

Parish:	West Winch	
Proposal:	Proposed Development of 2 Dwellings	
Location:	Miller Chicken Farm 80 Main Road West Winch Norfolk	
Applicant:	Lordsway Homes	
Case No:	17/00759/F (Full Application)	
Case Officer:	Mrs N Osler	Date for Determination: 14 June 2017 Extension of Time Expiry Date: 4 August 2017

Reason for Referral to Planning Committee – The views of the Parish Council are contrary to the Officer recommendation

Case Summary

Full planning permission is sought for the erection of two, four-bed dwellings with detached carports / garages following the demolition of the agricultural buildings that currently occupy the site.

The site lies within the development boundary for West Winch in Flood Zone 1.

The site is a vacant agricultural unit that was previously used as a chicken farm.

Key Issues

Principle of Development
Highway Safety
Form and Character
Residential Amenity
Loss of Employment Use
Drainage
Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

The application seeks permission for the erection of two detached, four-bed dwellings with detached triple carport / garages.

The site is accessed from the A10 and is located in the development / settlement boundary for West Winch and is at low risk of flooding (Flood Zone 1).

The site is an employment use for the purposes of planning policy.

SUPPORTING CASE

The applicant / agent has submitted the following supporting information:

- The site is within the Development Boundary according to the Site Allocations and Development Management Policies Adopted September 2016 Insert Map E2 West Winch. In such locations residential development, of an appropriate scale, is to be supported subject to compliance with other relevant planning policies and guidance. The historic uses of the site are for agriculture but the continued use of the site for employment is no longer viable due to the condition of the buildings, site location and market demand.
- The proposed residential development of this brownfield site will remove the existing dilapidated farm buildings from the street scene and provide two dwellings that are in keeping with the local residential area.
- The site will be of a lesser impact on the surrounding residential sites than an employment use.
- Following the pre-application enquiry written advice, the applicant has provided supporting information with the planning application to address Noise, Asbestos and Contamination. These supporting documents have received no objections. Consultees have requested conditions to allow a conditional decision to be made.
- Policy DM12 of the SADMP is less restrictive in terms of new accesses onto the A10 and other strategic road networks within development boundaries. The site is utilising the existing access from the A10 and therefore does not increase the impact on this strategic route. After consultation with NCC Highways the development of the site for two units will be in scale with the existing permitted uses on the site and as a result the impact to the highway would balance.
- Proposals provide two additional dwellings to the Local Authorities need for a rolling five year land supply.

PLANNING HISTORY

2/03/0693/O – Site for construction of dwelling: Refused and dismissed at appeal (APP/V2635/A/03/1131219).

RESPONSE TO CONSULTATION

Parish Council: **STRONGLY OBJECT** for the following reasons:

Surface water drainage

The Parish Council suggests the application should be refused due to the lack of a drainage plan and the need for drainage to be fully considered as part of Policy WA04: Providing sustainable drainage of their Neighbourhood Plan.

Your officers suggest it is quite common for applications to lack drainage plans at this stage (seeking planning permission). As a general rule, unless a statutory consultee suggests that the site has such constraints that full details are required at the determination stage of the application, drainage can be, and more often than not is, dealt with by condition.

As such, whilst the North Runcton and West Winch Neighbourhood Plan has been through Examination, and therefore carries weight in the determination of planning applications, because it has not been to Referendum yet and is not adopted policy, your officers believe it is acceptable to condition drainage.

It is therefore considered that it is appropriate to condition drainage and that the lack of detail at this stage should not be a reason for refusal.

Alex Grimmer Senior Environmental Quality Officer said: "We have assessed this application with regard to potential impacts on human health as required by National Planning Policy Framework paragraph 120. Groundwater protection and potential pollution of controlled waters is the responsibility of the Environment Agency and their advice should be sought on this."

West Winch Parish Council cannot see anything from the Environment Agency regarding this planning application.

Transport / Traffic

This planning application is detrimental to the free flow of traffic on the A10. Until the A10 relief road is built and brought into use, development along the A10 will be strongly resisted.

As the chicken farm has not been operational for many years, the development would represent an increase in traffic.

There is already an increased traffic potential from The Winch (pub) site and the recently renovated caravan site has also resulted in an increase on this small stretch of the A10.

The Borough Council's Site Allocations and Development Management Policies Plan states:

Policy DM 12 – Strategic Road Network

The Strategic Road Network within the Borough, comprising the A10, A17, A47, A134, A148, A149, A1101 & A1122 and shown on the Policies Map, will be protected as follows outside of the settlements specified within Core Strategy policy CS02:

- New development, apart from specific plan allocations, will not be permitted if it would include the provision of vehicle access leading directly onto a road forming part of this Strategic Road Network;
- New development served by a side road which connects to a road forming part of the Strategic Road Network will be permitted provided that any resulting increase in traffic would not have a significant adverse effect on:
 - The route's national and strategic role as a road for long distance traffic
 - Highway safety
 - The route's traffic capacity
 - The amenity and access of any adjoining occupiers.

In appropriate cases a Transport Assessment will be required to demonstrate that development proposals can be accommodated on the local road network, taking into account any infrastructure improvements proposed.

Policy CS11 of the Adopted Core Strategy sets out the transport requirements for development proposals to demonstrate that they accord.

Paragraph 013 - Transport Assessments and Statements of the Planning Practice Guidance should also be considered.

West Winch Parish Council believes this planning application is clearly in contravention of this policy.

Highways Authority: NO OBJECTION subject to conditions

Internal Drainage Board: No comments to make

Environmental Health & Housing – Environmental Quality: NO OBJECTION subject to condition relating to contamination

CSNN: NO OBJECTION subject to conditions relating to surface water drainage and lighting

Natural England: NO OBJECTION in relation to impact on protected sites

Environment Agency: NO OBJECTION in relation to groundwater protection

Housing Enabling Officer: Based on two dwellings no affordable housing would be required unless the total GIA of the development exceeded 1,000m².

Arboricultural Officer: NO OBJECTION

REPRESENTATIONS

None received at time of writing report.

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

CS09 - Housing Distribution

CS10 - The Economy

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

Planning Committee
31 July 2017

DM2 – Development Boundaries

DM12 - Strategic Road Network

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

PLANNING CONSIDERATIONS

The main issues for consideration in the determination of this application are:

- Principle of Development
- Highway Safety
- Form and Character
- Residential Amenity
- Loss of Employment Use
- Drainage
- Other Material Considerations

Principle of Development

The site lies within the development boundary for West Winch. The principle of residential development can therefore to be supported subject to compliance with other relevant planning policy and guidance.

Highway Safety

Development Management Policy 12 seeks to protect roads that comprise the Strategic Road Network (e.g. A10) outside of the settlements specified within Core Strategy Policy CS02 (i.e. outside of the development boundaries). The site lies within the development boundary. Therefore, whilst highway safety is still obviously a material consideration as is the impact on the A10, the principle of a new access onto the A10 is, contrary to the Parish Council's understanding, not contrary to Policy DM12.

On the basis that the original application has been reduced from four dwellings to two dwellings, the Local Highway Authority raises no objection to the proposed development on the grounds of highway safety or the impact of the development on the functionality of the A10. The LHA state: "...the scale of the new development would be more in scale with the existing permitted uses on the site and as a result the impact to the highway would balance".

Form and Character

The dwellings are substantial in scale and mass and the design is grand. In this regard the immediate neighbouring properties (a small bungalow to the north and the caravan park to the south) are of a much smaller scale. However a permitted dwelling immediately south of the caravan park and fronting the A10 is also grand in scale, mass and design. Furthermore, sporadically along the length of the A10, such dwellings can be found.

Whilst less common further south towards the more central area of West Winch, tandem development, of which the proposal is an example of, is not uncommon.

It is therefore considered that the proposed dwellings would not be incongruous in their setting or of detriment to the visual amenity of the locality.

Residential Amenity

The caravan site lies to the south of the proposed development. There would therefore be no direct overshadowing from the proposed development. The single storey elements are on the southern sides of the proposed properties and it is therefore considered that there is enough separation between the tallest element (ridge height 9m) and the caravans to suggest that overbearing impacts would not be sufficient to warrant refusal. There would be no material overlooking to the caravans due to the position of the fenestration and the angles involved.

In relation to the impact on the dwelling to the north (No.78) one of the existing agricultural buildings sits only 2 metres from the boundary of the site with No.78 and only 5.2 metres to its southern elevation. As such the existing building is likely to overshadow the majority of windows on the southern elevation of No.78. The proposed dwelling would be 8 metres to the boundary and 11 metres to the southern elevation of No.78. It is however a taller building than the existing agricultural building. However, it is considered that the increased height would be off-set by the increased distance.

No objections have been received from third parties (including immediate neighbours) in relation to the proposed development.

Loss of Employment Use

Core Strategy Policy CS10 states that the Council will seek to retain land or premises currently or last used for employment purposes (including agricultural uses) unless it can be demonstrated that:

- Continued use of the site for employment purposes is no longer viable, taking into account the site's characteristics, quality of buildings, and existing or potential market demand; or
- Use of the site for employment purposes gives rise to unacceptable environmental or accessibility problems particularly for sustainable modes of transport; or
- An alternative use or mix of uses offers greater potential benefits to the community in meeting local business and employment needs, or in delivering the Council's regeneration agenda.

The applicant suggests that "the continued use of the site for employment is no longer viable due to the condition of the buildings, site location and market demand. For agricultural employment use to continue on site the existing building are in very poor condition and

would be have to be demolished and re-build at significant construction cost compared to the market value that would be achieved for agricultural/farm use.

If other employments uses were to be proposed at the site these would be limited to low impact uses like offices or commercial self-storage due to the sites proximity to residential dwellings. If commercial self-storage was to be applied for then the market value of land would be £350,000.00. Any employment uses of the site will result in an intensification of traffic accessing the site, not only the number of trips throughout the day but also the type of vehicles resulting in the reduction in the flow and increased disruption along this strategic route. Also the site location is primarily residential in nature with only a couple of commercial sites along this stretch of the A10. Furthermore there are vacant commercial properties readily available in commercially designated areas in Kings Lynn e.g. Hardwick Narrows and North Lynn Industrial Est. to name just two.

Residential use of the site is the most viable both financially and in relation to replacing the existing agricultural buildings that are in very poor condition and with dwellings that are in keeping with the local residential area.”

Your officers agree that the site is constrained in relation to potential employment uses by the residential nature of neighbouring uses, negative impact on the A10 that would be associated with another employment use and the demand for employment uses in this location.

Your officers believe the loss of this employment use would not be of detriment to the employment offer of West Winch as a whole or the wider area given its proximity to existing industrial estates.

Drainage

The Parish Council suggests the application should be refused due to the lack of a drainage plan and the need for drainage to be fully considered as part of Policy WA04: Providing sustainable drainage of their Neighbourhood Plan.

Your officers suggest it is quite common for applications to lack drainage plans at this stage (seeking planning permission). As a general rule, unless a statutory consultee suggests that the site has such constraints that full details are required at the determination stage of the application, drainage can be, and more often than not is, dealt with by condition.

It is also important note that whilst the North Runcton and West Winch Neighbourhood Plan has been through Examination, it has not been to Referendum yet and is not adopted policy.

It is therefore considered that it is appropriate to condition drainage and that the lack of detail at this stage should not be a reason for refusal.

Crime and Disorder

There are no specific crime and disorder issues arising from the proposed development.

Other Material Considerations

The arboricultural officer has no objection to the proposed development stating that it would not impact on any trees in the vicinity of the site.

CONCLUSION

This application is for development of two houses in a primarily residential location, the principle of which is policy compliant.

The scale, mass and design of the proposed properties are considered acceptable and the proposal would not result in any material harm in relation to residential amenity or highway safety.

No objections have been received that cannot be dealt with by condition.

The proposal accords with the NPPF, NPPG and Local Policies contained in the Core Strategy, 2011 and SADMP, 2016. It is therefore recommended that this application be approved subject to the following conditions.

RECOMMENDATION:

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

- 1 Condition The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition The development hereby permitted shall be carried out in accordance with the following approved plans drawing nos: 2028-02G, 2028-04B, 2028-06A and 2028-08.
- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition Prior to the commencement of the use hereby permitted the vehicular access (indicated for improvement on drawing number 2028-02G) shall be upgraded / widened in accordance with the Norfolk County Council residential access construction specification for the first 5 metres as measured back from the near channel edge of the adjacent carriageway. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- 3 Reason In the interest of highway safety and traffic movement in accordance with the NPPF and Development Plan.
- 4 Condition Prior to the first occupation of the development hereby permitted the proposed on-site access, car parking and turning areas shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 4 Reason To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety in accordance with the NPPF and Development Plan.
- 5 Condition Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking, amending or re-enacting that Order) no gates, bollard, chain or other means

of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

- 5 Reason In the interests of highway safety in accordance with the NPPF and Development Plan.
- 6 Condition Prior to the commencement of groundworks, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
 - (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

- 6 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 7 Condition Prior to the commencement of groundworks, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- 7 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 8 Condition The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of groundworks, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

- 8 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 9 Condition In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 6, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 7, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 8.

- 9 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 10 Condition No development shall commence on site until full details of the surface water drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.
- 10 Reason To ensure that there is a satisfactory means of drainage in accordance with the NPPF.
- 11 Condition Prior to the first occupation of the development hereby approved, full details of frontage landscaping, as indicatively shown on drawing 2028-02G, shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate.
- 11 Reason To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 12 Condition All landscaping works shall be carried out in accordance with the details approved under Condition 13. The works shall be carried out prior to the occupation or

use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.

- 12 Reason To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 13 Condition No development shall take place on any external surface of the development hereby permitted until details of the type, colour and texture of all materials to be used for the external surfaces of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 13 Reason To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.