

ITEM:		RECOMMENDATION:	REFUSAL
REF NO:	3PL/2018/1155/F	CASE OFFICER	Mark Simmonds
LOCATION:	NORTH TUDDENHAM Land to the rear of The Lodge Main Road North Tuddenham	APPNTYPE:	Full
APPLICANT:	Norfolk Holdings Limited Care of Agent	POLICY:	Out Settlemnt Bndry
AGENT:	EJW Planning Limited Lincoln Barn Norwich Road	ALLOCATION:	N
PROPOSAL:	8 Dwellings (4 detached 3 bed bungalows, 2 semi 2 bed bungalows and 2 semi 2 bed houses) , garages, parking spaces and associated access	CONS AREA:	N
		LB GRADE:	N
		TPO:	N

REASON FOR COMMITTEE CONSIDERATION

The application is presented to the Planning Committee at the request of the Ward Representative and due to receipt of significant local support.

KEY ISSUES

Principle of development
Impact upon character and appearance of area
Impact upon amenity
Highway matters

DESCRIPTION OF DEVELOPMENT

This Full application seeks consent to erect 8 Dwellings (4 detached 3 bed bungalows, 2 semi 2 bed bungalows and 2 semi 2 bed houses) , garages, parking spaces and associated access.

A recent application (3PL/2017/0928/F) was granted consent for an extension to the existing Public House to create a village shop (approximately 26sqm), and the erection of 5 terraced two storey properties.

SITE AND LOCATION

The application site is located outside of any defined Settlement Boundary, is adjacent to the existing Public House and the associated car park and amenity space.

The site is bounded to the north and east by agricultural land and Mill Farm, to the south by the highway and new residential development under construction, and to the west by the Public House and beyond the highway and further agricultural land.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2016/1021/F Refusal 12-05-17

Extend Public House to create village shop, erect 5 terraced dwellings, parking areas, new access together with associated access & landscaping

3PL/2017/0928/F Permission 06-10-17

Extension of Public House to create village shop, erection of five terraced dwellings, creation of parking areas, new access and landscaping

3PL/2016/1021/F - Extension of PH to create village shop, erection of 5no terraced dwellings, parking and landscaping, refused 12 May 2017. Appealed and dismissed APP/F2605/W/17/3178362.

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.03	Employment
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.07	Employment Development Outside of General Employment Area
DC.12	Trees and Landscape
DC.16	Design
DC.18	Community facilities, recreation and leisure
DC.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

TREE AND COUNTRYSIDE CONSULTANT

No objections subjected to conditions.

NORFOLK COUNTY COUNCIL HIGHWAYS

The current proposal seeks to add a further 8 dwellings. Whilst being mindful of the Inspectors previous decision, nevertheless adding a further 8 dwellings in addition to those now approved simply compounds the situation. Accordingly, the transport sustainability concerns remain. There is an absence of local services, amenities and regular public transport provision such that the residents of the development will have a high reliance on travelling by car.

It is noted that the proposed re-development of the adjacent pub, granted under 3PL/2017/0928, includes a small shop which would assist in limiting trips for essential items however, in the main, residents will need to travel to larger settlements such as Dereham for the full range of services and amenities required on an every day basis.

Whilst unmarked bus stops exist outside the site these are only served by Carters Coaches Route 8 which provides one return trip between Litcham and Norwich on a Wednesday. Public transport cannot therefore reasonably be considered a viable alternative to travelling by car.

The nearest primary school is in Hockering, some 2.5miles to the east, with secondary education in Dereham some 4 miles to the west. The route to both would involve cycling on an unlit highway (formerly part of the A47) where traffic speeds are high. Cycling would require a level of confidence and proficiency that residents may not possess, in particular those of school age, and therefore this would not realistically be considered an alternative means of transport.

It is acknowledged that the transport sustainability is only one of the aspects of development and that there may well be other matters which outweigh any concerns in this respect, in particular as there are no highway safety concerns with the proposal.

However on the basis of the above Norfolk County Council Highways would recommend that permission be refused for the following reason:-

SHCR 33

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 and Policy 5 of Norfolk 3rd Local Transport Plan, entitled Connecting Norfolk.

CONTAMINATED LAND OFFICER

No objections subjected to conditions.

FLOOD & WATER MANAGEMENT TEAM

No objections

ECOLOGICAL AND BIODIVERSITY CONSULTANT

No objections subjected to conditions.

PRINCIPAL PLANNER MINERAL & WASTE POLICY No Comments Received

REPRESENTATIONS

There have been approximately 16 letters of representation from residents;

- Six letters of objection
- 10 letters supporting the application were received

The main concerns received in the objection letters are as follows:

- Increase risk of flooding to neighboring properties
- New houses will impose on nearby businesses outlook and increase noise. There may also be a conflict in land uses with the residential incompatible with the mill farm which is intensive livestock operation and other businesses due to smells, dust and flies.
- The development will be totally at odds with the hamlet of North Tuddenham and will set a precedent for further development.
- Smaller development such as this miss the consideration of impact on local services such as schools and doctors.
- Poor design and no environmental features
- Area has no facilities or footpaths and is therefore unsuitable for families with children or older person.
- The applicant has promised to build a bus shelter for the parish , however considering that no proper bus service run in the village.
- The proposal is contrary to Policies SS1, CP14, DC1 and the NPPF
- When viewed as an extension to the granted proposal of the adjacent site at The Lodge, the combined development that includes the subject proposal would appear an out of place and out of scale development.

The key points raised in the supporting letters are as follows:

- Attractive development for young people.
- The proposal is not a crammed development and would be a positive step for the village, the village pub and the community of North Tuddenham.
- A good idea to build bungalows so existing residents who wish to downsize or move into a more manageable property may do so without leaving the area where they have probably built up a network of friends and are set up for their everyday needs ie shopping , social care , NHS services , Social clubs. A bus stop outside the proposed development into Dereham would also be beneficial.
- It will benefit the village and pub greatly. The mixture of houses and bungalows is well balanced and attractive to anyone looking to downsize or for elderly people wanting accommodation on one level. It will

also help to ensure the longevity of the Lodge Pub.

- Would address housing shortage.

- The proposal would improve the visual of a previously unused piece of wasteland and provide housing for the young and old and benefit the future of the lodge public house and restaurant.

ASSESSMENT NOTES

1.0 Principle of Development

1.1 This application seeks Full Planning Permission to erect 8 dwellings (4 detached 3 bed bungalows, 2 semi 2 bed bungalows and 2 semi 2 bed houses) , garages, parking spaces and associated access.

1.2 The site is located outside of any settlement boundary in an area of open countryside on the edge of North Tuddenham. For this reason, the proposal conflicts in principle with Policies DC2 and CP14 of the Core Strategy and Development Control Policies Development Plan Document (2009), which seek to focus new housing within defined Settlement Boundaries. However, paragraph 11 of the NPPF (2018) states that where an authority does not have an up-to-date Development Plan or five year housing land supply, the relevant local policies for the supply of housing, as referred to above, should not be considered up-to-date and that housing applications should be considered in the context of the presumption in favour of sustainable development.

1.3 The Statement of Five Year Housing Land Supply as at 31st March 2018 was confirmed at the Planning Committee on the 30th July 2018. The five year supply is not being currently met, with a 4.77 year supply evidenced. In these cases the NPPF makes provision, in principle, for Local Planning Authorities to positively consider sites that are not within defined Settlement Boundaries. This must be balanced against other policy requirements and aims including securing sustainable development, protecting the countryside, and good design.

1.4 The NPPF constitutes guidance for local planning authorities and decision-takers and is a material consideration in the determination of planning applications to achieve sustainable development. The Government outlines three dimensions to sustainable development: economic, social and environmental (paragraph 8). These dimensions give rise to the need for the planning system to perform a number of roles: an economic role, social role and environmental role. Paragraph 9 states that these roles should not be undertaken in isolation, because they are mutually dependent and that the planning system should play an active role in guiding development to sustainable solutions. A balanced assessment against these roles is, therefore, required.

1.5 Paragraph 78 of the NPPF (2018) states that housing should be located where it will maintain the viability of rural communities.

1.6 In terms of the economic and social criteria, the proposal would provide 8 new dwellings and would therefore make 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. However, given the small scale nature of the development these benefits are not considered to be significant and not definitive in this instance.

1.7 The social role of sustainable development seeks to ensure, amongst other matters, the creation of a

high quality built environment with accessible local services. North Tuddenham is classified as a rural settlement through Policy SS1 of the adopted Core Strategy. These villages contain limited services and facilities and the spatial strategy states that these villages are not capable of supporting consequential growth as they rely on higher order settlements for the majority of these services and facilities.

1.8 North Tuddenham contains a Public House, namely the application site. The proposed shop would add to those facilities but would be very limited in floor area and unlikely to negate the need to travel elsewhere for all but the most basic shopping needs. The nearest town that offers services and facilities that have the potential to meet all everyday needs, including shopping and employment is Dereham, which is located approximately 4.2 miles away from the site. In terms of public transport, bus stops are located adjacent to the site; however these provide limited and infrequent services.

1.9 For these reasons occupants of the proposed dwellings would rely on the use of the private car to gain access to local facilities to meet everyday needs. This would not accord with the core planning principle in Paragraph 17 of the NPPF which is to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. The proposal would also not accord with 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. Further to this paragraph 55 states that housing should be located where it will maintain the viability of rural communities and isolated dwellings in the countryside should be avoided.

1.10 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, as is design.

1.12 Recent appeal of the refused application 3PL/2016/1021/F was dismissed on 19th October 2017 and the main issue identified by the Inspector was; "The main issue is whether the site represents an appropriate location for residential development having regard to the development plan and the National Planning Policy Framework".

1.13 The Inspectorates assessment outlined that, North Tuddenham is identified as a rural settlement within Policy SS1 of the Core Strategy and Development Control Policies Development Plan Document adopted 2009 ('the DPD'). This states that rural settlements are not capable of sustaining consequential growth as many are reliant on higher order settlements for services and facilities. North Tuddenham is such a settlement, having very limited services and facilities. Occupiers of the proposed dwellings would be largely reliant on the settlements of Mattishall, Hockering or Dereham for their day to day needs, which would be mainly accessed by private car.

1.14 The proposed site lies outside any defined settlement boundary and therefore the housing element of the proposal conflicts with this policy. Harm would arise by creating dwellings in an unsuitable location where future occupiers would be highly reliant on the private car to access day to day services and facilities.

1.15 It was concluded in the appeal decision, that the unsuitable location of the proposed dwellings and consequent conflict with policy justifies the refusal of planning permission.

1.16 It is also noted that 3PL/2017/0928/F, a re-submission of the appealed(refused) application 3PL/2016/1021/F, was granted by the Council and 5 terraced houses within the adjacent site together with the local shop was treated as minor development.

1.17 However the design and access statement states that, "Land to the south of the site benefits from an

implemented planning permission providing an extension to the public house and a terrace of five dwellings. This application represents the second phase, and will complete that development....". Based on this statement, a further 8 dwellings, also taking into account the granted 5 dwellings under 3PL/2016/1021/F, would constitute an isolated over development in the countryside.

1.18 In the context of the above, the proposal would be contrary to policies SS1, DC2, CP14 of the Core Strategy and the site is not considered to be in a sustainable location and is inconsistent with the social and environmental dimensions of sustainable development. This consideration alongside the policy objection weigh significantly against the proposal.

2.0 Impact on Character and Appearance

2.1 The development of the site northwards behind the existing public house and residential terraces will result into intrusion into the countryside and cumulatively form a mini-estate, opposed to limited development facing a road as it currently appears, which is more in character with the local countryside. The site is viewable both from B1147 and Tap Lane which runs along the sites western boundary and therefore will have a visual prominence from both these public roads.

2.2 The site appears to have been used for the construction of the terraces and has not been fully tidied up. However, the site could be tidied up and does not weigh greatly as a factor of why the site should be developed. Furthermore the change from a untidy site to a housing development with 2 storey properties would considerably change the character and local and medium views.

3.0 Impact on Amenity

3.1 With regards to residential neighbour amenity it is considered due to the orientation of the plots, separation distances, and existing/proposed boundary treatments that the proposal would not significantly impact upon amenity in terms of loss of light, privacy, outlook, or by being overbearing.

3.2 Concerns have been raised regarding the potential noise and disturbance issues resulting from locating new residential properties near to a working farm. At present there is no evidence of complaints from the operators or customers of the public house and it is considered that the potential for complaints would not be unlike other locations in a rural area and would not represent a basis for a reason for refusal, particularly as no objections have been raised by Environmental Health Officers previously.

4.0 Highways Matters

4.1 The current proposal seeks to add a further 8 dwellings, as an extension to the granted planning application 3PL/2017/0928/F. Whilst being mindful of the approval of the application 3PL/2017/0928/F, nevertheless adding a further 8 dwellings in addition to those now approved compounds the situation. Accordingly, the transport sustainability concerns remain. There is an absence of local services, amenities and regular public transport provision such that the residents of the development will have a high reliance on travelling by car.

4.2 It is noted that the proposed re-development of the adjacent pub, granted under 3PL/2017/0928, includes a small shop which would assist in limiting trips for essential items however, in the main, residents will need to travel to larger settlements such as Dereham for the full range of services and amenities required on an every day basis.

4.3 Whilst unmarked bus stops exist outside the site these are only served by Carters Coaches Route 8

which provides one return trip between Litcham and Norwich on a Wednesday. Public transport cannot therefore reasonably be considered a viable alternative to travelling by car.

4.4 The nearest primary school is in Hockering, some 2.5 miles to the east, with secondary education in Dereham some 4 miles to the west. The route to both would involve cycling on an unlit highway (formerly part of the A47) where traffic speeds are high. Cycling would require a level of confidence and proficiency that residents may not possess, in particular those of school age, and therefore this would not realistically be considered an alternative means of transport.

4.5 It is acknowledged that the transport sustainability is only one of the aspects of development and that there may well be other matters which outweigh any concerns in this respect, in particular as there are no highway safety concerns with the proposal.

4.6 However on the basis of the above discussion, Norfolk County Council Highways would recommend that permission be refused as 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 and Policy 5 of Norfolk 3rd Local Transport Plan, entitled Connecting Norfolk.

5.0 Other Matters

5.1 The Contaminated Land Officer recommends the imposition of conditions relating to a site investigation/remediation, unexpected contamination, and informatives relating to asbestos and extensions.

5.2 The Ecological and Biodiversity Consultant initially requested the submission of additional information/surveys in relation to bats. This was provided and the Ecological and Biodiversity Consultant has no further issues in relation to bats. The Ecological and Biodiversity Consultant also states the measures in the Mitigation section of the Preliminary Ecological Appraisal must be included as a planning condition. They also request details to include retained hedgerows and trees, details of lighting as such are capable of supporting commuting and foraging bats and nesting birds. These matters could be addressed via planning conditions.

5.3 The Tree Officer states the proposed layout is in direct conflict with third party trees located along and just outside the eastern boundary. Future shading issues, debris dropping on both parking areas and dwellings as well as shading issues are likely to put future pressure on either removal or heavy pruning of these trees which are not within the applicant's ownership.

6.0 CONCLUSION

6.1 In conclusion, the site is outside any defined Settlement Boundary and the proposal would introduce new development in an unsustainable location and therefore the proposal does not accord with Policies SS1, CP14 and DC2 of the adopted Breckland Council Core Strategy and Development Control Policies DPD. In addition, the development would result in harmful encroachment into the countryside and the approach towards the village of North Tuddenham in contradiction with Policies CP 11 and DC 16 and paragraph 170(b) of the National Planning Policy Framework 2018.

6.2 The harm caused by the unsustainable location together with the harm to the countryside, landscape and approach to the village significantly outweighs the benefits provided by the small contribution towards the 5 year land housing supply together with economic benefits from construction works and therefore in

accordance with paragraph 11 of the NPPF, should be refused.

REASON(S) FOR REFUSAL

1

Non-std open countryside reason for refusal

With the exception of the Lodge Public House, the proposed dwellings would be remote from local services and facilities, and in the absence of convenient and safe walking and cycling routes to larger settlements, future occupants would be largely dependant on transport by car for access to work, shopping, leisure and other purposes. It would also conflict with the principle that new development should make the fullest possible use of public transport, walking and cycling. For these reasons, the Local Planning Authority is of the view that the proposal would not represent a sustainable form of development, contrary to Policies DC2 and CP14 of the adopted Breckland Core Strategy and Development Control Policies (2009) and paragraphs 8, 10 and 11 of the National Planning Policy Framework (2018) and Policy 5 of Norfolk 3rd Local Transport Plan.

2

Non-standard condition

The proposed development of the rural site for residential development would result in intrusion into the open countryside. As a result the proposed development would cause significant harm to the rural setting of the of the village together with the character and appearance of the countryside and landscape.

The proposed development is therefore not considered to comply with policies DC16 and CP11 of the adopted Breckland Core Strategy and Development Control Policies (2009) and paragraph 170(b) of the National Planning Policy Framework 2018. The harm to the setting of the village and character and appearance of the rural landscape 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 11 of the National Planning Policy Framework 2018.