

<b>ITEM:</b>		<b>RECOMMENDATION:</b>	REFUSAL
<b>REF NO:</b>	3PL/2019/0088/F	<b>CASE OFFICER</b>	Lisa ODonovan
<b>LOCATION:</b>	SHROPHAM Foxes Barn Watton Road, Shropham	<b>APPNTYPE:</b>	Full
<b>APPLICANT:</b>	Hazelby Property Developments Ltd 48 Arlington Gardens Attleborough	<b>POLICY:</b>	Out Settlemnt Bndry
<b>AGENT:</b>	Mr John Barbuk PattersonDESIGN Ltd Suva House	<b>ALLOCATION:</b>	N
<b>PROPOSAL:</b>	4 dwellings & garages	<b>CONS AREA:</b>	N
		<b>LB GRADE:</b>	N
		<b>TPO:</b>	N

#### REASON FOR COMMITTEE CONSIDERATION

The application is brought to Committee at the request of a Councillor.

#### KEY ISSUES

Principle  
Impact on character and appearance of the area  
Amenity impact  
Highway safety  
Tree impact  
Ecological implications

#### DESCRIPTION OF DEVELOPMENT

The application seeks permission for the erection of 4 dwellings and garages on land to the south of Watton Road, Shropham. Two dwellings, the road fronting element, will comprise of a pair of detached, two-storey dwellings with integral garages with the remaining two dwellings sited behind, comprising of detached, two-storey dwellings with detached garages.

The dwellings will comprise of the following:

Plots 3 and 4 - 3 bedrooms  
Plot 2 - 4 bedrooms  
Plot 1 - 4 bedrooms

A mix of materials are proposed: timber cladding and rendered and brick walls.

#### SITE AND LOCATION

The site is currently well-screened from the road frontage by established trees and mature planting. It is surrounded by agricultural land to the south, east and west with Watton Road to the north and a pair of semi-detached dwellings opposite and a property known as Foxlands to the north-west.

**EIA REQUIRED**

No

**RELEVANT SITE HISTORY**

3PL/2018/0969/F - Erect 5 no. new private dwelling houses - Withdrawn

**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.04	Infrastructure
CP.10	Natural Environment
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
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**

**NORFOLK COUNTY COUNCIL HIGHWAYS**

Shropham village has extremely limited services and amenities and lacks any school, village shop or regular public transport provision. Advice in the NPPF not only supports the need for safe and suitable access for all people, but also encourages the importance of being able to make everyday journeys without reliance on a car. In this instance the lack of local services, schooling & employment facilities is likely to preclude any realistic opportunity of encouraging a modal shift away from the use of the private car.

The limited services which do exist (i.e. the Village Hall and school/flexi bus collection points) are located to the east of the site. The nearest footway provision which links the site to these services is some 250 metres away. Consequently to access village facilities on foot, in particular the school bus pick up point, would require pedestrians to walk in the live, unlit, carriageway of a busy classified highway (C138 Watton Road) which acts as a cross country link between A11 Trunk Road and B1111 Watton Road.

Any pedestrian movements resulting from this development, in particular from more vulnerable groups such as school children and adults with mobility difficulties, would also increase the propensity for pedestrian/vehicular conflict to the detriment of highway safety.

In light of the above we have no option but to recommend the application be refused.

**CONTAMINATED LAND OFFICER**

No objection subject to condition.

**TREE AND COUNTRYSIDE CONSULTANT**

Aerial pictures would indicate that the applicant has removed a number of trees prior to application. I have concerns over the proximity of dwellings to trees on the northern boundary of the site and the likelihood of future pressure for further tree removal or heavy pruning. I also do not see that there is any overriding justification for surfacing within the rpa of these trees (even if it is no-dig) I would recommend that some adjustments are made to bring dwellings further away from trees and that surfacing within the rpa is removed. In addition to these comments it appears that hedgerow may have been removed from the site frontage adjacent to Watton Road. This may be an offence under the hedgerow regulations 1997 and will require further investigation.

**ECOLOGICAL AND BIODIVERSITY CONSULTANT**

The Ecological Impact Assessment report submitted in support of this application (Gray Ecology; May 2018) establishes base-line conditions at the time of site visit. The report states "the site consisted of recently cleared land, previously heavily overgrown site of bramble and nettle", however from publicly available aerial sources this does not appear to be the case and the site appears to have recently been cleared of trees. We would expect to see sufficient compensation for the loss of these trees incorporated into the site's design. We agree with the mitigation measures outlined in sections 6.1 of the Ecological Impact Assessment (Gray Ecology; May 2018) to reduce the likelihood of impacts on protected species to acceptable levels. The NPPF requires that planning decisions should enhance the natural environment by 'providing net gains for nature' (paragraph 170). I would suggest that the applicant is required to provide enhancements measures outlined in section 6.2 of the Ecological Impact Assessment (Gray Ecology; May 2018). No impacts on Designated Sites are envisaged given the distance between these areas and the proposed development site. If you are minded to approve this application, we recommend that you condition mitigation and enhancement measures.

**SHROPHAM P C**

Shropham Parish Council has the following comments:- We would reiterate our comments made on previous application number 3PL/2018/0969/F namely - The style of the proposed development is not in keeping with the houses already situated in this area of the village. - The mix of materials proposed are for the sake of appearing contemporary and will be to the detriment of the surrounding area and properties. - The properties are out of character and would damage the character of the local area contrary to Policy DC1 of the Core Strategy and Development Control Policy Document. - The two properties facing the road should be substantially reduced to be sympathetic to West and East Cottages - The proposed development is detrimental to and will damage the street scene which is of a linear nature.

**CHIEF FIRE OFFICER**

Norfolk Fire and Rescue Service would like to add the following as a planning condition to this development:

With reference to this application, taking into account the location of the existing fire hydrant coverage, Norfolk Fire and Rescue Service will require a hydrant to be installed on no less than a 90mm main.

## REPRESENTATIONS

Site notice erected: 22-02-2019

Consultations issued: 08-02-2019

Three representations received raising concerns in respect of:-

- Design out of keeping with the area
- Overlooking/loss of privacy
- Loss of light
- Location outside of the settlement boundary and distance to services and facilities.

## ASSESSMENT NOTES

### 1.0 Principle

1.1 The application site is located outside of the Shropham defined Settlement Boundary, as designated by the adopted Core Strategy and Development Control Policies Development Plan Document (2009). For this reason the proposal conflicts in principle with Policies DC 2 and CP 14, which seek to focus new housing within defined Settlement Boundaries.

1.2 Paragraph 10 of the NPPF states that at the heart of the Framework is a presumption in favour of sustainable development. Paragraph 11 further states that proposed development that accords with an up-to-date Local Plan should be approved without delay, and where there are no relevant development plan policies, or the policies which are most important for determining applications are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

1.3 The Council cannot demonstrate a current 5 year housing land supply and therefore the Core Strategy and Development Control Policies Document relating to housing land supply only are not considered up-to-date and therefore the material considerations are assessed in line with the sustainable development roles within paragraph 8 of the NPPF:

- economic, to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types 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;
- social, to support 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
- environmental, to contribute 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.

1.4 In terms of the economic and social criteria, the proposal would provide four new dwellings and would provide some short-term economic benefits through construction, and longer-term economic benefits through additional household spend within the surrounding area that would be generated by the provision of the dwelling.

1.5 It is noted that there some local facilities in Shropham, with the village hall, fitness centre and employment opportunities (business park to the south-east) between 0.5 and 0.8 miles from the site, and that Attleborough, a Market Town, is nearby (approximately 6 miles to the north-east) and whilst not considered within a walking/cycling distance, the site's proximity to the A11 makes the site easily accessible to the wider District and the site is as accessible to services as other dwellings in the settlement boundary given its close proximity to it. The scheme would not be wholly isolated, given the proximity of dwellings opposite. There is an argument that there is a fine balance but that the application meets the social role of sustainable development however there is likely to be a high reliance on travel by car to access facilities and services.

## 2.0 Impact on the 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 design, as is its design.

2.2 Policy CP11 seeks the protection and enhancement of the landscape for the sake of its intrinsic beauty and benefit to the rural character. Development should have particular regard to maintaining the aesthetic and biodiversity qualities of natural and man-made features within the landscape, including consideration of individual or groups of natural and man-made features such as trees, hedges and woodland or rivers, streams or other topographical features.

2.3 Policy DC16 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.

2.4 The site lies to the south of Watton Road away from the main hub of Shropham Village which lies to the west. Other than a pair of semi-detached dwellings opposite the site and a well screened dwelling approximately 100m to the west, the site is surrounded by agricultural land and therefore is agrarian in character. There is a mature tree belt which helps screen the site to the road, other than that there are open boundaries into the countryside beyond with a track positioned to the west.

2.5 Whilst an argument has been put forward that the development/site could be deemed as infill, it is considered, in this instance, that this is not the case given the large separation distance between it and the surrounding properties. It is considered that the erection of four dwellings in this location will result in a prominent and sporadic form of development which would encroach into the openness of the countryside, eroding the rural qualities of the area. In addition to the impact of the proposed development, it is also necessary to consider the visual impacts of the residential use such as vehicle movements and parking, domestic cultivation and items such as garden furniture and washing lines. These factors would also detract from the rural character of the area.

2.6 In addition, the design of the proposed dwellings, particularly the road fronting plots are considered out of keeping with the sporadic, more traditional form of development, particularly taking reference from the dwellings opposite which comprise of a pair of two storey semi-detached dwellings with traditional pitches

and elements that are set back in order to break up the different components of the dwellings. The scale and overall bulk and massing of the dwellings proposed are considered unduly large and out of keeping when viewed in their rural/countryside location.

2.7 In light of the above factors, the proposal is not considered to accord with the environmental role of sustainable development, policies CP11 or DC16 of the adopted Local Plan or paragraph 127 of the NPPF (February 2019).

### 3.0 Amenity impact

3.1 Policy DC1 seeks to protect residential amenity and that all new development must have regard to amenity considerations and states that development will not be permitted where there are unacceptable effects on the amenity of neighbouring residents and future occupants.

3.2 The proposed dwellings have been sited within the plot and designed internally to ensure that overlooking and privacy will not be a significant adverse issue between each of the dwellings. A sufficient separation distance exists between the proposed road fronting dwellings (plots 3 and 4) and the existing dwellings opposite to ensure that their privacy is also retained, this is also helped by the existing tree belt which is proposed for retention. The proposed dwellings will not appear over-dominant to each other given the spacing between and each plot has been afforded with a good degree of private amenity space.

3.3 In light of these factors, the proposal is considered to accord with Policy DC1 and paragraph 127(f) of the NPPF.

### 4.0 Highway safety

4.1 Policy CP4 of the Core strategy seeks to ensure that all access and safety concerns are resolved in new developments. Policy DC19 requires sufficient parking for all new development.

4.2 The proposal seeks a new access road to the east of the proposed dwellings, as such, Norfolk County Council Highways was consulted on the proposal and has subsequently advised that Shropham village has extremely limited services and amenities and lacks any school, village shop or regular public transport provision.

4.3 Advice in the NPPF not only supports the need for safe and suitable access for all people, but also encourages the importance of being able to make everyday journeys without reliance on a car. In this instance the lack of local services, schooling & employment facilities is likely to preclude any realistic opportunity of encouraging a modal shift away from the use of the private car.

4.4 The limited services which do exist (i.e. the Village Hall and school/flexi bus collection points) are located to the east of the site. The nearest footway provision which links the site to these services is some 250 metres away. Consequently to access village facilities on foot, in particular the school bus pick up point, would require pedestrians to walk in the live, unlit, carriageway of a busy classified highway (C138 Watton Road) which acts as a cross country link between A11 Trunk Road and B1111 Watton Road. Any pedestrian movements resulting from this development, in particular from more vulnerable groups such as school children and adults with mobility difficulties, would also increase the propensity for pedestrian/vehicular conflict to the detriment of highway safety. The proposal is therefore considered contrary to Policy CP4 and paragraph 108 of the NPPF (February 2018) and is recommended for refusal on this basis.

### 5.0 Tree implications

5.1 Policy DC12 seeks to preserve the District's trees, hedgerows and other natural features and secure appropriate landscaping schemes to mitigate the impact of, and complement, new development.

5.2 Whilst the site is not within a conservation area and none of the trees on or around the site are the subject of a Tree Preservation Order, there is a row of mature trees along the site frontage that do contribute to the character of the area which is characterised by sporadic development with green/agricultural spaces between. The two forward most dwellings are set behind these trees. As such the Tree and Countryside Officer was consulted and advised that there is no overriding justification for surfacing within the root protection area (RPA) of these trees (even if it is no-dig) it was recommended that some adjustments are made to bring dwellings further away from trees and that surfacing within the RPA is removed.

5.3 Concern was also raised regarding the removal of hedgerow to the frontage, however this is dealt with via separate Hedgerow Regulations (1997).

5.4 In light of the above, the application is not considered to have had due regard to Policy DC12.

## 6.0 Ecological implications

6.1 Policy CP10 seeks the enhancement of biodiversity and geodiversity in the district. There is an expectation that development will incorporate biodiversity or geological features where opportunities exist.

6.2 The Ecology Team advised that the Ecological Impact Assessment report submitted in support of this application (Gray Ecology; May 2018) establishes base-line conditions at the time of site visit. The report states 'the site consisted of recently cleared land, previously heavily overgrown site of bramble and nettle', however from publicly available aerial sources this does not appear to be the case and the site appears to have recently been cleared of trees. Compensation for the loss of these trees should therefore be incorporated into the site's design. There is agreement with the mitigation measures outlined in sections 6.1 of the Ecological Impact Assessment (Gray Ecology; May 2018) in order to reduce the likelihood of impacts on protected species to acceptable levels. The NPPF requires that planning decisions should enhance the natural environment by "providing net gains for nature" (paragraph 170). It is therefore suggested that the applicant provide enhancement measures outlined in section 6.2 of the Ecological Impact Assessment (Gray Ecology; May 2018).

6.3 No impacts on Designated Sites are envisaged given the distance between these areas and the proposed development site. If approval is recommended, this should be subject to conditions in respect of mitigation and enhancement measures.

## 7.0 Conclusion

7.1 Whilst the proposal will provide four new dwellings toward the Council's housing supply, the harm identified above in respect of sustainability, highway safety and the impact on the character and appearance of the area, including trees, are considered to significantly and demonstrably outweigh the benefits, as such, the proposal is recommended for refusal.

### **RECOMMENDATION**

Recommend refusal for the reasons given below.

<b>REASON(S) FOR REFUSAL</b>
------------------------------

- 1**                    **Impact on the character and appearance of the area**

The Local Planning Authority considers that the introduction of dwellings in this location where residential development is limited would detract from the open/green character of the area generally, and would not relate as a logical extension to the existing Settlement Boundary. As such the proposal would conflict with the environmental role of sustainable development, Core Strategy Policies DC16 and CP11 and the guidance at paragraph 170 of the NPPF, which seek to safeguard the intrinsic beauty of the countryside and protect valued landscapes.
- 2**                    **Design - prominent and out of keeping**

The design of the dwellings proposed, particularly the road fronting plots are considered out of keeping with the limited development that exists nearby and will result in an overly prominent development which fails to preserve or enhance the character of the area, contrary to Policy DC16 and paragraph 127 of the NPPF (February 2019).
- 3**                    **Inadequate provision for pedestrians/cyclists/disabilities**

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/or local services, contrary to paragraph 110 of the NPPF (February 2019).
- 4**                    **Reliance on private car - unsustainable**

The proposal is remote from local service centre provision conflicting with the aims of sustainable development, the need to minimise travel, and the ability to encourage walking, cycling, use of public transport and reduce the reliance on the private car as represented in national and local policy. Contrary to the National Planning Policy Framework (paragraph 102) and Policy 5 of Norfolk's 3rd Local Transport Plan, entitled Connecting Norfolk.
- 5**                    **Impact on established trees**

The application fails to have due regard to Policy DC12 of the adopted Local Plan in terms of reducing the impact of the development on an established group of trees to the site frontage which are considered to contribute to the overall green and rural character of the area.