

TRUNCH – PF/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): Itarsi, Chapel Road, Trunch, Norwich Walsham: Mr Howchin

Target Date: 3 June 2021

Case Officer: Jayne Owen

Full application

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

THE APPLICATION

The application is for outline planning permission including access to establish the principle of whether up to three dwellings would be acceptable on this site.

All other matters, namely, appearance, landscaping, layout and scale are reserved which would fall to be considered as part of a separate reserved matters application should the development proposed be found to be acceptable in principle and outline permission granted.

REASONS FOR REFERRAL TO COMMITTEE:

At the request of Councillor Greg Hayman on the grounds that the development is outside the settlement limit

PARISH COUNCIL:

Object on the following grounds:

Originally submitted scheme

It 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 last year, 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, it 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 SS 1 and SS 2. 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 the North Norfolk District Council did decide to give consent to the application contrary to the adopted planning policies and other prevailing issues, the Parish Council would not wish this to set a precedent for further development of this nature in the village.

Revised scheme

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

REPRESENTATIONS:

Three letters of representation have been received, which can be viewed in full on the Council's website. The main issues raised are summarised below:

- Highway safety - Narrow access and telegraph pole which restricts visibility, increased traffic on a busy road, with no pedestrian walkway
- Noise and disturbance arising from access and egress in close proximity to bedroom window
- Distance between bungalow and hedge is only 3.6 m which is considered insufficient for three houses and will cause damage to the hedge; it will also make existing bungalow uninhabitable owing to the closeness of the road to the wall.
- Impact on trees, access road shown through existing conifer trees
- Inconvenient to drag a wheelie bin that distance to be emptied, no thought given to where these will be left for collection
- No objection to residential use but should be bungalows;
- No objection to the proposed development but would like to request the installation of a 4 or 5 ft fence on the east side of the access road, despite photographs and comments made by

the architects, we would lose much of the privacy to the rear of the property, this would be aggravated by the coming and going of vehicles and their manoeuvring in and out of the parking areas, a fence would reduce of the disturbance caused, it is also requested that the surface of the access road be tarmac or concrete as gravel would be noisy with possibly 6-9 cars plus delivery vehicles using the road.

One further representation has been received following the revisions to the original submitted plan commenting as follows:

- The revised plan does not address the points laid out in my original objection. If anything it will be made worse owing to the traffic now going faster down the access road, as it will be straighter now. There will still be a dangerous access point onto Chapel Road owing to the telephone pole in the way. Should the pole need moving the only place it could go is in front of my wall making it dangerous to exit my drive, this would also necessitate the loss of yet another tree in the front garden along with all the others that were cut down in the back garden prior to the application.

Norfolk County Council Highways

The previous application (2019/1696) for the same site is noted, access is now sited to the east of the roadside frontage and therefore visibility is significantly improved from the situation previously seen. The Highway Authority have considered provision of a footway link to this site but this has been deemed to be impractical. Accordingly, no objections are raised to the proposal subject to conditions that the vehicle access/crossing over the verge is constructed in accordance with the relevant highways specification including arrangements to be made for surface water drainage to be intercepted and disposed of separately to avoid discharge from or onto the highway; provision of visibility splays in accordance with approved details and thereafter maintained free from any obstruction and that the proposed access and on site car parking and turning areas are laid out, demarcated and surfaced in accordance with the approved plan and retained thereafter and an informative in relation to any works within the public highway.

Landscape Officer

Prior to the application being submitted the site was cleared of significant trees that provided amenity value, biodiversity and carbon sequestration. The tree loss has resulted in a negative impact on biodiversity and is therefore not acceptable under current planning guidelines. The impact on climate change due to the loss of biomass is not in line with the climate emergency declared by the Council.

Significant tree planting will have to be included in any development to mitigate the loss of biodiversity and biomass. The applicant needs to demonstrate that both the loss to biomass and biodiversity has been addressed in any proposal.

It is considered that three properties on the site would not provide sufficient space and future liveability conditions to facilitate the mitigation planting required to address the loss. The existing trees and hedges on and adjacent are now very important and should be protected during the construction of any development.

In its current form the Landscape section considers the application is unacceptable owing to the loss of biodiversity and biomass. An application with less dwellings supported by an

Arboricultural Implications Assessment and Landscaping Plan demonstrating mitigation planting would be acceptable.

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.

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

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

National Planning Policy Framework (NPPF):

Section 2 - Achieving sustainable development

Section 4 - Decision-making

Section 5 - Delivering a sufficient supply of homes

Section 8 - Promoting healthy and safe communities

Section 9 - Promoting sustainable transport

Section 11 - Making effective use of land

Section 12 - Achieving well-designed places

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Section 15 - Conserving and enhancing the natural environment

MAIN ISSUES FOR CONSIDERATION

1. Principle
2. Access
3. Design and appearance
4. Landscaping
5. Layout and scale
6. Amenity

APPRAISAL

1. Principle (SS 1, SS 2):

In relation to the principle of development, Policy SS 1 sets out spatial strategy for the district. Trunch lies within the area identified as Countryside where development is restricted to particular types of development to support the rural economy, meet affordable housing needs and provide renewable energy. Policy SS 2 states that development in the Countryside will be limited to that which requires a rural location and lists the types of development that can be acceptable. New market dwellings are however, specifically precluded.

Since the publication of the Core Strategy in September 2008, the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) have been published, both of which are material planning considerations. The NPPF (revised February 2019) sets out the Government's planning policies for England and how these are expected to be applied, whilst the NPPG sets out Government guidance in relation to planning related issues.

Paragraph 78 of the NPPF states that, in order to promote sustainable development in rural locations, housing should be sited where it enhances or maintains the vitality of rural communities. Paragraph 79 requires development to avoid isolated homes in the countryside. The Court of Appeal, upholding the decision of the High Court, has clarified in the Braintree judgement that 'isolated' means "*a dwelling that is physically separate or remote from a settlement*"; it is not related to 'access to services' but proximity to other dwellings. It also confirmed that access to services by sustainable means is to be taken in the context of other policy considerations such as supporting the rural economy.

Firstly, in consideration of the physical isolation of the application site, it is surrounded by residential dwellings on all sides so cannot be considered to be physically isolated. As such, paragraph 79 of the Framework does not apply.

In consideration of whether the application site is remote from services, Trunch has a number of services and facilities including a village hall and church, convenience store and post office, public house and social club. In addition, there are a variety of clubs including an art group and gardening society, and there are also a range of businesses in the Trunch area. The nearest schools are at North Walsham approximately 3.5 miles away and Mundesley approximately 2.3 miles away. Mundesley also has a petrol filling station and a number of other services and facilities. In terms of transport links, Trunch is served by a regular hourly bus service that links to Mundesley and local villages calling at North Walsham and Cromer, from where further services to most market towns between Hunstanton, Fakenham, Norwich and Great Yarmouth can readily be reached. In addition, the village is served by a number of Quiet Lanes which are suitable for cycling and walking.

It is therefore also considered that the site cannot be considered as remote from day to day services. Although not all services are provided within the village, the NPPF and NPPG, as supported by a number of appeal decisions, indicates that short car journeys are acceptable in rural settings in order to access services.

As such, and in accordance with paragraph 78 of the NPPF, which is a material consideration, despite the departure from Policy SS 2 of the North Norfolk Core Strategy, it is considered that the principle of residential development on this site, on its own merits, is acceptable and would support the rural community of Trunch.

The application is a resubmission of an earlier refused scheme for outline planning permission with all matters reserved for four dwellings determined under planning reference PO/19/1696 which was refused on the grounds below, but it is noted that with regard to policies SS 1 and SS 2, these did not relate to the principle of dwellings in this location.

1) The proposal is for four dwellings in a linear form, accessed/egressed along the length of the western boundary. Whilst the proposal is in outline with all matters reserved, the application has failed to demonstrate that the proposal would be acceptable. It is considered that the proposal of four dwellings would constitute overdevelopment of the site and give rise to poor amenity and living conditions, in particular with the proposed access road contrary to Policies EN 2 and EN 4 of the adopted North Norfolk Core Strategy (2008) and Section 12 of the NPPF.

2) The visibility at the proposed vehicular access to serve the development is severely restricted (especially to the critical traffic direction to the west of the access). Visibility splays of 43m x 2.4m x 43m are required. Insufficient information has been submitted to demonstrate that these visibility splays can be achieved via land within the applicant's ownership and control. As a result, the proposal fails to comply with Policy CT 5 of the adopted North Norfolk Core Strategy (2008).

3) Chapel Road has no footway in the vicinity of this site with pedestrians having to use the live carriageway to access village facilities that exist to the east of the site. It may be possible to address this by provision of a section of 1.5m wide footway running along the northern side of Chapel Road from the site access to the junction of Chapel Road with Gimingham/North Walsham Road (C295). As a result, it is considered that the proposal would give rise to highway and pedestrian safety issues and the proposal fails to comply with Policy CT 5 of the adopted North Norfolk Core Strategy (2008)

In addition, the matter of the principle of new development in Trunch, in terms of Core Strategy Policies SS 1 and SS 2 (countryside), has been addressed under recently approved applications for new dwellings in the village. On the basis of the principle established through these recent approvals, a departure from current adopted policy is considered to be acceptable.

- PO/18/2135 Land north of Chapel Road, Trunch. Erection of three dwellings with associated parking (outline – details of access only). Approved
- PO/19/1057 Land opposite Cornish Avenue, North Walsham Road, Trunch. Erection of dwelling (outline application with all matters reserved) Approved
- PO/20/0904 St Olafs, North Walsham Road, Trunch. Demolition of outbuilding and erection of single storey two bedroom detached dwelling (outline details of access only) Approved
- PF/20/0730 Land at White House Farm, Mundesley Road, Trunch. Erection of two storey detached dwelling. Approved
- PF/20/0620 27 North Walsham Road, Trunch. Demolition of outbuildings and subdivision of land to create additional residential plot and construction of a single storey dwelling, access, landscaping and associated works. Approved

2. Access

The Highway Authority note the application is related to a previous application reference 2019/1696 on the same site with access now sited to the east of the roadside frontage and therefore visibility significantly improved from the situation previously seen. The Highway Authority have considered the provision of a footway link to this site but have deemed to be impractical. They raise no objections to the proposal on highway safety grounds subject to conditions relating to securing the vehicular access/crossing over the verge as shown on the plan, surface water drainage arrangements to prevent discharge from or onto the highway; provision of visibility splays and to secure the proposed access and on-site car parking and turning areas in accordance with the approved plan and retained thereafter for that use.

2. 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.

Appearance is a reserved matter as the application is in outline with all matters reserved. However, the application is supported by an indicative plan illustrating the access point, the plot sizes and the proposed footprint of the properties.

At the time the previous application for four dwellings was refused, it was suggested that consideration should be given to two dwellings, subject to concerns concerning the access and amenity impacts being satisfactorily addressed.

From the information provided, it is considered that the indicative layout satisfactorily demonstrates that the site is capable of accommodating up to three dwellings. However, the site description has been amended with the agreement of the applicant to *up to* three dwellings to allow a degree of flexibility at the details stage and further information to be provided at the details stage specifically in relation to the existing and proposed landscaping of the site which is discussed further below.

3. 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.

Development proposals should demonstrate that their location, scale, design and materials will protect, conserve and, where possible, enhance the special qualities and local distinctiveness of the area (including its historical, biodiversity and cultural character), gaps between settlements and their landscape setting, distinctive settlement character and pattern of distinctive landscape features including woodland, trees and field boundaries and their function as ecological corridors for dispersal of wildlife.

There are a number of trees on the site and the Landscape Officer has therefore been consulted regarding the principle of development. They have raised concerns that prior to the application being submitted, it appears the site was cleared of significant trees that provide amenity value, biodiversity and carbon sequestration and that this tree loss has resulted in a

negative impact on biodiversity and carbon sequestration. The Landscape Officer has also commented that the impact on climate change owing to the loss of biomass is also not in line with the climate emergency declared by the Council.

Whilst the loss of trees is regrettable, none of the trees were subject to a Tree Preservation Order nor protected by virtue of being within a Conservation Area and therefore no breach of planning control has occurred in this respect. The Landscape Officer has also verbally confirmed that none of the remaining trees are worthy of the specific protection afforded by a Tree Preservation Order.

The Landscape Officer has also advised that he considers that three properties on the site would not provide sufficient space and future liveability conditions to facilitate the mitigation planting required to address the loss and that the existing trees and hedges on and adjacent the site are now very important and should be protected during the construction of any development. They have indicated that a proposal for less dwellings supported by an Arboricultural Implications Assessment and Landscaping Plan demonstrating mitigation planting would be acceptable in this respect.

However, as this is an outline application landscaping is a reserved matter and therefore the layout is only indicative at this stage. In these circumstances, it is not considered reasonable to recommend refusal on these grounds or require the applicant to submit an Arboricultural Implications Assessment and Landscaping Plan at this stage.

However, in the light of these concerns, a change of description has been agreed with the applicants which would grant outline permission for '*up to three detached single storey dwellings including detached garage to plot 3*'. This would, in effect, allow the applicant to demonstrate at the detailed stage whether or not the site could accommodate three dwellings whilst retaining trees and incorporating meaningful new planting and landscaping as considered appropriate and as such address the Landscape Officer's concerns.

It would also be appropriate to attach conditions to any outline planning permission granted requiring the applicant to submit an Arboricultural Implications Assessment and Landscaping Plan including mitigation planting as part of any reserved matters application and to ensure all remaining trees are retained unless otherwise agreed with the Local Planning Authority.

4. 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 plot is capable of accommodating up to three single storey dwellings without giving rise to a detrimental impact on neighbouring properties by way of significant overlooking or overshadowing and that the proposed size of each plot as shown on the indicative site plan would provide an acceptable level of residential amenity.

The proposed access track would be sited immediately adjacent the flank wall of the existing bungalow (Itarsi), however there are no windows within the side facing elevation of this property and subject to careful consideration of the proposed surface treatment of the access track, it is considered that any adverse impact on the living conditions for this property could be

satisfactorily mitigated. This matter would however, would be addressed at the detailed reserved matters stage should outline planning permission be granted

Similarly, the access track would run alongside two properties to the east, namely Cosy Nook and Orchard Cottage. With respect to Cosy Nook, the access would run mostly alongside the access track which serves this property. With respect to Orchard Cottage, there are mature trees which run along the eastern common boundary with this property and provided they are retained and adequately protected and subject to the use of an appropriate surface treatment, it is considered that an appropriate level of amenity for these properties can be satisfactorily achieved.

As a result, it is considered that the current proposal has satisfactorily demonstrated that the site is capable of being developed in a manner which would not give rise to significant adverse impacts on the existing and proposed dwellings, and which would accord with Policy EN 4 of the North Norfolk Core Strategy.

5. Layout and scale

As referred to above, an indicative layout plan has been provided which, from the information provided, satisfactorily demonstrates that up to three dwellings can be accommodated on the site in principle. The applicant has indicated these would be single storey dwellings and single storey dwellings would be in keeping with existing built form in this location.

6. Environmental Considerations

Policy EN 13 seeks to protect the District from pollution and hazards. The site is not on land which is known to be contaminated, although it would be appropriate to impose a condition should contaminated land be found during construction.

Subject to the recommended condition, the proposal would comply with Policy EN 13.

7. Other Issues

Concerns have been raised regarding the re-siting of an existing telegraph pole. The applicants' agents have advised that this has not yet been agreed but following approval this will be agreed and repositioned by BT to the side of the new proposed entrance and would still provide the same service as at present. In any event, it is considered that this matter is not one on which outline planning permission could reasonably be refused but it is a matter which the applicants would need to resolve in order to implement any permission granted.

With regard to the hedge adjacent to the eastern boundary, the agents have confirmed there will be a 0.5 m buffer between the neighbour's hedge and the proposed access road. In addition, an area will be designated for the bins to be brought to on collection day to the west of the proposed driveway.

6. Conclusion

Whilst it is recognised that the site is not within a settlement boundary as defined by Policy SS 1 of the North Norfolk Core Strategy, there are material considerations that weigh in favour of the application. The NPPF, which is a material consideration, indicates that some residential development in rural areas should be permitted to support the rural community and economy.

The site is surrounded by other dwellings and Trunch has a number of services, facilities and community groups which cater for day to days needs so is neither physically or functionally isolated. Although not all services are provided in the village, the NPPF and NPPG, indicate that short car journeys are acceptable in rural settings in order to access services. The site is capable of being developed in a manner which would be in keeping with and without having a visually obtrusive or visually dominant effect on the surrounding area. It is considered that up to three appropriately designed dwellings would be achievable without having a significantly detrimental impact on the amenities of the occupiers of adjacent properties.

RECOMMENDATION:

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

- Time limit for implementation and submission of reserved matters
- Approved plans
- Arboricultural Implications Assessment/Method Statement to be submitted to and approved by the LPA as part of the application for reserved matters
- A scheme of hard and soft landscaping proposals to be submitted to the LPA and approved as part of the application for reserved matters
- Full details of refuse storage areas to be provided
- Prior to first occupation vehicle access/crossing over the verge to be constructed in accordance with highways specification and retained as shown
- 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
- Contaminated Land – Any contamination found during the course of construction that was not previously identified shall be reported immediately to the Local Planning Authority.

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