

<b>ITEM:</b>		<b>RECOMMENDATION:</b>	REFUSAL
<b>REF NO:</b>	3PL/2018/1401/F	<b>CASE OFFICER</b>	Naomi Minto
<b>LOCATION:</b>	ATTLEBOROUGH Development Site at the Paddocks Leys Lane Attleborough	<b>APPNTYPE:</b>	Full
		<b>POLICY:</b>	Out Settlemnt Bndry
<b>APPLICANT:</b>	Mr John Gaskin Acre House Leys Lane	<b>ALLOCATION:</b>	N
<b>AGENT:</b>	Jon Venning Architect Hardwick House Ipswich Road	<b>CONS AREA:</b>	N
		<b>LB GRADE:</b>	N
		<b>TPO:</b>	N
<b>PROPOSAL:</b>	Proposed Erection of Five Detached two storey dwellings with garages and associated parking		

#### **REASON FOR COMMITTEE CONSIDERATION**

The application has been called to Planning Committee at the request of the Ward Representative.

#### **KEY ISSUES**

- Principle of development
- Design and impact on character and appearance of the area
- Impact upon amenity
- Access and highway impact
- Other issues

#### **DESCRIPTION OF DEVELOPMENT**

The application seeks consent for the construction of five detached, two storey dwellings with associated garages and parking within the application site. It is proposed that four dwellings would have three bedrooms and one dwelling would have four bedrooms. Access to the site would be from Leys Lane and an existing access is in place. Each property would be served by a garage with private amenity space to the rear. The dwellings would be constructed from brick/block walls with facing brickwork (terca mardale antique) and clay pantiles (Crest Worlds Toscana) over a timber. Double glazed PVCu windows and doors are proposed.

#### **SITE AND LOCATION**

The site extends to approximately 0.36 hectares and has been cleared for construction. There is a small nucleus of development in the immediate area and this relates largely to single dwelling houses and commercial/business uses located at a converted sawmill to the south, and opposite the site.

Planning Permission was granted (at Committee) in 2017 (ref: 3PL/2017/1528/F) for the erection of five detached two storey dwellings with garages on land directly opposite the current application site and within the same ownership. These are currently under construction. In addition, planning permission was granted in 2017 (ref: 3PL/2017/0376/F) for the construction of a single dwelling located to the south east of the current application site and adjacent to the site with an extant planning permission for five dwellings. Construction of this dwelling is now complete. Consent was also granted for six Gypsy/Traveller pitches immediately to the west of the site (ref: 3PL/2010/0381/F). Hardstanding to accommodate the pitches has been laid. A band of trees runs along the northern boundary of the site.

Leys Lane is a rural location, effectively a country lane, although it is in close proximity to Attleborough and its defined settlement boundary. The rail line dissects the lane to the north-west and from this point there is pedestrian/cycle access only into the town from the lane. Buckenham Road, to the east of Leys Lane provides a main arterial route into Attleborough.

**EIA REQUIRED**

No.

**RELEVANT SITE HISTORY**

3PL/2009/0604/F	Withdrawn	15-09-10	C/U to inc. standing of caravans for 6 no. res. gypsy pitches with utility/day room buildings & hardstanding
3PL/2010/0381/F	Permission	03-06-10	C/U to 6 residential gypsy pitches, each pitch with a utility/day room building and hard standing
3PL/2010/1231/F	Refusal	08-04-11	Change of use of land for siting of 9 caravans & 4 touring caravans, replace 3 static & 2 tourers assoc. work
3PL/2011/0419/F	Refusal	27-01-12	Change of use of land for siting of 6 static caravans & 2 tourers, erection of general purpose building & assoc. work
3PL/2016/1558/F	Withdrawn	14-02-17	Erection of 2 dwellings with associated parking spaces
3PL/2017/0376/F	Permission	15-06-17	Erection of two storey detached dwelling with garage & parking
3PL/2017/1528/F	Permission	28-03-18	Erection of 5 detached two storey dwellings with garages

**POLICY CONSIDERATIONS**

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, 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

CP.01	Housing
CP.04	Infrastructure
CP.09	Pollution and Waste
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.04	Affordable Housing Principles
DC.12	Trees and Landscape
DC.16	Design
DC.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

**OBLIGATIONS/CIL**

Not Applicable

**CONSULTATIONS**

**ATTLEBOROUGH TC**

Concerns regarding Highways access / visibility and no footpath provision.

**NORFOLK COUNTY COUNCIL HIGHWAYS**

Objection - The unclassified road serving the site is considered to be inadequate to serve the development proposed, by reason of its poor alignment and restricted width. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety. The proposed development does not adequately provide off-site facilities for pedestrians / cyclists / people with disabilities (those confined to a wheelchair or others with mobility difficulties) to link with existing provision and local services.

**CONTAMINATED LAND OFFICER**

No objection, subject to conditions.

**TREE AND COUNTRYSIDE CONSULTANT**

Tree survey required.

**PRINCIPAL PLANNER MINERAL & WASTE POLICY** No Comments Received

**REPRESENTATIONS**

Site notice erected on 19 December 2018 and eight neighbours consulted. No responses received.

**ASSESSMENT NOTES**

1.0 Principle of the Development

1.1 The application site is located in close proximity to Attleborough but is outside the defined settlement boundary, and on agricultural land, along a country lane. The proposal is therefore contrary to Local Plan policies SS1, DC2 and CP14, which aim to restrict new development outside of settlement boundaries.

1.2 Attleborough is identified as a market town suitable for substantial growth as detailed within policy SS1 of the adopted Core Strategy. In that respect there are planning consents in place for multiple residential unit developments abutting the settlement and adjoining the A11.

1.3 However, paragraph 11 of the NPPF (2019) states that where an authority does not have an up-to-date Development Plan or five year housing land supply, the relevant local policies for the supply of housing, as referred to above, should not be considered up-to-date and that housing applications should be considered in the context of the presumption in favour of sustainable development.

1.4 The Statement of Five Year Housing Land Supply as of 31st March 2017 was published in July 2017. This outlined that the District does not benefit from having a five year supply of housing land (it can only demonstrate 4.6 years housing land supply). In these cases the NPPF makes provision, in principle, for Local Planning Authorities to positively consider sites that are not within defined Settlement Boundaries. This must be balanced against other policy requirements and aims including securing sustainable development, protecting the countryside, and good design.

1.5 The NPPF constitutes guidance for local planning authorities and decision-takers and is a material consideration in the determination of planning applications to achieve sustainable development. The Government outlines three dimensions to sustainable development: economic, social and environmental (paragraph 8). These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- a social role - supporting strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- an environmental role - contributing to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

1.6 Paragraph 9 of the NPPF (2019) states that these roles should not be undertaken in isolation, because they are mutually dependent and that the planning system should play an active role in guiding development to sustainable solutions. A balanced assessment against these roles is, therefore, required.

1.7 In terms of the economic criteria, it is acknowledged that the land subject to this proposal is within the applicant's ownership and is therefore available now and would provide five new dwellings, making a

positive, albeit small, contribution to the housing supply. The proposal would provide limited short-term economic benefits through labour and supply chain demand required during construction.

1.8 The social role of sustainable development seeks to ensure, amongst other matters, the creation of a high quality built environment with accessible local services. Whilst Attleborough is a suitable location for housing growth, this site is separated from the town and located on a rural lane. However, the proposal would not be considered isolated when viewed within the surrounding residential context. Leys Lane and its surroundings provide little to no services or facilities. However, the site is in close proximity to the settlement boundary of Attleborough (a Market Town), which does benefit from an extensive provision of services and facilities (public houses, schools, shops, dentist / doctors surgeries etc) and as such would make a positive contribution in this regard. In addition, the town benefits from 15 bus and coach services and a train station, all of which link Attleborough to Wymondham, Norwich, Diss and further afield. These services and facilities help to reduce the reliance on the private car in respect of meeting day to day needs.

1.9 A balancing exercise has been undertaken and it is concluded that the proposed development, in close proximity of Attleborough and its vast array of services and facilities, would represent a sustainable form of development. The provision of five dwellings in this location would provide short term economic and long term social benefits, contributing modestly to the overall housing land supply within the district. On this basis, the principle of development is considered acceptable.

## 2.0 Design and impact on character and appearance of the area

2.1 The environmental role of sustainable development seeks to, in part contribute to protecting and enhancing the natural built and historic environment. Consideration of a development's impact on the character and appearance of the area within which it is situated is therefore, integral to the environmental dimension of sustainable development. Policy DC16 of the adopted Core Strategy requires all new development to achieve the highest standard of design. As part of this, all design proposals must preserve or enhance the existing character of an area. Consideration will also be given to the density of buildings in a particular area and the landscape / townscape effect of any increased density.

2.2 The application proposes five detached two storey dwellings. Four are to be three bedroom dwellings with single garages and the fifth is proposed to be a four bedroom dwelling with detached single garage. It is acknowledged that land on the same site, to the east, has two planning permissions for six dwellings. The proposed scheme would provide a similar offering when taking into account the scale and style of the dwellings already approved. Materials proposed to be used in the construction of the dwellings include brick/block walls with facing brickwork (terca mardale antique) and clay pantiles (Crest Worlds Toscana) over a timber. Double glazed PVCu windows and doors are also proposed. These are considered to be in keeping with existing dwellings within the locality. Furthermore, it is considered that the form of the proposed dwellings are sympathetic to the area. Whilst it is acknowledged that the proposal will be visible from public and private vantage points, therefore having an impact on the character and appearance of the immediate area, it is considered that the positive attributes of these new dwellings from an economic and social perspective outweigh any environmental harm. The scheme is therefore considered to represent a sustainable form of development.

## 3.0 Impact upon amenity

3.1 Policy DC1 of the adopted Core Strategy seeks to protect residential amenity of existing and future residents. The proposed layout submitted shows a linear row of dwellings extending into the site. It is however noted that one of the proposed dwellings, identified as plot 10 on the Site Plan as Proposed (Drg. no: 18/1367/001) would face onto the rear garden area of another proposed dwelling, identified as plot 9 on

the same plan. The separation distance from the southern elevation of plot 10 to the boundary of plot 9 measures approximately 9 metres. Whilst it is acknowledged that the Proposed Site Layout Plan submitted with the application would appear to provide a visual barrier in the form of planting, it is not likely to be sufficient, certainly in the short term, to mitigate the adverse impact in terms of loss of privacy that future occupants of plot 9 would encounter should the proposal be approved as per the current layout. In addition, whilst planting may provide a long term solution to the issue of overlooking, it is likely then to have an adverse impact on the amenity of plot 10, in respect of potential loss of light. With this in mind, the proposal, in its current layout, is considered to be contrary to the aims and objectives of Policy DC1 and paragraph 127 of the NPPF (2019).

#### 4.0 Access and highway impact

4.1 The Highways Officer advised that they had previously raised objections in respect of similar proposals adjacent to the development site. Their concerns relate to the suitability of Leys Lane to serve residential development of this scale based on its restricted width, poor alignment and lack of pedestrian refuge. They consider that in the absence of any dedicated footway provision, pedestrians from this development would be required to share a carriageway with commercial traffic which, in places, only achieves around 3/3.5 metres in width. This situation is made worse adjacent to the bend to the east of the site where no refuge exists to enable pedestrians to stand clear of on-coming traffic. The same bend also serves to restrict forward visibility between car drivers in this location.

4.2 The proposed development of five dwellings would be likely to generate 30 vehicular movements per day plus those associated with deliveries and other vehicles. Furthermore, it would be anticipated that a number of residents would wish to access the facilities available in Attleborough on foot or cycle but to do so would involve part of the journey being made over a length of Leys Lane which is restricted in width, unlit and shared with commercial vehicles, including HGVs. This would entail a degree of confidence which not all residents may possess in particular the more vulnerable groups, such as children. In addition, it could prove a deterrent to using more sustainable methods of transport. In all likelihood residents would choose to travel by car.

4.3 The Highway Authority consider that the development would result in an increase in pedestrian and vehicular traffic on a part of the network, which serves commercial development and which is considered inadequate to cater for such movements by reason of its substandard alignment restricted width and lack of pedestrian provision. As a consequence, if permitted, Highways consider that the proposal would increase the propensity for pedestrian/vehicular conflict and personal injury accident to the detriment of highway safety. This would be contrary to Policy CP4 of the adopted Core Strategy and paragraphs 108 and 109 of the NPPF.

#### 5.0 Other issues

5.1 Policy CP9 of the adopted Core Strategy seeks to ensure that development minimises any unavoidable polluting effects and the development's design should actively seek to minimise or mitigate against all forms of pollution. No objection was raised from the Contaminated Land Officer, subject to the inclusion of a condition relating to unexpected contamination and an informative relating to extensions. The proposal is therefore considered to be in accordance with Policy CP9.

5.2 The Tree and Countryside Officer was also consulted as part of the application process and advised that aerial pictures show trees on the northern boundary (some of which may be outside the site), which might be implicated. On this basis a tree survey was requested in accordance with BS5837:2012. However, this information was not sought from the applicant on the basis that it would be unreasonable to request it given

that there are other fundamental issues with the proposal that can not be rectified, namely the highway issues.

5.3 Having assessed the plans in support of this application, it is noted that the applicant owns land in addition to the current application site, which already has the benefit of three planning permissions (ref: 3PL/2017/1528/F for the erection of five detached two storey dwellings to the east of the current application site; ref: 3PL/2017/0376/F for the construction of a single dwelling to the south east of the current application site; and ref: 3PL/2010/0381/F for six gypsy / traveler pitches to the west of the current application site). The current proposal for five additional dwellings would bring the total number of market housing on this site to eleven. The thresholds, as defined in the NPPF, require affordable housing provision on sites over 0.5ha and / or where ten or more dwellings are proposed.

5.4 When assessing the application cumulatively, it is considered that the requirement for affordable housing has been triggered in this instance. However, the application does not include the provision of affordable housing and therefore it fails to comply with the requirements of the NPPF, in terms of provision of affordable housing (paragraph 63).

## 6.0 Conclusion

6.1 Taking into account the overall planning balance of the scheme, it is acknowledged that the proposed development is located in a sustainable location, in accordance with the requirements of the NPPF and would provide both short and long term economic and social benefits, given its location in close proximity to Attleborough's settlement boundary. However, despite it being located in a sustainable location, the proposed development would not adequately provide off-site facilities for pedestrians / cyclists / people with disabilities (those confined to a wheelchair or others with mobility difficulties) to link with existing provision and local services. In addition, the intensification of development on this site would have a greater detrimental impact on existing highway safety when considering the likely increase in traffic on an unclassified road with poor alignment and restricted width.

6.2 It is also considered that the proposed layout would have an adverse impact on the amenity of future occupants, in terms of loss of privacy, having particular regard to plot 9, as identified on the Site Plan as Proposed (Drg. no: 18/1367/0001).

6.3 Furthermore, taking into account the current proposal, including the additional adjoining land owned by the applicant as indicated in blue on the submitted plans, which includes dwellings already approved, when looked at cumulatively, the application fails to provide any amount of affordable housing to meet the needs of local people, contrary to paragraph 63 of the NPPF. Consequently, the proposal is considered to be contrary to Policies CP4, DC1 and DC12 of the adopted Breckland Core Strategy and Development Control Policies DPD and paragraphs 63, 108, 109 and 127 of the NPPF (2019). The positive attributes of the scheme would be significantly and demonstrably outweighed by the demonstrable harm as detailed within this report. Accordingly, the application is recommended for refusal.

### REASON(S) FOR REFUSAL

1

#### **Non-std reason for refusal**

The unclassified road serving the site is considered to be inadequate to serve the development proposed, by reason of its poor alignment and restricted width. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety, contrary to

Policy CP4 of the adopted Core Strategy, as well as having regard to paragraphs 108 and 109 of the NPPF.

**2 Non-std reason for refusal**

The proposed development does not adequately provide off-site facilities for pedestrians / cyclists / people with disabilities (those confined to a wheelchair or others with mobility difficulties) to link with existing provision and local services, contrary to paragraphs 108 and 109 of the NPPF.

**3 Non-std reason for refusal**

The siting of the first floor bedroom window of Plot 10 would result in adverse overlooking and loss of privacy to the rear amenity space of Plot 9, contrary to Policy DC1 of the adopted Core Strategy.

**4 Non-std reason for refusal**

The proposed site, including the additional adjoining land with dwellings already approved and owned by the applicant, as indicated in blue on the submitted plans, when looked at cumulatively, the overall total number of additional dwellings on site would trigger the need for affordable housing. The proposed development fails to provide any amount of affordable housing to meet the needs of local people and is therefore considered to be contrary to paragraph 63 of the NPPF.

**5 Non-std reason for refusal**

Insufficient information has been submitted as part of the application in respect of trees and it is therefore not possible to assess the likely impacts of the proposed development on the trees to the north of the site. The proposal does not, therefore, accord with Policy DC12 of the adopted Core Strategy and the requirements of the NPPF (2019).