

ITEM:		RECOMMENDATION:	REFUSAL
REF NO:	3PL/2020/1201/F	CASE OFFICER	Naomi Minto
LOCATION:	HARLING Toms Meadow Fen Lane Harling	APPNTYPE:	Full
APPLICANT:	Mr A Lynn Toms Meadow, Fen Lane Harling	POLICY:	Out Settlemnt Bndry
AGENT:	Parker Planning Services Ltd Orchard House Hall Lane	CONS AREA:	N
PROPOSAL:	Erection of 1 no. dwelling with detached carport with storage above		
		LB GRADE:	N
		TPO:	N

REASON FOR COMMITTEE CONSIDERATION

Application to be determined at Planning Committee following consideration at Chairman's Panel after a Member call-in request.

KEY ISSUES

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

DESCRIPTION OF DEVELOPMENT

The application seeks Full permission for the erection of one detached, two storey, three bedroom dwelling with an integral single garage with storage space overhead, a detached triple car port with storage space overhead, on-site parking and vehicle turning and amenity space sited partly on garden land and partly on agricultural land to the north of Tom's Meadow, Fen Lane.

Materials proposed to be used in the construction of the dwelling include;

- Red Clay stock brickwork & dark grey fibre cement horizontal cladding on the garage;
- Red Clay plain tiles, red clay bonnet tiles to hips, & grey/black fibre cement slates;
- Grey aluminium double glazed windows and doors;
- Timber boundary fencing.

Access to the site would be off Fen Lane to the east. The access has already been put in place.

SITE AND LOCATION

The application site is located on part agricultural land and part garden land used in association with the host dwelling (Toms Meadow) Fen Lane, East Harling. It is outside of the defined settlement boundary for Harling. The site measures approximately 0.10 hectares in size and is on a relatively level gradient. To the north and the south of the site are existing residential dwellings, whilst to the east is Fen Lane with a residential dwelling opposite and to the west is agricultural land and a large pond. A public right of way (identified as Harling FP1) passes the site along Fen Lane.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3DC/2016/0162/DOC DOC - COMPLETE 24-02-17

Discharge of Conditions 3,4,6,9 on 3PL/2016/0872/F

3DC/2018/0178/DOC DOC - COMPLETE 03-10-18

Discharge of Condition 6 on 3PL/2016/0872/F

3PL/2016/0872/F Permission 19-10-16

Erection of detached house, with associated access, landscaping and servicing

3PL/2017/0417/VAR Permission 26-05-17

Variation of condition 2 on 3PL/2016/0872/F

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
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
TR01	Sustainable Transport Network
TR02	Transport Requirements

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

HARLING PARISH COUNCIL

Objection - Harling Parish Council refer back to their comments on application 3PL/2018/0784, this is a private road and already under immense physical strain as are the properties that run along it. Access onto Quidenham Road has always been difficult and more vehicles exiting Fen Lane will only comprise highway safety further. This property is an infill and the Council feel it is over development of this plot.

Further development along this lane will have a detrimental impact on the character and outlook of this Lane, along with increased noise for residents already living on Fen Lane, with extra traffic movements especially during construction of any new residencies. Harling Parish Council do not wish to see anymore new developments in Fen Lane.

NORFOLK COUNTY COUNCIL HIGHWAYS

Objection - Inadequate visibility splays are provided at the junction of the access with the County highway and this would cause danger and inconvenience to users of the adjoining public highway.

CONTAMINATED LAND OFFICER

No objection, subject to conditions.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

No objection, subject to conditions.

TREE AND COUNTRYSIDE

No objection based on hedgerow being retained, as confirmed by agent. If permission is granted then a condition should be attached to ensure that the hedgerow must be retained and maintained at a height of no less than 1.5m.

NORFOLK COUNTY COUNCIL PUBLIC RIGHTS OF WAY

We object to the application on Public Rights of Way grounds. We would highlight that access to the site will be via the Public Right of Way known as Harling footpath 1 which does not offer any means of public vehicular access and it is not maintainable at the public expense to a vehicular standard. An increase in vehicular use of this unmade track will result in a loss of amenity value for the PRoW users, as well as causing additional conflict between these users and vehicles resulting in an increase in danger and inconvenience to all highway users.

REPRESENTATIONS

A Site Notice was put up on 4 November 2020 and six neighbours directly consulted. Ten letters of representation have been received, three in support and seven objections. The main points raised are listed below;

Objections

- The application seeks to take advantage of an infill opportunity, which has only been created by the previously consented application. The original application was for one dwelling on this land (a large plot). This application seeks to squeeze in another large dwelling.
- The latest application would have an adverse impact on the character and appearance of the area, destroying the rhythm of space which currently exists between buildings on this part of Fen Lane and not integrate to a high degree of compatibility with existing historical cottages in the immediate vicinity.
- Highway safety concerns - the application in itself does not make the intersection more dangerous, but leads to an increase in vehicle movements, which in turn increases the chance of collision. Poor visibility at the junction of Fen Lane with White Hart Street.
- Adverse effect on Fen Lane (which is a public right of way / bridal path) - the surface has significantly deteriorated over the years as more land is developed. Approval of this application will only add to the problem. No passing places on the lane, which is very narrow. Fen Lane is steeped in history and should be preserved from further development. Further development and additional traffic will increase the risk exposed to walkers using the designated footpath.
- Flooding concerns - surface water drainage
- Not accessible for refuse lorries or oil lorries
- Adverse impact on local ecology
- Village infrastructure struggles with the existing number of residents and the primary school and Doctor's surgery is at capacity.
- The quota for new dwellings in the village has already been met.
- The proposal is described as a self-build development. However, the applicant is a builder by trade.

Support

- I visited this site and would like to support the application. Whilst I recognise that the site is off an un-adopted road, the plot is clearly an infill application as it sits between two existing properties and directly opposite a property which has recently been approved and is in the process of being built (Member Comments).
- No objection to proposal. Lived on fen lane for over 30 years and not noticed any extra noise, or seen any accidents at the junction of Quidenham Road.
- The plans are fitting to the area and will not spoil the area at all.
- No objections at all to another house being build in Fen Lane

ASSESSMENT NOTES

1.0 Principle of development

1.1 The application seeks Full planning permission for the erection of one detached, two storey, three bedroom dwelling with an integral single garage with storage space overhead, a detached triple car port with storage space overhead, on-site parking and vehicle turning and amenity space on land outside of the East Harling settlement boundary. For this reason the proposal is contrary to Policies GEN 03, HOU 03 and HOU 06 of the Breckland Local Plan (adopted 2019).

1.2 Policy GEN 03 of the Breckland Local Plan (BLP) states that most new development needs will be met through the proposed sustainable settlement hierarchy. Within the hierarchy East Harling is identified as a Local Service Centre. Local Service Centres are considered to satisfy the five qualifying criteria, including provision of public transport; community facilities; employment; a shop / post office; and a school. The assessment of a Local Service Centre has due regard to the distance of services and facilities from the designated Settlement Boundary / village core and they are only considered to be available where they are within recognised acceptable walking distance.

1.3 Policy HOU 03 of the BLP, which relates to development outside of the boundaries of Local Service Centres, states that development outside of the boundaries of the Local Service Centres will normally be resisted where the Local Plan housing target is provided for, unless supported by other Policies within the Local Plan. Policy HOU 06 of the BLP, which relates to principles of new housing, states that in rural locations and at the edges of settlements, proposals for lower density development will be supported where it can be demonstrated that this is justified, having regard to local character and wider sustainability issues.

1.4 Given that the site is located within the Parish of Haring and therefore outside of the defined Settlement Boundary of a Local Service Centre, then the proposal needs to comply with Policy HOU 03 of the Breckland Local Plan (adopted 2019). The site is located approximately 67 metres to the north of the Settlement Boundary for Harling. As already mentioned above, development outside of the boundaries of Local Service Centres will normally be resisted where the Local Plan housing target is provided for. However, Policy HOU 03 also states that 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.

1.5 The latest figures for Harling indicate that the total number of dwellings allocated for the village, made up of completions, commitments and allocations within the neighbourhood plan, equates to 261 new dwellings, where the target to be met over the plan period is 250. As a result, the principle of new development is not supported. Notwithstanding this, even if the housing target had not been met, the settlement boundary is not considered to be immediately adjacent to the application site. In addition, Breckland District Council has recently updated its five year housing land supply position (November 2020) and it has been demonstrated that the Council does have a five year supply of deliverable housing sites. In light of the above considerations, the principle of development is not accepted, having due regard to Policies HOU 03, GEN 01, GEN 03 and GEN 05 of the Breckland Local Plan.

2.0 Design and impact on character and appearance of the area

2.1 Policy GEN 02 of the Breckland Local Plan (adopted 2019) 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. Policy COM 01 of the Local Plan is concerned with design and provides additional detailed criteria that all new development should meet, including the need to integrate to a high degree of compatibility with the surrounding area.

2.2 The application site is located approximately 67 metres north of the designated settlement boundary of East Harling. It is partly on garden land and partly on agricultural land, in the countryside. It is accessed from Fen Lane, which is long and narrow with residential development scattered along it to either side. However, the lane remains a largely undeveloped route with established mature trees along the majority of its length. Where there are gaps, the views tend to be of fields, which contribute to the character and appearance of the area.

2.3 The majority of the residential development within the lane is situated in a close linear group to the south of the lane, near the junction to Quidenham Road. In the vicinity of the application site, planning permission was granted for a replacement dwelling opposite, in 2019 (ref: 3PL/2018/1445/F). Planning permission has also been granted for a new dwelling north of The Cottage (3PL/2017/0360/F), of which the cottage is adjacent to the application site to the north.

2.4 The application site itself was subject to a planning application in 2016 (3PL/2016/0872/F) to develop it into one dwelling within a substantial sized plot. Planning permission was subsequently granted and the dwelling has since been constructed. The proposed dwelling would be sited on garden land associated with the dwelling approved in 2016, although it is noted that the latest application seeks to extend the garden area of the proposed dwelling further west into agricultural land (Grade 4).

2.5 Having assessed the submitted plans, it is noted on the west side of Fen Lane that the host dwelling, currently known as Tom's Meadow and measuring approximately 9.07 metres in height (at its highest point) was sited approximately 29.1 metres away from an existing historic cottage, known as The Cottage (measuring approximately 6.29 metres in height at its highest point). Given the significant height and scale variations between the two dwellings, the space in between is considered important in terms of preserving the special character of the historical cottage. It should therefore not be further eroded by further built development.

2.6 It is considered that the construction of a new dwelling, as proposed, in the location shown, which would be in close proximity to the host dwelling (approximately 6.1 metres from building to building) and to an existing historical cottage (approximately 8.9 metres from building to building), would not integrate to a high degree of compatibility with the surrounding area, in terms of design, style, massing, materials and scale. It would therefore fail to reinforce the positive and distinctive local character and amenity, having a detrimental impact on the character and appearance of the immediate vicinity, contrary to Policies COM 01 and GEN 02 of the BLP.

3.0 Impact on amenity

3.1 Policy COM 03 of the Breckland 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; overlooking of windows of habitable rooms and private amenity space; overbearing impact / visual dominance and odour, noise, vibration or other forms of nuisance, such as artificial light pollution, insects and vermin.

3.2 Having regard to the proposed floor plans and fenestration, it is considered that the proposal would not have an adverse impact on the amenity of neighbouring occupiers, in respect of overlooking and loss of privacy. It would not adversely obstruct the light or outlook of neighbouring habitable room windows given its

siting set back on the plot (in line with the host dwelling approved in 2016). The proposal also provides the dwelling with generous 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) states that new development should not compromise highway safety. In addition, it should enable safe access for vehicles and for walking and cycling. Policy COM 01(n) states that new development must provide adequate parking as outlined in TR 01 and consideration of safe storage for bicycles.

4.4 The submitted layout plan shows that there would be sufficient on site parking and turning provision for future occupants of the dwelling. The Local Highway Authority reiterated that they have previously raised concerns regarding development in this location because of the severely substandard level of visibility at the junction of Fen Lane with Quidenham Road.

4.5 They also note that the last two applications for development on Fen Lane (3PL/2016/0392/O and 3PL/2016/0872/F) were permitted against highway advice. Therefore, their views on the current submission remain as previously given, namely that the introduction of a mirror at the end of Fen Lane does not overcome highway safety concerns. Traffic mirrors are not considered a reliable or acceptable method of overcoming shortfalls in visibility since they make it difficult to judge speed, can dazzle in certain light conditions and can be obscured by condensation and frost all of which could increase the potential for accidents.

4.6 Fen Lane is an unmade private road which forms part of the public footpath Harling FP1 and which joins the adopted road network via C154 Quidenham Road. Quidenham Road is subject to a 30 mph speed restriction for which Government safety advice, contained in Manual for Streets, recommends minimum visibility splays of 2.4m x 43m be provided to either side of an access.

4.7 Visibility at the junction of Fen Lane with Quidenham Road is severely restricted measuring only around 15m in either direction from a 2.4m set back. This represents a mere 34% of the recommended safety guidance. Even if the set-back is reduced to 2m, at which point part of a vehicle would be likely to protrude into the carriageway, the level of visibility in the critical direction (i.e. the oncoming traffic direction) remains unchanged and an insignificant improvement would be achieved in an easterly direction.

4.8 Furthermore, forward visibility for drivers on Quidenham Road approaching Fen Lane from the west (the village side) is also severely restricted to around 15m. This again represents only 34% of the recommended safety guidance required to ensure that a driver on Quidenham Road has a clear view of a vehicle entering

or leaving Fen Lane and is able to slow down and react.

4.9 Notwithstanding that permissions have been granted against highway advice, the Local Highway Authority remain of the view that visibility falls so far below Government safety guidance that the further continued intensification in the use of the substandard junction would give rise to the potential for collision and personal injury accident.

4.10 The Local Highway Authority has therefore recommended that permission be refused on the basis that inadequate visibility splays are provided at the junction of the access with the County highway and this would cause danger and inconvenience to users of the adjoining public highway.

4.11 In addition, given that Fen Lane is a designated Public Right of Way (PRoW), identified as Harling FP1. The Public Rights of way Team were consulted on the proposal and objected to it on PRoW grounds. They advised that access to the site would be via the PRoW known as Harling footpath 1, which does not offer any means of public vehicular access and it is not maintainable at the public expense to a vehicular standard. An increase in vehicular use of this unmade track will result in a loss of amenity value for the PRoW users, as well as causing additional conflict between these users and vehicles resulting in an increase in danger and inconvenience to all highway users.

4.12 In light of the above considerations, including the PRoW not offering any means of public vehicular access and inadequate visibility splays at the junction of the access with the County highway, it is concluded that the proposal would compromise highway safety and is therefore contrary to Policies COM 01(m), TR 01 and TR 02 of the BLP, whilst also having due regard to paragraphs 108 and 109 of the NPPF (2019).

5.0 Impact on trees

5.1 Policy ENV 06 of the Breckland 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. The tree and Countryside Officer requested details of any hedgerow / tree removal that may be required in order to achieve suitable visibility splays.

5.2 The applicant advise that the existing hedgerow on site will be retained with some general maintenance to improve visibility onto Fen Lane. However, the proposal will not involve the removal of any existing trees or hedgerow. The Tree and Countryside Officer was subsequently consulted and raised no objection based on the hedgerow being retained, as confirmed by agent. The Tree and Countryside Officer has requested the inclusion of a condition with any forthcoming planning permission to ensure that the hedgerow is retained and maintained at a height of no less than 1.5m. In light of the above considerations, the application is considered to be compliant with Policy ENV 06.

6.0 Impact on ecology

6.1 Policy ENV 02 of the Breckland Local Plan states that all new 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 (if any).

6.2 The application submission includes provision of a Preliminary Ecological Appraisal (Greenlight Environmental Consultancy limited, dated August 2020). The Natural Environment Team has confirmed that it is fit for purpose and on that basis, no objection has been raised, subject to the inclusion of conditions. The application is therefore considered to be compliant with the requirements of Policy ENV 02, whilst also having due regard to paragraph 170 of the NPPF (2019).

7.0 Other matters

7.1 The Contaminated Land Officer acknowledged that the current application is for development on land, which has previously been the subject of another planning application for development (3PL/2016/0872/F), of which a gas protection membrane was required in the construction of the dwelling. The ground gas conditions were subsequently discharged. The Contaminated Land Officer queried whether the current application is for another dwelling, in addition to that approved in 2016. Following further discussions with them, they have advised that their records indicate that the above site is in the vicinity of a potentially backfilled quarry / pit from which there is the potential for gas migration. They have not objected to the proposal. However, they have recommended the inclusion of conditions with any forthcoming planning permission. In light of the above assessment, the application is considered to be compliant with Section 15 of the NPPF (2019).

8.0 Conclusion

8.1 Taking into account the overall planning balance of the scheme, for the reasons outlined within the report, the principle of developing this site is not accepted. In addition, it is considered that the proposal would not integrate to a high degree of compatibility with the surrounding area, particularly the adjacent historic cottage, when having regard to its design, style, massing, materials and scale. Furthermore, it is considered that the proposal would lead to an unacceptable impact on highway safety, including causing additional conflict between PRow users and vehicles resulting in an increase in danger and inconvenience to all highway users. The application is considered to be contrary to Policies HOU 03, GEN 01, GEN 02, GEN 03, GEN 05, COM 01, TR 01 and TR 02 of the BLP, as well as having due regard to paragraphs 11, 108, 109 and 127 of the NPPF. Accordingly, the application is recommended for refusal.

RECOMMENDATION

The application is recommended for refusal on the following grounds.

REASON(S) FOR REFUSAL

- 1 Non-std reason for refusal**

The application site is outside Harling's Settlement Boundary and does not comply with the criteria of Policies HOU 03, GEN 01, GEN 03 and GEN 05 of the Breckland Local Plan (adopted 2019) for development outside of settlement boundaries. As such, the development would not accord with the Development Plan and there are no material considerations that would outweigh this harm. As a result, the proposed development is not considered sustainable development having regard to these adopted Local Plan Policies and the NPPF (adopted 2019).
- 2 Non-std reason for refusal**

On the west side of Fen Lane, the host dwelling, currently known as Tom's Meadow and measuring approximately 9.07 metres in height (at its highest point) is sited approximately 29.1 metres away from an existing historic cottage, known as The Cottage (measuring approximately 6.29 metres in height (at its highest point)). Given the significant height and scale variations between the two dwellings, the space in-between is considered important in terms of preserving the special character of the historical cottage. The construction of a new dwelling, as proposed, in the location shown (measuring approximately 8.14 metres at its

highest point), would be in close proximity to the host dwelling (approximately 6.1 metres from building to building) and to an existing historical cottage (approximately 8.9 metres from building to building). It would not integrate to a high degree of compatibility with the surrounding area, particularly the adjacent historic cottage, having regard to design, style, massing, materials and scale. It would therefore fail to reinforce the positive and distinctive local character and amenity, having a detrimental impact on the character and appearance of the immediate vicinity, contrary to Policies COM 01 and GEN 02 of the Breckland Local Plan (adopted 2019) and paragraph 127 of the NPPF.

3 Non-std reason for refusal

Access to the site will be via the Public Right of Way (PRoW) known as Harling footpath 1, which does not offer any means of public vehicular access and it is not maintainable at the public expense to a vehicular standard. An increase in vehicular use of this unmade track will result in a loss of amenity value for the PRoW users, as well as causing additional conflict between these users and vehicles resulting in an increase in danger and inconvenience to all highway users, contrary to Policies COM 01(m), TR 01 and TR 02 of the Breckland Local Plan (adopted 2019), as well as having due regard to paragraphs 108 and 109 of the National Planning Policy Framework (adopted 2019).

4 Non-std reason for refusal

Inadequate visibility splays are provided at the junction of the access with the County highway and this would cause danger and inconvenience to users of the adjoining public highway. Contrary to Development Plan Policies COM 01(m), TR 01 and TR 02 of the Breckland Local Plan (adopted 2019), whilst also having due regard to paragraphs 108 and 109 of the National Planning Policy Framework (adopted 2019).