

<b>ITEM:</b>		<b>RECOMMENDATION:</b>	APPROVAL
<b>REF NO:</b>	3PL/2019/0051/O	<b>CASE OFFICER</b>	Naomi Minto
<b>LOCATION:</b>	ATTLEBOROUGH Oak Cottage West Carr Road Attleborough	<b>APPNTYPE:</b>	Outline
<b>APPLICANT:</b>	Mr Simon Daniels Oak Cottage West Carr Road	<b>POLICY:</b>	Out Settlement Bndry
<b>AGENT:</b>	John Spencer Drawing Services Magnum House Deopham Green	<b>ALLOCATION:</b>	N
<b>PROPOSAL:</b>	Sub Division of Garden to provide Building Plot	<b>CONS AREA:</b>	N
		<b>LB GRADE:</b>	N
		<b>TPO:</b>	N

#### REASON FOR COMMITTEE CONSIDERATION

The application is referred to Planning Committee as it is recommended for approval, contrary to Policy.

#### KEY ISSUES

- Principle of development
- Impact upon amenity
- Impact upon highway safety
- Trees
- Other matters

#### DESCRIPTION OF DEVELOPMENT

Outline planning permission with all matters reserved, is sought to erect one detached two storey dwelling with external amenity space and on site parking provision on garden land associated with Oak Cottage, West Carr Road, Attleborough.

#### SITE AND LOCATION

The application site is located outside of the defined Settlement Boundary of Attleborough on land to the north of West Carr Road. The site is characterised by existing residential development to the east and west, with agricultural land to the north and West Carr Road to the south with agricultural land beyond the highway. The area subject to the proposal is in the process of being cleared for construction. The submitted plans indicate a revised access to the site from West Carr Road.

#### 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.04	Infrastructure
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.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**

No objection.

**NORFOLK COUNTY COUNCIL HIGHWAYS**

No objection, subject to conditions.

**TREE AND COUNTRYSIDE CONSULTANT**

No objection, subject to conditions.

**CONTAMINATED LAND OFFICER**

No objection, subject to conditions.

## **REPRESENTATIONS**

A site notice was erected on 18 February 2019 and seven neighbours consulted. Two representations were received raising the following main points;

- Loss of privacy
- Increased noise levels
- Loss of sunlight
- Likely impact on ability to continue using existing right of way to access septic tank to rear of terraced property
- Highway safety concerns - erection of boundary fence restricting visibility at the access to a neighbouring dwelling.

## **ASSESSMENT NOTES**

### 1.0 Principle of development

1.1 This application seeks Outline planning permission for the construction of a single dwelling with all other matters reserved, on garden land to the west of oak Cottage, West Carr Road, Attleborough. The site sits outside of but in relatively close proximity to the defined settlement boundary of Attleborough. The proposal is therefore contrary to Policies SS1, DC2, CP1 and CP14 of the adopted Core Strategy, which aim to restrict new development outside of settlement boundaries.

1.2 However, the District cannot currently demonstrate a five year housing land supply. Paragraph 11(d) of the NPPF (2019) states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted. This includes applications involving the provision of housing, where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites. Planning permission should not be granted where policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. In addition, planning permission should not be granted where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

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

- an economic objective - 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 objective - 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 objective - 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.

1.4 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.

1.5 In terms of the economic and social criteria, the proposed dwelling would provide one additional dwelling and would, therefore, make a positive, albeit very small, contribution to economic activity through its construction and delivery. The delivery of housing to meet local needs would also bring social benefits in meeting the needs of local residents, and providing further footfall to the service provision within Attleborough and further afield.

1.6 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. West Carr Road, which was cut in half by the dualling of the A11, provides 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 could potentially be supported by future occupants of the proposed development, and would therefore enable future occupiers to be less reliant on the private car to meet their day-to-day needs.

1.7 In terms of the environmental objective, the site is located on a plot of land that forms part of the residential amenity space connected with Oak Cottage. It is considered that the site represents an infill plot and if developed sensitively would not appear out of character with the area, having regard to Policy CP11 of the adopted Core Strategy. Therefore, on balance, it is considered acceptable in environmental terms.

1.8 Annex 2 (Glossery) of the NPPF (2019) states in order to be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. It is considered appropriate to impose a two year period for commencement of development in order to reaffirm the deliverability of the development. This could be achieved through the inclusion of a suitably worded condition.

1.9 Notwithstanding that the site lies outside of the defined settlement boundary of Attleborough, the proposed dwelling is considered to represent a sustainable form of development, which would positively contribute to the shortfall of the District's housing requirement. In addition, it is considered that a cottage style dwelling, face onto West Carr Road (as shown in the amended indicative plan submitted with the application) would be in keeping with the immediate vicinity and would therefore not be detrimental to the existing character and appearance of the area. On this basis, the principle of development is considered acceptable.

## 2.0 Impact upon amenity

2.1 Policy DC1 of the adopted Core Strategy seeks to protect residential amenity and states that all new

development must have regard to amenity considerations. Development will not be permitted where there are unacceptable effects on the amenity of neighbouring residents and future occupants.

2.2 The indicative plan submitted with the application shows that a dwelling of a similar size to existing neighbouring cottages could fit on site with sufficient amenity space and parking provision. Concern has been raised in respect of loss of privacy. However, this is an Outline application, with all matters reserved for future consideration. It is accepted that the dwelling, if approved, can be designed to prevent unacceptable levels of overlooking. Further consideration in respect of design and protecting the amenity of existing residents and future occupants of the new dwelling would therefore be given at the reserved matters stage. The proposal is therefore considered to comply with the requirements of Policy DC1 of the adopted Core Strategy.

### 3.0 Impact upon highway safety

3.1 Norfolk County Council Highways have acknowledged that the site is located some distance from services and facilities, therefore, future occupants would have a high dependency on the use of the private car. It is noted that the application is submitted in Outline with all matters reserved for future consideration and whilst the Highway Authority have no objection in terms of highway safety, they have requested that the frontage of the existing dwelling be included within the application site since any Reserved Matters application would need to include parking for the existing and new property.

### 4.0 Trees

4.1 The Tree and Countryside Officer advised that there are trees on and adjacent to the site, some of which may be owned by a third party. On that basis the Tree and Countryside Consultant requested the submission of a Tree Survey, to include trees outside the plot that are within 12 metres of the proposed dwelling.

4.2 Following the Tree Officer's comments, the applicant submitted an Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) for further consideration. No objection was raised, subject to the inclusion of a condition with any forthcoming planning permission requiring operations to take place in strict accordance with the AIA, TPP and AMS. In light of the above, the application is considered to be in accordance with Policy DC12 of the adopted Core Strategy.

### 5.0 Other matters

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. The Contaminated Land Officer raised no objection to the proposal provided development proceeds in line with the application details. The application is therefore considered to be in accordance with Policy CP9.

### 6.0 Conclusion

6.1 Taking into account the overall planning balance of the scheme, the proposal is considered to represent a sustainable form of development and is acceptable when considering the Council's lack of a 5 year supply of housing land and having regard to the NPPF (2019) and Breckland District Council's adopted Core Strategy. The application is therefore recommended for approval, subject to conditions.

**RECOMMENDATION**

Recommended for approval, subject to the following conditions.

**CONDITIONS**

- 1 Outline Time Limit (2 years) Early Delivery**

Application for Approval of Reserved Matters must be made not later than the expiration of TWO YEARS beginning with the date of this permission, and the development must be begun within TWO YEARS of the FINAL APPROVAL OF THE RESERVED MATTERS or, in the case of approval at different dates, the FINAL APPROVAL OF THE LAST SUCH MATTER to be approved.

Reason for condition:-  
As required by section 92 of the Town & Country Planning Act 1990 and in order to ensure the early delivery of housing.
- 2 In accordance with submitted plans NEW 2017**

The development must be carried out in strict accordance with the application form, and approved documents and drawings as set out in the table at the end of this notice.

Reason for condition:-  
To ensure the satisfactory development of the site.
- 3 Standard Outline Condition**

No development whatsoever shall take place until the plans and descriptions giving details of the reserved matters referred to above shall have been submitted to and approved by the Local Planning Authority and these plans and descriptions shall provide details of the appearance, layout, scale, access and landscaping of the development.

Reason for condition:-  
The details are not included in the current submission.
- 4 External materials to be approved**

Prior to the commencement of any works above slab level precise details of the colour of the external materials shall be submitted to and approved in writing by the Local Planning Authority. Only such agreed materials shall be used in connection with this approval.

Reason for condition:-  
To ensure the satisfactory appearance of the development, in accordance with Policy DC 1 and DC 16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**This condition will require to be discharged**
- 5 One dwelling only**

This permission shall relate to the construction of one dwelling only.

Reason for condition:-  
To ensure that the development of the site is compatible with the character of the surrounding area.
- 6 Boundary screening to be agreed**

Prior to first occupation of the development hereby approved, a scheme for the provision of boundary screening, shall be submitted to the Local Planning Authority for approval. Such scheme as may be agreed shall be completed prior to first occupation.

Reason for condition:-

To safeguard the interests of the amenities of neighbouring occupiers and to ensure the satisfactory appearance of the development, in accordance with Policy DC 1 and DC 16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**This condition will require to be discharged**

**7 Precise details of surface water disposal**

Prior to the commencement of any works above slab level precise details of the means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. Only such agreed system or works shall be used in connection with this approval.

Reason for condition:-

The details are required to minimise the possibilities of flooding from the outset of the development.

This condition is imposed in accordance with Policies DC 1 and DC 13 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009

**This condition will require to be discharged**

**8 Precise details of foul water disposal**

Prior to the commencement of any works above slab level precise details of the means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority. Only such agreed system or works shall be used in connection with this approval.

Reason for condition:-

The details are required to be submitted prior to the commencement of development to minimise the possibilities of flooding from the outset of the development.

This condition is imposed in accordance with Policies DC 1 and DC 13 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009

**This condition will require to be discharged**

**9 Non-standard highways condition**

No development whatsoever shall take place until details have been submitted to and approved by the Local Planning Authority in respect of;

- Parking for the existing and new property;
- Both access points being surfaced in accordance with the highway specification Trad 4 Turning Arrangements;
- Visibility comprising a 2.4m parallel band (as measured from the nearside carriageway edge) across the frontage of the new dwelling and Oak Cottage within which area no obstruction in excess of a height of 1m will be permitted;

Reason for condition:-

In the interest of highway safety and in accordance with Policy CP4 of the adopted Core Strategy and paragraph 108 of the NPPF (2019).

**10 Non-standard condition**

Operations on site shall take place in complete accordance with the approved Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) prepared by Oakfield, ref OAS/19-130-AR01. No other operations shall commence on site in connection with the development until the tree protection works and any pre-emptive tree works required by the approved AIA or AMS have been carried out and all tree

protection barriers are in place as indicated on the TPP. The protective fencing shall be retained in a good and effective condition for the duration of the construction of the development and shall not be moved or removed, temporarily or otherwise, until all site works have been completed and all equipment, machinery and surplus materials removed from site, unless the prior written approval of the local planning authority has been sought and obtained.

Reason for condition:-

In accordance with Policy DC12 of the adopted Core Strategy and the requirements of the NPPF (2019).

12

**No PD for classes A B C D & E**

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), no extensions, roof alterations, porches or ancillary buildings as defined within Classes A, B, C, D and E of Part 1 of Schedule 2 of that Order shall be erected or brought onto the land unless an appropriate planning application is first submitted to and approved by the Local Planning Authority.

Reason for condition:-

In the interests of the satisfactory appearance of the development and/or the amenities of adjoining residents in accordance with Policy DC1 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.