

**TRUNCH – PF/21/3330 Erection of three single storey dwellings and access drive: Itarsi, Chapel Road, Trunch, Norwich Walsham: Mr Roland Wallace**

**Target Date: 1 September 2022**

Case Officer: Jayne Owen

Full application

**SITE CONSTRAINTS**

Landscape Character Area

LDF Tourism Asset Zone

Mineral Safeguard Area

Advertising Control

LDF - Countryside

MOD Safeguarding

Unclassified Road

HO 9 - Rural Residential Conversion Area

**RELEVANT PLANNING HISTORY**

PO/20/2005 Residential development comprising up to three detached single storey dwellings including detached garage to plot 3 (outline application including access, all other matters reserved). Approved 3 June 2021

PO/19/1696 - Construction of four detached dwellings and associated works (outline - all matters reserved) Refused – 10 December 2019

**THE APPLICATION**

The application is for full planning permission for the erection of three single storey dwellings and access drive.

The principle of development for up to three dwellings has been established by the grant of outline planning permission under PO/20/2005 which also approved the means of access.

**REASONS FOR REFERRAL TO COMMITTEE:**

At the request of Councillor Greg Hayman owing to concerns regarding the proposed access, loss of light and amenity to neighbours, overdevelopment and size of the development in a rural village.

**CONSULTATION RESPONSES**

**Town/Parish Council:**

**Trunch Parish Council - Objects to the proposal**

Accepts that this new proposal attempts to meet the objections made to the previous application for a larger development on the site rejected by NNDC in 2019, and the reasons then given for refusal. Whereas the previous proposal was for four new buildings of two storeys, the new proposal is for three single storey dwellings. However, the Parish Council notes that when rejecting the previous proposal NNDC mentioned that it may take a different view of an application that was for two new dwellings, not for three and it feels that if two might be acceptable, three would constitute overdevelopment.

Although the new proposal does go some way to meet the previous objections about access for emergency vehicles and general access onto Chapel Road, the Parish Council believes that with three new dwellings on this site there would still be significant access problems and taken with other developments, three new dwellings would lead to unacceptable traffic problems in Chapel Road.

In addition to these practical objections, there is an issue of general principle.

In the planning statement the agent argues the proposals comply with existing policy on the grounds that they represent windfall development. Windfall development is permitted by the Core Strategy. However, what the agent fails to identify is that where 'windfall development' would be acceptable is defined in Policies SS1 and SS2. These define that residential development within the defined countryside policy area will not be permitted. Trunch is not one of the selected settlements listed in Policy SS 1 and therefore it is defined as countryside. The development described in the agent's planning and design statement is contrary to the current adopted policies and is not permitted.

Finally, if North Norfolk District Council did decide to give permission to the application contrary to the adopted planning policies and other prevailing issues, the PC would not wish this to set a precedent for further development of this nature in the village.

Although this (third) version of the application goes a little further to address the specific objections regarding access, it fails to address the PC's earlier comments and does not sufficiently address the objections of the neighbours. The PC also endorses the comments of the Landscape Officer.

**Norfolk County Council Highways - No objections subject to conditions**

**NNDC Landscape Officer - No objections subject to conditions**

## **REPRESENTATIONS:**

Four letters of support have been received commenting as follows:

- Consider the development is well spaced out and will not be detrimental to the light amenity of neighbouring properties and will be most appropriate for the rural village of Trunch. The village will be enhanced by a small development, which gives three more homes, with an up to date specification.
- Suggest a fence along the boundary as it open in places to maintain privacy and shield us from car headlights emanating from traffic to and from the three properties once occupied.

## **HUMAN RIGHTS IMPLICATIONS**

It is considered that the proposed development may raise issues relevant to

- Article 8: The Right to respect for private and family life.
- Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

## **STANDING DUTIES**

Due regard has been given to the following duties:

Environment Act 2021

Equality Act 2010

Crime and Disorder Act, 1998 (S17)

Natural Environment & Rural Communities Act 2006 (S40)

The Conservation of Habitats and Species Regulations 2017

Planning Act 2008 (S183)

Human Rights Act 1998

Rights into UK Law – Art. 8 – Right to Respect for Private and Family Life

Planning (Listed Buildings and Conservation Areas) Act 1990 (S66(1) and S72)

## **RELEVANT POLICIES**

### **North Norfolk Core Strategy (Adopted September 2008):**

SS 1 - Spatial Strategy for North Norfolk

SS 2 - Development in the Countryside

SS 4 - Environment

SS 6 - Access and Infrastructure

EN 2 - Protection and enhancement of landscape and settlement character

EN 4 - Design

EN 9 - Biodiversity & Geology

EN 13 - Pollution and Hazard Prevention and Minimisation

CT 5 - The Transport Impact of New Development

CT 6 - Parking Provision

### **MATERIAL CONSIDERATIONS:**

#### **National Planning Policy Framework (NPPF):**

Chapter 2 - Achieving sustainable development

Chapter 4 - Decision-making

Chapter 5 - Delivering a sufficient supply of homes

Chapter 8 - Promoting healthy and safe communities

Chapter 9 - Promoting sustainable transport

Chapter 11 - Making effective use of land

Chapter 12 - Achieving well-designed places

Chapter 15 - Conserving and enhancing the natural environment

## MAIN ISSUES FOR CONSIDERATION

1. Principle
2. Access
3. Design and appearance
4. Landscape
5. Amenity
6. Environmental Considerations

## APPRAISAL

### 1. Principle (SS 1, SS 2):

In accordance with Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004, planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

The principle of residential development at this site has been established by the grant of outline planning permission (including access) in June 2021 under application reference: PO/20/2005. Whilst the proposal is considered to be development contrary to Policies SS 1 and SS 2 and therefore a departure from the Development Plan, the extant permission is a material planning consideration which attracts significant weight which needs to be weighed in the planning balance.

### 2. Access (CT 5 and CT 6)

The means of access from the site to Chapel Road has been accepted under the previous outline planning permission, which again carries significant weight as a material consideration in the determination of this application. The Highway Authority raise no objections to the proposal on highway safety grounds, subject to conditions relating to the vehicular access/crossing over the verge as shown on the plan, surface water drainage arrangements to prevent discharge from or onto the highway; and to secure the proposed access and on-site car parking and turning areas in accordance with the approved plan and its retention thereafter for that use. Subject to these conditions the proposal would accord with the aims of Core Strategy Policies CT 5 and CT 6.

### 3. Design and appearance (EN 4)

Policy EN 4 states that all development should be designed to a high quality, reinforcing local distinctiveness. Design which fails to have regard to local context and does not preserve or enhance the character and quality of an area will not be acceptable.

The application proposes three detached single storey dwellings on land to the rear of Itarsi accessed via an access road in line with that approved as part of the outline permission.

Each bungalow is identical comprising three en-suite bedrooms, a study, open plan kitchen/diner/living space and a family bathroom. Each bungalow has an integrated garage and

ample off street parking together with front and rear gardens providing an adequate level of amenity space.

The new bungalows would be sited to the rear of the retained dwelling known as Itarsi which is a single storey dwelling. The proposed development would have minimal impact within the established street scene. Each bungalow would have an eaves height of 2.6 m with a maximum ridge height of 5.4 m.

Whilst the scale and form of the proposed dwellings are identical, the design incorporates a mixed material palette of brick, timber, render, and powder coated aluminium.

As the site is within an area of designated countryside, it is considered appropriate that the siting, design and extent of any extensions/alterations are controlled for the benefit of the residential and the visual amenities of the locality. It is therefore considered appropriate to attach a condition removing permitted development rights for any enlargement, improvement or other alteration of the dwellings, additions or alterations to the roofs and provision within the curtilage of the dwellings of any building or enclosure.

It is considered that the proposed development is of an acceptable design and appearance which would accord with Policy EN 4 of the North Norfolk Core Strategy.

#### **4. Landscape (EN 2)**

Proposals for development should be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment and features identified in relevant settlement character studies.

The application is supported by an Arboricultural Impact Assessment. In summary, the scheme requires the removal of three low quality trees and an additional two trees are proposed for removal owing to their poor structural condition but not as a direct consequence of the development. All other trees will be retained, with supplementary planting carried out around the boundaries to improve low level screening and provide green boundary features. The supplementary planting is in addition to a landscaping scheme to ameliorate the proposed development itself. As the northern section of the new access road encroaches within the root protection areas (RPAs) of a few trees located along the eastern boundary, construction works within these areas will be subject to an Arboricultural Method Statement (AMS).

Having consulted with the Landscape Officer, whilst initially concerns were raised regarding the absence of a landscaping scheme demonstrating how lost biomass on the site would be positively mitigated, following the submission of a landscaping scheme and management plan, no objections by the Landscape Officer are raised in relation to the landscaping proposals. Conditions to ensure that the development is carried in accordance with the submitted Arboricultural Method Statement and Landscaping scheme are recommended.

Subject to conditions, it is considered that the proposed development will accord with Policy EN 2 of the North Norfolk Core Strategy.

## **5. Amenity (EN 4)**

Policy EN 4 of the North Norfolk Core Strategy requires that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers and new dwellings should provide an acceptable level of amenity.

It is considered that the size of the site is capable of accommodating the three single storey dwellings without giving rise to a detrimental impact on neighbouring properties by way of significant overlooking or overshadowing. The proposed size of each plot as shown would provide an acceptable level of residential amenity for the future occupiers of the development.

The proposed access track would be sited immediately adjacent the flank wall of the existing dwelling (Itarsi), however there are no windows within this wall and the proposed surface treatment for the access drive would be of a permeable tarmac construction which it is considered would minimise noise disturbance arising from access and egress of vehicles to and from the site. The access track would run alongside two properties to the east, Cosy Nook and Orchard Cottage. There is a dense hedge of approximately 2 m on the eastern common boundary with these properties with mature trees and hedging along the northern most section.

Having regard to the fact that the proposed dwellings are single storey and the existing dwelling (Itarsi) proposed boundary treatments, it is considered that the proposed dwellings would not give rise to any overriding concerns with respect to significant overlooking, overshadowing, loss of amenity or outlook with respect to any neighbouring properties.

In summary, it is considered that the proposed development would not give rise to significant adverse impacts in relation to residential amenity and the proposed development would therefore accord with Policy EN 4 of the North Norfolk Core Strategy.

## **6. Environmental Considerations (EN 13)**

Policy EN 13 seeks to protect the District from pollution and hazards. The site is not on land which is known to be contaminated and therefore the proposal would comply with Policy EN 13.

## **7. Other matters**

### **Habitats Regulations**

Under the Habitats Regulations, the Local Planning Authority is a competent authority and has legal duties to protect, conserve or restore the designated features of European Sites to meet their conservation objectives. In assessing development proposals, the competent authority has to reasonably conclude it is satisfied that there is no reasonable doubt as to the absence of adverse effects on the integrity of European sites.

Under the Habitats Regulations, consideration has been given to the following:

**GIRAMS** - the site lies within the Zone of Influence of a number of European sites as listed in the constraints section above. The proposed net gain of three dwellings would trigger the requirement for a financial contribution towards a strategic mitigation package in accordance with the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS). The

developer contribution is currently set at £185.93 per dwelling and is index linked with inflation. The required contribution has been secured via Section 111 upfront payment and, as such, the proposal complies with Core Strategy Policy EN 9.

**Nutrient neutrality** - the application site falls within the catchment of the Broads Special Area of Conservation (SAC) and Ramsar site concerning nutrient pollution. The proposal will result in additional overnight accommodation. However, the applicant's agent has provided evidence from Anglian Water that the foul water sewer discharges from Mundesley Treatment works to the sea. As such, the impact of the three net new dwellings will not be likely to have a significant effect on the conservation objectives of the Broads SAC either alone or in combination with other projects.

Having considered the guidance and advice from Natural England in relation to qualifying development and, on the basis of the securing of mitigation payments for GIRAMS and having received confirmation of the foul drainage discharge outside of the catchment of the Broads SAC, the Local Planning Authority, as competent authority, can reasonably conclude it is satisfied that there is no reasonable doubt as to the absence of adverse effects on the integrity of European sites in relation to GIRAMS and Nutrient Neutrality. The proposal therefore complies with Core Strategy policy EN 9.

## **8. Conclusion**

The proposed dwellings are considered to be of a satisfactory design and appearance which would be in keeping with the surrounding area. Each dwelling would be provided with an acceptable level of amenity space and the proposed development would not have a significantly detrimental impact on the amenities of the occupiers of adjacent properties.

The means of access has been accepted previously and no objections are raised by the Highways Authority on highway safety grounds subject to conditions.

Whilst development in this location would amount to a departure from the Development Plan, the principle of development in this location has been accepted by the grant of outline planning permission which included the access and this is a material consideration attracting significant weight. As such, having considered the departure and the material considerations in favour and on the basis that the proposal is broadly in accordance with the Development Plan in all other respects, officers consider that there are sufficient material considerations to justify the departure from the Development Plan.

### **RECOMMENDATION:**

**APPROVE subject to conditions relating to the following matters and any others considered necessary by the Assistant Director for Planning.**

1. Time limit for implementation and submission of reserved matters
2. Approved plans
3. Materials
4. The development shall be carried out in accordance with the submitted Arboricultural Implications Assessment/Method Statement and landscaping plan
5. Prior to first occupation the vehicle access/crossing over the verge to be constructed in accordance with highways specification and retained as shown

6. Prior to first occupation the proposed access and on-site car parking and turning areas to be laid out, demarcated and surfaced in accordance with the approved plan and retained for that specific use
7. Contaminated Land – Any contamination found during the course of construction that was not previously identified shall be reported immediately to the Local Planning Authority.
8. Remove permitted development rights for the enlargement, improvement or other alterations of the dwellings, additions or alterations to the roofs and provision within the curtilage of the dwellings of any building or enclosure.

**Final wording of conditions to be delegated to the Assistant Director for Planning.**