

ITEM:		RECOMMENDATION:	REFUSAL
REF NO:	3PL/2019/0397/F	CASE OFFICER	Naomi Minto
LOCATION:	ATTLEBOROUGH Land Adjacent to the paddocks Leys Lane Attleborough	APPNTYPE:	Full
APPLICANT:	Mr John Gaskin Acre House Leys Lane	POLICY:	Out Settlemnt Bndry
AGENT:	Jon Venning Hardwick House Ipswich Road	CONS AREA:	N
PROPOSAL:	Proposed Erection of Five Detached two storey dwellings with garages and associated parking		
		LB GRADE:	N
		TPO:	N

DEFERRED REASON

Application deferred at January's Planning Committee Meeting, to allow the applicant and Agent to consider and address the comments made by the District Valuer within the Viability Assessment, and to find an appropriate Highways solution. These considerations are further considered in sections 4.0 (paragraphs 4.8 - 4.9), 5.0 (paragraph 5.6 - 5.8) and 6.0 (paragraph 6.1 and 6.2).

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 Wolds Toscana). Double glazed PVCu windows and doors are also proposed, along with white PVCu fascias and soffits.

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 refused (at Committee), in March 2019 for the same proposal as the current application. However, planning permission was granted (at Committee) in 2017 (ref: 3PL/2017/1528/F) and has been implemented for the erection of five detached two storey dwellings with garages on land directly opposite the current application site and within the same ownership. 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 railway 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/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		
3PL/2018/1401/F	Refusal	13-03-19
Proposed Erection of Five Detached two storey dwellings with garages and associated parking		

POLICY CONSIDERATIONS

The following policies of the Breckland Local Plan, 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

COM01	Design
COM03	Protection of Amenity
ENV06	Trees, Hedgerows and Development
GEN02	Promoting High Quality Design
GEN03	Settlement Hierarchy
GEN05	Settlement Boundaries
HOU01	Development Requirements (Minimum)
HOU06	Principle of New Housing
HOU07	Affordable Housing
NP	Neighbourhood Plan
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
TR02	Transport Requirements

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

ATTLEBOROUGH TC

Objection - concerns regarding highway access / visibility and no footpath provision.

NORFOLK COUNTY COUNCIL HIGHWAYS

Objection on highway safety grounds.

CONTAMINATED LAND OFFICER

No objection, subject to conditions.

TREE AND COUNTRYSIDE CONSULTANT

No objection, subject to conditions.

PRIVATE SECTOR HOUSING

No objection, subject to a S.106 Agreement to secure affordable housing provision of 2 shared equity properties offered at 75% of market value and a commuted sum of Â£37,500.

PRINCIPAL PLANNER MINERAL & WASTE POLICY No Comments Received

REPRESENTATIONS

A site notice was erected on 6 June 2019 and eight neighbours consulted. No responses were received.

ASSESSMENT NOTES

This application is a re-submission of application 3PL/2018/1401/F, which was refused permission at Planning Committee, in March 2019. The main differences with the latest application are;

- The inclusion of a tree survey to address one of the reasons attached to the previous refusal.
- An alteration to the siting and positioning of plot 10 (as shown on the Site Plan as Proposed - Drg. No: 18/1367/003, Rev A, dated April 2019) to address one of the reasons attached to the previous refusal.
- Inclusion of a footpath / bicycle path to be retained for future use. It would need to be linked via the adjoining land, which is not within the applicant's ownership.
- Inclusion of a viability assessment to address one of the reasons attached to the previous refusal.

1.0 Principle of the Development

1.1 Following adoption of the Breckland Local Plan, in November, the Council is now considered to have a five year supply of deliverable housing sites, as required by paragraph 74 of the NPPF (2019). Taking this into account, as well as the location of the application site, outside of the defined settlement boundary of Attleborough, although in fairly close proximity to it, the proposal is contrary to the adopted Breckland Local Plan Policies GEN 03, GEN 05 and HOU 06, which aim to restrict new development outside of settlement boundaries. The Attleborough Neighbourhood Plan (made 18/01/18) is also relevant.

1.2 Policy GEN 03 of the Local Plan states that most new development needs will be met through the proposed sustainable settlement hierarchy. Attleborough (along with Thetford) is top of the hierarchy, identified as a key settlement within policy GEN 03. Policy HOU 06 states that at the edges of settlements proposals for lower density development will be supported where it can be demonstrated that this is justified having regard to local character and wider sustainability issues. Proposals for housing must take appropriate account of need identified in the most up to date Strategic Housing Market Assessment with particular regards to size, type and tenure of dwellings. These needs include appropriate provision for all groups in the community such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own home.

1.3 Paragraph 11 of the NPPF (2019) states that Council's should apply a presumption in favour of sustainable development. The Government outlines three overarching objectives to sustainable development: economic, social and environmental (paragraph 8). These are interdependent and need to be pursued in mutually supportive ways.

- 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 of the NPPF (2019) 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 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.

1.6 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 Key Settlement), 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.

1.7 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, in line with the requirements of the NPPF (2019). 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.

2.2 Policy GEN 02 of the Breckland Local Plan (adopted) states that the Council will require high quality design in all new development within the District. New development proposals are expected to meet a number of key tests that; respect and are sensitive to the character of the surrounding area and make a positive architectural and urban design contribution to their context and location; contribute positively to the public realm and public spaces, protecting the high levels of amenity and quality of life making Breckland an attractive, successful and vibrant place for residents, workers and visitors; create high quality, safe and sustainably designed buildings, places and streets; and maximise connectivity within and through a development and to the surrounding areas, including the provision of high quality and safe pedestrian and cycle routes.

2.3 Policy COM 01 of the Breckland Local Plan provides further detail in respect of key criteria that all new development proposals should meet, in order to achieve high quality design within the District. Paragraph 127 of the NPPF (2019) also provides key considerations in terms of design, including (but not limited to)

requiring developments to be sympathetic to local character and history, including the surrounding built environment and landscape setting; and they should also be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

2.4 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 double 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 construction. 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 design of the dwellings is therefore considered acceptable in planning terms, in this instance.

3.0 Impact upon amenity

3.1 Policy COM 03 of the Local Plan (adopted) states that development will not be permitted, which causes unacceptable effects on the residential amenity of neighbouring occupants, or does not provide for adequate levels of amenity for future occupants. Consideration will be had to a number of factors including (but not limited to); the protection of adequate areas of usable and secluded private amenity space for the occupiers of existing dwellings; the provision of adequate areas of usable and secluded private amenity space for the occupiers of proposed dwellings, in keeping with the character of the immediate surrounding areas; overbearing impact / visual dominance and overshadowing of private amenity space.

3.2 The submitted Layout Plan proposes a linear form of dwellings extending into the site. The scheme retains appropriate separation distances to existing residential development to the south and east, as well as the traveler pitches to the west. In that respect, it is considered that there would be no loss of light, over dominance or adverse impact on privacy with regards to existing / future neighbours and future occupants of the proposed dwellings.

3.3 Furthermore, the proposal provides adequate private amenity space for future occupiers and each dwelling would have suitable levels of amenity. It is therefore concluded that the application complies with the aims and objectives of Policy COM 03 of the Breckland Local Plan (adopted).

4.0 Access and highway impact

4.1 Paragraph 108 of the NPPF (2019) states that applications for development should ensure that;

- appropriate opportunities to promote sustainable transport modes can be (or have been) taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users; and,
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

4.2 Paragraph 109 of the NPPF (2019) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.3 Policy COM 01(m) states that new development should not compromise highway safety. In addition, it should enable safe access for vehicles and for walking and cycling. Policy COM 01(n) states that new development must provide adequate parking as outlined in TR 01 and consideration of safe storage for bicycles.

4.4 The Highways Officer considers that the submitted layout plan does not overcome highway objections to the proposal and consequently their advice remains as previously given. The Local Highway Authority 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 off-site dedicated footway provision, pedestrians from this development, which could include people confined to a wheelchair or others with mobility disabilities and pedestrians with pushchairs, 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.

4.5 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.

4.6 The Highway Authority considers 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.

4.7 Whilst it is noted that the latest application includes provision of a footpath to the north of the site, it doesn't provide continuous safe pedestrian/cycle access linking the site with the town of Attleborough. The proposed footpath terminates at the boundary of the site and the adjoining land is not within the ownership of the applicant. On that basis, there is no guarantee that this footpath would ever lead to anywhere other than the neighbours land. In addition, it is not possible to secure, through the current planning application, a safe pedestrian/cycle thoroughfare between the site and the town based on the proposed route, as shown on the Site Plan as Proposed (Drg. No: 18/1367/001, Rev. A).

4.8 Following deferral of this application at January's Planning Committee meeting, additional information in the form of an e-mail from Jeremy Hurlstone at The Hurlstone Partnership Limited was been submitted on 7 February 2020 to address Highway Safety concerns raised by the Local Highway Authority and policy considerations contained within section 4 of this report. The Local Highway Authority was re-consulted on the additional information and advised that their objection to the proposal on highway safety grounds, which

have already been discussed above, remains valid.

4.9 In light of the above considerations, the proposal fails to adequately address highway safety concerns. This is contrary to Policies COM 01(m) and TR 02 of the Breckland Local Plan (adopted) and paragraph 108 of the NPPF, whilst also having due regard to paragraph 109.

5.0 Other issues

5.1 No objection has been 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 the aims of the NPPF (2019).

5.2 Policy ENV 06 of the Breckland Local Plan (adopted) states that trees and significant hedge and shrub masses form part of the green infrastructure and should be retained as an integral part of the design of development. A Tree Survey has been submitted in support of the application. It states that the development can be accommodated on site with minimal impact on the arboricultural interest of the site. The Tree and Countryside Officer has raised no objection to the proposal, subject to the inclusion of conditions. On that basis, the application is considered to be compliant with Policy ENV 06.

5.3 Whilst it is noted that the submitted Design and Access Statement advises that plots 1 to 5 are being developed and constructed by Mr A Gaskin and plots 6 to 10, if approved, will be developed by Mr J Gaskin, the submitted plans clearly indicate that the applicant owns all of the land that is subject to this application, as well as the adjoining land, 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 (plots 1 - 5); 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 form states that the dwellings proposed as part of this application would be for market housing. Whilst it is noted that the submitted Design and Access Statement advises that the applicant would be willing to discuss the provision of a contribution towards affordable housing in the immediate area, the Housing Enabling Officer has indicated that 2 affordable homes should be included on site, as well as a monetary contribution of £37,500.

5.5 Following deferral of the application at September's Planning Committee Meeting, pending further assessment in respect of affordable housing provision, the applicant subsequently submitted a Viability Assessment for further consideration. Given the complexity of the document, it was assessed by the District Valuer, an independent party with relevant expertise in this area. The District Valuer concluded in their assessment that three number affordable dwellings would be viable, having regard to the cumulative total number of dwellings already built and proposed to be built on the same site, by the same developer.

5.6 The application was subsequently reconsidered at January's Planning Committee where it was decided to defer it again to allow the applicant the opportunity to consider the comments made by the District Valuer within the Viability Assessment and address them accordingly. An Economic Viability Analysis was submitted raising questions in respect of the District Valuers Assessment. This led to a subsequent assessment from the District Valuer, providing updated appraisals covering provision of both ten and eleven dwellings, which were accordingly sent to the applicant for their perusal. However, having assessed the

application details, the Council consider affordable housing should be calculated based on the cumulative provision of eleven dwellings.

5.7 The Council's Housing Enabling Officer was also re-consulted on the updated information and advised that if the applicant / agent confirms in writing their willingness to provide 2 number shared equity homes and a commuted sum of £37,500 to meet the fractional unit requirement then they would withdraw their objection to the proposal. The agent has put forward two options;

A) Firstly, an offer of a commuted sum of £90,000.00 in respect of the ten houses, which is some £40,000.00 above the £50,000.00 recommended by the DV.

B) Alternatively, if eleven houses are to be considered together with a requirement for 2 shared equity properties these will be offered at 75% of market value. The commuted sum being £37,500.00.

5.8 The Council's Housing Enabling Officer has confirmed preference to option B above. The Local Planning Authority is therefore content that in terms of affordable housing provision, option B, noted above, would be acceptable in planning terms, subject to the applicant entering into a Section 106 Agreement to secure its provision. The proposal is therefore considered to comply with Policy HOU 07 of the Breckland Local Plan and paragraph 63 of the NPPF and the previous affordable housing reason for refusal is now removed.

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 relation to its close proximity to services and facilities and would provide both short and long term economic and social benefits, given its location close to Attleborough's settlement boundary (a Key Settlement). However, despite it being located in close proximity to services and facilities, 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 those 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 Consequently, the proposal is considered to be contrary to Policies COM 01(m) and TR 02 of the Breckland Local Plan (adopted), as well as paragraphs 108 and 109 of the NPPF (2019). The positive attributes of the scheme would be significantly and demonstrably outweighed by the harm as detailed within this report. Accordingly, the application is recommended for refusal.

RECOMMENDATION

Recommendation for refusal on the following grounds;

REASON(S) FOR REFUSAL

2

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 give rise to conditions detrimental to highway safety, contrary to Policies TR 02 and COM 01(m) of the Local Plan (adopted) and paragraph 108 of the NPPF, whilst

also having due regard to paragraph 109.

3

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 Policies TR 02 and COM 01(m) of the Local Plan (adopted) and paragraph 108 of the NPPF (2019), whilst also having due regard to paragraph 109.