

<b>ITEM:</b>		<b>RECOMMENDATION:</b>	REFUSAL
<b>REF NO:</b>	3PL/2021/0520/F	<b>CASE OFFICER</b>	Tom Donnelly
<b>LOCATION:</b>	HARLING Land at Taylors Rise, Lopham Road	<b>APPNTYPE:</b>	Full
<b>APPLICANT:</b>	Mr David Taylor Downhill Farm Kenninghall Road	<b>POLICY:</b>	In Settlemnt Bndry
<b>AGENT:</b>	NKF Planning Consultancy Limited C/o NKF Planning Consultancy Ltd 4 Ford Avenue	<b>CONS AREA:</b>	N
<b>PROPOSAL:</b>	Erection of 6 Detached Dwellings with Garages	<b>LB GRADE:</b>	N
		<b>TPO:</b>	N

### DEFERRED REASON

#### History

The application was heard at Planning Committee on 4th October 2021, where members resolved to refuse planning permission for the following reasons:

1 The housing target for East Harling has been exceeded and therefore the proposal fails to comply with Policies GEN05 and HOU03 of the Breckland Local Plan (adopted 2019) and for these reasons would result in unsustainable development.

2 The proposal would result in inadequate amenity provision in terms of private amenity space provision, particularly for plots 2 and 3. Additionally, it is considered that plots 5 and 6 would experience undue noise disturbance from traffic movements from the access road contrary to Policy COM03 of the Breckland Local Plan (Adopted 2019).

3 The layout of the proposed development is incompatible with the character of the wider development in terms of plot sizes and siting of the dwellings and garages contrary to Policy COM01 and GEN02 of the Breckland Local Plan (Adopted 2019).

4 Insufficient information has been submitted to assess the biodiversity impact of the development contrary to Policy ENV02 of the Breckland Local Plan (Adopted 2019).

5 Insufficient information has been submitted to assess the impact of trees on and adjacent to the site contrary to Policy ENV06 of the Breckland Local Plan (Adopted 2019).

Please note since the planning committee it has come to light that the wrong map for East Harling is included in the published/full version of the Breckland Local Plan (adopted 2019) and the site does actually lie in the settlement boundary for East Harling. Therefore, on this basis reason for refusal (1) is no longer appropriate and has been removed.

At the Planning Committee it was pointed out to members that reason for refusal (2) incorrectly references

plots 2 and 3. This should have referred to plots 5 and 6 and therefore this reason has been updated, as per the previous Planning Committee resolution.

Reason for refusal (3) has been updated to provide clarity with regards to concerns about the proposal and its impact on the character of the area.

Reason for refusal (5) a Tree Survey has been submitted by the applicant. The Tree Officer has been consulted and states that there is no significant problems, with the proposal. However, I would just like to see some minor adjustments to bring the garage outside the RPA of T1 and T2. The applicant has been informed and we await confirmation of their intention to submitted amended plans or not.

Finally, the officer report failed to consider the requirement for affordable housing, as the application site forms part of a larger residential development and no affordable housing is proposed. A further reason for refusal is considered necessary on this basis and has been proposed.

The reasons for refusal (listed at the end of this report), as recommended, are now as follows:

1 The proposal would result in inadequate amenity provision in terms of private amenity space provision, particularly for plots 5 and 6, not in character with the surrounding area. Additionally, it is considered that plots 5 and 6 would experience undue noise disturbance from traffic movements from the access road contrary to Policy COM03 of the Breckland Local Plan (Adopted 2019).

2 The layout of the proposed development, particularly at the front site, is incompatible with the character of the wider development in terms of plot sizes and siting of the dwellings and garages contrary to Policy COM01 and GEN02 of the Breckland Local Plan (Adopted 2019).

3 Insufficient information has been submitted to assess the biodiversity impact of the development contrary to Policy ENV02 of the Breckland Local Plan (Adopted 2019).

4 Insufficient information has been submitted to assess the impact of trees on and adjacent to the site contrary to Policy ENV06 of the Breckland Local Plan (Adopted 2019).

5 No affordable housing provision is proposed as part of the development which forms part of a major residential development contrary to Policy HOU07 of the Breckland Local Plan (Adopted 2019).

## **Recommendation**

The recommendation remains one of refusal for the reasons listed at the end of this report and amended/updated from the earlier Planning Committee, as set out above.

The officer report has been updated, and now follows:

### **REASON FOR COMMITTEE CONSIDERATION**

The application is brought before the planning committee as the site forms part of a larger, major development site.

**KEY ISSUES**

Principle of development  
Access and car parking  
Layout and Design  
Amenity  
Ecology  
Flood Risk and Drainage  
Trees and hedgerows  
Contamination

**DESCRIPTION OF DEVELOPMENT**

Erection of 6 Detached Dwellings with Garages.

**SITE AND LOCATION**

The application site is at Taylor Drift in Harling. It is a 3 phase residential development for a number of dwellings. This site is set well within the wider residential development site.

**EIA REQUIRED**

No

**RELEVANT SITE HISTORY**

3PL/2008/0579/F	Permission	13-01-09
Demolition of redundant industrial buildings & erection of 10 no. houses (Revised Layout)		
3PL/2010/0374/F	Permission	18-08-10
Residential development (15 units) and open space		
3PL/2011/1071/F	Permission	20-02-13
Erection of 8 no. houses (phase 3) including affordable housing & open space		
3PL/2016/0189/F	Permission	15-02-17
Erection of 3 dwellings		
3PL/2017/0503/F	Permission	28-01-19
new 2 storey dwelling with double garage		
3PL/2020/0528/F	Permission	02-09-20
Erection of 3 no. detached dwellings.		

**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
ENV09	Flood Risk & Surface Water Drainage
GEN01	Sustainable Development in Breckland
GEN02	Promoting High Quality Design
GEN03	Settlement Hierarchy
GEN05	Settlement Boundaries
HOU03	Development Outside of the Boundaries of Local Service Centres
HOU10	Technical Design Standards for New Homes
NPPF	National Planning Policy Framework (Revised 2021)
NPPG	National Planning Practice Guidance
TR02	Transport Requirements

**OBLIGATIONS/CIL**

Not applicable

**CONSULTATIONS**

**HARLING PARISH COUNCIL**

Original layout had been to build 1 dwelling on large plot, this application is for 5 more on the plot. They are in keeping with the rest of the development. It was proposed by Cllr Blades and seconded by Cllr Jubb that council raise no objections.

**NORFOLK COUNTY COUNCIL HIGHWAYS**

While no objections are raised to the principle of the development no visibility splays are shown at the junction of the shared private drive with the estate road. Given the likely traffic speeds visibility splays of 2.4m x 20m would be acceptable in both directions. To safeguard visibility the frontage footway should be widened to cover the full width of splays.

For information we are currently in discussion with the applicant regarding the adoption of the estate road. Should this application be approved the S38 plan will need to be updated to include the widened footway.

**TREE AND COUNTRYSIDE CONSULTANT**

Please request an arboricultural impact assessment and Tree Protection Plan to be undertaken by a suitably qualified arboriculturalist in accordance with BS5837.

**CONTAMINATED LAND OFFICER**

No objection subject to conditions

**FLOOD & WATER MANAGEMENT TEAM**

No objection

**HOUSING ENABLING OFFICER**

We note this is a potentially overlapping position with other parts of this site. As previously discussed with planning officers, our position is that the change to 25% affected only the unbuilt phases and that phases built out at 40% are not retrospectively affected by this. We therefore place a holding objection, until the issues presently with senior management are resolved, and a calculation can then be made as to what affordable housing this overlapping intensification needs to provide.

**ECOLOGICAL AND BIODIVERSITY CONSULTANT**

No ecological information has been submitted in support of this application. There also does not appear to have been any ecological information submitted in support of the original application at this site (ref: 3PL/2010/0374/F). The AIA submitted in support of this application does not appear to be based on the current proposals. We recommend asking the applicant to submit a Preliminary Ecological Appraisal carried out by a suitably qualified ecologist in support of this application. In accordance with Breckland's Local Plan (adopted 2019) Policy ENV 02 all development with the potential to affect biodiversity should demonstrate how such effects have been considered, by firstly demonstrating how effects have been avoided, and then how effects that cannot be avoided have been minimised. Residual harm, after all measures to prevent and adequately mitigate have been applied, must be adequately compensated for. 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 (if any).

**ANGLIAN WATER SERVICE**

No Comments Received

**REPRESENTATIONS**

15 representations have been received, their comments are summarised as follows:

- This application seems to be based on "Planning Creep" and "garden grabbing"
- Existing village facilities and infrastructure simply cannot accommodate any more residents (beyond those for which planning approval has already been granted)
- For those of us living close to the construction sites at Roxbury Drive and Taylors Drift, we have endured the daily impact on our 'amenity' for years now. The dust, noise and construction traffic has been relentless. The build rate has been extremely slow and such impact on our lives has been ongoing for over 10 years - an additional 5 houses (6 to be built on a plot originally granted permission for 1 house) will prolong this misery.
- The proposal does appear to 'cram in' the houses and does not offer any kind of attractive 'outlook' for existing residents from any angle.
- This new development is on a narrow Road with poor access for delivery vehicles and will result in traffic blockages.
- There is a significant increase in building density compared to previous plans.
- Loss of amenity from overshadowing, noise and disturbance, pollution and loss of privacy. The proposed houses to be built, especially the two next to the road, will overshadow properties opposite.
- If approved existing properties will look onto a dense housing area not the garden of a single plot as approved in previous planning applications.
- Little space for delivery vehicles and with 6 houses as opposed to 1 this is a much greater problem.

- Five new properties will generate much more traffic and will increase traffic density and more hazards will increase potential for traffic incidents. This is a very narrow road will make entry and in particular departure from the new dwellings more difficult.
- There are many inaccuracies in the application form and Design and Access Statement submitted for this application.
- The proposal fails to mention this development is accessed off a private road.
- The proposal fails to acknowledge the existing trees onsite.
- Insufficient open space has been provided to serve the development and the additional housing proposed.
- The proposal is not sustainable and East Harling as a village is becoming overwhelmed by development.
- Breckland have achieved their housing requirements up to 2036.
- This will make the place look crowded and over developed and is not in keeping with the rest of the development.
- In the application there is no design criteria stated or verified calculations provided, to ensure the existing infrastructure - sewage mains - in Taylor Drift would be able to handle 5 additional dwellings. I would argue that it is barely sufficient now when there are still 8 dwellings to be constructed.
- The two 3 bedroom dwellings proposed have no garage and virtually no storage place inside, resulting in an impact on amenity for neighbour properties due to paraphernalia being stored/left outside.
- This site should be considered as a unsustainable site, outside of the designated settlement boundary.
- The Local Plan housing target has been met by existing completions, consents and the proposed 85 dwelling development off Quidenham Road. The proposal is therefore contrary to Policy HOU03 of the Local Plan.
- Currently, as Taylor Drift is an active building site, there are many hazards, especially for the children playing in the road.
- This may have a detrimental impact on property values.

## **ASSESSMENT NOTES**

### 1.0 Principle of development

1.1 The proposal is located inside the settlement boundary for East Harling. East Harling is a local service centre.

1.2 As the application site is situated within the settlement boundary of the parish, the principle of residential development is accepted having regard to Policies GEN03, GEN05 and HOU06 of the Breckland Local Plan (Adopted 2019).

### 2.0 Access and car parking

2.1 Policies TR01 and TR02 of the Breckland Local Plan (adopted 2019) seek to promote sustainable transport. Policy TR01 requires development 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. Policy TR02 requires development to integrate into existing transport networks; mitigate highways impacts; protect and enhance access to public rights of way; provide safe, suitable and convenient access for all users, including appropriate parking; and avoid inappropriate traffic generation and do not compromise highway safety.

2.2 The highways authority have been consulted and raise no objections to the proposals, subject to the provision of visibility splays. In the event the application was to be approved then these could be secured via suitably worded planning conditions. The proposal is therefore likely to comply with Policies TR01 and TR02

of the Breckland Local Plan (adopted 2019).

### 3.0 Layout and Design

3.1 Section 12 of the NPPF and GEN02 and COM01 of the Breckland Local Plan (adopted 2019) seek to promote high quality design. The layout is shown with four dwellings to the north, south and west boundaries of the site with a central access point leading to two dwellings to the rear of the site. There are private access points for plots 1 and 4 to the north and south of the site.

3.2 The two dwellings to the frontage of the site are angled away from the public highway, presumably to front the proposed access to the dwellings to the rear and accommodate car parking, whilst avoiding an amenity conflict between the frontage and rear dwellings. The wider character of the area comprises of dwellings facing the highway and therefore these two frontage plots (5 and 6) would be out of character with the surrounding area. In addition, the creation of the access in-between these plots, combined with the proposed car parking for plots 5 and 6 and the extensive area to serve plots 5 and 6, would result in an excessively large area of hardstanding in this location, not characteristic of this rural location and failing to take the opportunity to improve the character and quality of the area.

3.3 The proposed rear gardens for plots 5 and 6 also appear out of character with those of other neighbouring detached plots and would result in long stretches of boundary treatment, deadening the access to the properties to the rear, as well as impacting the street scene.

3.4 The frontage elevations of plots 5 and 6 are likely to look alien in the street scene with limited fenestration on the longer front elevation, contrary to the character of neighbouring plots. Additionally, the garage to the front of plot 5 is likely to overly dominate the street scene and is not in character with the wider development, whereby plots are set back from the highway with proposed landscape frontages and garages are in line with or behind property frontages.

3.5 Overall, it is not considered that the layout and design of the proposal compliments the character and appearance of the wider development and surrounding area. Therefore, the proposal is considered to be contrary to Policy COM01 of the Breckland Local Plan (Adopted 2019).

### 4.0 Amenity

4.1 Policy COM03 of the Breckland Local Plan (adopted 2019) seeks to avoid unacceptable effects on the residential amenity of neighbouring occupants, or development which does not provide for adequate levels of amenity for future occupants. Plots 2 and 3 would be serviced by an access running directly in-between plots 5 and 6. This is likely to impact the amenity of future occupants of plots 5 and 6 through cars running past the entire frontage of these two plots and the entire length of their gardens causing noise and disturbance and light pollution to windows at night time.

4.2 The rear gardens of plots 5 and 6 are not considered to be adequate areas of usable and secluded private amenity space for the occupiers of proposed dwellings, due to the noise and disturbance likely caused by vehicles using the access drive adjacent to them and they are not in keeping with the character of the immediate surrounding areas in terms of size and layout.

4.3 The proposal is therefore considered contrary to Policy COM03 of the Breckland Local Plan.

### 5.0 Biodiversity Impact

5.1 Section 15 of the NPPF and policy ENV02 of the Breckland Local Plan (adopted 2019) require the protection and enhancement of biodiversity.

5.2 The county ecologist has considered the proposal and has requested the submission of a preliminary ecological appraisal. There is no ecology information submitted with the application. It is noted that the application forms part of a larger residential development site that is currently under construction and therefore the current proposal is not likely to result in any significant biodiversity harm. However, in the absence of a survey by a suitably qualified individual, it is not possible to fully assess the biodiversity impact of the development and therefore the proposal cannot be considered to satisfy the requirements of Policy ENV02 of the Breckland Local Plan (Adopted 2019).

## 6.0 Flood Risk and Drainage

6.1 Section 14 of the NPPF and ENV09 of the Breckland Local Plan (adopted 2019) seek to minimise the risks of flooding by direct new development away from areas at highest risk of flooding and for new development not to increase flood risk elsewhere.

6.2 As the application seeks permission for a minor development, it falls below the threshold for development that would be considered and commented on by the LLFA. No information has been submitted with the application regarding flood risk and drainage. However, the application form states that drainage will be achieved via a sustainable drainage system and that foul sewerage will be disposed of via the mains sewer. It is anticipated that both of these factors will be dealt with by connecting to the existing foul and surface water drainage systems that are in place for the wider development site. It is therefore considered on this basis that the impact of the development in terms of flood risk and drainage is acceptable having regard to Policy ENV09 of the Breckland Local Plan (Adopted 2019).

## 7.0 Trees and hedgerows

7.1 The retention of significant trees and hedgerows is supported by Policy ENV06 of the Breckland Local Plan (adopted 2019). The Tree officer has commented on the application and requested an arboricultural impact assessment and Tree Protection Plan. No such information has been submitted. On this basis, it is not considered that appropriate regard has been had to the protection and preservation of trees as required by Policy ENV06 of the Breckland Local Plan (Adopted 2019).

## 8.0 Contamination

8.1 Section 15 of the NPPF and COM03(8) of the Breckland Local Plan (adopted 2019) states that planning decisions should take account of ground conditions, pollution and contamination risk. The Contaminated Land Officer has considered the proposal and has raised no objection to the development subject to conditions. It is therefore considered that the development is acceptable having regard to Contaminated Land on site in accordance with Section 15 of the NPPF and COM03(8) of the Local Plan (adopted).

## 9.0 Affordable Housing

9.1 As the application site forms part of a larger residential development, affordable housing provision is required as per the requirements set out in Policy HOU07 of the Breckland Local Plan (Adopted 2019). This policy requires the provision of 25% affordable housing on sites capable delivering 10 dwellings or more or on sites at least 0.5ha in size.

9.2 The submission detail does not propose any affordable housing provision as part of the development



and therefore the 25% requirement is not met. On this basis, the proposal is considered to be contrary to Policy HOU07 on the basis of inadequate affordable housing provision.

## 10.0 Conclusion

10.1 In terms of the overall planning balance of the scheme, the proposal is considered to not be acceptable in planning terms on the basis of principle of development, incompatible layout and design, inadequate amenity space, insufficient biodiversity impact information and insufficient tree impact information contrary to Policies HOU03, COM01, COM03, ENV02 and ENV06 respectively.

10.2 On this basis, the application is recommended for refusal.

### RECOMMENDATION

On the basis of the above assessment, the application is recommended for REFUSAL for the grounds listed above.

### REASON(S) FOR REFUSAL

- 1 Adverse effect on amenities**

The proposal would result in inadequate amenity provision in terms of private amenity space provision, particularly for plots 5 and 6, not in character with the surrounding area. Additionally, it is considered that plots 5 and 6 would experience undue noise disturbance from traffic movements from the access road contrary to Policy COM03 of the Breckland Local Plan (Adopted 2019).
- 2 Incompatible design of development**

The layout of the proposed development, particularly at the front site, is incompatible with the character of the wider development in terms of plot sizes and siting of the dwellings and garages contrary to Policy COM01 and GEN02 of the Breckland Local Plan (Adopted 2019).
- 3 Insufficient biodiversity information**

Insufficient information has been submitted to assess the biodiversity impact of the development contrary to Policy ENV02 of the Breckland Local Plan (Adopted 2019).
- 4 Insufficient tree information**

The proposals would result in development within the RPA of significant trees, which would likely result in damage or loss of significant trees contrary to Policy ENV06 of the Breckland Local Plan (Adopted 2019).
- 5 Inadequate affordable housing provision**

No affordable housing provision is proposed as part of the development which forms part of a major residential development contrary to Policy HOU07 of the Breckland Local Plan (Adopted 2019).