

AGENDA ITEM NO: 8/2(b)

Parish:	Hilgay	
Proposal:	Proposed 2 x 5-bed, one and a half storey detached dwellings with associated landscaping.	
Location:	Land South of East End Hilgay Norfolk	
Applicant:	Mr Ben Saxby	
Case No:	18/01890/RM (Reserved Matters Application)	
Case Officer:	Mrs C Dorgan	Date for Determination: 24 December 2018 Extension of Time Expiry Date: 7 June 2019

Reason for Referral to Planning Committee – Called in by Councillor Tony White.

Neighbourhood Plan: No

Case Summary

The site is located on the south side of East End, Hilgay, some 50m from the junction of the East End and Church Road. The site is currently paddock land set higher than the road network. The site is located adjacent to the existing and proposed development boundaries for Hilgay as defined by the Site Allocations and Development Management Policies Document 2016.

This application is a reserved matters application for the construction of two detached dwellings with double garages. The dwellings are five bedroom, and one and a half storeys in height. The dwellings are situated within substantial plots with gardens to the rear and a parking and turning area to the front. The dwellings share a central access off East End.

The outline application (Ref: 15/01830/O) was for the construction of two dwellings, with access only. This application is seeking reserved matters for two detached dwellings and garages, 1.5 storeys in height, namely the layout, scale, appearance and landscaping of the site.

Key Issues

Principle of development
Highway/ Access
Form and character
Impact on the Scheduled Ancient Monument and archaeology
Neighbour amenity
Other material considerations

Recommendation

APPROVE

THE APPLICATION

The site is located on the south side of East End, Hilgay, some 50m from the junction of the East End and Church Road. The site is currently paddock land and set higher than the road network. The site is located adjacent to the development boundaries for Hilgay as defined by the Site Allocations and Development Management Policies Document 2016.

This application is a reserved matters application for the construction of two detached dwellings with double garages. The dwellings are five bedroom, and one and a half storeys in height. The dwellings are situated within substantial plots with gardens to the rear and a parking and turning area to the front. The dwellings share a central access off East End.

The outline application (Ref: 15/01830/O) was for the construction of two dwellings, with access only. This application is seeking reserved matters for two detached dwellings and garages, 1.5 storeys in height, namely the layout, scale, appearance and landscaping of the site.

An application (18/01052/F) was submitted in 2018 for the variation of condition 13 of the outline consent (15/01890/O). Condition 13 stated that the dwellings hereby approved should be single story only, and the second application was to amend this to 1.5 storeys.

SUPPORTING CASE

This supporting statement is submitted to highlight key elements of the proposed development of 2 number 5 bed chalet style houses on the parcel of infill land located at East End Road Hilgay. This site has been developed over the last few months with the planning department and is before you with a recommendation for approval.

The current owner purchased this site with the intention of building a family home on a good size plot of land in a quiet area of the village. The outline permission that came with the land on purchase was for 2 number bungalow properties with detached garages. Conditioned to appease the highways concerns at planning was the requirement to increase the road width and provide a turning area for the refuse vehicles that currently use the lane to collect.

Also conditioned was a single storey criteria placed upon the planning. After some investigation it became apparent that this condition was placed on the planning permission as a result of a statement from English Heritage as there was Schedule Ancient Monument in a field some 400m away. This comprised of ditches and pond like structures that were of significance to the heritage register.

The decision was made to challenge this condition as all properties, bar one, within the vicinity are 2 storey properties. Heritage agreed and permitted 1.5 storey chalet style properties.

This Reserved Matters submission has entered on this basis as it makes better use of the land and maintains the green space on each of the plots.

Concerns with overlooking have been addressed by the placement of the velux windows in the upper portion of the roof space and the central placement of the properties on the plot. The average distance from the properties to the south of the plot is over 25m and is circa 30m to those on the north side.

The amount of private amenity space on each plot is over 60% and thus achieves well above policy guidelines.

A number of neighbour complaints have been received for the development despite it being an infill site. These cite overlooking and privacy as the main concern but we believe the placement and distance from the neighbouring properties negates this issue. A detailed topographical survey has also been undertaken to demonstrate the land, whilst of higher elevation the road, is not actually any higher than the land on which the neighbouring

properties sit. It is lower than the land to the south and the door threshold levels of the proposed building are the same as the ones to the north. This serves as further evidence that overlooking and loss of light and privacy, all of which have been mentioned, have been materially considered and negated.

Drainage is highlighted as being an issue so if on investigation the mains do not have capacity (note - Anglian Water do not have any comments on the proposed development impacting their flows) there is the option of using treatment plants in the garden areas to overcome this, thus not exacerbating what is seemingly a big issue for the residents down that road already.

The other major concern noted is that of disruption and the access way at the top of East End. Whilst some disruption from development is inevitable the developer is fully expecting working hours restrictions to be conditioned as necessary and would implement temporary signage to notify both vehicles and pedestrians of the increased temporary risks during the build. The short term pain will be negated by the long term benefit of tidying up the verge that is left to overgrow and the widening of the road benefitting all residents down the lane forevermore.

The design of the units is in a sympathetic Norfolk Chalet style, situated on large plots infilling a quiet residential area and as such we hope the Planning committee view it in this light and allow the development of two high quality family homes in this area.

PLANNING HISTORY

18/01052/F: Application Permitted: 02/08/18 - REMOVAL OR VARIATION OF CONDITION 13 OF PLANNING PERMISSION 15/01830/O: Outline application for site for construction of two dwellings - Land South of East End, Hilgay

15/01830/O: Application Permitted: 08/02/16 - Outline application for site for construction of two dwellings - Land South of East End, Hilgay

RESPONSE TO CONSULTATION

Parish Council:

Latest reconsultation(1 May 2019) – No formal written Parish Council response received.

Reconsultation (14 Mar 2019) - Hilgay Parish Council objects to this application. The plans have been amended significantly in terms of positioning of the proposed dwellings. The dwellings are still very close to neighbouring properties, and overlook them. This is in part due to the rise of the land, and in part because the houses are 1.5 storeys. Overshadowing is possible.

There is a reduction in the residential amenity of adjacent properties, particularly loss of privacy.

The increase in traffic is unacceptable. Realistically, five bedroom houses are likely to have several cars each. Although there are highway improvements suggested as part of the application, this will not reduce the additional number of car movements on a narrow rural road.

The parish council is of the opinion that if the proposed dwellings were one storey only, this would eliminate much of the detriment to existing dwellings and the area in general.

Original consultation (6 Nov 2018) - Hilgay with Ten Mile Bank Parish Council has no objection to the above application. However the PC would like strongly to request that the exterior be in suitable, vernacular, materials.

Highways Authority: NO OBJECTION.

With reference to the revised layout submitted on Plan ref. 001 Rev B, I continue to have no objection and recommend the previous parking and turning condition.

Rights of Way Officer (NCC): NO OBJECTION.

We have no objections on Public Rights of Way grounds as although Hilgay footpath 5 and Bridleway 2 are in the vicinity, they do not appear to be affected by the proposals.

Internal Drainage Board: NO OBJECTION.

Arboricultural Officer: (verbal) No objections. Please condition the consent to be in accordance with the landscaping plan and scheme.

Historic England: NO OBJECTION.

On the basis of this additional information, Historic England do not wish to offer any comments. We would therefore suggest that you seek the views of your specialist conservation and archaeological advisers, and other consultees, as relevant.

Community Safety and Neighbourhood Nuisance (CSNN):

This team did not provide any consultation comments on the outline application (15/01830/O) for this development, and we would not normally provide comments on a site of less than three dwellings – we would refer you to our Planning Consultation Guidance document.

However, I have noted that public comments raise concerns over the existing foul and surface water drainage, and how the proposed development could exacerbate the issues they say already exist. Points 7 and 8 of the public email dated 17 November 2018 refer in detail to existing issues and the involvement of Anglian Water where flooding has occurred. Whilst I appreciate that condition 5 of the outline consent requires drainage details to be submitted prior to commencement, I am concerned over the drainage of foul and surface water for the site as it should not impact negatively on the existing system.

Due to the obvious prior involvement of AW, I recommend their advice on the drainage in East End is sought, so they can comment on whether the existing infrastructure can cope with the proposed additional dwellings or whether upgrading is required.

Also request a condition and informative is attached regarding construction hours on site.

Historic Environment Service (NCC): NO OBJECTION.

We have no specific comments to make regarding the revised plans.

The application site has already been the subject of archaeological trial trenching. Our previous advice remains unchanged. Archaeological excavation of the foundation trenches and archaeological monitoring of services and soakaways below 0.7m in depth will be required as set out in our brief issued on 5th July 2016. A new brief for excavation and monitoring will be required as briefs usually only remain valid for one year and we introduced new Standards for Development-led Archaeological Projects in Norfolk on 1 May 2018.

If the required archaeological work cannot be secured through Conditions 6, 7 and 8 on 18/01052/F we suggest conditions are imposed to this consent.

REPRESENTATIONS

In total **29** letters of objection have been received, in response to 3 consultation periods.

The application has evolved during the planning application process. The initial consultation period ran in November 2018, with a second one in March 2019 and a third in May 2019 which followed amendments to the proposed scheme. The issues raised are summarised below and many have remained consistent at each consultation:

- Original planning consent was for two modest sized bungalows, single storey only.
- The 1.5 storey dwellings are the height of 2 storey.

- The size of the dwellings proposed is not in keeping with the form and character of the village. They are overbearing, and the footprint is far too large for the plot. The developer continues to push for a scheme far in excess of the scope of the original. Reference is made to the scale identified on the 'indicative plans' submitted for the outline application.
- The development will increase pressure on inadequate drainage system, and increase issues regarding surface water run-off, impacting on neighbouring dwellings.
- There will be an increase to traffic on East End, as a result of the development. Previously NCC agreed that East End is not suitable for new development due to the bottle neck at the junction into the road. This cannot be resolved and the situation will become more hazardous. There is insufficient space for parking and turning on the highway. There will be huge problems caused by the vehicles used during the construction of the dwellings.
- Increased traffic on the road which leads to a footpath and bridleway.
- The development would be intrusive and result in a loss of privacy of neighbouring dwellings.
- There will be a loss of light for neighbouring dwellings due to the size and scale of development.
- The ground level of the site should be lowered to reduce the impact on neighbours.
- The balcony and windows proposed overlook no's 2 and 3 Millers Farm. The windows overlooking neighbouring dwellings should be obscured glazing.
- There will be light pollution from the dwellings, and noise pollution from the gravel drives.
- The development will spoil views.
- Health and safety concerns regarding the applicant.
- Loss of peaceful location – impact on wildlife and plant life.
- Proposed design of the dwellings is out of character for the village.
- Restrictions to construction hours of operation are required.
- Poor planning decisions on previous applications.
- Query that consultation requirements were adequately followed.
- Application process should not have been extended. Discussions with developer means there is not transparency.
- Reference is made to the CSNN comments re:drainage.
- Positioning / siting of dwellings within plot.
- Concerns that although balconies are removed from the plans, these could be reinstated at a later date.
- Cross-section drawings illustrate that the proposed dwellings are too high, too big and out of character.
- Insufficient planting, privacy borders provided.

LDF CORE STRATEGY POLICIES

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM15 – Environment, Design and Amenity

NATIONAL GUIDANCE

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

PLANNING CONSIDERATIONS

The main issues are:

- Principle of development
- Highway/ Access
- Form and character
- Impact on the Scheduled Ancient Monument and archaeology
- Neighbour amenity
- Other material considerations

Principle of development

The principle of development has been established by the extant planning consent 15/01890/O. An application (18/01052/F) was submitted in 2018 to vary condition 13 of the original outline consent (15/01890/O), to allow the submission of 1.5 storey dwellings at the reserved matters stage.

Highways / Access

The objections received relating to highways and access issues centre on the view that East End is not appropriate for any new development.

The two proposed dwellings are to be served by one vehicular access and the size and positioning of this access was agreed as part of the outline planning consent, as well the number of dwellings considered to be acceptable. While the objections raised have been noted, given this is a reserved matters application the principle of development and location of access has been agreed and cannot be revised as part of this application.

Furthermore the Local Highway Authority (LHA) has not raised any objections to the proposed scheme but requested that a condition is attached to the consent related to the parking and turning areas within the application site.

Form and character

The site is located on the south side of East End in an elevated location. It is surrounded on 3 sides by residential development.

The proposed development is for the construction of two cottage style detached dwellings with attached garages. The proposed dwellings are 1.5 storeys high, with a ridge height of 7.7m at the highest point. Catslide dormer windows and roof lights are proposed within the dwellings. There are five bedrooms proposed and the houses are situated within sizeable plots and there is sufficient amenity space provided with each.

In terms of the neighbour concerns regarding the height of the proposed dwellings; the initial outline application restricted the height of the dwellings to single storey. This reflected the comments made by Historic England with the intention of limiting the impact of the new development on the Scheduled Ancient Monument nearby. An application then came in to amend this to 1.5 storeys in height, to which Historic England did not object, and thereby consent was granted.

The applicant has provided cross-sections to show the height of the proposed dwellings in relation to those dwellings neighbouring the site. These indicate that plot 1 is 7.6m at ridge height, and comparable to the dwellings to the north and south. So whilst the site is set higher than the carriageway and the land surrounding the site, the ridge height of the proposed dwellings would not be out of keeping with surrounding residential properties which are mainly two storey in height.

The materials proposed, which are for use on the site do respect the locality and are considered to be acceptable. The applicant intends to retain existing trees and the existing landscaped highway verge which will reduce the visibility of the dwellings in the street scene.

Impact on the Scheduled Ancient Monument and archaeology

The site is located to the south west of the Scheduled Ancient Monument (SAM) - Hilgay Fen (an earthwork complex relating to a moated site and fishponds). Historic England has commented verbally that single storey or one and a half storey dwellings would be unlikely to harm the setting of the SAM. As part of the consideration of the outline planning consent the view was taken that the proposal would lead to less than substantial harm to the significance of the SAM and was considered acceptable in accordance with the then paragraph 134 of the NPPF and Policy CS12 of the Core Strategy 2011. It is also noted that Historic England raise no objection to this current application, and it is considered that the detailed design has little or no impact on the SAM. Therefore again any harm to the SAM would be less than substantial in terms of paragraph 196 of the NPPF, and the benefits of the scheme far outweigh the minimal impact it has on heritage assets.

With regard to archaeological heritage assets, the Historic Environment Service (HES) comments that give that the SAM is located approx. 70m to the north east of the site, there is potential for heritage assets of archaeological significance to be present on the site. Therefore the outline planning consent was conditioned to require a programme of archaeological works for the site in accordance with the NPPF and Policy CS12 of the Core Strategy 2011. Their representation to this application states that if the archaeological work cannot be secured through planning consent 18/01052/F, the conditions should be attached again. However given these conditions are attached to the outline consent, and also planning consent reference 18/01052/F, there is not a need to repeat them again.

Neighbour amenity

Objections to the application include the view that the scale of development proposed and the siting of the dwellings within the site is intrusive; it will result in a loss of privacy for neighbouring dwellings. They argue that there is insufficient planting and privacy borders provided, and that the overbearing nature of the development will lead to a loss of light for neighbouring residents.

In terms of distance there is at least approximately 28 metres between the proposed dwellings and the closest existing dwelling opposite on East End, and at least 27.4m to the closest dwelling to the rear of the site. The first floor windows proposed are bedroom or bathroom rooflights, but are at 'head height' and in this sense would enable similar views as a standard window. To the rear of the proposed dwellings the gardens are approximately 16 meters to the rear boundary. To the front of the dwellings ample room is provided within the site for parking and turning purposes (in accordance with parking standards), the dwellings are set back from the road and only overlook front gardens. The siting, spacing and orientation of the proposed dwellings means that they would not overshadow neighbouring dwellings, or be overbearing.

Permitted development rights will also be removed, by condition, to restrict the insertion of new windows or any alternations to the roof. This will ensure additional openings cannot be introduced at first floor, without the submission of a planning application.

A landscaping scheme has been submitted with the application which proposes a minimum of 1.8m hedging at boundaries, and in addition some trees are identified along the rear boundary of the site.

The CSNN officer requested, in her consultation response, that hours of construction are attached to the planning consent. A planning condition was attached to the outline planning consent 18/01052/F requesting a construction management plan to control the potential noise and disruption during construction.

On this basis, the proposal for two dwellings would have a limited impact on residential amenity which would not amount to significant and demonstrable harm and thus would be in accordance with the NPPF, Policy CS08 of the Core Strategy 2011 and Draft Policies DM15 and DM 17 of the Site Allocations and Development Management Policies Document 2016.

Other material considerations

Objectors consider that the loss of the green space and the additional pressure on the existing foul sewage network would give rise to foul and surface water drainage problems. These matters have been dealt with appropriately through the imposition of a condition on the outline planning consent requiring foul and surface water drainage details to be submitted prior to commencement of any development on the site. Therefore it is not necessary to address this point again in the reserved matters application. The CSNN Officer, in the consultation response, requests that Anglian Water is consulted to gain their views on the ability of the systems to cope with the additional development. To reiterate the point made above, the principle of development has been established and cannot be re-visited in this application.

Historic England, the IDB, Environmental Quality and the Arboricultural Officer raise no objection. The Public Rights of Way Officer raises no objection.

The objections include queries relating to the methods of consultation used at various stages of the planning application process. The Local Planning Authority have adhered to the regulations as set out in The Town and Country Planning (Development Management Procedures) (England) Order 2015 providing a site notice as well as notifying neighbours as the scheme has been amended.

CONCLUSION

The principle of development has been established on the site, through the grant of outline planning permission, and this reserved matters application deals only with appearance, layout, scale and landscaping. Furthermore many of the statutory consultees have not objected to the scheme. However the Parish Council and a number of neighbouring residents have objected. It is the view of officers that through the design, placing of windows, the orientation, plot size and separation of the scheme means that the impact on neighbouring dwellings and on the locality, including the Scheduled Ancient Monument is acceptable.

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 001B, 002B and 003B received on 28 March 2019, and 007 and 008 received on 23 April 2019).
- 1 Reason For the avoidance of doubt and in the interests of proper planning.
- 2 Condition Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the enlargement of the dwelling house consisting of an addition or alteration to its roof shall not be allowed without the granting of specific planning permission, and no new windows/ dormer windows (other than those expressly authorised by this permission) shall be allowed without the granting of specific planning permission.
- 2 Reason In order that the Local Planning Authority may retain control of development which might be detrimental to the amenities of the locality if otherwise allowed by the mentioned Order.
- 3 Condition All hard and soft landscape works shall be carried out in accordance with the Landscaping Schedule (received on 24 Oct 2018) and the Landscaping Plan (received on 21 May 2019). The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 3 Reason To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 4 Condition Prior to the first occupation of the development hereby permitted the proposed access /on-site car parking / turning areas shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 4 Reason To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.