

ITEM:		RECOMMENDATION:	REFUSAL
REF NO:	3PL/2017/1528/F	CASE OFFICER	Donna Smith
LOCATION:	ATTLEBOROUGH Adjacent to the The Paddocks Leys Lane, Attleborough	APPNTYPE:	Full
APPLICANT:	Mr Anthony Gaskin Beech Tree House Sheppard Way	POLICY:	Out Settlemnt Bndry
AGENT:	Jon Venning Architect Hardwick House Ispwich Road	ALLOCATION:	N
PROPOSAL:	Erection of 5 detached two storey dwellings with garages	CONS AREA:	N
		LB GRADE:	N
		TPO:	N

REASON FOR COMMITTEE CONSIDERATION

The application site lies outside the defined settlement boundary of Attleborough. Consequently, the proposal is contrary to policies CP14 and DC2 of the Adopted Core Strategy and Development Control Policies Development Plan Document (2009). A Local Councillor also called the application to committee should the application be recommended for refusal.

KEY ISSUES

Principle of development / Sustainability
Landscape, character and appearance of the area, design
Access and highway impact
Impact on amenity
Other Matters

DESCRIPTION OF DEVELOPMENT

The applicant seeks consent for the construction of 5 detached, 4 bedroom dwellings with associated garages within the application site. Access to the site would be from Leys Lane and an existing access is in place. The dwellings would be two storeys in height with gable roofs and two storey front elevation projections. Each property would be served by a garage with private amenity space to the rear. The dwellings would all follow the same design and layout with houses on plots 1, 3 and 5 in one form and the dwellings on plots 2 and 4 "handed" from this same design. The properties would form a linear row moving from south to north into the site and would be served by the same internal estate road. The dwellings would be finished in brick with a pantile roof.

SITE AND LOCATION

The site extends to approximately 0.33 hectares and currently consists of rough grassland. There is a small nucleus of development in the immediate area and this relates largely to single dwellinghouses and

commercial/business uses located at a converted sawmill to the south, and opposite the site. Extant permission exists to erect a single dwellinghouse between the site and the lane and this is currently under construction (3PL/2017/0376/F). Consent was also granted for 6 No. Gypsy/Traveller pitches immediately to the west of the site (3PL/2010/0381/F) and hardstanding to accommodate the pitches has been laid. A band of trees runs along the east and northern boundary of the site.

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

EIA REQUIRED

No.

RELEVANT SITE HISTORY

3PI/2017/0376/F - Erection of 1 dwelling. Approved.

3PL/2016/1558/F - Erection of 2 dwellings - Withdrawn.

3PL/2010/0381/F - Change of use to 6 residential gypsy pitches with utility/day rooms and hardstanding. Approved.

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.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

Object to the proposal and recommend refusal, have concerns regarding single track road access, exits from recreation ground and overdevelopment as will result in 6 x dwellings on site

CONTAMINATED LAND OFFICER

No objections, condition relating to unexpected contamination.

TREE AND COUNTRYSIDE CONSULTANT

Please request a tree survey in accordance with BS5837:2012.

NORFOLK COUNTY COUNCIL HIGHWAYS

Concern about the suitability of Leys Lane for a scheme of this nature. The land serves only sporadic development and we have concern that the intensification in use of an unlit, unclassified road would lead to highway safety concerns. 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, the proposal would increase the propensity for pedestrian/vehicular conflict and personal injury accident to the detriment of highway safety.

REPRESENTATIONS

No representations were received.

ASSESSMENT NOTES

1. Principle of the Development/Sustainability

1.1 The application site is located in close proximity to Attleborough but is outside the defined settlement boundary, and on agricultural land along a country lane. The proposal is therefore contrary to local plan policies SS1, DC02 and CP14 which aim to restrict new development outside of settlement boundaries.

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

1.3 It is accepted that the Council cannot demonstrate a 5 year supply of housing land. In accordance with paragraph 49 of the National Planning Policy Framework (NPPF), relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites. Where relevant policies are out of date, NPPF paragraph 14 advises that the presumption in favour of sustainable development, which should be seen as the golden thread running through decision making, is engaged. This means granting permission unless specific policies in the NPPF indicate that development should be restricted or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

1.4 This "tilted balance" however does not diminish the weight to be afforded to Policy CP14 in assessing whether the adverse impacts demonstrably outweigh the benefits and this consideration is a matter of planning judgement for the decision maker.

1.5 The provision of housing to meet local needs is identified as a key component of sustainable development and in this respect the NPPF seeks to boost significantly the supply of housing. The NPPF also encourages the avoidance of isolated homes in the countryside and the location of development where there is access to alternative modes of transport other than the private car.

1.6 As paragraph 8 of the NPPF outlines, there are three dimensions to sustainable development; economic, social and environmental, each mutually dependent, and not assessed in isolation from each other. In respect of this scheme, the development of 5 dwellings would provide economic benefits relating to the associated, albeit limited, economic activity involved in their construction and delivery. Furthermore 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 other areas.

1.7 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 surrounds provides little to no services or facilities, however, the site is in close proximity to the settlement boundary of Attleborough which does benefit from provision of public transport, including bus services linking Attleborough to Wymondham and Norwich which would be likely to derive support from the proposed development, and would encourage future occupiers not to be reliant on the private car to gain access to services.

1.8 A balancing exercise has been undertaken and it is concluded that the proposed development would be considered in a sustainable location in close proximity to the Attleborough which has been identified under policy SS1 as an area for major focus of residential growth. 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. The proposal would therefore adhere to the principles of paragraph 55 of the NPPF.

1.9 The proposed development would accord with the core planning principle in paragraph 34 of the Framework in terms of ensuring the need to travel will be minimised and the use of sustainable transport modes will be maximised.

1.10 The proposed development is therefore considered to be located in a sustainable location in accordance with paragraphs 7 and 14 of the National Planning Policy Framework.

2. Landscape, Character and Appearance of the Area

2.1 Policy CP11 of the Core Strategy seeks to ensure that the landscape of the District will be protected for the sake of its own intrinsic beauty and its benefit to the rural character.

Development within the District is also expected to be of the highest design quality in terms of both architecture and landscape. It should have regard to good practice in urban design and fully consider the context within which it sits, embracing opportunities to enhance the character and appearance of an area.

2.2 As detailed above one dwelling was granted consent to the front of the site and adjoining Leys Lane. It was deemed that this development would not appear out of place and represented an appropriate infill.

2.3 Whilst accepted, and outlined above, the site is located close to a market town. However Leys Lane is

rural in nature. The built character of the immediate area consists largely of single dwellings with some commercial/business units to the south and the mobile home pitches to the west. However, the area maintains an intrinsic rural character with an informal unplanned layout.

2.4 The proposal introduces a small housing scheme. This scheme would extend northwards into the site and beyond existing development, including the pitches. Beyond the development along Leys Lane, largely fronting the road, the immediate area is typically rural. The site consists of agricultural land with a backdrop of mature trees.

2.5 The introduction of 5 No. dwellings would erode this rural character. The proposals would introduce new residential development outside a settlement boundary and by virtue of the proposals design would appear at odds with the established residential character in the area. In addition, harm would be caused to the character and openness of the site and result of a development at odds with the character, appearance of the surrounding rural area. Consequently the proposal is contrary to policies SS1, CP1, CP11 and DC02 of the adopted Breckland Core Strategy and Development Control Policies DPD (2009).

2.6 The proposal would represent a significant change in the nature and appearance of the land to which the application relates and the assessment to be made is whether the impact on the land would be significantly harmful to the local area. The proposed development would introduce a further line of built development culminating in a cul-de-sac to the rear of dwellings along Leys Lane.

2.7 The application site is readily visible from Leys Lane albeit wider views are limited by existing landscaping. However, the proposed development would result in localised harm to the site by way of the loss of its openness, and introducing further built development which would fail to reflect the prevailing, existing, established pattern of development. As a result, it is considered that the proposals would cause detriment to the character and appearance of the site and surrounding area, resulting in a suburbanising impact, contrary to locally adopted policy.

Design

2.8 The NPPF highlights in paragraph 56 that "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

2.9 Paragraph 64 further states that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions". It should embrace opportunities to enhance the character and appearance of an area and contribute to creating a sense of local distinctiveness.

2.10 The importance of the character and form, height, scale, massing and layout amongst other key design considerations are also set out in policy DC16 of the Core Strategy. This states that all design proposals must preserve or enhance the existing character of an area. Particular regard should be given to reinforcing locally distinctive patterns of development, landscape and culture and complimenting existing buildings.

2.11 As detailed in the development description the dwellings are very similar in appearance. Whilst the individual design raises no issues, and the proposed materials and detailing are acceptable, it is deemed inappropriate at this location. The Council is not averse to, or would not wish to stifle, innovation, however this scheme introduces a suburban form of development at a rural location and any conflict with the settled pattern of development cannot be justified. It is accepted that the settlement boundary of Attleborough is close to the site but in visual terms it plays no role in this setting which may justify a small housing scheme.

The proposal is therefore contrary to policies SS1, CP1, CP11 and DC02 of the adopted Local Plan and the aims and objectives of national guidance in the NPPF.

3. Access and highway impact

3.1 Whilst the proposal is considered to be located in a sustainable location, this is constrained by the lack of pedestrian refuge surrounding the site, which would make travelling by foot and cycle unsafe for pedestrians. The site is served by an unlit, unclassified highway, (Unc 33126), Leys Lane which has an average carriageway width of 3.5m and 5.5m where localised widening has been carried out.

3.2 Leys Lane serves sporadic development which includes a business park immediately opposite the site and a coachworks to the south west. Both of these uses involve commercial vehicles including HGVs.

3.3 The main pedestrian/cycle route to Attleborough (some 1.3Km to the north) is via the north western leg of Leys Lane which terminates at the railway line but still allows pedestrian/cycle access across the line into the Town Centre.

3.4 However, in the absence of any dedicated footway provision pedestrians from this development would be required to share a carriageway with commercial traffic which, in places, only achieves around 3/3.5m 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.

3.5 The same bend also results in severely restricted forward visibility between car drivers. Whilst Leys Lane is the subject of a 60mph speed restriction it is more likely that traffic travels at around 20mph and closer to 15m round the bend. Even so the 10 metre forward visibility available falls short of the 17 metres required being just 58% of the Government safety guidance set out in Manual for Streets.

3.6 A development of 5 dwellings would be likely to generate 30 vehicular movements per day plus those associated with deliveries and other vehicles. Further, it would be anticipated that a number of residents would wish to access the facilities available in Attleborough on foot 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 which could prove a deterrent to using more sustainable methods of transport.

3.7 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, the proposal would increase the propensity for pedestrian/vehicular conflict and personal injury accident to the detriment of highway safety.

3.8 The applicant has provided a response to the County Council Highways advice which can be summarised as stating that previous development has been approved under arguably less satisfactory highway conditions and that under the recent approval for the single dwelling, the Highways Authority raised no objection and cited local highway improvements and road widening. It is stated that an inconsistent approach is being adopted and that the limited nature of the scheme would hardly breach the test of a severe residual cumulative impact, as set out in paragraph 32 of the National Planning Policy Framework.

3.9 It is firstly notable that the recently approved scheme related to one dwelling and sustaining an objection to a single dwelling may prove difficult. However, the proposed development is formed of 5 dwellings, a multiple unit development. Whilst the granting of consent of the multi-unit gypsy/traveller site is cited, the Highways Authority were consistent in objecting to these schemes, which were approved against similar advice to that recorded on this application. It is also notable that the Officer recommendation to committee was that of refusal.

3.10 In relation to this scheme, and mindful that such matters are not an exact science, Officers consider that the consistent objections from the Highways Authority to multiple unit schemes on Leys Lane should be given significant weight. Highway safety concerns regarding the development of 5 four-bedroom family homes in a location which lacks pedestrian refuge and where the carriageway is shared with large commercial vehicles including HGVs are not without substance.

4. Impact on Amenity

4.1 The proposed layout submitted proposes a linear row of dwellings extending into the site. The scheme retains appropriate separation distance to existing dwellings to the south and in that respect there would be no loss of light, over dominance or impact on privacy with regards to these existing occupiers. Furthermore there would be no adverse impacts on occupants of the pitches to the west.

4.2 Furthermore the proposed scheme provides adequate private amenity space for future occupiers and each dwelling would have suitable levels of amenity. The scheme therefore complies with the aims and objectives of local plan policy DC01.

5. Other Matters

5.1 The Contaminated Land Officer is content that this scheme could proceed as submitted subject to an unexpected contamination condition. The application could be conditioned accordingly. The scheme therefore accords with CP09.

5.2 The Council's Trees and Countryside consultant has requested a tree survey and some trees of notable value and character could be impacted upon through this development. In light of an approval at committee a condition requiring a tree survey would be necessary.

6. Conclusions

6.1 In light of the above appraisal it is concluded that the development is located in a sustainable location as defined by paragraphs 7 and 14 of the National Planning Policy Framework. The proposal would provide both long and short term economic and social benefits, and given its location adjacent to Attleborough Settlement Boundary, would have adequate accessibility to local services via other transport modes than that of the private car. However, despite being located in a sustainable location, the access to facilities is constrained by limited pedestrian refuge and unlit roads which by virtue, cause a detrimental impact to highway safety.

6.2 In addition, the proposal by virtue of its character and appearance would be viewed at odds when viewed against its surroundings. Consequently, the proposal would appear as an intrusion of built development into the open countryside. It is considered that harm would be caused to the character and openness of the site and result in a development at odds with the character, appearance of the surrounding rural area. As a result the proposed development is contrary to policies SS1, CP1, CP11 and DC02 of the adopted Breckland Core

Strategy and Development Control Policies DPD.

6.3 The positive attributes of the scheme would be significantly and demonstrably outweighed by the demonstrable harm as detailed within this report. It is therefore recommended that consent is refused.

RECOMMENDATION

Refusal of Planning Permission

REASON(S) FOR REFUSAL

- LS17 Character and appearance**
- The proposed development by way of the intrusion of built development into the open countryside and the amount and subsequent layout of development would fail to reflect and appear discordant with the surrounding area. The proposal would introduce a line of built development cumulating in a cul-de-sac to the rear of dwellings on Leys Lane and would result in a significant change in the character and appearance of the land. As a result the proposed development would cause significant harm to the character and appearance of the site and surrounding area, and the surrounding landscape. The proposed development would as a result be contrary to policies DC16, and CP11 of the adopted Breckland Core Strategy and Development Control Policies DPD (2009) and policies contained in the NPPF. The harm is considered so significant that this would demonstrably outweigh the benefits of the proposed development and therefore would not form sustainable development contrary to paragraph 14 of the NPPF.
- 3750 Highway Safety**
- The unclassified road serving the site is considered to be inadequate to serve the development proposed, by reason of its poor alignment and restricted width. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety and would therefore be contrary to policy CP4 of the adopted Breckland Core Strategy and Development Control Policies DPD (2009).
- 3760 Highway safety**
- The proposed development does not adequately provide off-site facilities for pedestrians/ cyclists/people with disabilities (those confined to a wheelchair or others with mobility difficulties) to link with existing provision and local services and would therefore be contrary to the parameters of policy CP4 of the adopted Breckland Core Strategy and Development Control Policies DPD (2009).