detecting of over 400 Roman coins and other Roman artefacts as well as ten Early Anglo-Saxon brooches etc. These have been found on the east side of Market Hill and it is probable that this Roman and Saxon activity is also present within the proposed development area. Consequently there is potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance will be adversely affected by the proposed development.

If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigatory work in accordance with National Planning Policy Framework para. 188 and 199.

REPRESENTATIONS

Site notice erected: 18-04-2019

Initial consultations issued: 11th and 18th April 2019

Re-consultations issued: 08-05-2019

8 representations received, 2 in support: new houses in the village enable people to remain and support facilities. 6 letters objecting raising the following concerns:

- The road network is narrow with no footpath provision and therefore unsafe for pedestrians.
- Outside Settlement Boundary location.

- Dwellings too large and cramped form of development.
- Change of landscape.
- Lost habitat.

These concerns are addressed within the report.

ASSESSMENT NOTES

1.0 Background

1.1 The original submission proposed four dwellings, the scheme was reduced following concerns raised by the Planning Officer and a full re-consultation was offered on this basis.

2.0 Principle

2.1 The application seeks permission for the erection of two, one and half storey dwellings on land outside of the Colkirk settlement boundary. For this reason the proposal conflicts in principle with Policies DC02 and CP14 of the Core Strategy and Development Control Policies Development Plan Document, (2009), which seek to focus new housing within defined Settlement Boundaries. However, as the Council cannot currently demonstrate a 5 year supply of housing land, policies in respect of the supply of housing cannot be considered to be up-to-date and can be given little weight. The application is therefore assessed against the benefits provided in relation to the sustainable development tests as set out in the NPPF.

2.2 The NPPF identifies three dimensions of sustainable development:

- 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.

2.3 Paragraph 8 of the NPPF also stresses that these roles should not be undertaken in isolation because they are mutually dependent; therefore a balanced assessment against these three roles is required.

2.4 In terms of the economic and social criteria, the proposal would provide two 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. Although it is appreciated the scale of development is small so this support is limited.

2.5 Socially, it is noted that the site lies approximately 430m from the existing settlement boundary to the south of the site. Colkirk itself is defined as a rural settlement with limited services and facilities however it does benefit from a school and a village pub, therefore the development would provide some support to these services. In addition to this, the B1146 is a short distance to the north of the site, approximately 0.6 of

a mile which links the site to the wider District with Fakenham Town Centre located approximately 2.3 miles to the north-east. It is noted that the NPPF aims to avoid isolated homes in the countryside and recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. In light of these factors, on balance, the proposal is considered to meet the aims of the social role of sustainable development.

3.0 Impact on the character and appearance of the area

3.1 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.

3.2 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.

2.3 The application has been submitted in outline with only access as a matter for approval at this stage. Notwithstanding that, an indicative site plan shows two, one and half storey dwellings with linked garage using a traditional pitched roof design and catslide dormers. The plot sizes are reflective of the spacious plots which adjoin the site and there is scope to set any dwellings back from the roadside edge in order to limit their dominance in the public realm. As a result of these factors, the proposal is considered to accord with Policy DC16 and paragraph 127 of the NPPF.

4.0 Amenity impact

4.1 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.

4.2 As stated, the application is submitted in outline with access only as a matter for approval, therefore amenity impact will be properly assessed at the reserved matters phase. Notwithstanding that, an indicative layout plan indicates that two dwellings can be sited within the plot whilst retaining sufficient separation distances between existing neighbouring properties and can be orientated and sited so as not to cause significant overshadowing or over-dominance. In addition, the plots are spacious and therefore have scope to provide sufficient private amenity areas. As a result of these factors, the application is considered to accord with Policy DC1 and paragraph 127(f) of the NPPF.

5.0 Highway safety

5.1 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. Paragraphs 108 and 109 of the NPPF are also relevant.

5.2 Only access is a matter for consideration at this time. Each of the dwelling will be served by its own access leading to/from Market Hill. Norfolk County Council Highways was consulted and advised that the site is located toward the northern extremity of a village with limited amenities and it is considered that the occupants would be reliant on travelling by car to access services and amenities on a daily basis.

5.3 If approval is given, details of parking, turning and the management of construction traffic will need to form part of the Reserved Matters submission alongside conditions requiring visibility and further details of the access crossing. In light of these factors, the proposal is considered acceptable in highway safety terms.

5.4 The comments made from local residents in terms of traffic speeds and the road width and lack of footpath provision along Market Hill have been noted however these concerns were not shared by Norfolk County Council Highways. In addition, a material factor is also the presence of existing dwellings either side of the plot itself, therefore there is an element of pedestrian traffic along this road already, it is not considered that the addition of two dwellings would significantly and demonstrably exacerbate this.

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 The application site itself comprises of a paddock/field laid to grass however it is surrounded by an established hedgerow. The Tree and Countryside Officer raised no objection to the scheme subject to the hedge being retained, this is other than the small sections proposed for removal to create the access points. The plans indicate the retention of the hedge and the visibility splay is not shown to require further removal. In light of this, the application is considered to have due regard to Policy DC12.

7.0 Ecological implications

7.1 Policy CP10 seeks the enhancement of biodiversity and geodiversity in the district. Proposals need to ensure that the ecological network and protected species are not harmed or detrimentally impacted and mitigation measures are put in place where appropriate.

7.2 The Ecology Team was consulted on the proposal and advised that the Design and Access and Planning Statement (Studio 35: March 2018) states 'The development is maintained on a paddock which currently houses two horses and is well maintained.' From publicly available aerial sources the site appears to be heavily grazed. There are no ponds within 250 metres of the site. The site is surrounded by hedgerows and trees. A small section of hedgerow will require removal to facilitate access and therefore the works will need to be subject to a timing constraint to avoid the bird nesting season. Precautionary methods of working will need to be followed to ensure impacts on protected species are reduced to acceptable levels. Due to the scale of the proposed works and distances involved there are unlikely to be impacts on designated sites.

8.0 Archaeology

8.1 The Historic Environment Service commented on the scheme advising that the proposed development site lies adjacent to a probable Roman settlement and Early Anglo-Saxon cemetery, as evidenced by the discover by metal detecting of over 400 Roman coins and other Roman artefacts as well as ten Early Anglo-Saxon brooches etc. These have been found on the east side of Market Hill and it is probable that this Roman and Saxon activity is also present within the proposed development area. Consequently there is potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance will be adversely affected by the proposed development. As such, if permission is granted it is requested that this be subject to a condition requesting a programme of archaeological mitigatory work in accordance with paragraphs 188 and 199 of the NPPF.

9.0 Conclusion

9.1 In terms of the overall planning balance, the application proposes the addition of 2 houses towards the Council's 5 year housing land supply and for the reasons outlined above this is unlikely to cause any significant or demonstrable harm and the application is therefore recommended for approval.

RECOMMENDATION

The application is recommended for approval 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 Number of dwellings only (outline)**

The reserved matters referred to above shall relate to the construction of two dwelling(s) only.

Reason for condition:-
To ensure that the development is compatible with the form and character of the surrounding area in accordance with policies DC1 & DC16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.
- 5 New access (over verge/ditch/watercourse/footway)**

Prior to the first occupation of the development hereby permitted the vehicular access crossing over the verge 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 4. The access shall be of a minimum width of 4.8m for the first 10m into the site as measured from the nearside carriageway edge 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

6 Provision of visibility splays - condition/approved plan

Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4 metres x 90 metres shall be provided to each side of the access where it meets the highway. The splays shall thereafter be maintained at all times free from any obstruction exceeding

1.05 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

7 Retention of trees and hedges

No hedges shall be cut down, uprooted destroyed, lopped or topped, other than in accordance with the approved plans and particulars, without the previous written approval of the Local Planning Authority.

Any hedges removed without consent shall be replaced during the next planting season November/March with trees of such size and species as agreed in writing with the Local Planning Authority.

Reason for condition:-

To ensure that the trees and hedges are retained in the interests of the visual amenities of the area and the satisfactory appearance of the development in accordance with policy DC12 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

This condition will require to be discharged

8 Nesting birds timing constraint

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 Biodiversity Method Statement condition

Given the nature and size of this development and habitats available on the site, the following working practices will be adhered to:

- No piles of loose sand or other granular materials into which (amphibians or reptiles) could bury themselves should be left around the site. All such materials should be delivered in

bags and kept on pallets or hardstanding until required for use;

- Should any waste be generated from the development, this should be placed straight into skips or rubble sacks, or immediately removed and not left lying around the site;
- No bonfires should be made or lit on site. Amphibians and/or reptiles often use piles of timber as a place of refuge;
- All trenches should be left covered at night. They must be checked in the morning before they are filled in.
- The development footprint and any working areas should be maintained in its current condition by regular mowing to ground level at weekly intervals until construction commences.
- Works should be restricted to daylight hours only to prevent disturbance or accidental harm to nocturnal animals such as hedgehogs. Night lighting of the site should be minimised to reduce disturbance to nocturnal animals such as bats.
- Site lighting schemes for the new development should be unobtrusive, hooded/shielded and directional away from features that may be used by roosting, commuting and foraging bats, such as hedgerows and trees. The Bat Conservation Trust and The Institution of Lighting Professionals (ILP) have produced guidance on bats and lighting:
<https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>
- Connectivity needs to be maintained between the gardens by installing wildlife-friendly fencing, with gaps or tunnels in the bottom panels/gravel boards. This can be achieved, for example, by the provision of gaps at ground level (approximately 10cm²) in fencing which are large enough for small mammals to pass through, but small enough to contain pets.

In addition, if any protected species are identified at any stage during the development, work should immediately cease and a suitably qualified ecologist contacted for further advice.

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 Polices Development Plan Document 2009 and the National Planning Policy Framework.

10 Biodiversity - enhancements

At least two bird boxes and two bat boxes need to be installed in suitable locations on the site and native species used in any planting proposed.

Reason for condition:-

In order to provide net gains for biodiversity in line with paragraph 170 of the NPPF.

11 Archaeological work to be agreed

A) No development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation and 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.

and,

B) No development shall take place other than in accordance with the written scheme of

investigation approved under condition (A).

and,

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition (A) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

A brief for the archaeological work can be obtained from Norfolk County Council Historic Environment Service.

Reason for condition:-

To ensure the potential archaeological interest of the site is investigated in accordance with policy DC 17 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

This condition will require to be discharged

12

No PD rights for garages and ancillary buildings

- Plot 2

PLOT 2

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification), express permission will be required in respect of any garage, car port or similar structure for garaging of a motor vehicle or free standing ancillary building, as defined within Classes E of Part 1 of Schedule 2 of that Order. Express permission shall have been granted only when an appropriate planning application is first submitted to and approved by the Local Planning Authority.

Reason for condition:-

In the interests of the satisfactory appearance of the development and the amenities of adjoining residents in accordance with Policy DC1 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

14

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.