

ITEM:		RECOMMENDATION: APPROVAL
REF NO:	3PL/2018/1445/F	CASE OFFICER Lisa ODonovan
LOCATION:	HARLING Fen Cottage Fen Lane, Harling	APPNTYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: N CONS AREA: N LB GRADE: N TPO: N
APPLICANT:	Mr & Mrs J Underwood Claxton House White Horse Street	
AGENT:	Anglia Design LLP 11 Charing Cross Norwich	
PROPOSAL:	Proposed replacement dwelling	

REASON FOR COMMITTEE CONSIDERATION

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

KEY ISSUES

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

DESCRIPTION OF DEVELOPMENT

The application seeks permission for a replacement dwelling at Fen Cottage. The existing dwelling is 2 storey and sits facing Fen Lane. The proposed dwelling will be two storey and will sit gable end facing Fen Lane with the proposed, attached double garage extending to the north side, facing the road. Materials are proposed as a mix of brick and tile with weatherboarding to the garage element. A new access is proposed.

SITE AND LOCATION

Fen Cottage is situated to the east of Fen Lane and is at the southern end, close to the East Harling Settlement Boundary. The site itself is well contained by established planting and hedgerows, the existing dwelling is not easily visible within the public realm. To the south of the site lies an orchard and further beyond is the existing access/track leading off Fen Lane. Opposite the site (west) lies a newly constructed two-storey dwelling.

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.04	Infrastructure
CP.10	Natural Environment
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.12	Trees and Landscape
DC.16	Design
DC.17	Historic Environment
DC.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

HARLING PARISH COUNCIL

Harling PC have no objections

NORFOLK COUNTY COUNCIL HIGHWAYS

You will be aware that this Authority has objected to residential development on Fen Lane, which would increase vehicular movements, because of the substandard level of visibility from Fen Lane onto White Hart Street. In this instance the applicant seeks to replace an existing dwelling and I would therefore have difficulty in substantiating an objection to the current proposal. Fen Lane is an un-adopted track which coincides with a Public Right of Way Harling FP1. If you are minded to grant approval please include an informative note in respect of the Public Right of Way.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

The additional information provided is useful. The Ecological Report V5 (Norfolk Wildlife Services; January

2019) report states that access was not available at the time of the survey to ponds 1, 2 and 3 and the rapid risk assessment found that 'even if present in any of the surrounding ponds, the likelihood of a negative impacts on great crested newts is low'. Pond 2, 80m north west of the proposed development area was assessed as having poor suitability to support great crested newts. We agree with the conclusion in the report that no further survey is necessary, however precautionary methods of working will need to be followed. Due to the scale of the proposed development and distances involved between the site and the proposed development site, there are unlikely to be impacts on designated sites.

If approval is granted, the following conditions are required:

- The proposed development must proceed in-line with the recommendations in section 5 of the report of the Ecological Report V5 (Norfolk Wildlife Services; January 2019).
- Enhancement measures outlined in section 5 of the Ecological Report V5 (Norfolk Wildlife Services; January 2019) need to be incorporated into the site's design.

TREE AND COUNTRYSIDE CONSULTANT

No objection to the removal of T2 and T4 with replacements as shown.

CONTAMINATED LAND OFFICER

No objection subject to condition.

RAMBLERS ASSOCIATION: NORFOLK AREA

No objection, providing Harling FP1 is kept open throughout any works and any damage to it is repaired without delay.

HISTORIC BUILDINGS CONSULTANT

The current applicable legislative framework prevents formal objection to the proposed demolition of the existing building.

HISTORIC ENVIRONMENT SERVICE

The proposed development affects an undesignated heritage asset comprising a clay lump and brick cottage of 19th century date. The proposed demolition will obviously alter and affect the significance of the heritage asset which is worthy of recording prior to its loss.

If planning permission is granted, we therefore ask that this be subject to condition for a programme of archaeological work in accordance with National Planning Policy Framework 2018 paragraph 197.

PUBLIC RIGHTS OF WAY OFFICER

No Comments Received

REPRESENTATIONS

Site notice erected: 07-12-2018

Initial consultations issued: 3rd, 4th and 6th December 2018

One letter received in support.

ASSESSMENT NOTES

1.0 Principle/Impact on character and appearance

1.1 The application is for a replacement dwelling Core Strategy Policy DC3 accepts the principle of

replacement dwellings subject to certain criteria, namely; that the scale of the replacement is not disproportionate to the original dwelling; evidence is provided that the use of the dwelling has not been abandoned; the replacement dwelling is located within the existing curtilage, unless it can be demonstrated that an alternative location would be visually less prominent; and the size and design of the replacement is appropriate to the landscape character of the location and there is no increase in the number of units.

1.2 It is accepted that the scale of the replacement dwelling proposed is over and above what would be accepted by this policy, however, on balance, the principle of a dwelling considered acceptable for a number of reasons.

1.3 The site is located outside 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.

1.4 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.

1.5 The Council cannot demonstrate a current 5 year housing land supply and therefore the Core Strategy and Development Control Policies Document with regards to the supply of housing 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.

1.6 Economic - The proposal in effect would not contribute to the housing supply given the fact that it will replace an existing, vacant dwelling however the proposal would provide limited short-term economic benefits through labour and supply chain demand required during construction.

1.7 Social - With regard to whether this is a suitable location, the site is outside the Settlement Boundary of Harling, however it is situated immediately to the south of the site. Harling is a service centre village with a good range of services including a primary school and nursery, a shop, butchers and fish and chip shop, pub, village hall and doctors, therefore limiting the need to travel further afield for day to day services. Whilst Fen Lane is an unmade track with no footpath provision, the distance to travel is relatively short and certainly achievable on foot or by car.

1.8 It should also be noted that there are various bus routes and connections available from the Market

Place to Norwich as well as a more limited service to Diss which helps link the site more sustainably to the wider District, making it a more accessible location.

2.0 Impact on the character and appearance of the area

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

2.2 Policy 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 design of the proposed dwelling is considered acceptable and in keeping having due regard to the size of the plot as well as the design and scale of the recently constructed dwelling opposite. The dwelling has been designed using typical pitches and takes reference from the traditional Norfolk vernacular and the materials proposed have drawn reference from neighbouring properties, i.e. a mixture of red brick, weatherboarding and clay pantiles, although precise details will need to be conditioned. The form and positioning of development along Fen Lane varies, therefore the positioning of the dwelling facing North, maximising on views across the field opposite is considered acceptable.

2.4 The site is well contained by existing, mature hedgerows and planting and currently houses a dwelling therefore the replacement dwelling will not result in a further encroachment into open countryside.

2.5 As a result of the above, the proposal is considered to meet the environmental role of sustainable development as well as the aims of Policy DC16 and paragraph 127 of the NPPF 2019.

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 The dwelling has been positioned within the site so that the front elevation faces north, away from the neighbour opposite. Notwithstanding that, there is sufficient distance between the new property to the west and the side elevation of the proposed dwelling. The siting, positioning and distance between the nearest neighbouring dwelling will ensure that the proposal does not cause adverse impact to existing neighbour amenity, particularly in respect of overlooking, loss of light, over dominance and increased noise and disturbance. The proposal also provides the occupants of the proposed dwelling with a generous amount of private amenity space. As a result 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 includes an attached double garage as well as sufficient turning space within the site, with

a new access proposed to the front boundary of the site. Norfolk County Council Highways were consulted and subsequently advised that they have previously objected to residential development on Fen Lane, which would increase vehicular movements, because of the substandard level of visibility from Fen Lane onto White Hart Street. In this instance the applicant seeks to replace an existing dwelling and it would therefore be difficult to substantiate an objection to the current proposal. Fen Lane is an un-adopted track which coincides with a Public Right of Way Harling FP1. If approval is granted an informative note in respect of the Public Right of Way will be included.

5.0 Tree impact

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 site are the subject of a protection order. The application proposes the removal of 5 no. trees to facilitate the dwelling and the new access, as a result, the application was accompanied by an Arboricultural Implications Assessment which was sent to the Tree and Countryside Officer for comment who initially advised that the supplied TS and AIA indicated a slightly different layout to the proposed, however the arboricultural implications remain largely the same. The removal of low value trees is acceptable but there are issues with the driveway which have not been fully addressed. As a result, it was confirmed that T2 and T4 will be removed however replacements are proposed. The Tree and Countryside Officer raised no objection to this, the proposal is therefore considered to have due regard to Policy DC12.

6.0 Ecological impact

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 planning application is supported by an Ecological Report (Norfolk Wildlife Services; July 2018). The report states 'there is suitable terrestrial habitat available on the site and four ponds within 2km'. Due to the time that has elapsed, an updated visit to these ponds to carry out HSI assessments was therefore necessary and this may lead to the need for further surveys. There is a risk of killing/ injuring great crested newts if present in the ponds in close proximity to the site.

6.3 Great crested newts are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2017 (as amended) making great crested newts European Protected Species.

6.4 A further survey was provided by the applicant which is currently out to consultation with the ecology team. They advised that the additional information provided is useful. The Ecological Report V5 (Norfolk Wildlife Services; January 2019) report states that access was not available at the time of the survey to ponds 1, 2 and 3 and the rapid risk assessment found that 'even if present in any of the surrounding ponds, the likelihood of a negative impacts on great crested newts is low'. Pond 2, 80m north west of the proposed development area was assessed as having poor suitability to support great crested newts. The conclusion in the report that no further survey is necessary is agreed, however precautionary methods of working will need to be followed. Due to the scale of the proposed development and distances involved between the site and the proposed development site, there are unlikely to be impacts on designated sites. Approval is acceptable subject to conditions. The application is therefore considered to accord with Policy CP10.

7.0 Loss of the existing building

7.1 The Historic Environment Service and the Historic Buildings Officer was consulted regarding the loss of the existing building, which, whilst not listed, did appear to be traditional and of some age and character. It is acknowledged that the house has some significance because of its age. It also has a good relationship with neighbouring dwellings. The simple form and materials of the original house, ensure that it complements its setting. However, on balance, given the well screened location, i.e.e away from the main public realm as well as a vast presence of other nearby dwellings that have retained their character and identity, it is considered that the significance of this non-designated heritage asset is limited. There would be some harm as a result of its loss but it is considered, for the reasons outlined above, that this would be limited and outweighed by ensuring the continuous viable use of this site as a dwelling.

7.2 The Historic Buildings Officer advised that there is no legislature that would enable us to retain the building and the Historic Environment Service raised no objection subject to a recording condition in line with paragraph 197 of the NPPF (2019).

8.0 Planning Balance

8.1 The application site is in close proximity, within walking and cycling distance to a service centre village which has sufficient services and facilities in order to reduce the need to travel further afield. The site already houses a dwelling and therefore the replacement with another is considered unlikely to have a material impact on the character and appearance of the area. The proposed dwelling is considered appropriate in its context, particularly given other, recently built new dwellings in the vicinity. On balance, the proposal is considered acceptable and is recommended for approval.

RECOMMENDATION

That permission be granted subject to the following conditions:-

CONDITIONS

- 1 Full Permission Time Limit (3 years)**

The development must be begun not later than the expiration of THREE YEARS beginning with the date of this permission.
Reason for Condition:
As required by section 91 of the Town and Country Planning Act 1990.
- 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 External wall and roof materials to be agreed**

No development beyond slab level shall take place until precise details, (including samples where required), of the materials used in the construction of the external walls and roof(s) of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. This condition shall apply notwithstanding any indication as to these matters that have been given in the current application. The materials to be used in the development shall be in accordance with the approved details.
Reason for condition:-
To enable the Local Planning Authority to control the colour, tone, texture and appearance of

the materials used to ensure the satisfactory appearance of the development, as required by 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

4 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

5 Programme of archaeological work

No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic building recording which has been submitted by the applicant and approved in writing by the local planning authority.

In this instance the programme of historic building recording will comprise a Level 2 survey to include an interpretative report of the development of the building (see <https://content.historicengland.org.uk/images-books/publications/understanding-historicbuildings/heag099-understanding-historic-buildings.pdf/>).

A brief for this work can be obtained from Norfolk County Council Environment Service historic environment strategy and advice team.

Reason for condition:-

The details are required to be submitted prior to the commencement of the development to ensure the potential historic interest of the building is investigated, in accordance with Policy DC 17 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009 and paragraph 197 of the NPPF.

6 Implementation of submitted/approved landscaping scheme

All hard and soft landscaping works shall be carried out in accordance with the approved details and thereafter retained. The works shall be carried out prior to the occupation of any part of the development. If within a period of FIVE YEARS from the date of planting, any tree or plant, or any tree or plant planted in replacement for it, is removed, uprooted or is destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its

written consent to any variation.

Reason for condition:-

In the interests of the satisfactory appearance of the development in accordance policy DC12 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

This condition will require to be discharged

7

Ecology

The proposed development shall proceed in-line with the recommendations in section 5 of the report of the Ecological Report V5 (Norfolk Wildlife Services; January 2019).

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 measures

Prior to the first occupation of the development hereby approved, the enhancement measures outlined in section 5 of the Ecological Report V5 (Norfolk Wildlife Services; January 2019) shall be incorporated into the site's design and details and evidence of such shall be submitted to and approved in writing by 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.

This condition will require to be discharged

12

Variation of approved plans

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

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