

ITEM:		RECOMMENDATION:	APPROVAL
REF NO:	3PL/2021/0210/TDC	CASE OFFICER	Naomi Minto
LOCATION:	OLD BUCKENHAM Development Site 605747 291109 Hargham Road, Old Buckenham	APPNTYPE:	Tech Details Consent
APPLICANT:	Devlin Developments Ltd Meadow Cottage Hillsend Lane	POLICY:	Immediately Adjacent
AGENT:	Brown & Co Ground Floor The Atrium St Georges Street	CONS AREA:	N
PROPOSAL:	Erection of 4 dwellings & garages- Technical details consent following application 3PL/2020/0117/PIP	LB GRADE:	N
		TPO:	N

DEFERRED REASON

A History and Assessment

A.1 The application was deferred from Planning Committee on 6th September 2021, as the applicant was required to provide an updated ecology report which has suitable mitigation measures set out, as well as location and species recommendations for the replacement hedgerow.

A.2 The updated ecology report has been submitted and the comments of our ecologist are awaited.

A.3 Also, an updated Landscape Specification Document and Proposed Landscape Plan has been submitted for further consideration. The Tree and Countryside Officer has raised no further objection to the proposal, subject to the inclusion of a condition with any forthcoming planning permission, requiring the approved hedgerow (shown on Drg. No: 20 031623 04) to be retained in perpetuity, at a height no less than 1.5m. In light of the above, this element of the application is now considered to be satisfactorily addressed, having due regard to Policy ENV 06.

B Recommendation

B.1 The application remains recommended for APPROVAL, subject to conditions listed below and no objections being received from our Ecologist.

REASON FOR COMMITTEE CONSIDERATION

This is a significant application whereby an offence has been committed under the hedgerow regulations through the removal of an historic hedgerow and works have commenced on site without planning permission.

KEY ISSUES

- Principle of development
- Impact on the character and appearance of the area
- Amenity impact
- Highway safety
- Ecology Impact
- Trees / hedgerows
- Other matters - Flood Risk, Land Contamination, Environmental Health

DESCRIPTION OF DEVELOPMENT

The application seeks technical details consent for the erection of four detached, two storey dwellings, following the grant of permission in principle (reference 3PL/2020/0117/PIP).

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 forms part of a larger arable field.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2015/1495/F	Withdrawn	11-03-16
Erection of five dwellings and garages		
3PL/2019/1164/PIP	Withdrawn	31-01-20
Permission in principle for erection of four detached dwellings		
3PL/2020/0117/PIP	Permission	23-06-20
Permission in principle for the erection of 4 dwellings (Town and Country Planning) Permission in Principle (amendment) Order 2017		

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
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

OLD BUCKENHAM P C

OBPC are happy to support this application however there are several conditions that should be followed. Firstly, the footpath is a vital part of the application that brought the PC support and so would like to ensure that it is constructed and signed off before any occupancy of the proposed properties. Secondly, as Hargham Road is a busy and important road, the PC would like to request that a Construction Management Plan is implemented and adhered to, which would include wheel washing and consideration to the hours of work. Lastly, the workers on site should not be allowed to park anywhere on Hargham Road itself as it is very busy and narrow, particularly during school drop off/collection times and blocking the flow of traffic would cause major disruptions.

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection, subject to conditions.

CONTAMINATED LAND OFFICER

No objections, subject to conditions.

TREE AND COUNTRYSIDE CONSULTANT

No objection, subject to conditions.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

Further information required in form of a Preliminary Ecological Appraisal.

REPRESENTATIONS

A Site Notice was put up on 24 February 2021 and five neighbours directly consulted. One letter of representation has been received raising concerns that the development has commenced without planning permission in place. The letter also raises concerns in respect of whether or not the footpath will be provided prior to occupation of the dwellings.

ASSESSMENT NOTES

0.0 History

0.1 Permission in Principle was granted on 23 June 2020 (application reference 3PL/2020/0117/PIP). Prior to the granting of technical details consent (as follows) construction works have commenced on site and a large section of hedgerow has been removed without planning permission.

1.0 Principle of development

1.1 The principle of residential development on the site for four dwellings has previously been assessed as acceptable by virtue of application 3PL/2020/0117/PIP, which was granted permission in principle on 23 June 2020.

2.0 Impact on the character and appearance of the area

2.1 Policy GEN 02 of the Breckland Local Plan (adopted 2019) (BLP) 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 BLP is concerned with design and provides additional detailed criteria that all new development should meet.

2.2 The Local Planning Authority raised concerns in respect of the provision of two garages proposed to the front of two of the plots (one and four). It was considered that these would not be in keeping with the existing character and appearance of the area, breaking up an otherwise open frontage, especially given that most garages in the vicinity are to the side of existing dwellings or set further back to the rear of the plots. Concerns were also raised in respect of limited spacing between the nearest existing residential dwelling and the garage proposed for plot one. The applicant subsequently submitted revised plans for consideration.

2.3 Changes include moving the garage serving plot one further into the site by just under one metre and setting it back on site behind the building line of the existing adjacent dwelling. The applicant has also altered the style of the garages for both plots 1 and 4, converting the front half of the garages to a car port, with the roof supported on timber posts, in order to give a more open feel.

2.4 It is accepted that the pattern of development in the area is mixed. It is also accepted that the garages would be set back from the public highway and the revised scheme shows that they would not protrude in front of the existing building line of the neighbouring dwellings. Whilst, it is noted that the garage serving plot 1 would remain in close proximity of the boundary, which abuts existing residential development to the east, it is also accepted that most of the dwellings east of the application site fill their plots width wise with limited spacing between. Therefore, on balance, the revised layout is considered acceptable in planning terms.

2.5 Furthermore, it is also acknowledged that there is a variation in terms of the style of dwellings and

materials proposed. However, given the varied style of residential dwellings along Hargham Road, the siting of the dwellings set back on the site, it is considered that the appearance and scale of the proposed dwellings, having regard to the revised plans, are acceptable and would not result in an adverse impact on the character and appearance of the area, having due regard to Policies COM 01 and GEN 02 of the BLP and paragraph 130 of the NPPF (2021).

3.0 Amenity impact

3.1 Policy COM 03 of the BLP 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 As previously mentioned, the Local Planning Authority raised concerns with the applicant in respect of the location of a garage proposed to serve plot 1, which would have been in very close proximity to an existing dwelling, with windows on its western elevation (under 2m away). The applicant has submitted revised plans for consideration moving the garage further west into the site by approximately 0.77 metres and south by approximately 2.34 metres. The design of the garage has also been altered so that half of it is an open carport.

3.3 The revised plans are considered broadly acceptable in this instance. Furthermore, it is considered that the relationship of the proposed dwellings (having regard to layout and orientation) to nearby dwellings and private open space is such that visual dominance, loss of light, overlooking and overshadowing impacts all fall within acceptable parameters. The proposal would not give rise to any undue noise, odour or other form of disturbance, given the residential nature of the application. Furthermore, it provides satisfactory amenity space for future occupiers of the new dwellings. It is concluded that the proposal will maintain an acceptable level of residential amenity for existing nearby residents and future occupants of the site, in line with the requirements set out in Policy COM 03.

4.0 Highway safety

4.1 Paragraph 110 of the NPPF (2021) 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,
- the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46, 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 111 of the NPPF (2021) 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 dwellings. In addition, the provision of garages ensures that there is safe storage for bicycles. The Local Highway Authority advised that in order to give the proposal full consideration, they would require the results of a Stage 2 Safety Audit for the proposed footway scheme, together with a drawing indicating the residual carriageway widths of Hargham Road, once the footway has been accommodated. In addition, they advised that the dimension of the private access road would also need to be included.

4.5 The applicant has submitted the additional information, as requested and following a re-consultation, the Local Highway Authority have advised that the submitted technical details indicate that a new footway can be provided from the site to link in with the existing provision to the east of Fen Street as required by the Permission in Principle application 3PL/2020/0117/PIP. They also acknowledged that the design of the footway may well differ from that submitted, but all works will be confined to existing highway limits. On that basis, no objection was raised, subject to the inclusion of conditions. Conditions recommended cover the points raised by the Parish Council in their consultation response. The application therefore has due regard to policies COM 01(m) and (n), TR 01 and TR 02 of the BLP and paragraph 110 of the NPPF (2021).

5.0 Ecology Impact

5.1 Policy ENV 02 of the BLP 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). Following comments made by Norfolk County Council Natural Environment Team (NETI), the applicant submitted a Preliminary Ecological Appraisal (PEA) for consideration.

5.2 NETI were re-consulted and advised that the PEA (Greenlight Environmental Consultancy; August 2021) refers to the clearance of 10m of hedgerow to allow for a new pathway, however the ecologist does not refer to the approximately 40m of hedgerow that has already been removed as identified in the hedgerow report. Therefore, they recommended the applicant to update the PEA with a compensation and enhancement plan, detailing compensatory planting for the loss of 40m of species-rich hedgerow and the additional 10m referred to in the PEA report (unless this is included within the 40m section which was lost).

5.3 In addition, they requested the submission of a plan to include the locations and details of ecological enhancement measures that will be provided on the site. They advised that the plan must differentiate between compensation measures that will be provided on the site and ecological enhancement measures to demonstrate a net gain for biodiversity is achievable on the site. They further advised that the landscaping details shown on the proposed landscape plan dated August 2021 does not align with the proposed landscape plan shown in Appendix 1 of the landscape specification document.

5.4 The applicant submitted an updated PEA (dated 24 September 2021) and NETI were re-consulted. However, at the point of writing this report, a response from NETI is yet to be received. Although it is noted that the applicant does appear to have addressed their concerns, having reviewed the revised PEA, which includes the additional information, as requested. Subject to no objection being raised by the Natural Environment Team, Policy ENV 02 of the BLP will be considered complied with, subject to condition. This will be further addressed in a planning supplementary.

6.0 Trees / hedgerows

6.1 Policy ENV 06 of the BLP 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 submitted site layout plan indicates that full hedge removal will be required in order to accommodate the new 2 metre wide footway. No Tree / Hedgerow Survey was initially submitted for consideration. The Tree and Countryside Officer advised that 'unless it can be demonstrated that the hedge is less than 30 years old, it is likely that it will be protected by the 1997 hedgerow regulations. Street view also shows an Oak tree within the hedge. It will therefore be necessary to establish if the Hedge is classed as "important" as defined in the 1997 hedgerow regulations. This will require a hedgerow survey'. The applicant submitted a hedgerow survey for further consideration.

6.2 During the assessment of this application, it came to light that a large section of hedgerow had been removed without planning permission. Following a re-consultation, the Tree and Countryside Officer advised that the hedgerow has been identified as being over 30 years old and 20m long. It is not a garden hedge and therefore is (or was protected) by the hedgerow regulations 1997. The hedge should only have been removed following approval of planning permission or with consent from Breckland District Council following the submission of a hedgerow removal notice. Neither of which had been obtained.

6.3 The submitted hedgerow survey identified 5 woody species and one associated feature, this in itself would not qualify the hedgerow as important, but given the removal which has taken place the local Planning Authority has no way of checking (which would usually be done by the Tree and Countryside Officer). In addition, there was no ecological or historical input or information provided which is required to establish the status of the hedge. The Tree and Countryside Officer therefore concluded that an offence under the 1997 hedgerow regulations has been committed.

6.3 Following further discussions with the applicant and agent, additional information in the form of a Landscape Specification Document and Proposed Landscape Plan has been submitted for further consideration. The Tree and Countryside Officer has raised no further objection to the proposal, subject to the inclusion of a condition with any forthcoming planning permission, requiring the approved hedgerow (shown on Drg. No: 20 031623 04) to be retained in perpetuity, at a height no less than 1.5m. In light of the above, this element of the application is now considered to be satisfactorily addressed, having due regard to Policy ENV 06.

7.0 Other matters

7.1 Paragraph 183 of the NPPF (2021) states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation). Paragraph 184 of the NPPF states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and / or landowner. The Contaminated Land Officer advised that based on both the accuracy of the information provided and the current records of contaminated land issues held on file to date, they would not wish to raise an objection to the proposal, subject to the inclusion of a condition and informative. The application therefore has due regard to paragraphs 183 and 184 of the NPPF (2021).

7.2 Policy ENV 09 of the BLP states that all new development will be located to minimise the risk of flooding, mitigating any such risk through design and implementing sustainable drainage (SuDS) principles, as well as incorporating appropriate surface water drainage mitigation measures to minimise its own risk of flooding and not materially increase the flood risk to other areas. Having checked the Government's flood risk maps, it is

accepted that the site is in an area identified as being at very low risk of river and surface water flooding.

8.0 Conclusion

8.1 Subject to the Natural Environment Team raising no further objections to the proposal, it is considered that the revised scheme is acceptable in terms of its design and would not have any significant detrimental impacts when having regard to character and appearance, amenity, highway safety, flood risk, contaminated land, tree and ecology considerations. Accordingly, the application is recommended for approval, subject to conditions and no objections being received from our Ecologist.

RECOMMENDATION

Recommended for APPROVAL subject to conditions listed below and no objections being received from our Ecologist.

CONDITIONS

- 1 Full permission 3 year time limit**

The development hereby permitted shall be begun before the expiration of THREE YEARS from the date of this permission.

Reason for condition:-
To comply with section 91 of the Town & Country Planning Act 1990 (as amended).
- 2 In accordance with submitted plans NEW 2017**

The development must be carried out in strict accordance with the application form, and approved documents and drawings as set out in the table at the end of this notice.

Reason for condition:-
To ensure the satisfactory development of the site, in accordance with Policy COM 01 of the Breckland Local Plan (adopted 2019).
- 3 External materials as approved**

The development hereby permitted shall be constructed using the materials specified on the planning application form and / or submitted drawings.

Reason for condition:-
To enable the Local Planning Authority to ensure the satisfactory appearance of the development, as required by Policies COM 03, GEN 02 and COM 01 of the Breckland Local Plan (adopted 2019).
- 4 Implementation of submitted boundary treatment**

The boundary treatment shown on the plans and particulars hereby approved shall be constructed in the manner shown and completed before the dwellings are first occupied.

Reason for condition:-
In the interests of the satisfactory appearance of the development in accordance with Policies ENV 02, ENV 06, GEN 02 and COM 01 of the Breckland Local Plan (adopted 2019).

This condition will require to be discharged
- 5 Implementation of submitted/approved landscaping scheme**

All hard and soft landscaping works shall be carried out in accordance with the approved

details and thereafter retained. The works shall be carried out prior to the occupation of any part of the development. If within a period of FIVE YEARS from the date of planting, any tree or plant, or any tree or plant planted in replacement for it, is removed, uprooted or is destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason for condition:-

In the interests of the satisfactory appearance of the development in accordance policies ENV 02, ENV 06, GEN 02 and COM 01 of the Breckland Local Plan (adopted 2019).

This condition will require to be discharged

6 Non-standard condition

The hedgerow hereby approved (as shown on Drg. No: 20 031623 04) shall be retained in perpetuity at a height of no less than 1.5 metres.

Reason for condition:-

In accordance with Policies ENV 05 and ENV 06 of the Breckland Local Plan (adopted 2019).

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

Prior to the first occupation of the development hereby permitted the vehicular / pedestrian / cyclist access crossing shall be constructed in accordance with a detailed scheme to be first agreed in writing with the Local Planning Authority in accordance with the highways specification TRAD 1 and thereafter retained at the position shown on the approved plan.

Arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway

Reason for condition:-

To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety in accordance with Policies TR 01 and TR 02 of the Breckland Local Plan (adopted 2019).

8 Notwithstanding the submitted details unless otherwise agree

Notwithstanding the submitted details unless otherwise agreed in writing by the Local Planning Authority the proposed private drive shall be maintained in perpetuity at a minimum width of 4.8 metres and shall be constructed perpendicular to the highway carriageway for a minimum length of 10 metres as measured from the near edge of the highway carriageway.

Reason for condition:-

In the interests of highway safety and traffic movement in accordance with Policies TR 01 and TR 02 of the Breckland Local Plan (adopted 2019).

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

Prior to first occupation of the development hereby permitted visibility splays measuring 2.4 metres x 59 metres shall be provided to each side of the access where it meets the near edge of the adjacent highway carriageway. The splay shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway

Reason for condition:-

In the interests of highway safety in accordance with Policies TR 01 and TR 02 of the Breckland Local Plan (adopted 2019).

- 10** **Prior to the first occupation/use of the development hereby**
- Prior to first occupation of the development hereby permitted the proposed access parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- Reason for condition:-
- To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety in accordance with Policies TR 01 and TR 02 of the Breckland Local Plan (adopted 2019).
- 11** **Development shall not commence until a scheme detailing**
- The submitted scheme of on-site parking for construction workers, site delivery arrangements and wheel cleaning facilities shall be implemented throughout the construction period.
- Reason for condition:-
- To ensure adequate off-street parking during construction in the interests of highway safety in accordance with Policies TR 01 and TR 02 of the Breckland Local Plan (adopted 2019). This needs to be a pre-commencement condition as it deals with the construction period of the development.
- 12** **Notwithstanding the details indicated on the submitted**
- Notwithstanding the details indicated on the submitted drawings no works above slab level shall commence on site unless otherwise agreed in writing until detailed drawings for the off-site highway improvement works as indicated on Drawing No. RLC-00-XX-DR C-160 P2. have been submitted to and approved in writing by the Local Planning Authority.
- Reason for condition:-
- To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor in accordance with Policies TR 01 and TR 02 of the Breckland Local Plan (adopted 2019).
- 13** **Net Gain in Biodiversity**
- The development hereby approved, shall proceed in strict accordance with the mitigation and enhancement measures included within the Preliminary Ecological Appraisal (Greenlight Environmental Consultancy Ltd), dated 24 September 2021.
- Reason for condition:-
- To ensure a net gain in biodiversity in accordance with Policy ENV 02 of the Breckland Local Plan (adopted 2019).
- 14** **Unexpected Contamination**
- In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with details to be agreed in writing with the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.
- Reason for condition:-
- To ensure that risks from land contamination to the future users of the land and

neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This condition is imposed in accordance with Section 15 of the National Planning Policy Framework.

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Variation of approved plans

Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.

You or your agent or any person responsible for implementing this permission should inform the Development Control Section immediately of any proposed variation from the approved plans and ask to be advised to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new application.