

ITEM:		RECOMMENDATION:	REFUSAL
REF NO:	3PL/2019/1085/F	CASE OFFICER	Mark Simmonds
LOCATION:	HOCKHAM The Pightle Vicarage Road Great Hockham	APPNTYPE:	Full
APPLICANT:	Mr & Mrs Thomas C/O Agent	POLICY:	Out Settlemnt Bndry
AGENT:	Mr Philip Cowen chiara Mere Road Stow Bedon	CONS AREA:	N
PROPOSAL:	The construction of a two bedroom single storey self-build dwelling		
		LB GRADE:	N
		TPO:	N

REASON FOR COMMITTEE CONSIDERATION

The application is being presented to committee for determination as the agent is a Councillor.

KEY ISSUES

- Principle of development
- Character and Appearance
- Ecology Impact
- Impact on Trees
- Highway Safety
- Flood Risk

DESCRIPTION OF DEVELOPMENT

Full planning permission is sought to construct a 2 bedroom, self-build residential dwelling on land to the rear of Vicarage Road. The access is proposed via an unadopted track from Vicarage Road that serves 2 other neighbours to the site which are located to the north and the north east of the proposed site.

The site area is approximately 0.1 hectares.

SITE AND LOCATION

The application site falls outside of any defined Settlement Boundary and is an undeveloped site which can be described as overgrown scrub land with some plantation woodland. The site sits behind 3 dwellings that form the linear line of development located along Vicarage Road and is accessed by an unadopted track.

There are 2 other dwellings serviced by this access and the agent has also highlighted that to the north of the proposed site is a dwelling that received consent under the Prior Approval process for conversion from a redundant agricultural building to a dwelling.

EIA REQUIRED

No.

RELEVANT SITE HISTORY

None.

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

ENV02	Biodiversity protection and enhancement
ENV03	The Brecks Protected Habitats & Species
ENV06	Trees, Hedgerows and Development
ENV09	Flood Risk & Surface Water Drainage
GEN01	Sustainable Development in Breckland
GEN02	Promoting High Quality Design
GEN03	Settlement Hierarchy
HOU01	Development Requirements (Minimum)
HOU02	Level and Location of Growth
HOU04	Villages with Boundaries
HOU06	Principle of New Housing
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

NORFOLK COUNTY COUNCIL HIGHWAYS

You will be aware that this Authority has previously sought to resist further development on Vicarage Road owing to the substandard nature of its junctions with Watton Road and Thetford Road (A1075) together with its substandard width which, in particular at its western end, does not allow two vehicles to pass. This concern was supported by Inspector Exton in respect of the Appeal APP/F605/W17/3187465 (3PL/2017/0468) for a single dwelling to the west of this site. I remain concerned regarding any potential increase in the use of Vicarage Road and, further, that any approval could set a precedent for similar applications. The proposal would result in an additional 6 vehicular movements, daily, together with the additional movements of delivery vehicles and visitors. All of these movements would need to utilise junctions

which are considered substandard for the reasons given above. The historic use of both of these junctions is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs. However it is considered that the additional traffic movements associated with the development would increase the potential for undesirable traffic movements at both junctions and would consequently also increase the potential for collision and personal injury accident. I would therefore recommend that permission be refused.

CONTAMINATED LAND OFFICER

Recommend conditions

TREE AND COUNTRYSIDE CONSULTANT

Operations on site shall take place in complete accordance with the approved Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) prepared by BH Trees and Woodlands dated 8th August 2019. No other operations shall commence on site in connection with the development until the tree protection works and any pre-emptive tree works required by the approved AIA or AMS have been carried out and all tree protection barriers are in place as indicated on the TPP. Works shall not commence until written confirmation has been obtained from the appointed arboriculturalist to confirm that tree protection is in place as specified. The protective fencing shall be retained in a good and effective condition for the duration of the construction of the development and shall not be moved or removed, temporarily or otherwise, until all site works have been completed and all equipment, machinery and surplus materials removed from site, unless the prior written approval of the local planning authority has been sought and obtained.

Hockham Parish Council

The recent adoption of the local plan maintains the settlement boundary around Gt Hockham. The plan states that appropriate development will be allowed immediately adjacent to the settlement boundary subject to being supported by other policies within the development plan. Gt Hockham currently has seven approved but, as yet not started properties and a further 18 off Wretham Road which in total is a significant increase over the 5% detailed in HOU4. The Parish Council believes that this application is outside the settlement boundary has known highway issues and must now object to this application.

REPRESENTATIONS

The site notice has been displayed and was erected on site on 17th September 2019.

4 objections have been received.

2 representations have been received supporting the proposals.

Their comments are summarised below.

- a recent dismissed appeal has stated that the highway conditions on Vicarage Road and the visibility splay is below current standards.
- the access arrangements are a real issue and the appeal has set a precedent for the refusal of new development in this area.
- no pedestrian footpaths.
- current road unable to cope with the traffic any more will be dangerous.
- Great Hockham have no infrastructure for further dwellings.

- real safety issues for children, residents and the elderly.
- the concerns raised by highways are consistent with comments on other applications in this locality.
- lack of accidents as most people who live down the road don't use the dangerous access.
- access from the bypass to Vicarage Road was only ever meant for farm vehicles - it is signed as 'No Through Road'.

Supporting comments:

- know the applicants and family and would be a welcome addition to the area.
- benefits for the family living here already as can assist with care and support.
- Regenerate the land and wildlife.
- New dwelling will allow the family to care for nearby elderly relatives.
- The family already drive to Hockham everyday for the school run and walking the dog on the land - no additional car movements will result from this as already there daily.

ASSESSMENT NOTES

1.0 Principle of Development

1.1 Outline planning permission is sought to construct a residential dwelling, with all matters reserved apart from access. The access is proposed from an existing access currently serving a paddock, which will remain to the side and rear of the plot. Hedging is proposed to the front (northern) boundary adjacent to the highway. The site area is 0.22 hectares.

1.2 The proposed building would be a self-build house. Internally, the house would accommodate a studio room for the applicant to work from home. The applicant has also referred to animals they care for on the land.

1.3 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises of the Breckland Local Plan (adopted); and any made Neighbourhood Plans. The Government's National Planning Policy Framework (NPPF) is a material consideration.

1.4 The Council does have a published 5 year land housing supply as required by the National Planning Policy Framework, which provides national planning guidance for local planning authorities and is a strong material consideration in the determination of planning applications.

1.5 Policy GEN 01 of the Breckland Local Plan (adopted) (Sustainable Development in Breckland) seeks to enable development that improves the economic, social and environmental objectives of Breckland through the application of the following national and locally distinctive sustainable development principles.

1.6 Policy GEN 03 of the Breckland Local Plan (adopted) specifies that most new development needs will be met through the proposed sustainable settlement hierarchy. Hockham is classed as a village with a boundary. This hierarchy is based upon the utilisation of existing infrastructure and resources, the prioritisation of new infrastructure and allowing jobs, homes and other facilities to provide for choice.

1.7 The site in this case is situated outside the development boundary, however its location can be described as being adjacent to the boundary. The policies that address development outside of the boundary within the new Local Plan is set out in: 'Development Outside of the Boundaries of Local Service Centres' (Policy HOU

03); 'Rural Settlements 'Villages with Boundaries' (Policy HOU 04); and 'Small Villages and Hamlets Outside of Settlement Boundaries' (Policy HOU 05). Policy HOU 04 is the relevant consideration as Hockham has a settlement boundary on the defined policies map.

Appropriate development will be allowed immediately adjacent to the settlement boundary, subject to being supported by other policies within the Development Plan Local Plan and where all of the policy criteria are satisfied.

1.8 The application proposes a 2 bedroom single storey self-build on a generous sized plot that provides adequate car parking to the front and a good sized amenity space to both the front and rear of the proposed dwelling. With regards to scale and design, the size of the dwelling is modest and in keeping with the dwellings in the locality and the style reflects a typical rural dwelling that can be seen in this area. Being of a single storey construction it is not expected to have any overbearing issues over neighbours and would be of a comparable low impact with its design and location within the plot. Although located adjacent to the village boundary the site sits relatively close to the existing linear development along Vicarage Road and there are 2 other nearby dwellings which are serviced by the same access track which are also located outside of the boundary, therefore on balance the new dwelling would not create an 'isolated' development and would not be a discordant feature in the landscape.

1.9 The proposal is for one dwelling so it would not significantly increase the number of dwellings in the village and weight has been given to the self-build element as both Local and National Policy acknowledges the benefits of a self-build both on a social and economic scale.

1.10 On balance and taking into account the modest scale of development and the assessment above, the principle of a development of one dwelling on this site is acceptable and in accordance with Policy GEN 03 and HOU 04 of the Breckland Local Plan (adopted).

2.0 Ecology

2.1 Policy ENV02 seeks to protect and enhance Biodiversity and requires the highest level of protection to be given to European Sites, with development only permitted where the proposal is in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017. Where measures to mitigate for potential adverse effects on European sites are required the proposed mitigation measures must be justified as fit for purpose with appropriate evidence, to inform the Council's Habitats Regulations Assessment. Development likely to have an adverse effect (either directly or indirectly) on a site of national, regional or local biodiversity, or geological interest, as identified on the Policies Map, will not be permitted unless:

- a. it can be clearly demonstrated that there are reasons for the proposal that outweigh the need to safeguard the special ecological / geological interest of the site, and;
- b. it has been demonstrated, where development would result in significant harm, that it cannot be reasonably located on an alternative site that would result in less or no harm, and;
- c. residual harm, after all measures to prevent and adequately mitigate have been applied, will be adequately compensated for.

2.2 Policy ENV03 - The Brecks Protected Habitats and Species

2.3 The Council requires that a Habitats Regulations Assessment is undertaken on all proposals for development that are likely to have a significant effect on The Breckland Special Protection Area (SPA) which is classified for its populations of Stone Curlew, Woodlark and Nightjar, and/or Breckland Special Area of Conservation (SAC), which is designated for its heathland habitats. Development will only be permitted

where it can be demonstrated that the proposal will not adversely affect the integrity of the SPA or the SAC.

2.4 It is considered that the site falls just outside of the stone curlew buffer zone, as defined under Policy ENV 03 of the Breckland Local Plan 2019, therefore a preliminary ecological appraisal was not required and there are no planning issues in this regard.

2.5 Therefore, the proposals comply with Policy ENV03 of the Breckland Local Plan (adopted).

3.0 Historic Environment

3.1 Policy ENV 08 says development should be expected to conserve or wherever possible enhance the historic character, appearance and setting of non-designated historic assets. Proposals that could affect previously unrecognised heritage assets will be expected, through agreement with the Council, to undergo an appropriate assessment, proportionate to the significance of the asset. The assessment must provide sufficient information for any impact to be fully assessed. In weighing applications that are likely to directly or indirectly affect non-designated heritage assets, a balanced judgement will be undertaken, having regard to the scale of any harm or loss and the significance of the heritage asset.

3.2 Policy ENV 07 seeks to protect any Designated Heritage Assets and their settings. Policy 16 of the NPPF and Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, seek to protect the special interest and significance of heritage assets/Listed Buildings and their settings. There are a number of Listed Buildings close to the application site, primarily a cluster to the south. There are also a number of non-designated heritage assets close to the site.

3.3 Paragraph 189 of the NPPF requires applicants to describe the significance of any heritage asset affected, including any contribution to their setting. In addition, the heritage statement or other supporting documents should include justification for the demolition of building.

3.4 There are no designated or non-designated heritage assets within or surrounding the application site.

3.5 The Historic Buildings Consultant has been consulted and has no objections to the proposals.

3.6 In light of the above, the proposals comply with Policies ENV 07 and ENV 08 of the Breckland Local Plan (adopted) and Paragraph 189 of the NPPF (2019).

4.0 Impact on Trees

4.1 Policy ENV 06 of the Breckland Local Plan (adopted) requires the protection of trees and hedgerow and says that they should be retained as an integral part of the design of development except where their long-term survival would be compromised by their age or physical condition, or there are exceptional and overriding benefits in accepting their loss. Development requiring the loss of a protected tree or hedgerow (including preserved trees, protected hedgerows, trees in Conservation Areas, ancient trees, aged and veteran trees and trees classified as being of categories A or B in value (BS5837:2012) will only be permitted where it would allow for a substantially improved overall approach to the design and landscaping of the development that would outweigh the loss of any tree or hedgerow. Where the loss of such features is demonstrably unavoidable, adequate replacement provision, preferably by native species will be sought. Where the loss of a tree is accepted in these circumstances, developers will be required to ensure that the loss will be suitably compensated for, taking into account the size and condition of the tree.

4.2 The Tree and Countryside Consultant has been consulted and advise that they have no objection to the proposals subject to operations on site being in complete accordance with the approved Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) prepared by BH Trees and Woodlands dated 8th August 2019

4.3 Therefore, the proposals comply with Policy ENV 06 of the Breckland Local Plan (adopted) and section 15 of the NPPF (2019).

5.0 Highway safety

5.1 Policy TR 01 (Sustainable Transport Network) of the Breckland Local Plan (adopted) seeks to promote a safe, efficient and convenient sustainable transport system. Development should seek to minimise the need to travel, promote opportunities for sustainable transport modes, not adversely impact on the operation or safety of the strategic road network , improve accessibility to services and support the transition to a low carbon future.

5.2 Policy TR 02 (Transport Requirements) of the Breckland Local Plan (adopted) seeks to ensure that developments should be of high quality, sustainable in design, construction and layout as well as offering maximum flexibility in the choice of travel modes for all potential users. Proposals will be permitted that integrate satisfactorily into existing transport networks, mitigate impacts on the local or strategic highway networks arising from the development itself, or the cumulative effects of development, through the provision of, or contributions towards, any relevant transport improvement deemed to be necessary, including those secured by legal agreement, protect, and where possible enhance, access to public rights of way, provide safe, suitable and convenient access for all users, including appropriate parking and servicing provision in terms of amount, design and layout and avoid inappropriate traffic generation and do not compromise highway safety.

5.3 The Highway Authority have been consulted and strongly object to the proposal on the following grounds:

'You will be aware that this Authority has previously sought to resist further development on Vicarage Road owing to the substandard nature of its junctions with Watton Road and Thetford Road (A1075) together with its substandard width which, in particular at its western end, does not allow two vehicles to pass.

This concern was supported by Inspector Exton in respect of the Appeal APP/F605/W17/3187465 (3PL/2017/0468) for a single dwelling to the west of this site where he concluded:

I acknowledge the existence of existing accesses onto Vicarage Road and that the vehicle movements associated with a single dwelling would be limited. However, I consider that Vicarage Road and the junctions at its eastern and western extents are not capable of serving the proposed dwelling safely. In particular there would be likely to be conflict between vehicles using the Vicarage Road/A1075 junction.

In light of the above, I conclude that the appeal would have a severe adverse impact on highway safety and conflict with Policy CP4 of the CSDCPD. This requires access and safety concerns to be resolved within all new developments. It would also conflict with the Frameworks requirement to achieve safe and suitable access for all people.

I remain concerned regarding any potential increase in the use of Vicarage Road and, further, that any approval could set a precedent for similar applications.

I would therefore recommend that permission be refused based on the following assessment.

Other than a school and a pub, Great Hockham has limited amenities and services and any residents would have a high dependency on travelling by private car to access these on a daily basis.

The site is served by a private track which connects into the public highway network via the U33055 Vicarage Road. The track coincides with a Public Right of Way Hockham FP4.

Vicarage Road

Vicarage Road is a narrow county lane. Guidance contained in Manual for Streets suggests that a surface width of at least 4.8m is necessary for a large vehicle and a car to pass safely whilst a minimum of 4.1m is required for two cars to pass each other with care. Below 4m the carriageway is considered as too narrow for cars to pass each other in free flow.

Whilst the carriageway of Vicarage Road achieves a width of 4.1m in the vicinity of the site, in places, in particular to the west, the carriageway width is as little as 2.5m. Even the 4.1m width available where the private track joins Vicarage Road, would not enable a delivery vehicle and car to pass without one mounting the adjacent verge resulting in the erosion of the already narrow carriageway edge and the depositing of mud and detritus on the carriageway causing a potential skid hazard.

Watton Road/Vicarage Road junction

Watton Road provides one of the main routes into the village and also to the village school. Watton Road is subject to a posted 30 Mph speed restriction for which Government safety guidance, set out in Manual for Streets, recommends clear visibility of 43m, measured from a 2.4m set back.

In this instance visibility to the north of the junction of Vicarage Road with Watton Road measures just some 20m which achieves less than 50% of the recommended safety guidance.

Thetford Road (A1075) / Vicarage Road

It would be expected that, in the main, traffic would travel eastwards to join Watton Road. However, it should be noted that there is no physical barrier to prevent traffic entering A1075 Thetford Road from Vicarage Road, in particular as the hard surface continues directly up to the carriageway edge of the major road. The extent of the unclassified section of Vicarage Road terminates around 10m from the carriageway edge of A1075, after which the way becomes a Bridleway (Hockham BR17) over which only private vehicular rights exist. However residents, and drivers of delivery vehicles, may still use this junction as a means of access to/from Thetford Road rather than travelling the more circuitous route through the village. In particular as there are no formal turning facilities at this location.

Thetford Road is a busy and important stretch of the public highway, designated as a Principal Route in Norfolk County Council's route hierarchy, whose primary purpose is to carry traffic safely between centres of population. Traffic speeds are high in this location and drivers are not expecting to encounter slow moving traffic either turning into or out of Vicarage Road. Since Vicarage Road does not allow a two way flow of vehicular traffic at its western end, it is considered that any additional traffic movements in this location would also increase the possibility of vehicles waiting stationary in the carriageway of the major road whilst allowing another vehicle to leave Vicarage Road resulting in the deterioration of the efficiency of Thetford Road as a traffic carrier to the detriment of highway safety. The proposal would result in an additional 6 vehicular movements, daily, together with the additional movements of delivery vehicles and visitors. All of these movements would need to utilise junctions which are considered substandard for the reasons given above. The historic use of both of these junctions is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs. However it is considered that the additional traffic movements associated with the development would increase the potential for undesirable traffic

movements at both junctions and would consequently also increase the potential for collision and personal injury accident.

5.4 In light of the above, the proposed dwelling would not be acceptable in terms of Highway safety and would therefore conflict with Policy TR 01 of the Breckland Local Plan (adopted).

6.0 Flood Risk and drainage

6.1 Policy ENV 09 of the Breckland Local Plan (adopted) requires development to be located to minimise the risk of flooding, mitigating any such risk through design and implementing sustainable drainage (SuDS) principles. Also to incorporate appropriate surface water drainage mitigation measures to minimise its own risk of flooding and should not materially increase the flood risk to other areas. Particular care will be required in relation to habitats designated as being of international importance in the area and beyond which are water sensitive, as well as habitats designated of regional or local importance.

6.2 Paragraph 163 of the NPPF (2019) stipulates that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as appropriate) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

6.3 The application site is located within Flood Zone 1 and is, therefore, within an area at lowest risk of flooding from various sources including that from rivers, tidal, reservoir and canal sources. The site is also in a very low risk zone for surface water flooding.

6.4 In conclusion, the proposals are not in an area at risk of flooding from any sources, therefore, compliant with Policy ENV 09 of the Breckland Local Plan (adopted) and paragraph 163 of the NPPF (2019).

7.0 Conclusion

7.1 Paragraph 61 of the National Planning Policy Framework (2019) requires Councils to plan for people wishing to build their own homes. This can be a material planning consideration for a planning application. Self-build has been identified as the method of delivering the proposals. The principle of development in this location on balance is acceptable and the personal circumstances of the applicant, their close links to the village and their wishes to be close to family has been taken into account when making the planning balance.

7.2 However, the proposal fails on highway safety grounds and more weight has been given to the objection from County Highways which is based on assessment of the safety of the serving roads which has been supported by a very recent appeal decision where an Inspector refused an application on the grounds of

highway safety. The highway objections weighs heavily in this planning decision as it is considered that an additional development would exacerbate the existing highway concerns. In particular the unclassified road (Vicarage Road - U33055) serving the site is considered to be inadequate to serve the development proposed, by reason of its restricted width and substandard junctions with Watton Road (C569) and Thetford Road (A1075). The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety.

7.3 On the basis of the above assessment and due to the issues raised with regards to highway safety, on balance the proposal is contrary to Policy TR 01 and due to the nature of the objection and the possible impacts on highway safety this issue outweighs the benefits of the development. The case officer is mindful that an objection by a Statutory Body should be given considerable weight especially when the assessment of the proposal results in a refusal as the proposal is likely to give rise to conditions that would be detrimental to highway safety. This assessment by County Highways on this particular road network has also been endorsed by an Inspector on Appeal.

RECOMMENDATION

That Planning Permission be REFUSED

REASON(S) FOR REFUSAL

1

Any highway reason for refusal

The unclassified road (Vicarage Road - U33055) serving the site is considered to be inadequate to serve the development proposed, by reason of its restricted width and substandard junctions with Watton Road (C569) and Thetford Road (A1075). The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety, contrary to Policies TR 01 and TR 02 of the Breckland Local Plan (adopted) as well as paragraph 108 of the NPPF (2019).