

AGENDA ITEM NO: 8/2(h)

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| Parish: | Stow Bardolph | |
| Proposal: | Outline Application: Two executive type detached chalet properties with detached garages | |
| Location: | Land at 16 the Drove Barroway Drove Norfolk | |
| Applicant: | Mr Richard Garner | |
| Case No: | 17/00223/O (Outline Application) | |
| Case Officer: | Mr K Wilkinson | Date for Determination: 5 April 2017 |

Reason for Referral to Planning Committee – There is planning history of an appeal dismissed on this site.

Case Summary

Outline permission is sought for two dwellings on a parcel of agricultural land with frontage onto The Drove, Barroway Drove. All matters are reserved for future consideration.

The site has a history of refusal and appeal dismissed. For ease of reference the appeal is attached to this report.

Key Issues

Appeal history
Principle of development
Other Material considerations

Recommendation

APPROVE

THE APPLICATION

Outline permission is sought for two dwellings on a parcel of agricultural land with frontage onto The Drove, Barroway Drove. The site comprises 0.16Ha of land with a frontage of 52m and depth of 31m on the south-eastern side of The Drove, approx. 120m south-west of its junction with Cuckoo Road and Highbridge Road.

There are bungalows on either side of the site (Nos. 16 & 24 The Drove), houses on the opposite side of the road, and agricultural fields stretching beyond to the rear.

The development sought is the construction of two dwellings (described as detached executive type chalets with detached garages). All matters are reserved for future consideration; however an illustrative layout plan shows how the site could potentially be developed.

SUPPORTING CASE

The application is accompanied by a Design & Access Statement which raises the following matters in support of the proposed development:

“The site currently forms agricultural land in the village of Barroway Drove and is surrounded by development to the East, South and West of the property. Barroway Drove is designated a ‘Smaller Village and Hamlet’ by the 2011 Core Strategy. As such it does not have any specific site allocations or a development boundary however this site is infilling development.

Use

The proposed development represents effective use of the land. The location of the site in relation to the village is an important consideration in the context of the Core Strategy. The site is situated between existing residential properties and the scale of development envisaged is in keeping with the immediate vicinity. The site is within Flood Zone 3.

Amount

Whilst the proposal is in outline, it is envisaged that two, two-storey chalet style dwellings with a footprint of approximately 100m² each would be built. There is ample parking and turning space within the current layout of the site as shown on the indicative layout plan. The property will be of a design which is compatible with its surroundings and of a high standard. The Ground Level is -2 AOD meaning therefore the finished floor levels will be -0.6 AOD as discussed in the Flood Risk Assessment that is also submitted. Therefore, as the property is a chalet style property with accommodation upstairs the constructions ridge height will be no more than 6.4 above floor level i.e. 5.8 AOD.

Layout

Whilst the exact layout is to be reserved, the outlined application envisages the construction of two dwellings with an area immediately to the South being largely reserved for parking and turning. It is envisaged that the orientation of the rooms and windows be such that there is no overlooking of neighbouring properties, with only obscured bathroom windows to the side at first floor level.

Scale

The scale of development is in keeping with the local area. Approximate build width of each dwelling 10m, approximate build depth of each dwelling 10m, approximate ridge height: 8.5m.

Landscaping

The proposal is in outline and does not deal with the details of landscaping. However, it is envisaged that once the new access onto The Drove has been created for each dwelling, a suitable scheme of planting can be created to maintain and enhance the visual appearance of the area. It is proposed that a 1.8m high fence would be erected between the proposed developments.

Appearance

It is envisaged that a building of traditional materials would be constructed which will be in keeping with the current built landscape of The Drove and Barroway Drove generally.

Access

A new vehicular and pedestrian access will be required from The Drove for each dwelling. Appropriate pedestrian and vehicular visibility exists. Access surface treatments will ensure access for all, including wheelchairs. Public transport is currently available within a reasonable walking distance, together with village amenities.

Flood Risk

The site is within Flood Zone 3 and a site specific Flood Risk Assessment is required.”

PLANNING HISTORY (Relevant)

16/00423/O: Application Withdrawn: 17/05/16 - Outline Application All Matters Reserved: two executive type detached properties with detached garages

2/02/0578/O: Application Refused: 07/06/02 - Site for construction of two dwellings - Appeal Dismissed 13/03/03

RESPONSE TO CONSULTATION

Parish Council: SUPPORT

Local Highway Authority: NO OBJECTION

Downham & Stow Bardolph Internal Drainage Board: NO OBJECTION

Environmental Health & Housing – Environmental Quality: No Comments

Environment Agency: NO OBJECTION but strongly recommend mitigation measures proposed in FRA are conditioned

District Emergency Planning Officer: NO OBJECTION subject to suggested conditions relating to signing up to EA’s Floodline and an evacuation plan (Officer note – this will be dealt with via informative note on decision notice due to enforceability issues).

REPRESENTATIONS

None received

NATIONAL GUIDANCE

National Planning Policy Framework – sets out the Government’s planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS08 - Sustainable Development

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM3 - Infill development in the Smaller Villages and Hamlets

PLANNING CONSIDERATIONS

The key issues for consideration in determining this application are as follows:

- Appeal history
- Principle of development
- Other Material considerations

Appeal history

It will be noticed in the History section above that this site has been the subject of a previous application for residential development back in 2002 under application ref: 2/02/0578/O. This application was refused by virtue of being outside the village development area and having an adverse effect upon the character and appearance of the countryside in an Area of Important Landscape Quality (AILQ).

That decision was appealed and a copy is attached to this report for reference. The Inspector concluded that on the first issue the proposal was contrary to the Development Plan policies of that time (paragraph 8). He goes on to state at paragraph 9:

“...the site currently forms a visual link with the wider rural landscape. Its open nature also provides an important break in almost continuous development along this road frontage. In my view the development of this gap would consolidate development and have an urbanising effect...The proposal would result in the loss of an open area of rural land which contributes towards this landscape quality.”

The appeal was determined in March 2003.

Principle of development

There have been some significant changes to planning policy since the previous application was refused and appealed some 14 years ago; specifically related to housing and the classification of the countryside as an AILQ no longer applies.

The application site lies in an existing settlement which is categorised as a Small Village or Hamlet in the settlement hierarchy defined in the LDF. Although not having many facilities itself, it lies fairly close to a market town and is considered to contribute to its role in maintaining and delivering services. Within such settlements with regards to housing provision Policy DM3 of the SADMPP applies which states:

“...The sensitive infilling of small gaps within an otherwise continuously built up frontage will be permitted where:

- The development is appropriate to the scale and character of the group of buildings and its surroundings; and
- It will not fill a gap which provides a positive contribution to the street scene.

In exceptional circumstances the development of small groups of dwellings in Smaller Villages and Hamlets may be considered appropriate where the development is of a particularly high quality and would provide significant benefits to the local community.”

In the past two years there have been several infill developments in Barroway Drove, given the implications of Policy DM3 and the 5 year supply of housing land deficit experienced by the Council. This has resulted in the consolidation of certain parts of road frontages in the settlement.

Whilst the Planning Inspector considered in 2003 that the gap was a significant feature, its value is not considered to be such today in light of the step change in planning policy and recent commitments to develop in Barroway Drove.

Other Material considerations

Access to the site is to be determined at the reserved matters stage; however the Local Highway Authority does not raise any concerns at this stage.

Impact upon neighbouring properties will be addressed at the reserved matters stage, but it is not anticipated that there will be significant issues in this regard.

The proposal passes both sequential and exception testing with regards to flood risk because although the site lies within Flood Zone 3 & Hazard Zone, all of Barroway Drove is in the same category. This is in accordance with the protocol agreed with the Environment Agency in dealing with Parishes in a high risk zone. A site specific FRA indicates that mitigation measures may be made to render the dwellings safe – a view endorsed by the Environment Agency. Our Emergency Planner suggests conditions relating to a flood evacuation plan and signing on to Flood Warnings Direct service – this is to be covered by an informative note due to enforceability issues.

Drainage – surface water is proposed to be dealt with via soakaway and foul water will be dealt with via mains.

There are no significant crime and disorder issues raised by this proposal.

CONCLUSION

Whilst there is a history of planning refusal and an appeal dismissed for this site, it is considered that the proposal now accords with the criteria of Policy DM3 of the SADMPP. This fact, combined with the assessment that the proposal is in a reasonably sustainable location, results in a recommendation for approval subject to certain conditions identified below.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition Approval of the details of the means of access, layout, scale, appearance and landscaping of the site (hereinafter called ‘the reserved matters’) shall be obtained from the Local Planning Authority before any development is commenced.

- 1 Reason To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

- 2 Condition Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted to the Local Planning Authority in writing and shall be carried out as approved.
- 2 Reason To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 Condition Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 Reason To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 4 Condition The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the latest such matter to be approved.
- 4 Reason To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 5 Condition The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) produced by Geoff Beel Consultancy dated December 2016 and submitted as part of this application and the following mitigation measures detailed within the FRA:
 1. Finished floor levels will be raised to -0.60m meters aOD.
 2. Flood resilient measures will be incorporated into the building construction up to 600mm above FFL.
 3. There will be no sleeping accommodation on the ground floor.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
- 5 Reason In order to safeguard the development and future residents in an area prone to flood risk and to accord with the provisions of Core Strategy Policy CS08 of the LDF.



Appeal Decision

Site visit made on 18 February 2003

by **Martin H Seddon** BSc DipTP MPhil MRTPI

an Inspector appointed by the First Secretary of State

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Date: 13 MAR 2003

Appeal Ref: APP/V2635/A/02/1102110
Barroway Drove, Downham Market

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by R. Garner against the decision of King's Lynn and West Norfolk Borough Council.
- The application (Ref: 2/02/0578/O), dated 28 March 2002, was refused by notice dated 7 June 2002.
- The development proposed is construction of two residential dwellings.

Summary of Decision: The appeal is dismissed.

Preliminary Matters

1. The application is in outline with all other matters reserved.

Main Issues

2. I consider that there are two main issues in this appeal. The first whether the proposal is contrary to development plan policies for residential development in rural areas. The second is the effect of the proposal on the character and appearance of the countryside and the Area of Important Landscape Quality.

Planning Policies

3. The development plan includes the adopted Norfolk Structure Plan (1999) and the adopted King's Lynn and West Norfolk Local Plan (1998). Structure Plan policy ENV.1 gives high priority to protecting the environmental assets of the County including special emphasis for areas of local landscape quality. Policy ENV.3 states that in areas of important landscape quality proposals will only be acceptable where they can be shown to conserve and are sensitive to the appearance and character of these areas. Policy ENV.4 seeks to protect the distinctive character of the Norfolk countryside for its own sake and prevent significantly harmful development. Policy H.8 advises that housing development will not take place in the countryside unless it is shown to be needed in connection with uses including agriculture, forestry and organised recreation or tourist facilities. In addition, that it could not reasonably be provided within a settlement; and there are no significant environmental or access concerns.
4. Local Plan policy 8/8 advises that new dwellings will not be permitted in the countryside, although permission may be given exceptionally for dwellings for people who genuinely need to live at or close to their place of employment. The appeal site is within an Area of Important Landscape Quality as defined in the Local Plan. Policy 4/6 of the plan states that development which damages the distinctive character or appearance of the landscape in such areas will not be permitted.

5. National planning policy guidance is set out in Planning Policy Guidance Note 7: *The Countryside-Environmental Quality and Economic and Social Development* (PPG7). This explains that a policy of restraint applies to rural housing and the government's policy is that the countryside should be protected for its own sake.

Reasons

6. The appeal site is an area of agricultural land which lies between residential development at 'Richbro' and Becks Cottage. The site is outside the settlement boundary for Barroway Drove, as defined by the Local Plan, and is in the open countryside. The road known as Barroway Drove has residential, agricultural and commercial development intermittently at either side for much of its length. The open nature of the site allows views across it from the road of the typically flat rural landscape.
7. On the first issue, the proposal is not needed in connection with agriculture or forestry, organised recreation or tourist facilities. No justification has been put forward that it is required for people who need to live at or close to their place of employment. In addition, paragraph 3.21 of PPG7 advises that new house building in the open countryside away from areas allocated for development should be strictly controlled. The appellant considers that the land holding is un-economical to farm. However, I do not consider that this is sufficient reason to outweigh the strong policy presumption against the proposal.
8. I therefore conclude on the first issue that the proposal is contrary to development plan policies for residential development in rural areas and conflicts with Structure Plan policy H8 and Local Plan policy 8/8. The proposal also conflicts with national planning guidance in PPG7.
9. On the second issue, the site currently forms a visual link with the wider rural landscape. Its open nature also provides an important break in almost continuous development along the road frontage. In my view the development of this gap would consolidate development and have an urbanising effect. The proposal would not be sensitive to the character and appearance of the settlement and its countryside setting. The Area of Important Landscape Quality is based upon the open fenland area adjacent to the River Great Ouse. The proposal would result in the loss of an open area of rural land which contributes towards this landscape quality.
10. I conclude on the second issue that the proposal would harm the character and appearance of the countryside and the Area of Important Landscape Quality. It would conflict with Structure Plan policies ENV.1, ENV.3 and ENV.4 and Local Plan policy 4/6.

Other Considerations

11. The appellant refers to land on the opposite side of the road which has been granted planning permission. However, the Council confirms in its appeal statement that the land (Ref: 2/01/0969/O) is within the development boundary and therefore complies with planning policy. I see no reason to disagree with this view. The Stow Bardolph Parish Council supports the proposal and says that they are doing their utmost to assist in the provision of dwellings for local people. However, I consider that any benefits

from the provision of new housing at this particular location would not outweigh the harm to the countryside and Area of Important Landscape Quality.

Conclusion

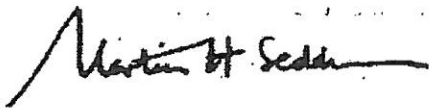
12. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

13. In exercise of the powers transferred to me I dismiss the appeal.

Information

14. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.



INSPECTOR