

ITEM:		RECOMMENDATION:	REFUSAL
REF NO:	3PL/2018/1111/O	CASE OFFICER	Naomi Minto
LOCATION:	BAWDESWELL Dereham Road Bawdeswell	APPNTYPE:	Outline
APPLICANT:	Mr Neville Middleton Bradmore Mill Drift Lane	POLICY:	Out Settlemnt Bndry
AGENT:	Burt & Stone Planning Consultant 4, Redisham Close, Lowestoft	ALLOCATION:	N
PROPOSAL:	Development of three detached self-build properties with garages.		
		CONS AREA:	N
		LB GRADE:	N
		TPO:	N

REASON FOR COMMITTEE CONSIDERATION

The application has been called into Planing Committee by the Ward representative.

KEY ISSUES

- Principle of development
- Impact upon amenity
- Highway safety
- Impact upon trees
- Other issues

DESCRIPTION OF DEVELOPMENT

The application seeks outline planning permission for the construction of three detached self-build dwellings with garages and amenity space. Indicative plans submitted in support of the application indicate that the proposal would include one detached two storey dwelling with a detached double garage, and two bungalows, one with a detached double garage and the other (identified as plot 2 on the submitted Site Layout Plan) with an integral double garage. The Site Layout Plan shows how the proposed dwellings could fit on the site. Only access is being sought at outline stage, with all other matters reserved.

SITE AND LOCATION

The site is located outside of the defined Settlement Boundary of Bawdeswell and amounts to an area of approximately 0.35 hectares. The site, which forms part of a field, is currently used for agricultural purposes. It is bounded to the north east, north west and south west by established hedgerows. The site is characterised by existing residential development to the north and south, open agricultural land to the east and Dereham Road to the west with agricultural fields beyond that. Access to the site would be via Dereham Road to the north west.

EIA REQUIRED

No

RELEVANT SITE HISTORY

No relevant site history

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.06	Green Infrastructure
CP.09	Pollution and Waste
CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.12	Trees and Landscape
DC.13	Flood Risk
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

BAWDESWELL PARISH COUNCIL

Object, as the site is well outside the settlement boundary. Previous similar applications have all been turned down and to grant permission for this development would set a dangerous precedent. There is currently no local need for additional housing in the village due to the recent allocation of 40 dwellings on Two Fields Way. The Parish Council support Highways objections, in that there is not adequate visibility splays for

access to the development and it has been noted that there has recently been an accident in that location. The proposed development does not adequately provide for pedestrians or people with disabilities despite provision shown on the plans. There are no pavements on either side of the Dereham Road to the south of the Fakenham Road.

NORFOLK COUNTY COUNCIL HIGHWAYS

31/10/18

Objection - The introduction of an access with substandard visibility, and the potential increase in pedestrian traffic on Dereham Road, would lead to conditions detrimental to highway safety and the proposed development does not adequately provide for pedestrians or people with disabilities.

5/12/18

The removal of the footway does not overcome highway concerns and my response remains as originally given.

CONTAMINATED LAND OFFICER

No objection, subject to conditions.

TREE AND COUNTRYSIDE CONSULTANT

1/11/2018

It appears that to achieve the required visibility splay the hedge along the site frontage will require removal. This hedge is currently protected by the hedgerow regulations. In order to establish whether or not the hedge would be classed as important it will be necessary to provide a hedgerow survey. Presumption should be in favour of retention of important hedges. In addition, the design and access statement make reference to a footpath with Hamptons being a short walk from the site. It is not entirely clear where the footpath will be positioned. If there is to be any footpath provision on the northern side of Dereham road, which appears to be the only option, it will be necessary to provide a tree survey, arboricultural impact assessment and method statement.

4/12/2018

Details of hedgerow on site frontage still required.

REPRESENTATIONS

A site notice was erected on 23 October 2018 and two neighbours were consulted. Five objections were received raising the following main points of concern;

- Proposed development outside the defined settlement boundary.
- The village already has planning for 40 dwellings, which is considered more than enough for the village.
- This proposal is unnecessary.
- Highway safety - Proposed footpath does not link to any other footpath for safe pedestrian movement / dangerous road / accident hotspot / insufficient visibility splay to allow safe egress of vehicles at the proposed access point.
- Removal of existing established hedgerow / trees and destruction of natural habitat would have a negative impact on the environment.
- There are limited amenities in the village.
- Previous applications along this road have been refused.
- This application would set a dangerous precedent.

ASSESSMENT NOTES

1.0 Principle of development

1.1 This application seeks Outline planning permission with all matters, except access, reserved for the erection of three detached dwellings and associated double garages and external amenity space on agricultural land to the east of Dereham Road, Bawdeswell. The site is outside the defined Settlement Boundary of Bawdeswell. The proposal therefore conflicts, in principle, with Policies SS1, DC2 and CP14 of the adopted Core Strategy and Development Control Policies Development Plan Document, (2009), which seek to focus new housing within defined Settlement Boundaries.

1.2 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.

1.3 The Statement of Five Year Housing Land Supply as at 31st March 2018 was published in July 2018. This outlined that the District does not benefit from having a five year supply of housing land (it can only demonstrate 4.77 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.

1.4 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.

1.5 Paragraph 9 states that these objectives should be delivered through the preparation and implementation of plans and the application of the policies in the NPPF. Planning Policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so, should take local circumstances into account, to reflect the character, needs and opportunities of each area.

1.6 In terms of the economic and social criteria, the proposal would provide three new dwellings and would therefore make a positive, albeit small, contribution to the housing supply shortfall. The proposal would

provide limited short term economic benefits through labour and supply chain demand required during construction, and longer term economic benefits through the additional household spend within the surrounding area that would be generated by the provision of three dwellings.

1.7 The social role of sustainable development seeks to ensure, amongst other matters, the creation of a high quality built environment with accessible local services. Bawdeswell is classified as a rural settlement and therefore does not represent a sustainable option for significant expansion. Policy SS1 of the adopted Core Strategy and Development Control Policies DPD states that rural settlements will provide nominal housing growth during the plan period where local capacity allows.

1.8 Bawdeswell has a shop, village hall, pub, garden centre, primary school, restaurant and church. There is also provision of bus services running through the village, connecting it with Norwich, Dereham and Fakenham. It is however noted that the buses do not stop in the vicinity of the development site and would require future occupants to negotiate Fakenham Road (A1067) in order to access them. In order to access Bawdeswell and any of these services by any means other than by private car, it would mean walking down a narrow carriageway with no available footway and then crossing the busy Fakenham Road. Given that there are high banks and vegetation either side of Dereham Road from the application site to Bawdeswell, there is limited safe means for walking along Dereham Road and crossing Fakenham Road. Therefore, the site is considered to be in an unsustainable location, not accessible to services and facilities by walking or cycling. This is considered to be contrary to the environmental aims of the NPPF.

1.9 The Highways Authority has also raised an objection on the grounds of, the proposed development not adequately providing for pedestrians or people with disabilities and therefore the proposal is considered contrary to the environmental aims of the NPPF and is recommended for refusal on these grounds.

2.0 Impact upon amenity

2.1 Policy DC1 of the adopted Core Strategy seeks to protect residential amenity of existing and future residents. There is nothing to suggest that there would be any adverse impacts with regard to loss of light / privacy, overbearing impact or overshadowing on existing residents, or future residents of the scheme.

2.2 The indicative plans submitted with the application show that three dwellings could fit on site with sufficient parking and external amenity space. Further details would be necessary at reserved matters stage. However, amenity concerns could likely be suitably addressed by design or condition(s). The proposal is therefore considered to comply with Policy DC1, subject to detailed design reserved for future determination.

3.0 Highway safety

3.1 Norfolk County Council Highways have objected to the proposal, advising that they have consistently raised highway objections in respect of the principle of development on Dereham Road due to the lack of a safe walking route to the village amenities in Bawdeswell, which lies to the north of the A1067 Norwich / Fakenham Road. The Highway Authority advised that in order to access local facilities, the walking route from site would involve pedestrians travelling in the live carriageway of an unlit, busy highway and crossing a Principle County Highway (A1067) where no pedestrian crossing refuge exists. A view which is shared by objectors and the Parish Council.

3.2 In addition, Highways raised concerns in respect of the level of visibility, which could be achieved from the proposed access. A 40mph local speed restriction is in force in the vicinity of the site for which Government safety standards, set out in The Design Manual for Roads and Bridges, recommend that clear visibility of 120m from a 2.4m setback distance should be achievable to either side of an access. The

visibility drawing submitted with the application is an enlarged ordnance survey sheet and such reproductions cannot be relied upon to provide accurate measurements. Even so, the Highway Authority consider that the drawing clearly shows that the 2.4m x 120m visibility splay to the south east passes through land outside of the applicant's control and may be obstructed by the face of buildings. Based on the submitted material, the Highway Authority have assessed the visibility to the south of the proposed access to be in the region of 55 metres, which would not comply with Government safety standards.

3.3 The current use of the site for agricultural purposes would not generate regular traffic movements on a daily basis. However, three dwellings would be likely to generate approximately 18 daily vehicular movements, together with those movements generated by delivery vehicles and other visitors. It was therefore considered that the introduction of regular traffic movements, utilising an access with substandard visibility onto Dereham Road, would provide potential for collision and personal injury accident to the detriment of highway safety.

3.4 The Highway Authority also provided comment in respect of the proposed pedestrian footpath. However, following comments from the Highways Officer, the applicant omitted provision of a pedestrian footpath from the proposal. This has not changed the HA recommendation. Therefore, in light of the above considerations, the application would have a detrimental impact on highway safety and is therefore contrary to Policy CP4 of the adopted Core Strategy and paragraphs 108 and 109 of the NPPF (2019).

4.0 Impact upon trees

4.1 The Tree and Countryside Officer advised that in order to achieve the required visibility splay, the hedge along the site frontage will require removal. The hedge is currently protected by the hedgerow regulations and therefore in order to establish whether or not the hedge would be classed as important, a hedgerow survey should be submitted for further consideration. The Tree and Countryside Officer advised that presumption should be in favour of retention of important hedges, as set out in policy DC12 of the Breckland Core Strategy.

4.2 In addition, the Officer commented on the submitted Design and Access Statement, which refers to provision of a footpath connecting the site with Hamptons, a short walk away. On this basis, submission of a tree survey, arboricultural impact assessment and method statement was requested for further consideration and comment.

4.3 Following comments made by the Tree and Countryside Officer, the applicant omitted the provision of a pedestrian footpath from the proposal. The Tree and Countryside Officer advised that a hedgerow survey in respect of the hedgerow along the site frontage would still be required, as it is likely that its removal would be necessary to accommodate visibility splays. However, no further information has been submitted to address the Tree and Countryside Consultant's comments. On this basis, it is considered that insufficient information has been submitted to enable proper assessment of the application, in line with existing policy. The application as it is, fails to comply with Policy DC12 of the adopted Core Strategy and the requirements of the NPPF (2019).

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. Notwithstanding that this is an Outline application, with all matters (other than access) reserved for future consideration, no objection was raised by the Contaminated Land Officer, subject to the proposal being carried out in line with the application details. The proposal is therefore considered to accord with

Policy CP9.

5.2 The applicants agent has submitted some additional information in support of their proposals, which references an Appeal decision with regards to the requirements for highways visibility splays. The agent states that the Appeal report makes reference to few accidents being caused at driveway junctions, therefore dangers are minimal and that standard splays were not required by this Inspector. In addition, reference to Part Q applications being approved in isolated locations is made and a further application at Litcham Road, Mileham (3PL/2018/1564/O). Reference to paragraphs 77 and 78 of the NPPF has been made and to a site at Beeston being heard at Planning Committee, although no reference number or site address has been provided.

5.3 On examination of the information provided, the following additional comments are made:

5.4 Each case must be considered on its own merits. The Appeal decision for Frenze Road, Diss dated December 2013 is not directly comparable to this application, as the site was off a 30mph minor road, this road is 40mph and not a minor road and the proposal was to share an existing access off the highway so the Inspector assessed intensification of an existing access in use, which was actually being improved by the development, although still not up to highway standards. For this application, the Highways Authority require a plan demonstrating that the required visibility splays can be achieved at a scale appropriate for doing this. As this has not been provided they are unable to say visibility can be achieved and object on this basis.

5.5 Part Q applications are permitted development not Planning Applications, therefore an assessment in accordance with planning policy is not made in the same way as with planning applications i.e. the principle of development is established where a set of factors are complied with. As this is not a Part Q application it is not permitted development and therefore has been assessed in accordance with adopted planning policy, as required by Paragraph 2 of the NPPF and the Regulations. Here the Principle of development is not considered to be established as the current proposal fails to meet the tests of environmental criteria, for the reasons given above.

5.6 Planning application reference 3PL/2018/1564/O, is undetermined. However, this site is also not directly comparable to this application, as this site is directly abutting the settlement boundary of Mileham and there is a footpath on the opposite side of the road running into Mileham. This application will be assessed on its own merits in accordance with Planning Policy, as required.

5.7 Paragraph 77 of the NPPF is directly related to the provision of affordable housing, which given the site is only three properties, this could not be secured. Paragraph 78, is relevant and refers to promoting sustainable development (which this site has been demonstrated not to be) and identifying opportunities for villages to grow and thrive, especially where services will be supported. In addition, where development in one village may support services in a nearby one. As set out above, as the only way of accessing Bawdeswell or sustainable transport to another nearby village would be by private car, it is not considered that this proposal would provide significant support to Bawdeswell services and facilities or nearby villages, as it would be just as easy to head to local towns by car. Therefore, as set out above the proposal is considered contrary to the requirements of paragraphs 77 and 78 of the NPPF.

5.8 With regards to the application at Beeston, which is assumed to be application reference 3PL/2018/0472/F. This application was refused. It was re-heard at Planning Committee to ensure members had all the facts when determining the application, which did include works to an historic hedgerow. For this application, as set out above, the Council currently has insufficient information to determine whether the proposals would include works to an historic hedgerow and therefore are unable to reach a conclusion without additional information from the applicant, as per any other planning application.

6.0 Conclusion

6.1 Taking into account the overall planning balance of the scheme, the proposal would lead to a detrimental impact on highways safety, the site is located in an unsustainable location, not easily accessible to services and facilities which exist in Bawdeswell or sustainable transport and insufficient information has been submitted to demonstrate that the proposal would not result in the loss of an important hedgerow, contrary to policies CP4, DC12 and the aims of the NPPF.

RECOMMENDATION

The proposal is considered contrary to the development plan and national planning policy and is therefore recommended for refusal, for the reasons given below.

REASON(S) FOR REFUSAL

- 1 Any highway reason for refusal**
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 Policy CP4 of the adopted Core Strategy and paragraphs 108 and 109 of the NPPF (2019).
- 2 Non-std reason for refusal**
The proposed development does not adequately provide for pedestrians or people with disabilities (those confined to a wheelchair or others with mobility difficulties), due to its location away from services, facilities and public transport nodes with limited opportunities for walking and cycling, contrary to Policy CP4 of the adopted Core Strategy and paragraphs 108 and 109 of the NPPF.
- 3 Non-std reason for refusal**
Insufficient information has been submitted as part of the application in respect of existing hedgerows and it is therefore not possible to assess the potential likely impacts of the proposed development on an important hedgerow. Policy DC12 supports the retention of hedgerows. The proposal therefore does not accord with Policy DC12 of the adopted Core Strategy or the requirements of the NPPF.