

AGENDA ITEM NO: 8/2(h)

Parish:	Methwold	
Proposal:	Reserved Matters Application: Construction of three dwellings - reserved matters for plot 2	
Location:	North of 49 Main Road Brookville Thetford	
Applicant:	Mr & Mrs A Judge-Grief	
Case No:	17/00211/RM (Reserved Matters Application)	
Case Officer:	Mrs C Dorgan	Date for Determination: 5 April 2017 Extension of Time Expiry Date: 9 March 2018

Reason for Referral to Planning Committee – The recommendation is contrary to the Local Highway Authority comments.

Neighbourhood Plan: No

Case Summary

This application is a Reserved Matters application for Plot 2, in accordance with the Outline application 'Construction of three dwellings' ref. 16/01039/O at North of 49 Main Road, Brookville. The proposal is for a substantial detached four bedroom bungalow with detached garage and garden store.

The site lies to the west of the main route through the settlement of Brookville.

Key Issues

Principle of development
Form and character
Highways / Access

Recommendation

APPROVE

THE APPLICATION

This application is a Reserved Matters application for Plot 2, in accordance with the Outline application 'Construction of three dwellings' ref. 16/01039/O at North of 49 Main Road, Brookville. The proposal is for a substantial detached four bedroom bungalow with detached garage and garden store.

The site lies to the west of the main route through the settlement of Brookville, and is currently agricultural land.

SUPPORTING CASE

It is clear that excellent visibility is available for the access to the highway – over land which we consider is part of the highway – nothing will ever happen to this grass verge – it will remain as it always has – a grass verge – just like the rest of Brookville.

OS maps show the highway as a wide continuous strip right through the village. On the Tithe Plan and OS First Edition from the 1800s this was, obviously, just a wide track with wide grass verges up to the hedgeline on each side. This is still visible on the 1946 Aerial photo. The later OS maps show the added footpath, but the grass verge and line of the hedgerow are still the same as the early maps. This is a continuous line, right through the village, including along the frontage of the application site. This line is again apparent in the current Land Registry snapshot, which shows all registered land adjacent the highway finishing at the same line – to the north and south of the site.

Additionally, in the 2004 publication “Methwold in words & pictures” there are two photographs circa 1920 & 1930, which show the road through Brookville, one looking north, the other looking south. Both these photos show the wide highway comprising carriageway and wide grass verges up to the hedge lines either side. These photos also confirm the absence of any roadside ditch which the highways team have based their evidence upon.

PLANNING HISTORY

16/01039/O: Application Permitted: 18/07/16 - Outline Application: construction of three dwellings - Land North of 49 Main Road (Delegated decision)

15/01909/O: Application Permitted: 22/03/16 - Outline application for site for construction of three dwellings - North of 49 Main Road (Committee Decision)

2/03/1999/O: Application Refused: 07/11/03 - Site for construction of bungalow and garage - Land North of 49 Main Road - Appeal Dismissed 12/05/04

RESPONSE TO CONSULTATION

Parish Council: SUPPORT. The proposed bungalow is in keeping with the other developments in the area.

Highways Authority: OBJECTION.

Refer to the previous comments made in relation to the outline application on the site under planning reference 16/01039/O, being that safe access could be achieved for the overall site provided that all both red and blue land is included in later submissions.

This site is located within a speed restricted area of 40mph and on a straight section of highway. For such a speed the Department for Transport's Design Manual for Roads and Bridges recommends that visibility splays of 2.4m x 120m are provided to each side of the access. Having researched the highway boundary extent, the boundary of the highway extends to a line just behind the rear edge of the footway. As such it would not be possible to achieve the level of visibility required and therefore recommend the following holding objection:

SHCR 12 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 CS11.

However, it is likely, given the recent outline approval, the application should have access to links with the adjacent land owners and can negotiate the necessary lands to achieve the required splays. I therefore recommend that the applicant seeks to afford the splays that are required and submit a legal agreement to cover the provision and maintenance.

REPRESENTATIONS None received.

LDF CORE STRATEGY POLICIES

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS09 - Housing Distribution

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM15 – Environment, Design and Amenity

DM1 – Presumption in Favour of Sustainable Development

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

National Planning Policy Framework – sets out the Government’s planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

PLANNING CONSIDERATIONS

The main issues are:

- Principle of Development
- Form and Character
- Highways/ Access

Principle of Development

The principle of development was established in the outline planning consent (ref. 16/01039/O). This is a reserved matters application for one plot (plot 2) of the three granted consent.

Form and Character

The proposed bungalow and garage, of traditional appearance are entirely appropriate in this location in terms of the form and character. Detailed plans for plots 1 and 3 are yet to be submitted, however this scheme does not raise any potential concerns for neighbouring

dwelling. The siting of the dwelling, set back from the highway, again reflects the locality. The materials proposed, clay pantiles and heritage blend bricks, are also considered acceptable.

Highways /Access

The submitted plans state that to the front of the site there is a 1.0m post and rail fence proposed set back from the footpath and highway. The driveway access will be raised in level from the site to the highway, itself meeting the County Highways TRAD2 specification. Visibility is in excess of 2.4m by 120m in each direction in line with the outline consent.

The significant issue with the application relates to the local highway authority objection to the scheme. The outline application was permitted on the basis that the entire site was included in later submissions. It would appear the land has been sold as individual plots hence this reserved matters application for Plot 2 only. The visibility splays required were specified in condition 7 of the outline consent and this is due to the characteristics of this stretch of highway. The full comments from Norfolk County Council (NCC) are detailed above however they can be summarised by '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.' NCC is of the view that the splay cannot be secured as the land either side of the access is neither in the ownership of the applicant or the highways authority.

There has been considerable discussion and correspondence between NCC Highways, the agent and applicants, and land registry as to how best to move the situation forward. In summary the Local Highway Authority are unable to clarify exactly where the highways owned land ends. The rule of thumb is to take the roadside edge of a ditch as the boundary line. However, the agent argues that the land between the site and highway is not a ditch but where the bank naturally falls away, and in those circumstances they should take the centreline of the established hedges/ tree line. OS maps are not sufficiently detailed at this level. NCC argues that the highways land is not 2.4m wide. However the agent argues that maps provided by NCC suggest otherwise, and that there is a highways sign 2.4m back from the roadside kerb.

The applicant has approached Land Registry to acquire this land however they have said they will not sign the land over to the applicant as it is clearly highways land and it is common sense looking at the rest of the village. On this basis they are not able to enter into a legal agreement to serve the visibility splay.

As a result the applicant is unable to move the application forward. NCC cannot offer an alternative resolution to the objection. The agent has provided evidence (in historical photographs and mapping) of the verge throughout Main Road, and pointed out that this is typical of this settlement; it is a wide verge which stretches along this straight road.

On this basis the Officers consider that appropriate conditions could be attached to the planning consent to secure the visibility splay required by NCC Highways. While it is accepted part of the verge to the front of the site is not within the ownership of the applicant, the applicant has sought to clarify the situation and based on the evidence provided to date Officers are satisfied this is the most suitable approach and is most likely highway.

CONCLUSION

In conclusion Officers, contrary to the Local Highway Authority, recommends approval to this application. In terms of the principle of development, and form and character of the scheme

the application is considered acceptable. Main Road is a long straight road, with a grass verge on either side. The agent has submitted evidence which suggests that the verge to the front of the site is highways owned, however the Local Highway Authority cannot confirm this. The agent has indicated on the submitted plans that the appropriate visibility splay can be achieved, and it is recommended that a planning condition is attached to secure this.

RECOMMENDATION:

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

- 1 Condition The development hereby permitted shall be carried out in accordance with the following approved plans (Drawing Nos 12571B, 12573 and 12574A).
- 1 Reason For the avoidance of doubt and in the interests of proper planning.
- 2 Condition Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan 12571B in accordance with the highway specification drawing No TRAD 2. 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.
- 2 Reason To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.
- 3 Condition Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4m X 120 m shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.
- 3 Reason In the interests of highway safety.