

<b>ITEM:</b>		<b>RECOMMENDATION:</b>	REFUSAL
<b>REF NO:</b>	3PL/2019/1164/PIP	<b>CASE OFFICER</b>	Mark Simmonds
<b>LOCATION:</b>	OLD BUCKENHAM Land to the west of 49 Hargham Road Old Buckenham	<b>APPNTYPE:</b>	Permission Principle
<b>APPLICANT:</b>	Askew & Partners The Barn Scales Farm	<b>POLICY:</b>	Out Settlemnt Bndry
<b>AGENT:</b>	Brown & Co The Atrium St Georges Street	<b>CONS AREA:</b>	N
<b>PROPOSAL:</b>	Permission in principle for erection of four detached dwellings		
		<b>LB GRADE:</b>	N
		<b>TPO:</b>	N

#### REASON FOR COMMITTEE CONSIDERATION

This application is being put forward for committee consideration as the applicant is a Councillor.

#### KEY ISSUES

Location of development  
Land Use  
Amount of Development

#### DESCRIPTION OF DEVELOPMENT

The application is for permission in principle for the development of 4 dwellings.

Applications for Permission in Principle (PIP) must only consider the location of development, the proposed land use and the amount of development

LPA's cannot list the information they require for applications for permission in principle in the same way they can for applications for planning permission but as the application type suggests assess only the 'principles' of the proposed development with all details subject to a further application if the 'PIP' is approved.

#### SITE AND LOCATION

The site is located to the south of Hargham Road, west of 49 Hargham Road, Old Buckenham. The site measures just under 0.5 hectares and sits outside but adjacent to the settlement boundary.

The site is part of a larger arable field.

#### EIA REQUIRED

No

**RELEVANT SITE HISTORY**

3PL/2015/1495 - Erection of five dwellings and garages - Withdrawn

**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
GEN01	Sustainable Development in Breckland
GEN02	Promoting High Quality Design
GEN03	Settlement Hierarchy
GEN05	Settlement Boundaries
HOU02	Level and Location of Growth
HOU03	Development Outside of the Boundaries of Local Service Centres
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
TR01	Sustainable Transport Network
TR02	Transport Requirements

**OBLIGATIONS/CIL**

**CONSULTATIONS**

**OLD BUCKENHAM P C**

It was felt by the majority of the PC that the houses were not affordable for local people, would over shadow opposite properties and the lack of footpath was a problem on such a busy road.

**NORFOLK COUNTY COUNCIL HIGHWAYS**

Thank you for consulting me in respect of the above application which is a resubmission of 3PL/2015/1495 which was withdrawn following a highway recommendation of refusal.

There have been no significant changes in the the local highway network since this Authority's original response and therefore I have no choice but to maintain our stance that there are serious highway safety concerns regarding the potential for vehicular/pedestrian collision based on the following assessment.

The site is served by C138 Hargham Road which provides a well-used link between B1077 to the east and A11 to the west.

Whilst the site lies within walking distance of village amenities, such as the schools and shop, residents would be required to walk in the live, unlit, carriageway of Hargham Road before they have access to the nearest footway some 200m to the east.

Government safety guidance set-out in Manual for Streets advises that, in general, footway widths should achieve 2m but goes on to advise that additional width be considered between the footway and a heavily used carriageway.

Whilst this Authority often considers a reduction in the 2m width where pedestrian safety is not likely to be compromised. It is clear that insufficient land exists within the highway to provide an acceptable footway from the site to the nearest provision without unacceptably reducing the carriageway width.

Between the site and Fen Street the carriageway of Hargham Road achieves an average width of around 4.8m. A width of 4.8m is the absolute minimum required to enable a car and a large vehicle to pass, albeit with care, with 5.5m being required to enable two large vehicles such as HGVs and agricultural vehicles to pass each other safely.

The size and number of vehicles using Hargham Road on a regular basis is evidenced by the overrunning of the verges, in particular on the southern side. As a consequence I have serious highway safety concerns regarding an increase in pedestrian traffic in this location, in particular by more vulnerable groups such as children and pedestrians pushing buggies or prams.

In summary, the proposal does not include any satisfactory pedestrian provision and, if permitted, would be likely to result in adults and children walking in an unlit carriageway of a narrow busy road in order to access local services and amenities in the village in conflict with live traffic.

I would therefore have no hesitation in recommending permission be refused for the following reason:-  
The proposed development does not adequately provide off-site facilities for pedestrians / people with disabilities (those confined to a wheelchair or others with mobility difficulties) to link with existing provision and local service.

#### **CONTAMINATED LAND OFFICER**

I have looked at the application submitted and, based on both the accuracy of the information provided and the current records of contaminated land issues we hold to date, I recommend approval providing the development proceeds in line with the application details and subject to conditions to alleviate environmental concerns.

#### **REPRESENTATIONS**

A site notice was erected from 04/10/2019 to 25/10/2019.

Five neighbours have been consulted, nine objections have been received and two letters of support. Their comments are below.

- Dangerous road not suitable.
- Where would the services be coming from as there are none down this road?
- The road is very narrow and can not take any more cars coming onto it.
- The proposed development on Hargham Road is outside the development envelope.

- Land for development in Old Buckenham has been allocated in the local plan off St Andrews Close and on the Attleborough road, these sites are more sustainable / suitable for development.
- Nothing about the site has changed since planning was refused in 2012.
- The land on the South side of Hargham road is significantly higher than the land with existing properties on the North side and any development would cause an issue of being overlooked.
- The Large Mature Oak Tree on the road edge within the plot we understand is protected. With this tree in place at no point on the site would a sufficient vision splay be achieved.
- Each property on Hargham Road currently has its own access onto what is already a very busy very narrow road with a weight restriction without footpaths and where speeding is an issue.
- The development proposal for 4 more dwellings on this narrow stretch will lead to increased danger for existing residents.
- Family houses but no footpaths for children to use to access the village.
- There are protected trees to the front of the site.

#### Letters of Support

- I cannot see and detrimental reason to the village for objecting , the village needs new blood and families to keep schools full without busing children in from outside area.

#### ASSESSMENT NOTES

Applications for Permission in Principle (PIP) must only consider the location of development, the proposed land use and the amount of development.

#### 1.0 Location of Development

1.1 The application site is located outside of but immediately adjacent to the Old Buckenham Settlement Boundary, as designated by the Breckland Local Plan (adopted). Old Buckenham is identified as a Local Service Centre through the locational strategy and Policy HOU03 advises that development outside of the Local Service Centres will normally be resisted where the housing target identified in Policy HOU02 has been met. Policy HOU02 indicates that Old Buckenham has a need for 73 additional homes. Initial monitoring indicates approximate commitments and completions for the village of 67 and is therefore close to but not exceeding its housing target.

1.2 Policy HOU 03 states that any development outside of the boundaries of the Local Service Centres will normally be resisted where the Local Plan housing target (as set in Policy HOU 02) is provided for unless supported by other policies within the Local Plan. Where the Local Plan does not identify sufficient sites to achieve the housing target, then further development will be allowed subject to being supported by relevant policies within the Development Plan and meeting all of the following criteria:

1. It is immediately adjacent to the settlement boundary;
2. It would not lead to the number of dwellings in the settlement significantly exceeding the identified housing target;
3. the design contributes to conserving, and where possible enhancing, the historic nature and connectivity of communities; and
4. the development avoids coalescence of settlements.

#### Reasoned justification

Where it has not been possible to identify a suitable, available and deliverable allocation for a settlement defined as a Local Service Centre, development that meets the criteria outlined in Policy HOU 03 will be permitted in order to meet the identified housing target for the plan period (2036). The policy enables an element of flexibility in the housing delivery for the larger rural settlements and helps to support and sustain their services and facilities.

1.3 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.

1.4 The proposed site lies immediately adjacent to the settlement boundary of Old Buckenham, would not lead to the number of dwellings in the settlement significantly exceeding the identified housing target and would meet the criteria as set out in Policy HOU 03. Therefore, the location of the development is acceptable.

## **2.0 Land Use**

2.1 Policy GEN 02 and COM 01 of the Breckland Local Plan (adopted) 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.

2.2 The proposal seeks to provide four detached dwellings on the application site. The site would be adjacent to residential development to the east which is linear in form along Hargham Road. Residential development also sits to the north of Hargham Road also linear in form. The plot would be able to site four dwellings and be consistent with similar plot sizes in the vicinity, therefore the introduction of these dwellings are not considered likely to have a significant impact on the character and appearance of the area in this instance. In light of these factors, the proposal is considered to have due regard to Policy GEN 02 and COM 01 of the Breckland Local Plan (adopted).

2.3 Policy TR 01 (Sustainable Transport Network) 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.

2.4 Policy TR 02 (Transport Requirements) 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.

2.5 The Highways Authority have been consulted and noted that this is a re-submission of application 3PL/2015/1495 which was withdrawn following a Highway recommendation of refusal. There have been no significant changes in the local highway network since their original response and they maintain their stance that there are serious highway safety concerns regarding the potential for vehicular/pedestrian collision based on the following assessment and object to the current application on the following summarised grounds:

"The site is served by C138 Hargham Road which provides a well-used link between B1077 to the east and A11 to the west.

Whilst the site lies within walking distance of village amenities, such as the schools and shop, residents would be required to walk in the live, unlit, carriageway of Hargham Road before they have access to the nearest footway some 200m to the east.

Whilst this Authority often considers a reduction in the 2m width where pedestrian safety is not likely to be compromised. It is clear that insufficient land exists within the highway to provide an acceptable footway from the site to the nearest provision without unacceptably reducing the carriageway width.

The size and number of vehicles using Hargham Road on a regular basis is evidenced by the overrunning of the verges, in particular on the southern side. As a consequence I have serious highway safety concerns regarding an increase in pedestrian traffic in this location, in particular by more vulnerable groups such as children and pedestrians pushing buggies or prams.

In summary, the proposal does not include any satisfactory pedestrian provision and, if permitted, would be likely to result in adults and children walking in an unlit carriageway of a narrow busy road in order to access local services and amenities in the village in conflict with live traffic."

2.6 The Highway Authority recommend refusal as the proposed development does not adequately provide off-site facilities for pedestrians / people with disabilities (those confined to a wheelchair or others with mobility difficulties) to link with existing provision and local service. The proposals fail to provide safe and adequate access between the site and connections to local services Therefore, the proposals fail to comply with Policies COM 03, TR 01 and TR 02 of the Breckland Local Plan (adopted).

### **3.0 Amount of development**

3.1 The proposal is for the erection of four dwellings which would be considered consistent with plot sizes in the vicinity, the density is therefore considered acceptable in this location.

### **4.0 Conclusion/ Planning Balance**

4.1 The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage.

4.2 Therefore the LPA has not considered any technical restraints on the land other than the location of the site, the type of development and the amount of development the site has applied for permission in principle for. Also, in line with the PIP legislation, it is not possible for conditions to be attached to a grant of permission in principle as its terms may only include the site location, the type of development and amount of development.

4.3 It is considered that the application as submitted is acceptable in terms of the location of the site and the amount, however, the land use is not acceptable as the proposed development does not adequately provide access for pedestrians or people with disabilities to link with existing provision and local services, therefore, the proposals conflict with Policies TR 01 , TR02 and COM01 (part M of the policy) of the Breckland Local Plan (adopted) and the guidance in paragraphs 108 and 109 of the National Planning Policy Framework 2019.

4.4 In light of the above, refusal is recommended.

**RECOMMENDATION**

Refusal.

**REASON(S) FOR REFUSAL**

1

**Any highway reason for refusal**

The proposed development does not adequately provide off-site facilities for pedestrians / people with disabilities (those confined to a wheelchair or others with mobility difficulties) to link with existing provision and local service. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety. As such the proposal would conflict with Policies TR 01, TR02 and COM01 (part m of the policy) of the Breckland Local Plan (adopted) and the guidance in paragraphs 108 and 109 of the National Planning Policy Framework 2019.