

BANNINGHAM - PF/21/2507 – Two storey detached dwelling (4-bed) with detached single garage and car port to front with widening and improvements to vehicle access

Minor Development

- Target Date: 16th November 2021

- Extension of time: 31st January 2022

Case Officer: Mr C Reuben

Full Planning Permission

CONSTRAINTS

Landscape Character Area

SFRA - Risk of Flooding from Surface Water + CC

SFRA - Areas Susceptible to Groundwater Flooding

LDF Tourism Asset Zone

LDF - Countryside

EA Risk of Flooding from Surface Water 1 in 1000

Unclassified Road

RELEVANT PLANNING HISTORY

PF/20/1771

Two storey detached dwelling (4-bed) with detached garage / carport to front; alterations, including widening, of vehicle access

Outcome – Refused

THE APPLICATION

The application proposes the building of a new detached two-storey dwelling with garage/car port and further on-site parking and widened access, on a plot created through the subdivision of an existing garden to the side of a semi-detached property, which is positioned within a small cluster of residential properties along Mill Road which is approx. 1km to the southeast of Banningham village. Mill Road links to the B1145 North Walsham Road to the west. Part of the plot is currently occupied by an old railway carriage which would be relocated to the proposed rear garden to be renovated and used as a garden pavilion. It is understood to have previously been used for ancillary overspill accommodation for the existing cottage (though this has some heritage value, it is not a formally designated heritage asset). The applicant also intends to renovate the existing vacant semi-detached cottage, though this does not require planning permission.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr J Toye citing paragraphs 79 and 80 of the NPPF in respect of sustainability, good design and Parish Council support (comments below) and further local support.

PARISH COUNCIL

Colby Parish Council – Support. Consider that a property on the site and renovation of an existing property as a potential starter home would be a positive contribution to the village.

Feel that NPPF Para. 80 outweighs Policies SS 1 and SS 2. The proposed property is an infill addition to the existing street scene, since Mill Road is built up on both sides. Acknowledged that the junction of Mill Road and the B1145 had its problems, but consider that this is a matter for the County Council to address rather than being grounds for refusal. An extra 6 vehicle movements per day is negligible.

REPRESENTATIONS

Four public representations have been received, three supporting and one objecting. Those supporting have made the following comments:

- Would welcome the arrival of a young couple to Mill Road. The village needs young people to help maintain and support the vitality of the village, including Colby school.
- The derelict site would be tidied up as it is an eyesore along Mill Road.
- Highways comments are unfair towards a single infill dwelling. The junction has been left seriously neglected in recent years. This could be improved by simply cutting the hedging either side. Never heard of an accident in Mill Road.
- Design would greatly enhance the setting along Mill Road
- Design takes the health of the planet into consideration.

Those objecting have raised the following concerns:

- Mill Road is not suitable for heavy construction vehicles associated with construction. The road is single track with very few passing places.
- The exit from Mill Road onto the B1155 simply isn't safe for increase in large vehicles, with recent narrow miss involving children as a result of speeding car overtaking and large vehicles turning at the start of Mill Road near where children wait for school bus.
- Residents only informed of public meeting on day of meeting meaning very few could attend.

CONSULTATIONS

Norfolk County Council (Highway) – Objection. Reiterate comments made on previously refused application. The proposal will intensify the traffic use of the severely sub-standard Mill Road a narrow rural road with no formal vehicular passing and turning facilities, no footway provision and dangerous levels of visibility within a 40 Mph speed limit onto the busy and important B1145 (Main Distributor Route) North Walsham Road. Visibility at the junction of Mill Road with the B1145 is restricted in both directions by immediately adjacent vegetation. The requirement, under Design Manual for Roads and Bridges (DMRB) (DoT) guidance is that, for the 40 Mph speed limit in force, 2.4m x 120m visibility splays are provided to both directions. Previous knowledge of this junction and a desktop study of the situation shows that the levels of visibility are woefully short of these Government requirements.

In addition, the development would be located in an isolated location with little in the way of service facilities and with no alternative safe means of access other than the private car (though on this matter alone, not the basis of a highway objection to a single dwelling).

Further comment that it would be totally wrong to use public money to seek to improve this junction via the use of public money to further the development of a single dwelling for the personal benefit of the applicant. However, should the applicant wish to contact the landowner(s) concerned and be able to gain control of the land required to facilitate improvements to this junction this would then mitigate strongly in the applications favour.

21/12/2021 - Improvements recently made to the junction visibility do not overcome objection as there is no guarantee that the improvements can be provided in perpetuity as the applicant does not own/control the land.

Norfolk County Council (Historic Environment Officer) – No objection. Request a condition requiring a programme of archaeological work (historic building recording) relating to the existing railway carriage.

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, refusal 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

EN 2 - Protection and enhancement of landscape and settlement character

EN 4 - Design

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 5 – Delivering a sufficient supply of homes

Section 12 - Achieving well-designed places

MAIN ISSUES FOR CONSIDERATION

1. Principle
2. Design and amenity
3. Highway impact
4. Landscape impact

5. Environmental considerations

APPRAISAL

1. Principle (Policies SS 1, SS 2, SS 4 and NPPF Paragraphs 79 and 80)

Planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Policy SS 1 of the Core Strategy sets out the spatial strategy for the district and directs development to the areas which have been identified as sustainable locations. The application site is not one of those areas, and is located in an area designated as Countryside under Policy SS 2.

Under Policy SS 2 development in the Countryside is limited to that which requires a rural location and falls under one of the categories listed in the policy. The only new build residential development which may be permitted in a countryside location is affordable housing (providing it complies with the rural exception policy), or housing where it can be demonstrated that it is required to meet the needs of full-time workers in agriculture, forestry or other essential workers connected with the land, or if there are material considerations which would be sufficient to justify a departure from Development Plan policies. None of these criteria apply to the proposed development. Policy SS 4 places further emphasis on sustainable development and the need to reduce carbon emissions and adapt to future climate change. Recent appeal decisions have confirmed that these strategic policies remain broadly consistent with the NPPF in respect of setting an overall strategy for the distribution of sufficient housing and focusing significant amounts in locations which are sustainable, thus limiting the need to travel, offering a choice of transport modes and helping to reduce congestion and emissions, so as to improve air quality and public health.

There are no services/facilities within close proximity to the development site and a lack of any footpaths or regular public transport links to such services, further noting the lack of any street lighting. As such, inevitable reliance will be placed on the use of a private car to meet basic day-to-day needs. With a lack of basic facilities and transportation options, it is considered that a single dwelling in this location would represent an unsustainable form of development. Paragraph 79 of the National Planning Policy Framework (NPPF) states that proposals for new housing in rural areas should be located in sustainable locations where it will enhance or maintain the vitality of rural communities, an approach which current adopted Core Strategy policies follow. Given the lack of a basic level of accessible local services/facilities, it is not considered that a single dwelling in the location proposed would contribute in any meaningful way to maintaining or enhancing the vitality of the local rural community and as such, would not comply with the requirements of Paragraph 79 of the NPPF. No suggestion has been made that there is any essential need, nor any significant mitigating circumstances that should be considered, for a dwelling in this location. It would further not fulfil the requirements as set out in Paragraph 80 of the NPPF.

Finally, it is not considered that renovation of the existing cottage has any material planning weight, as the existing cottage could be renovated without the need for an additional large dwelling on the proposed plot. Other than some general dilapidation to be expected of a property that has been vacant, there is no sufficient evidence presented to suggest that renovation of the existing cottage would be unusually prohibitive in regard to cost. It is further not considered that the proposed sustainability measures, short-term employment benefits of

a new build and possibly improved site appearance, would outweigh the identified policy conflict.

It is therefore concluded that the proposed dwelling would amount to an unsustainable form of development, contrary to Policies SS 1, SS 2 and SS 4 of the adopted North Norfolk Core Strategy, and Paragraphs 79 and 80 of the NPPF.

2. Design and amenity (Policy EN 4)

The current application proposed a two-storey dwelling, with a design that has been substantially altered since the refusal of the last application. In this respect, it is noted that the agent has attempted to address the points of concerns previously raised. The proposed dwelling would achieve a slightly better separation distance from the south-east and north-west site boundaries. Furthermore, the property has been brought further forward within the plot to more align with the neighbouring cottages, thereby lessening the impact of the long-east and west facing elevations. Although there remains some concern regarding the bulk and length of these elevations, given the re-siting and sizeable nature of the plot, it is no longer considered that this is grounds for refusal. The proposed dwelling would be similar in height to adjacent properties - the proposed dwelling would be noticeable within the street scene, further accentuated by the modern design approach, however, it is recognised that such an approach would be difficult to argue against which would arguably brighten up the site and provide visual interest and a statement of modern architecture that wouldn't be overly obtrusive. The twin front gable feature would partly reflect local vernacular, with further examples of modern dwellings further along Mill Road.

It is therefore considered that, on balance, the proposed development complies with the requirements of Policy EN 4.

3. Highway impact and parking (Policies CT 5 and CT 6)

Aside from general on-site parking provision which would be provided to meet the requirements of Policy CT 6, the plot lies on Mill Road which joins the main B1145 North Walsham Road to the west. The road and the junction with B1145 are described by the Highway Authority as being 'severely sub-standard', particularly with regard to visibility in both directions at the junction, and with no possibility of improvement. Upon visiting the site, it is clear that, having used the junction in question, visibility is very poor. This being the case, strong concerns are raised with regard to the number of daily vehicular movements generated by a new dwelling and the resultant increased use of the substandard road and junction.

It is acknowledged that since receipt of the Highway objection, the applicant/agent have gone to great lengths to try and improve the junction visibility through the cutting back of existing hedges. Having liaised with the corresponding landowners to achieve this. However, the Highway Authority have noted this but maintained their objection as these improvements cannot be provided in perpetuity as the applicant does not own the land subject of the improvements, so there is no guarantee these improvements can be retained in future. The agent has indicated that further information may be provided in this respect. Members will be updated at the committee meeting should this be received.

Concerns are also raised by the Highway Authority in regards to the transport sustainability of the location, with a lack of facilities and means of access other than by private car use. However, they do not consider this to be grounds for objection for a single dwelling.

As it currently stands, on the basis of the substandard road and visibility at the nearby junction of Mill Road with the B1145, it is considered that the proposed development fails to meet the requirements of Policy CT 5, an approach further supported by Paragraph 109 of the NPPF given the unacceptable impact on highway safety.

4. Landscape impact (Policy EN 2)

Although the site lies within the designated Countryside area, it is positioned between existing properties and therefore seen within the context of a small built-up area. This being the case, and given that the proposed dwelling would be of a similar height to existing properties, it is not considered that the proposed development would have a significantly detrimental wider landscape impact. As such, the proposed development complies with the requirements of Policy EN 2.

5. Environmental considerations (Policy EN 13)

The site does not present any significant environmental concerns, with the proposed methods of drainage being considered suitable. As such, the proposed development complies with the requirements of Policy EN 13.

Conclusion

Notwithstanding the design improvements made, for the reasons outlined above, the proposed development remains contrary to policies SS 1, SS2, SS 4 and CT 5 of the adopted North Norfolk Core Strategy and Paragraphs 79 and 80 of the NPPF. The development is not considered to be in accordance with the requirements of the Development Plan, and it has been concluded that there are no material considerations which would outweigh the policy conflict. Therefore, refusal of the application is recommended.

RECOMMENDATION:

REFUSAL for the following reasons:

The District Council adopted the North Norfolk Core Strategy on 24 September 2008, and subsequently adopted Policy HO9 on 23 February 2011, for all planning purposes. The following policy statements are considered relevant to the proposed development:

SS 1 - Spatial Strategy for North Norfolk

SS 2 - Development in the Countryside

SS 4 - Environment

CT 5 - The transport impact of new development

National Planning Policy Framework (NPPF) (2021) Paragraphs 79 and 80

In the opinion of the Local Planning Authority, the proposed dwelling would be within an area designated as Countryside where there is a general presumption against residential development and in a location with poor access to a full range of basic services and facilities

to meet day-to-day needs. The future occupiers would be highly dependent on the use of private car to be able to reach such services and facilities. The proposal would therefore not constitute sustainable development, contrary to policies SS 1, SS 2 and SS 4 of the adopted North Norfolk Core Strategy. In addition, it is not considered that the addition of a single dwelling in this Countryside location would make a significant contribution to supporting any local services and facilities nor those of any nearby rural villages and as such, does not fulfil the requirements of Paragraph 79 of the NPPF. Furthermore, the proposed development does not meet any of the criteria as set out in Paragraph 80 of the NPPF.

Furthermore, Mill Road (U14239) serving the site is considered to be inadequate to serve the development proposed, by reason of its restricted width, lack of passing provision, lack of pedestrian facilities and restricted visibility at the nearby road junction with the B1145 North Walsham Road. The proposal, if permitted, would be likely to give rise to conditions that would be detrimental to highway safety and as such, is contrary Policy CT 5 of the adopted North Norfolk Core Strategy.

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