

ITEM:		RECOMMENDATION:	APPROVAL
REF NO:	3PL/2019/0979/F	CASE OFFICER	Naomi Minto
LOCATION:	HARLING Land North of Lime Kiln House Eccles Road Harling	APPNTYPE:	Full
APPLICANT:	Mr S Jones c/o Agent	POLICY:	Out Settlemnt Bndry
AGENT:	Studio 35 Suite GF1 Crafton House	CONS AREA:	N
PROPOSAL:	For the erection of five dwellings, garages and creation of 1 new vehicular accesses		
		LB GRADE:	N
		TPO:	N

REASON FOR COMMITTEE CONSIDERATION

The application is referred to Committee following consideration at Chairman's Panel.

KEY ISSUES

- Principle of development
- Design and impact on character and appearance of the area
- Impact on amenity
- Highway safety
- Impact on trees / protected hedgerows and ecology
- Other matters

DESCRIPTION OF DEVELOPMENT

The application initially sought planning permission for six detached dwellings and three site accesses off Eccles Road. However, during the course of the application process the proposals have been revised and the applicant now seeks planning permission to erect five detached two storey, four bedroom dwellings, garages and associated works on agricultural land west of Eccles Road, East Harling. Materials proposed to be used in their construction include red facing multi-brick, flint, cream render, red and grey pantiles, UPVC windows and timber doors. One new access is proposed off Eccles Road.

SITE AND LOCATION

The site is located north of Lime Kiln House and to the west side of Eccles Road, East Harling. Agricultural land abuts the site to the west. A private farm access abuts the site to the north with further agricultural / garden land beyond, whilst to the east is Eccles Road with existing residential development beyond and to the south is residential development in a linear form along Eccles Road. The application form states that the site measures 0.47 hectares. However, a measurement of the Location Plan indicates a site area of

approximately 0.498 hectares.

The site benefits from an extant planning permission under reference: 3PL/2018/1198/F for four dwellings.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2018/1198/F	Permission	12-02-19
Erection of four dwellings, garages and creation of a new vehicular access		

POLICY CONSIDERATIONS

The following policies of the Breckland Local Plan, 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

COM01	Design
COM03	Protection of Amenity
ENV02	Biodiversity protection and enhancement
ENV05	Protection and Enhancement of the Landscape
ENV06	Trees, Hedgerows and Development
GEN02	Promoting High Quality Design
GEN03	Settlement Hierarchy
GEN05	Settlement Boundaries
HOU01	Development Requirements (Minimum)
HOU02	Level and Location of Growth
HOU03	Development Outside of the Boundaries of Local Service Centres
HOU06	Principle of New Housing
HOU10	Technical Design Standards for New Homes
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONSULTATIONS

HARLING PARISH COUNCIL

Objection - The Parish Council do not support this amendment, the original 4 properties were agreed to reluctantly as there is not a need locally for large properties but a desperate need for smaller affordable

housing. Six properties on this site is over development of the area. The PC also note that 3 access points are now being suggested, from just one, each with a 120m splay either side totalling 720m of native hedgerow that will be removed, this is unacceptable.

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.

TREE AND COUNTRYSIDE CONSULTANT

Objection - I am not supportive of the level of hedgerow loss. I am still not satisfied that we have sufficient information to establish the importance of the hedgerow, and given the reluctance to provide a hedgerow survey as requested my recommendation would be for refusal. Hedgerows are listed as priority habitat under UK and Norfolk's Biodiversity Action Plan and we should not be supporting removal when there are other options. The hedgerow removal can then be dealt with by way of a hedgerow removal notice rather than being dealt with by way of this planning application this would allow the council to undertake our own survey of the hedge.

HISTORIC ENVIRONMENT SERVICE

No objection, subject to conditions.

REPRESENTATIONS

The site notice was erected on 29 August 2019 and five neighbours consulted. Twelve letters of representation were received raising the following main points;

- Adverse impact on character and appearance of area - unacceptable increase in density in open countryside setting / loss of established hedgerow;
- Over development of site;
- Outside settlement boundary;
- Highway safety concerns in respect of multiple site access points and increased traffic on country road;
- Loss of protected hedgerow;
- Insufficient services and facilities in the village to cope with additional residential development;
- No demand - the village has lots of unsold four bedroom dwellings;
- Current design purely for profiteering, and;
- The previous application approved for four dwellings on this site was more acceptable in planning terms, having regard to design and impact on character and appearance of the area, highway safety, existing hedgerow and amenity considerations.
- Adverse impact on existing neighbouring residents

ASSESSMENT NOTES

1.0 Principle of development

1.1 Whilst it is acknowledged that the site sits outside of the Settlement Boundary of East Harling, it benefits

from an extant planning permission for the erection of four detached two storey dwellings with associated garages, parking and turning provision and external amenity space under planning reference 3PL/2018/1198/F. Therefore, the principle of residential development on this site has been established.

2.0 Design and impact on character and appearance of the area

2.1 Policy GEN 02 of the Local Plan (adopted) states that the Council will require high quality design in all new development within the District. New development proposals are expected to meet a number of key tests, including respecting and being sensitive to the character of the surrounding area. Innovative and contemporary design where it enhances sustainability will be encouraged and promoted across the District. Policy COM 01 of the Local Plan (adopted) is concerned with design and provides additional detailed criteria that all new development should meet.

2.2 Paragraph 127 of the NPPF sets out a range of criteria that new development proposals should meet, including (but not limited to) a requirement that developments must be sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 123 of the NPPF is concerned with densities of development and where necessary seeks developments to make optimal use of the potential of each site.

2.3 The application originally proposed six dwellings on site. However, upon assessment of the submitted material and a site visit, it was considered that the proposal would result in a density of development, out of keeping with the existing character and appearance of the immediate vicinity, when having regard to the site's rural location, outside of any defined Settlement Boundary and the plot sizes of existing built form within the immediate vicinity.

2.4 In response to the Council's concerns, the applicant has submitted a revised proposal for five detached dwellings and one point of access. Amended plans submitted for consideration include a visual perspective plan showing how the street scene will look once the dwellings are constructed. The application form states that the dwellings would be constructed using a range of materials, including render, flint, red brick, red and black pantiles on the roof, UPVC windows and timber doors. The Design and Access (D&A) Statement indicates that the palette of materials proposed is consistent with the local area and will further enhance the setting and ensure the development fits within its street scene. It is acknowledged that the materials proposed would be in keeping with existing residential development along Eccles Road. In addition, the revised proposal for five dwellings and one access is considered acceptable, in accordance with the amended plans.

2.5 In light of the above considerations, the application is considered to be compliant with Policies GEN 02 and COM 01. It is also considered to have due regard to Section 11 and paragraph 127 of the NPPF (2019).

3.0 Impact on amenity

3.1 Policy COM 03 of the Local Plan (adopted) states that development will not be permitted, which causes unacceptable effects on the residential amenity of neighbouring occupants, or does not provide for adequate levels of amenity for future occupants. Consideration will be had to a number of factors including (but not limited to); the protection of adequate areas of usable and secluded private amenity space for the occupiers of existing dwellings; the provision of adequate areas of usable and secluded private amenity space for the occupiers of proposed dwellings, in keeping with the character of the immediate surrounding areas; overbearing impact / visual dominance and overshadowing of private amenity space.

3.2 In terms of amenity impact, the dwellings have been sited within the plot so that there is a satisfactory

degree of separation between them and other neighbouring properties. The proposed development is therefore not considered to have a significant impact on the amenity of neighbouring occupiers, obstruct the light or outlook of neighbouring habitable room windows; nor is it considered to have a significant impact to neighbouring privacy. The proposal also provides each dwelling with sufficient private external amenity space. In light of these factors, the proposal is considered to accord with Policy COM 03, whilst also having due regard to paragraph 127 (f) of the NPPF (2019).

4.0 Highway safety

4.1 Paragraph 108 of the NPPF (2019) states that applications for development should ensure that;

- appropriate opportunities to promote sustainable transport modes can be (or have been) taken up, given the type of development and its location;

- safe and suitable access to the site can be achieved for all users; and,

- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

4.2 Paragraph 109 of the NPPF (2019) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.3 Policy COM 01 (m) of the Local Plan (adopted) states that new development must not compromise highway safety, enabling safe access for vehicles and for walking and cycling. Policy COM 01 (n) requires parking to be in accordance with TR 01 and consideration of safe storage for bicycles.

4.4 The Local Highway Authority has acknowledged that the site already benefits from permission for four dwellings under 3PL/2018/1198/F. However, they also noted that the site lies some distance from village services and amenities on an unlit road with no pedestrian footway provision. It is therefore considered that any residents would have a high dependency on the use of the private car. This conflicts with the aims of sustainable development, the need to minimise travel and the ability to encourage walking, cycling, use of public transport and reduce the reliance on private car, as represented in the NPPF and Policy 5 of Norfolk's 3rd Local Transport Plan, entitled Connecting Norfolk.

4.5 Whilst Norfolk County Council considered the proposal to be in an unsustainable location, no objection was raised to the proposal, subject to the provision of conditions. In addition, the submitted plans show that there is sufficient on-site parking provision and vehicle turning. The addition of double garages ensures provision of safe storage for bicycles. Whilst it is acknowledged that there is not a safe route for pedestrians / cyclists to access nearby services and facilities in East Harling, it is accepted that the principle of development of this site has already been accepted. The addition of one more dwelling would not tip the balance unfavourably in planning terms or generate significant additional vehicle movements. It is therefore concluded that on balance, the application has regard to Policy COM 01, as well as paragraph 108 of the NPPF (2019).

5.0 Impact on trees / protected hedgerows and ecology

5.1 Policy ENV 02 of the Breckland Local Plan (adopted) states that all development should demonstrate how net gains for biodiversity are being secured as part of the development, proportionate to the scale of development and potential impacts. This is further reiterated in paragraph 170 of the NPPF, which seeks to

ensure that development provides net gains for biodiversity.

5.2 Policy ENV 05 of the Breckland Local Plan (adopted) states that the landscape of the District is valued for its benefit to the rural character and in the interests of biodiversity, geodiversity and historic conservation. Development proposals are expected to contribute to and where possible enhance the local environment by recognising the intrinsic character and beauty of the countryside. Development should have particular regard to maintaining the aesthetic and biodiversity qualities of natural and man-made features within the landscape including a consideration of individual groups of natural features, such as trees, hedges, woodland, rivers, streams or other topographical features. Policy ENV 06 of the Breckland Emerging Local Plan states that trees and significant hedge and shrub masses form part of the green infrastructure and should be retained as an integral part of the design of development.

5.3 In terms of the impact of the development on the existing hedgerow, the Tree Officer initially raised an objection to the increased number of site access points proposed. The hedgerow has been in Situ for more than 30 years and is over 20 metres long. The hedgerow is therefore protected by the 1997 hedgerow regulations as well as being listed as Priority Habitat under the UK and Norfolk's Biodiversity Action Plan. Following discussions with the agent, the proposal has been revised to include one site access.

5.4 The Tree Officer has been re-consulted. However, further comments have not yet been received. That said, it is accepted that the Tree Officer did not have an objection to the previous planning application on the same site (ref: 3PL/2018/1198/F), which included one access point. On that basis, it is considered that the Tree Officer is unlikely to have any further objections, given that the applicant has reverted back to one access. Therefore, all previous tree/hedgerow related conditions added to the previous planning approval could be included as part of the current application.

5.5 With regards to the ecology impact, the Natural Environment Team raised no objection to the proposal, subject to the inclusion of conditions. Their comments were based on the previous proposal for three site access points. The Natural Environment Team have been re-consulted on the revised proposals. However, a response has not been received to date. Given that the Natural Environment Team had no objection to the previous proposal on the same site (ref: 3PL/2018/1198/F), which also included provision of one site access point, it is considered that all previous ecology related conditions applied to that planning permission could be included as part of the current application.

5.6 Any updated responses will be presented to Committee Members either via a Supplementary Report or during the Officer's presentation on the day of Planning Committee.

6.0 Other matters

6.1 The Contaminated Land Officer raised no objection to the proposal, subject to the inclusion of conditions with any forthcoming planning permission.

6.2 No objection was raised in respect of the proposal by the Historic Environment Service.

7.0 Conclusion

7.1 In consideration of the overall planning balance of the scheme, the application site already benefits from an extant planning permission for the construction of four dwellings on site. The revised proposal, for five dwellings with garages re-positioned to the side and all utilising one point of access, is considered acceptable in planning terms. The application is accordingly recommended for approval, subject to conditions.

RECOMMENDATION

Recommended for approval, subject to the following conditions;

CONDITIONS

- 2 Full Permission Time Limit (2 years)**
The development must be begun not later than the expiration of TWO YEARS beginning with the date of this permission.
Reason for condition:-
As required by section 91 of the Town & Country Planning Act 1990 (as amended) and to ensure the deliverability of the scheme to contribute to the five year housing land supply.
- 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 External materials as approved**
The development hereby permitted shall be constructed using the materials specified on the planning application form and / or submitted drawings.
Reason for condition:-
To enable the Local Planning Authority to ensure the satisfactory appearance of the development, as required by Policies COM 03, GEN 02 and COM 01 of the Adopted Local Plan (2019).
- 5 Landscaping scheme to be submitted - hard and soft**
No development above slab level shall take place on site until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details. These details shall include:
-hard surfacing materials;
-means of enclosure;
-proposed finished levels or contours;
-minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.)
Soft landscaping shall include:
-Planting plans;
-Written specifications (including cultivation and other operations associated with plant and grass establishment);
-Schedules of planting, noting species, plant sizes and proposed numbers/densities where appropriate;
-Implementation programme
Reason for condition:-
In the interests of the satisfactory appearance of the development, in accordance with Policy ENV 06 of the Breckland Local Plan (adopted) and the aims of the NPPF (2019).
This condition will require to be discharged

6

Non-standard condition

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.

Reason for condition:-

In accordance with the NPPF (2019), particularly paragraph 199.

7

Non-standard condition

No development shall take place other than in accordance with the written scheme of investigation approved under condition 6.

Reason for condition:-

Details are required prior to commencement, in accordance with the NPPF (2019), particularly paragraph 199.

8

Non-standard condition

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 6 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason for condition:-

In accordance with the NPPF (2019), particularly paragraph 199.

9

Non-standard condition

Prior to the commencement of any work on the site, all existing trees shall be protected by the erection of Tree Protection Fencing. This fencing shall be retained throughout the period of the development and at all times when works (as defined below) are being carried out on the site. For the purposes of this condition "work" shall include the storage of plant, materials, site huts or the use of any machinery either for preparatory site work or construction itself. "Trees" shall refer to all trees both on and adjacent to the site.

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

Reason for condition:-

The works are required to be undertaken prior to the commencement of the development in order to safeguard the protection of trees from the outset of the development, in accordance with Policy ENV 06 of the Breckland Local Plan (adopted)

10

Non-standard condition

No trees on the site shall be lopped, topped, cut down, uprooted, felled, wilfully damaged or destroyed, without the prior written consent of the Local Planning Authority for a period of

five years from the first occupation of the development hereby approved.

Reason for condition:-

In the interests of the satisfactory appearance of the development, in accordance with policies ENV 05, ENV 06, GEN 02 and COM 01 of the Breckland Local Plan (adopted).

11 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, in accordance with the requirements of the NPPF.

This condition will require to be discharged

12 Prior to the first occupation/use of the development hereby

Prior to the first occupation of the development hereby permitted the vehicular accesses shall be constructed in accordance with a detailed scheme to be first agreed in writing by the Local Planning Authority 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, in accordance with COM 01 (m) of the Local Plan (adopted) and paragraph 108 of the NPPF.

13 A minimum vertical clearance of 1.98/3.1/5.2/6.75 metres

Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4 metres x 120 metres shall be provided to each side of each 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 Policy COM 01 (m) of the Breckland Local Plan (adopted) and the principles of the NPPF, particularly paragraph 108.

14 Notwithstanding the provisions of the Town and Country

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

Reason for condition:-

To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety, in accordance with COM 01 (m) of the Breckland Local Plan (adopted) and the principles of the NPPF, particularly paragraph 108.

15 Prior to first occupation/use of the development hereby perm

Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period together with wheel washing and an area for delivery vehicles to wait and turn has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason for condition:-

To ensure adequate off-street parking during construction in the interests of highway safety. This needs to be a pre-commencement condition as it deals with the construction period of the development, in accordance with COM 01 (m) of the Breckland Local Plan (adopted) and the principles of the NPPF, particularly paragraph 108.

17 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:-

Details are required prior to commencement of development, to ensure a safe development, in accordance with Policy COM 03 (8) of the Breckland Local Plan (adopted).

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.

This condition will require to be discharged

19 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.

21 Inf 2

This development involves works within the public highway that can only be carried out by Norfolk County Council as Highway Authority unless otherwise agreed in writing. It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the Applicants' responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Advice on this matter can be obtained from the County Council's Highway Development Management Group. Please contact Kay Gordon 01362 656211. If required, street furniture will need to be repositioned at the

Applicants own expense. Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer. Please be aware it is the applicants responsibility to clarify the boundary with the public highway. Private structures such as fences or walls will not be permitted on highway land. The highway boundary may not match the applicants title plan. Please contact the highway research team at highway.boundaries@norfolk.gov.uk for further details.