

<b>ITEM:</b>		<b>RECOMMENDATION:</b>	REFUSAL
<b>REF NO:</b>	3PL/2018/0694/O	<b>CASE OFFICER</b>	Mark Springthorpe
<b>LOCATION:</b>	LITCHAM Land off Weasenham Road Litcham	<b>APPNTYPE:</b>	Outline
<b>APPLICANT:</b>	Breckland Bridge Limited C/O Agent	<b>POLICY:</b>	Out Settlemnt Bndry
<b>AGENT:</b>	Bidwells 16 Upper King Street Norwich	<b>ALLOCATION:</b>	N
<b>PROPOSAL:</b>	Outline permission for the erection of 8 dwellings, with all matters except access reserved.		
		<b>CONS AREA:</b>	Y
		<b>LB GRADE:</b>	N
		<b>TPO:</b>	N

#### REASON FOR COMMITTEE CONSIDERATION

The two applications to be read in conjunction with each other ( 3PL/2018/0694/O and 3PL/2018/0698/O) would constitute a major development.

#### KEY ISSUES

Principle of Sustainable Development  
Access

Other Considerations:  
Character & Appearance  
Amenity  
Trees & Ecology  
Land Contamination  
Drainage & Flood Risk  
Other Matters

#### DESCRIPTION OF DEVELOPMENT

Outline permission for the erection of 8no dwellings with all matters except access reserved.  
The proposed means of access comprises a new junction with Weasenham Road, type-6 access-way between No 1 Weasenham Road and the rear of Nos 8-9 Litcham Close and size 3 turning head all constructed to an adoptable standard with a minimum 4.8m carriageway width.

#### SITE AND LOCATION

The site is situated at the north end of the village of Litcham, outside of the defined settlement boundary, though between two rows of existing dwellings which front Weasenham Road/Litcham Close and Wellingham Road respectively.

It currently comprises tall grassland and an organic arrangement of apparently self-seeded mature trees - including a cluster in the northern corner. A rough path had been cut around the site and it appears to be open access and used in common however, there are no formal recreation facilities.

Litcham is categorised as a service centre village as defined by Policy SS1 of the Adopted Local Plan (2009). These settlements are those that contain adequate services and facilities to meet the day-to-day requirement of their existing residents.

**EIA REQUIRED**

No

**RELEVANT SITE HISTORY**

3PL/2018/0698/O

Outline permission for the erection of 8 dwellings, with all matters except access reserved.

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**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.08	Natural Resources
CP.09	Pollution and Waste
CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
CP.13	Accessibility
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.04	Affordable Housing Principles
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**

**LITCHAM P C**

The Parish Council raises no objection - subject to highways matters being resolved at the reserved matters stage and provision of play equipment.

**NORFOLK COUNTY COUNCIL HIGHWAYS**

-There is currently no footway between the site and the school. Although as part of the proposal a new footway along Weasenham Road has been indicated, it is inadequate in width and would involve a No Dig technique adjacent to trees which is not supported by the LHA.

-The narrowness of existing footpaths fails to provide for adequate pedestrian provision between the site and the village centre. The greater reliance upon the use of those footways would result in an ever greater propensity for pedestrians being forced to step off into the live carriageway (potentially without facing the direction of on-coming traffic), with consequences for actual and perceived risk to safety.

-The vast majority, if not all, traffic will travel south or south-eastwards and will utilise Butt Lane and Pound Lane. They and their respective junctions with Tittleshall Road and Lexham Road are substandard and any uplift in the use of these junctions will increase the propensity for collision and personal injury accident:

oThe carriageway width of Butt Lane varies between 3.6m and 4.7m. Whilst passing places are provided to the north-west, it narrows to 3.8 towards its junction with Tittleshall Road, with insufficient land available within the highway to improve this. Below 4m the carriageway is considered as too narrow for cars to pass each other in free flow as is the case here.

oButt Lane connects into C123 Tittleshall Road which is designated as a Local Access Route in the County Council's Route Hierarchy. The 15m visibility available in the critical, approaching traffic direction, achieves just some 53% of the Government safety guidance and cannot be considered acceptable for the likely increase in use as a result of this proposal.

oVisibility to the east of the junction of Pound Lane with B1145 Lexham Road/Back Street measures some 142m from a 2.4m set back. However, to the west, the critical approaching traffic direction, visibility of only some 24m is available - only achieving a mere 57% of the Government safety guidance in this respect.

oThe carriageway of Weasenham Road varies between 3.2m and 4.6m. Consequently it is of insufficient width to allow a car and a delivery vehicle to pass and, for a large part of its length, would not even enable two cars to pass. If vehicles are forced to reverse looking for a suitable place to pass, invariably this will constitute a private access. In all likely hood vehicles would mount the proposed footway in conflict with pedestrians, causing damage to the provision and resulting in pedestrian intimidation and potential injury. The submission includes no proposals which would address the inadequacy of the existing carriageway width.

**ECOLOGICAL AND BIODIVERSITY CONSULTANT**

No objection - subject to conditions to secure mitigation and enhancement measures as proposed

**TREE AND COUNTRYSIDE CONSULTANT**

No objection - subject to conditions

### **CONTAMINATED LAND OFFICER**

Following confirmation that the area of bonfire ash and the 300mm of soil below will be removed during the site clearance and that the small volume of topsoil required to fill the void will be gained from the stockpile generated from the site before construction begins, the Land Contamination Officer raised no objection subject to conditions securing any approved remediation scheme and making provision for the discovery of any unexpected contamination

### **ENVIRONMENT AGENCY**

No comments

### **HOUSING ENABLING OFFICER**

Affordable housing to be calculated with regard to both this application and the corresponding proposal under 3PL/2018/0698/O and provided at the rate of 40% as per the current policy framework

### **ANGLIAN WATER SERVICE**

No Comments Received

### **NATIONAL GRID**

No Comments Received

## **REPRESENTATIONS**

Two letters of objection were received raising the following:

- Inadequacy of highway network leading to: conflicting vehicle movements; increased risk to pedestrian safety; lack of emergency vehicle access at peak times
- Impact on residents of Age Exclusive development at Litcham Close (increased noise and disturbance)
- Loss of open space
- Loss of mature trees
- Loss of species habitat and foraging grounds

## **ASSESSMENT NOTES**

1.0 Principle of Sustainable Development:

1.1 The site is located outside the settlement boundary of Litcham at the north end of the village - as defined by the Litcham Proposals Map pursuant to Policies SS1, CP1, CP14 and DC2 of the Core Strategy and Development Control Policies Development Plan Document 2009. As such the proposed residential development would be contrary to the development plan.

1.2 Notwithstanding the above, housing applications should be considered in the context of the presumption in favour of sustainable development and Footnote 7 to Paragraph 11 of the National Planning Policy Framework states that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. Currently no such identified housing supply is adopted.

1.3 The presumption in favour of sustainable development is set out in paragraphs 8 and 11 of the National Planning Policy Framework (NPPF). Paragraph 8 states there are three dimensions to sustainable development: environmental, economic, social and these dimensions cannot be undertaken in isolation, as they are mutually dependant.

1.4 In environmental terms, though the site is outside of the defined settlement, it is immediately adjacent to that boundary - bound to the east, west and south by existing dwellings. As such, it will be perceived - on approach from the north along Weasenham Road and Wellingham Road and largely in the gaps created by the new means of access - against the backdrop of the existing settlement, mitigating its visual impact.

1.5 Other environmental issues - character & appearance, amenity, ecology, trees, land contamination, drainage & flood risk - are discussed in greater detail below however, it is considered that all of these matters have been sufficiently explored for the purposes of this outline application and any impact adequately ameliorated by proposed conditions and further details to be brought forward at the reserved matters stage.

1.6 In social and economic terms, the development of the site would contribute modestly to the overall housing land supply within the District and would provide short-term construction employment.

1.7 The broader Litcham benefits from both primary and secondary schools, shop, post office, butcher, chip shop, public house and community hall as well as a handful of businesses - which all stand to be further supported through the introduction of additional residents, whilst the scheme proposes formal children's play space for the enjoyment of the wider population to be brought forward at the reserved matters stage.

1.8 However - with regard to the comments from the Highways Authority set out under Section 2.0 below - whilst the proposal includes the formation of a new footpath which would connect with the existing network and provide pedestrian access to these services and the heart of the village, neither the footway, nor the corresponding carriageway are considered to be adequate. Furthermore, the LHA considered that the existing broader network - including the quality of the route to local services - was also inadequate and gave rise to safety concerns.

1.9 It was also identified that Litcham does not benefit from a daily bus service and as such, public transport is not a realistic alternative. Although identified as a service centre village, the need for travel - eg to Dereham (just under 10 miles), Fakenham and Kings Lynn - is therefore considered to necessitate a high dependency on the use of the private car.

## 2.0 Access:

2.1 The scheme proposes the formation of a new Type-6 vehicular access to the site off Weasenham Road, together with a Size-3 turning head - though the final site layout remains a reserved matter at this time. The new access way would service the 8no new dwellings and would consequently achieve a minimum 4.8m carriageway width with separate pedestrian footpath.

2.2 The proposed access point is currently grassed, partially obscured by shrubbery to the back of the verge and accessible via an informal trackway. On the northern corner of the proposed junction stands a small pylon supporting an electricity transformer. The proposed new access will require the loss of this shrubbery and grass and the laying of a new hard-surface. However, given the existing points of access to the north and south of the site this is not considered to be unduly incongruous. Although detailed landscaping remains a reserved matter, the access way would continue to benefit from a soft verge and additional planting is indicatively proposed further into the site.

2.3 The proposed access will be situated between the side boundary of No 1 Weasenham Road and the rear of Nos 8-9 Litcham Close. As such, there will be uplift in the number of vehicle and pedestrian movements from the present informal use. It is acknowledged that this is likely to be perceptible - with reference to the existing context. However, whilst it is accepted that Litcham Close is an 'Age Exclusive Housing' development, it is not considered to be unacceptable given the limited number of dwellings proposed, the

width of the access and it remaining off-set from the boundaries on either side. Opportunities for landscaping etc which would also have a mitigating effect may also be addressed at the reserved matters stage.

2.4 However, notwithstanding the above, the Highway Authority have raised a number of technical objections as follows:

-There is currently no footway between the site and the school. Although as part of the proposal a new footway along Weasenham Road has been indicated, it is inadequate in width and would involve a No Dig technique adjacent to trees which is not supported by the LHA.

-The narrowness of existing footpaths fails to provide for adequate pedestrian provision between the site and the village centre. The greater reliance upon the use of those footways would result in an ever greater propensity for pedestrians being forced to step off into the live carriageway (potentially without facing the direction of on-coming traffic), with consequences for actual and perceived risk to safety.

-The vast majority, if not all, traffic will travel south or south-eastwards and will utilise Butt Lane and Pound Lane. They and their respective junctions with Tittleshall Road and Lexham Road are substandard and any uplift in the use of these junctions will increase the propensity for collision and personal injury accident:

oThe carriageway width of Butt Lane varies between 3.6m and 4.7m. Whilst passing places are provided to the north-west, it narrows to 3.8 towards its junction with Tittleshall Road, with insufficient land available within the highway to improve this. Below 4m the carriageway is considered as too narrow for cars to pass each other in free flow as is the case here.

oButt Lane connects into C123 Tittleshall Road which is designated as a Local Access Route in the County Council's Route Hierarchy. The 15m visibility available in the critical, approaching traffic direction, achieves just some 53% of the Government safety guidance and cannot be considered acceptable for the likely increase in use as a result of this proposal.

oVisibility to the east of the junction of Pound Lane with B1145 Lexham Road/Back Street measures some 142m from a 2.4m set back. However, to the west, the critical approaching traffic direction, visibility of only some 24m is available - only achieving a mere 57% of the Government safety guidance in this respect.

oThe carriageway of Weasenham Road varies between 3.2m and 4.6m. Consequently it is of insufficient width to allow a car and a delivery vehicle to pass and, for a large part of its length, would not even enable two cars to pass. If vehicles are forced to reverse looking for a suitable place to pass, invariably this will constitute a private access. In all likely hood vehicles would mount the proposed footway in conflict with pedestrians, causing damage to the provision and resulting in pedestrian intimidation and potential injury. The submission includes no proposals which would address the inadequacy of the existing carriageway width.

2.5 In light of the above, the road network and pedestrian provision serving the site are therefore considered to be inadequate and - together with the visibility splays at nearby road junctions - would give rise to conditions detrimental to highway safety and contrary to the expectations of Policy CP4 of the Core Strategy and Development Control Policies Development Plan Document 2009 and Para 109 of the NPPF (2018).

Other Considerations:

### 3.0 Character & Appearance

3.1 In accordance with Policy DC16 of the Adopted Local Plan (2009), all new development should achieve the highest standards of design and in assessing any proposal the criteria laid out thereunder will be taken into account.

3.2 As an outline application, the details of layout and design remain reserved matters. However, as shown on the indicative site layout, the applicant is proposing six dwellings indicatively arranged as three pairs in a linear formation directly to the rear of the established dwellings facing onto Weasenham Road, together with a further two detached dwellings (nominally single storey) to the north side - creating a frontage on to the access way, though sitting perpendicular to the rear of the single storey properties on Litcham Close.

3.3 The site will be largely enveloped by existing dwellings, such as to give the impression of being integrated into the existing settlement. The indicative positioning of the proposed new dwellings would have the effect of forming perimeter blocks, defining public and private spaces and shaping the public realm whilst providing improved surveillance.

3.4 It is further considered that a revised development of 8no dwellings would be of an acceptable density with regard to its context and an appropriate mix of dwelling size and type could be accommodated, in accordance with Policy DC2 of the Adopted Local Plan (2009).

#### 4.0 Amenity

4.1 The scheme proposes the erection of 8no dwellings to the rear of existing properties fronting onto Weasenham Road and Litcham Close. As a result of the depth of the existing and proposed rear gardens and the use of single storey properties to the rear of Litcham Close - though the right to a view is not protected in planning law - it is considered that the proposed new dwellings would not be visually obtrusive in the outlook from those existing properties, whilst sufficient distance is maintained to secure against any material loss of privacy.

4.2 As set out under 'Access' above, it is acknowledged that the activity from the presence of these new dwellings and the additional vehicular and pedestrian movements are likely to be perceptible - with reference to the existing context. However, it is not considered likely to be so intense as to be unacceptable. Again, opportunities for landscaping etc which would also have a mitigating effect may also be addressed at the reserved matters stage.

4.3 Details of the internal configuration of the proposed new dwellings will be brought forward at the reserved matters stage. However, it is considered that adequate Gross Internal Area (GIA) can be achieved and - notwithstanding any changes to the proposed layout which may be required at the reserved matters stage - the outline proposal indicates an acceptable minimum level of private amenity space for each dwelling.

4.4 In light of the above, - for the purposes of this outline application - the scheme is considered to be acceptable with regard to Policy DC1 of the Core Strategy and Development Control Policies Development Plan Document 2009.

#### 5.0 Trees & Ecology

5.1 Again, the final details of landscaping are reserved. However, the outline scheme indicates that existing grassland and some of the trees may be removed, with other new specimens introduced.

5.2 In consultation, the Tree Officer raised no objection, subject to an arboricultural impact assessment, tree protection plan and method statement based on final layout being provided with the reserved matters application.

5.3 With regard to the submitted Ecology Report, the site harbours the potential for nesting birds and it is

likely that bats commute and forage, whilst the long grassland on the development site could conceivably provide habitat for reptile species.

5.4 On that basis, Norfolk County Council Natural Environment Team were also consulted on the proposal. They concurred with the proposed mitigation measures set out in the report and also raised the possibility that Species of Principal Importance - such as hedgehog or brown hare - may also occur on site. No objection was raised subject to those mitigation measures being secured by condition, together with the proposed enhancement measures - in line with the expectations of Para 118 of the NPPF.

5.5 Representations from the public confirmed that owls have been regularly sited and newts are present in surrounding ponds. On referral, the NE Team confirmed that they remain of the opinion that ecology matters can be adequately mitigated when details are brought forward at the reserved matters stage.

5.6 In light of the above - for the purposes of this outline application - the potential impact on trees and ecology is considered to be acceptable with regard to Policies CP6, CP10, CP11 and DC12 of the Core Strategy and Development Control Policies Development Plan Document 2009.

## 6.0 Land Contamination

6.1 As part of this submission a Contamination Report Desk Study has been conducted. Following confirmation by the Applicant that the area of bonfire ash and the 300mm of soil below will be removed during the site clearance and that the small volume of topsoil required to fill the void will be gained from the stockpile generated from the site before construction begins, the Land Contamination Officer raised no objection - subject to conditions securing any approved remediation scheme and making provision for the discovery of any unexpected contamination.

6.2 The Environment Agency, whilst making no formal comment, did note that the site is located above a principal aquifer and as such, risks to controlled waters from contamination should be addressed in discharging any details.

## 7.0 Drainage & Flood Risk

7.1 As part of this submission a Drainage & Flood Risk Assessment was conducted. This confirmed that the proposed development is located in Fluvial and Tidal Flood Zone 1 - subject to very low risk of flooding from reservoirs or groundwater - though there is some risk of flooding from pluvial sources. However, development of the site will not occupy any critical flood plain storage or cause any obstruction to the natural flow of water.

7.2 In response the report sets out a series of mitigation measures, which will result in low risk to future and neighbouring residents, including:

- The finished floor level of Plot 1 to be a minimum of 0.3m above the maximum ground level in the area of site where the proposed dwelling will be located.
- Access through more than 0.30m of flood water at a velocity of more than 1.00m/s to be discouraged
- The surface water runoff from the site will be contained in a drainage system designed to contain up to and including the 1 in 100 year event plus climate change.
- A maintenance scheme for the drainage to be adhered to

7.3 With regard to that surface water drainage, the increase in areas of hardstanding will create an increase in the surface water runoff generated within the site prior to mitigation. However, through the incorporation of a surface water drainage system, this increase will be entirely contained within an infiltration drainage



system, comprising:

- Access and drives constructed with a minimum of 0.30m of free draining open graded sub-base for water storage lined with a filter Geotextile to improve the water quality of the surface water entering into the ground.
- Surface water runoff from roofs discharged into a 0.15m deep gravel soakaway to the east of the site - conveyed to the soakaway via the pervious parking areas/access - designed to contain up to and including the 1 in 100 year rainfall event including climate change.
- Water butts provided to each plot.

7.4 In light of the above, the proposal would therefore comply with the NPPF and offer an improvement on the existing situation by reducing the risk of flooding from instantaneous runoff, which currently discharges onto the surrounding ground.

7.5 With regard to foul sewerage, the report notes that in pre-application discussions Anglian Water has confirmed that the site falls within the catchment of Litcham Water Recycling Centre, which currently has capacity to receive flows from the site. Anglian Water were consulted however, provided no comment.

7.6 As such - subject to conditions and the discharge of reserved matters - the proposal is considered to be acceptable with regard to Policies CP5, CP8 and DC13 of the Core Strategy and Development Control Policies Development Plan Document 2009.

## 8.0 Other Matters

8.1 Affordable Housing - For the purposes of affordable housing, this application should be read in conjunction with the adjoining scheme being brought forward under 3PL/2018/0694/O. Though the Planning Statement makes a commitment to deliver affordable housing, this is with regard to the expectations of the emerging Local Plan. However, this Plan is not adopted and as such - at this time - the requirements of Policy DC4 remain extant (subject to amendments to the threshold set out in the NPPG). As such - should it be determine to approve the application - that resolution should be made subject to the completion of an s106 Agreement in line with that Policy. On that basis, the Applicant has subsequently confirmed in writing that they would commit to 40% provision across both sites (assuming both were to be approved).

8.2 Fire Hydrant - Norfolk Fire & Rescue have highlighted that - with regard to existing coverage - they will require a hydrant on no less than a 90mm main to be installed, in consultation with themselves and the LPA.

8.3 The Parish Council, whilst raising no objection, expressed their expectation that any highway concerns regarding the crossroads at the Bull Inn and at the primary school will be attended to and that the provision of play equipment be made a condition - as there are at present no such facilities. Concern have also been raised by Highways in respect of the broader network (including the junction of Butt Lane at Tittleshall Road) and are discussed under Section 2.0 above. The provision of play equipment has been proposed by the Applicant.

## 9.0 Conclusions

9.1 The site is considered to be capable of accommodating 8no dwellings at the proposed density in an appropriate layout which would meet the expectations of Policies DC1, DC2 and DC16 of the Adopted Local Plan (2009).

9.2 However, in respect of the anticipated Highway implications, the road network and pedestrian provision serving the site is considered to be inadequate and - together with the visibility splays at nearby road

junctions - would give rise to conditions detrimental to highway safety and contrary to the expectations of Policy CP4 of the Core Strategy and Development Control Policies Development Plan Document 2009 and Para 109 of the NPPF (2018).

9.3 It is acknowledged that the objections of the LHA are not in themselves definitively binding and the historic, rural and organic nature of the development of the village might suggest that some discretion on standards might be afforded as part of the broader planning balance (mindful of the need to deliver sustainable development and to bring forward a supply of housing). However, it is considered that the risk to highway safety - from the introduction of the new footway as proposed, together with the increased use of existing infrastructure and the degree to which that is inadequate - is considered to be potentially significant.

9.4 On that basis, the outline proposal is therefore recommended for REFUSAL

<b>REASON(S) FOR REFUSAL</b>
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**1**

**Non-std reason for refusal**

The road network serving the site, by virtue of its restricted width, lack of passing provision and inadequate pedestrian provision, is considered to be inadequate to serve the development. The proposal, if permitted, would therefore be likely to give rise to conditions detrimental to highway safety, contrary to Policy CP4 of the Breckland Council Core Strategy and Development Control Policies Development Plan Document (2009) as well as having regards to Paragraphs 108 and 109 of the National Planning Policy Framework (2018)

**2**

**Non-std reason for refusal**

Inadequate visibility splays are provided at nearby road junctions on the surrounding highway network and this would cause danger and inconvenience to users of the adjoining public highway, contrary to Policy CP4 of the Breckland Council Core Strategy and Development Control Policies Development Plan Document (2009) as well as having regards to Paragraphs 108 and 109 of the National Planning Policy Framework (2018)