

AGENDA ITEM NO: 8/3(d)

Parish:	North Runcton	
Proposal:	OUTLINE APPLICATION: Erection of two dwelling houses and associated access	
Location:	Sunnyside House 66 Main Road West Winch Norfolk	
Applicant:	Tom Jackson	
Case No:	17/01677/O (Outline Application)	
Case Officer:	Mrs N Osler	Date for Determination: 23 November 2017

Reason for Referral to Planning Committee – Appeal History

Neighbourhood Plan: Yes

Case Summary

Outline planning permission with all matters except access is sought for the erection of two dwellinghouses.

The site lies within the development boundary for West Winch and is in flood zone 1.

Key Issues

Principle of Development
Highway Safety
Public Right of Way
Form and Character
Neighbour Amenity
Drainage

Recommendation

APPROVE

THE APPLICATION

Outline planning permission with all matters except access reserved for future consideration is sought for the erection of two dwellings.

The site lies to the west of the A10 in the development boundary for West Winch.

The dwellings are proposed to be accessed via a shared access off of a Public Right of Way to the immediate north of the site which itself is accessed from the A10 to the east. The proposal also seeks to make improvements to the access of the PROW with the A10.

The site lies in flood zone 1.

SUPPORTING CASE

The applicant / agent chose not to submit a supporting statement.

PLANNING HISTORY

17/01125/O: Application Refused: 09/08/17 - OUTLINE APPLICATION: Erection of two dwelling houses and associated access

2/03/2029/F: Application Refused: 09/12/03 - Construction of dwelling house and garage (renewal); Appeal Dismissed 08/09/04

07/02230/O: Application Refused: 20/12/07 - Outline Application: construction of 4 dwellings

2/97/1408/F: Application Refused: 19/01/98 - Construction of dwellinghouse and garage (renewal); Appeal Allowed 28/10/98

2/93/0153/F: Application Permitted: 25/03/93 - Construction of dwellinghouse and garage

RESPONSE TO CONSULTATION

Parish Council: I am writing with regard to the above application which I believe is being recommended for approval.

The Parish Council made comments about the access onto the A10 on the original application which has now been withdrawn and although the deadline for comments has now passed for this, I have been contacted by residents expressing their own concerns over access to this plot.

The Parish Council has been asked to bring to your attention that approval of this application would contradict the SADMP policy E2.2 - below.

Policy E2.2 – Development within existing built-up areas of West Winch.

A development boundary for West Winch is shown on the policies map (This is distinct from the strategic Growth Area identified in Policy E2.1). Within this development boundary the general Development Boundaries Policy DM2 will apply with the following provisos:

1. Along the existing A10:
 - a. no development resulting in significant new traffic or accesses onto to the A10 (excepting that provided under growth area Policy E2.1) will be permitted in advance of the new West Winch link road opening. Significance in this instance refers to effect on the capacity and free flow of traffic on the A10 and its ability to accommodate the existing traffic and that arising from the growth area, and both individual and cumulative potential impacts will be considered;
 - b. new development should generally be set back from the road and provide for significant areas of planting adjacent to the road in order to avoid extending the continuous developed edge to the A10;

2. Special care will be taken in the vicinity of the Countryside Buffer indicated on the Policies Map to maintain a soft edge to the countryside beyond and avoid a hard and prominent edge to the developed area when viewed from the West;
3. Areas to the east of the A10 will preferably be associated with the growth area, and accessed through the growth area rather than directly onto the existing A10 road.

I ask that this is taken into account when any decision is made.

Local Highway Authority: NO OBJECTION subject to condition

IDB: No comments to make

CSNN: As this is for two dwellings there is no requirement to consult the CSNN team because it is below the three dwelling threshold (as per our Planning Consultation Guidance document).

Naturally the applicant / developer will need to ensure appropriate consideration has been given to the noise and pollution associated with the busy A10 trunk road, and therefore the design should incorporate measures to protect future residents. Surface water drainage is also an issue in this area, so percolation testing will be required prior to any later application stage to assess the land drainage conditions and provide for suitable drainage systems in the design

Environmental Quality: No comments to make in relation to air quality or contaminated land

PROW: Based on the information currently available, this proposal would be unlikely to result in an objection on rights of way issues. I would however point out that access to the site will be via a Public Right of Way (North Runcton Restricted Byway 2) which does not offer any means of public vehicular access and it is not maintainable at the public expense to a vehicular standard. The applicant will need to ensure that they have an established private right of access to the land suitable for residential purposes. It would be expected that any damage caused to the Public Right of Way by the exercise of the private rights remains with the rights holders to repair.

The full width of this Restricted Byway must remain open and accessible for the duration of the development and any subsequent occupation.

Arboricultural Officer: NO OBJECTION – the reserved matters application should be accompanied by a full tree survey, arboricultural implications assessment and arboricultural method statement

REPRESENTATIONS

Two letters of concern have been received from a third party. The issues raised include:

- Highway and PROW Safety and Maintenance and inconsistencies with recent decisions
- Drainage
- Overlooking
- Noise

LDF CORE STRATEGY POLICIES

CS02 - The Settlement Hierarchy

CS08 - Sustainable Development

CS09 - Housing Distribution

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM12 - Strategic Road Network

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NEIGHBOURHOOD PLAN POLICIES

Policy WA04 - Providing Sustainable Drainage

Policy WA09 - Enhancing the A10 Road Corridor

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

PLANNING CONSIDERATIONS

The main issues for consideration in the determination of this application are:

- Principle of Development
- Highway Safety
- Public Right of Way
- Form and Character
- Neighbour Amenity
- Drainage

Principle of Development:

The site lies within the development boundary for West Winch. As such the principle of development is acceptable subject to compliance with other relevant national and local planning policy and guidance including the recently adopted Neighbourhood Plan.

Highway Safety:

Recent and historical refusals / appeals on the site, the wider site and in the immediate vicinity of the site have primarily been on the grounds of highway safety / efficiency. In fact a recent appeal on an adjacent site, that was also going to utilise the PROW, was dismissed on such grounds (16/02085/F / APP/V2635/W/17/3175536).

However, the current application proposes to widen, drain and upgrade the existing access of the PROW onto the A10 (something that none of the previous applications has sought (or been able to do). In this regard the Local Highway Authority considers the betterment of this access outweighs any negative impact from the proposed development.

The Parish Council suggests that the proposal is contrary to Site Allocations and Development Management Policies DPD (SADMP) Policy E2.2 however they do not state why. Taking each element of the policy in turn:

1. Along the existing A10:
 - a. no development resulting in significant new traffic or accesses onto to the A10 (excepting that provided under growth area Policy E2.1) will be permitted in advance of the new West Winch link road opening. Significance in this instance refers to effect on the capacity and free flow of traffic on the A10 and its ability to accommodate the existing traffic and that arising from the growth area, and both individual and cumulative potential impacts will be considered – your officers believe that the proposed development is in accordance with this element of the policy for the reasons outlined above;
 - b. new development should generally be set back from the road and provide for significant areas of planting adjacent to the road in order to avoid extending the continuous developed edge to the A10 – there is significant hedge planting adjacent to the A47 which can be retained by condition;
2. Special care will be taken in the vicinity of the Countryside Buffer indicated on the Policies Map to maintain a soft edge to the countryside beyond and avoid a hard and prominent edge to the developed area when viewed from the West – landscaping is a reserved matter. At the design stage suitable western landscaping can be considered. However it should be noted that there is already a green western boundary and as such it may not be necessary to provide any additional planting on this boundary.
3. Areas to the east of the A10 will preferably be associated with the growth area, and accessed through the growth area rather than directly onto the existing A10 road – this is not relevant at the site is to the west of the A10.

As such the proposal is considered to accord with national and local planning policy and guidance relating to highway safety including SADMP Policy E2.2.

Public Right of Way:

Notwithstanding the concerns of one third party representative, the PROW officer has no objection to the proposed development. However the development / applicant's attention is drawn to their comments in relation of requirements both during and post construction.

Form and Character:

Layout, appearance, landscaping and scale are all reserved matters. Therefore these aspects cannot be fully considered at this time. However, as outlined earlier, Local Plan Policy E2.2 seeks to retain a green buffer. As such any layout will need to take full account of this and any built form, including garaging, will need to be set well back from the road. The visibility splays shown on the plans suggest that the existing hedge can be retained. This can be suitably conditioned if permission is granted.

In summary it is considered that the dwellings could be appropriately designed to ensure that the development would not be of detriment to the visual amenity of the locality.

Neighbour Amenity:

Again, given the outline nature of the application, it is not possible to fully consider this aspect. However, it is considered that any material overlooking, overshadowing or overbearing impacts could be designed out.

Drainage: Notwithstanding the information provided (that surface water drainage will be via soakaway), given the known issues with drainage in this location, and given the policy requirements of Neighbourhood Plan Policy WA04, it is considered reasonable and necessary to require further surface water drainage information prior to the commencement of development. This can be suitably conditioned if permission is granted.

It is pertinent to note also that the highway condition requires appropriate drainage in relation to the upgraded access.

Noise: Given the proximity of the proposed dwellings to the A10 it is considered necessary and reasonable to ensure noise mitigation is included in the design of the dwellings. This can be suitably conditioned if permission is granted.

Other Specific Considerations: It is considered that third party and Parish Council comments have been fully considered above.

Crime and Disorder

There are no specific crime and disorder issues arising from the proposed development.

CONCLUSION

The site lies within the development boundary for West Winch in an area where residential development should be supported in principle. There are no objections from statutory consultees on technical grounds and issues such as drainage and landscaping can be suitably conditioned / dealt with at reserved matters stage.

However, members will need to decide whether they believe the upgrading of the existing access and the benefits that brings outweighs the appeal history and the harm associated primarily with right-hand turns against the flow of traffic that an additional two dwellings would bring.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority before any development is commenced.
- 1 Reason To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted to the Local Planning Authority in writing and shall be carried out as approved.
- 2 Reason To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 Condition Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 Reason To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 4 Condition The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the latest such matter to be approved.
- 4 Reason To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 5 Condition Prior to the commencement of the use hereby permitted the vehicular access (indicated for improvement on drawing number 17055 01-3) shall be upgraded / widened to a minimum width of 5.5 metres and provided with radii of 6 metres in accordance with the Norfolk County Council light industrial access construction specification for the first 10 metres as measured back from the near channel edge of the adjacent carriageway. Arrangement 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 carriageway.
- 5 Reason In the interest of highway safety and traffic movement in accordance with the NPPF and Development Plan.
- 6 Condition The gradient of the vehicular access shall not exceed 1:12 for the first 5 metres into the site as measured from the near channel edge of the adjacent carriageway.
- 6 Reason In the interests of the safety of persons using the access and users of the highway in accordance with the NPPF and Development Plan
- 7 Condition Notwithstanding the information that accompanied the application no development shall commence on site until full details of the surface water drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.

- 7 Reason To ensure that there is a satisfactory means of drainage in accordance with the NPPF.

This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.

- 8 Condition No development above foundation level shall take place on site until a scheme to protect the dwellings from road traffic noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved before any of the dwellings are occupied.

- 8 Reason To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.

- 9 Condition The frontage hedge (adjacent to the A10) shall be retained. Any part of the hedge that is removed without the prior written approval of the Local Planning Authority or that die or become severely damaged or seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with hedge plants of a similar size and species in the next available planting season unless otherwise agreed in writing by the Local Planning Authority.

- 9 Reason To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF. This needs to be a pre-commencement condition given the potential for damage to protected trees during the construction phase.

- 10 Condition The details required in accordance with Condition 1 shall include a full tree survey, arboricultural implications assessment and arboricultural method statement. The development shall be carried out in accordance with the findings of the assessments.

- 10 Reason To ensure that the existing trees are properly surveyed and full consideration is made of the need to retain trees in the development of the site and how they may be protected in accordance with the NPPF and Development Plan.