

<b>ITEM:</b>		<b>RECOMMENDATION:</b>	APPROVAL
<b>REF NO:</b>	3PL/2018/0880/O	<b>CASE OFFICER</b>	Lisa ODonovan
<b>LOCATION:</b>	HARLING Mauleys Meadow Land off West Harling Road East Harling	<b>APPNTYPE:</b>	Outline
<b>APPLICANT:</b>	Mr M Hustler c/o Parker Planning Services	<b>POLICY:</b>	Out Settlemnt Bndry
<b>AGENT:</b>	Parker Planning Services Ltd Orchard House Hall Lane	<b>ALLOCATION:</b>	N
<b>PROPOSAL:</b>	Erection of two dwellings and garages	<b>CONS AREA:</b>	N
		<b>LB GRADE:</b>	N
		<b>TPO:</b>	N

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

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

#### **KEY ISSUES**

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

#### **DESCRIPTION OF DEVELOPMENT**

The application seeks outline consent for the erection of two dwellings. Approval is sought for access only at this stage.

#### **SITE AND LOCATION**

The application site is located outside of any defined Settlement Boundary and currently forms part of a larger agricultural field. The site is bounded to the north east by similar land with outline permission for three dwellings, west and south, and to the east by the highway. Sunset House Bed and Breakfast is situated on the opposite side of the road to the north-east of the site.

#### **EIA REQUIRED**

No

**RELEVANT SITE HISTORY**

Adj site - 3PL/2017/0491/O - Erection of up to 3 dwellings - Permission

**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
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

**OBLIGATIONS/CIL**

Not Applicable

**CONSULTATIONS**

**HARLING P C**

Harling Parish Council object to this application on the following grounds: 1. Application has incorrect information - section 22 states site cannot be seen from public road etc but West Harling Road runs alongside the site, which can be clearly seen 2. Site is on a narrow C road which is classed as a quiet lane but a recently erected SAM sign recorded 5138 vehicle movements entering the village in a 2 week period 3 Application seen by Parish Council in July 2017 3PL/2017/0491/0 for the site to the north of this application had the following Reserved Matter - No 8 states that there will be no built development further south than the existing development at no 31 West Harling Road to ensure the development is compatible with surrounding development and in the interests of the amenities of the locality as required by policies DC1 & DC16 of the adopted Core Strategy and Development Control Policies Development Plan Document 2009. This application is contrary to this as is fully to the south of the original site and of No 31. 4. The objections made for the first application for 3PL/2017/0491/0 are still relevant to this application 5. Should this application be approved by Breckland, Harling Parish Council would look for the relevant infrastructure levy to be made and street lighting to be included 6. The application lies outside the settlement boundary and Harling has exceeded the 5 year supply of housing already approved within the BLP

**NORFOLK COUNTY COUNCIL HIGHWAYS**

No objection subject to conditions.

**CONTAMINATED LAND OFFICER**

No objection subject to conditions.

**ECOLOGICAL AND BIODIVERSITY CONSULTANT**

No objection subject to conditions.

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

**REPRESENTATIONS**

Site notice erected: 08-08-2018

Consultations issued: 03-08-2018

Three representations received, 2 objecting and 1 in support.

The objections relate to: intrusion into the countryside; wrong location; too much development in Harling and highway implications.

**ASSESSMENT NOTES**

1.0 Principle of development

1.1 This application seeks outline consent with approval being sought for access only for two dwellings on land to the west of Harling Road. The site is located outside of the Harling Settlement Boundary and therefore the application is contrary to Policies SS1, DC2 and CP14 of the Core Strategy and Development Control Policies Development Plan Document 2009. The principle of the proposal is therefore not accepted.

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 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 two new dwellings and would therefore make a positive, albeit small, contribution to the housing supply. The proposal would provide limited short-term economic benefits through labour and supply chain demand required during construction. However, given the small scale nature of the development these benefits are not considered to be significant and not definitive in this instance. It should be noted if the application is approved to ensure the deliverability of the development a planning condition would require a reduced time period of commencement.

1.5 The social role of sustainable development seeks to ensure, amongst other matters, the creation of a high quality built environment with accessible local services. Harling is classified as a Local Service Centre Village through Policy SS1 (Spatial Strategy) of the adopted Core Strategy and Development Control Policies Development Plan Document with services including a village hall, church, pharmacy, convenience store, butchers, doctor's surgery, post office, hairdressers, various takeaway restaurants and a primary school. The nearest town that offers services and facilities that has the potential to meet all everyday needs, including shopping and employment is Attleborough, which is located approximately 8 miles away. Thetford is also located approximately 8.5 miles away from the site.

1.6 In regards to public transport bus stops are located opposite the Market Place which links the village to Norwich, approximately 0.5 miles from the site, which are served by a daily (weekdays) service.

1.7 On balance the scheme is considered to meet the economic and social roles of sustainable development.

## 2.0 Impact on character and appearance of 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 application has been submitted in outline and therefore design details and layout will be fully considered at the reserved matters stage. Notwithstanding this, an indicative layout has been provided which indicates that two dwellings can be satisfactorily accommodated on the site whilst retaining a spacious layout.

2.5 The condition attached to the application on the adjoining land, stating that no development can be carried out further than No.31 West Harling Road has also been noted and assessed. However, on the basis that there is further development beyond this point at Mauleys Farm and the relatively modest parcel of land proposed for development, i.e. retaining the farmland to the north and west, and the fact that the land is not considered to be an important street scene gap, that the refusal of the scheme on this basis would be difficult to substantiate. It is also considered that the condition was attached in order to limit the built form of any subsequent reserved matters application, rather than preclude further development on additional land. The application is considered to have due regard to Policies DC16 and CP11.

### 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 therefore amenity impact will be fully assessed once the final layout and design has been submitted as part of the reserved matters submission. However, the indicative layout provided clearly indicates that two dwellings can be accommodated within the site whilst retaining a good separation distances between neighbouring dwellings, the orientation of the site is such that road facing dwellings would adversely impact on the amount of light received and the internal layout can be designed to ensure that overlooking is limited. The site is also large enough to provide a sufficient amount of private rear amenity space for the future occupants. In light of these factors, the proposal is considered to have due regard to Policy DC1.

### 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 The proposal seeks to utilise an existing access and provides sufficient parking and turning within the site. The Highway Authority was consulted and advised that since the application was first submitted, the means of access to the site has been amended from the agricultural access to the south-west to the proposed new access approved under planning reference 3PL/2017/0491.

4.3 Subject to the access being provided with the previously approved visibility, and being of the same width, it is considered difficult to raise a highway objection in principle to the proposal subject to conditions.

### 5.0 Impact on trees

5.1 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. None of the trees within the applicant's ownership are covered by a TPO and no trees are proposed for removal.

5.2 The Tree and Countryside Consultant has advised that there are no objection on the basis of the current, indicative layout. Any changes following a reserved matters submission will require an updated impact assessment.

### 6.0 Ecological implications

6.1 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.

6.2 The application is supported by a Preliminary Ecological Assessment (Parker Planning Services; February 2017). The report highlights the habitats within the proposed development site are assessed as being of value at the Site Only level. It is considered that the site has low potential to support common and widespread invertebrates, terrestrial amphibians (most likely common toad), breeding birds, hedgehog and foraging/commuting bats. The mitigation measures outlined in section 5.2 of the Preliminary Ecological Assessment (Parker Planning Services; February 2017) to reduce the likely impacts of development to acceptable levels are supported.

6.3 Due to the scale of the proposed works and the distances involved there are unlikely to be impacts on designated sites.

6.4 It is recommended that some enhancement for ecology is conditioned, in line with the NPPF (Para 118). The applicant is required to provide enhancement measures outlined in section 5.2.6 and 5.2.7 of the Preliminary Ecological Assessment (Parker Planning Services; February 2017).

6.5 In light of these factors, the proposal is considered to have due regard to Policy CP10.

#### 7.0 Other issues

7.1 The Environmental Health Team advised that there are no objections or comments on the grounds of Environmental Protection, providing the development proceeds in line with the application details. However there were some concerns in respect of the potential impact of farm traffic on the proposed development should the use of the track continue after development.

7.2 As a result, further information in respect of the proposed use of the adjoining farm access was requested. The updated comments of the Environmental Health Team will be reported at a later date.

#### 8.0 Planning Balance

8.1 The proposal would conflict with Policy CP14 due to its location outside of the defined Settlement Boundary. As highlighted above Harling is identified as a Local Service Centre Village and has a number of facilities to meet the day to day requirements of its residents. In economic terms the development would support growth and the local economy albeit in a limited manner. The proposal would not impact significantly upon the character and appearance of the area and would not result in an isolated development in the countryside.

8.2 On balance, the proposal is considered acceptable and therefore is recommended for approval, subject to conditions.

<b>RECOMMENDATION</b>
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**Outline Planning Permission**

<b>CONDITIONS</b>
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- 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 Standard outline highways condition**

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 and thereafter retained at the position shown on the approved plan.

Notwithstanding the submitted

details the proposed private drive shall be maintained in perpetuity at a minimum width of 4.5 metres, and shall be constructed perpendicular to the highway carriageway, for a minimum length of 10 metres as measured from the near edge of the highway carriageway. 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**

**4 Visibility splay**

Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4. x 59 metres shall be provided to each side of the access where it meets the highway and such 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 interest of highway safety and traffic movement.

**This condition will require to be discharged**

**5 Ground Gas Condition**

The development shall include ground gas protection measures, or a site investigation may be undertaken to provide site specific assessment which would need to be acted on accordingly. The Local Planning Authority shall approve the proposals in either case before works on the site commence. The scheme shall be constructed and completed in accordance with the approved specification at such times as may be specified in the approved scheme.

Reason for condition:-

To ensure a safe development.

Informative: The developer is referred to the BRE report 414, CIRIA 665 / C149 or similar for guidance on gas protection measures, or CLR11 or similar for guidance on site investigation.

**6 Contaminated Land - Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with details to be agreed in writing with the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason for condition:-

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

This condition is imposed in accordance with CP9 of the Breckland Adopted Core Strategy.

**This condition will require to be discharged**

**7 Ecology - mitigation measures**

The mitigation measures outlined in section 5.2 of the Preliminary Ecological Assessment (Parker Planning Services; February 2017) shall be implemented and adhered to throughout the development.

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.

**8 Ecology - enhancement**

The reserved matters shall incorporate the enhancement measures outlined in section 5.2.6 and 5.2.7 of the Preliminary Ecological Assessment (Parker Planning Services; February 2017).

Reason for condition:-

To ensure the development is not detrimental to Protected Species and in order to protect and enhance 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.

**11 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.



