



Planning Committee
Monday, 6th February, 2017 at 9.00 am
in the Committee Suite, King's Court, Chapel Street,
King's Lynn

Reports marked to follow on the Agenda and/or Supplementary Documents

- a) Decisions on Applications (Pages 2 - 23)

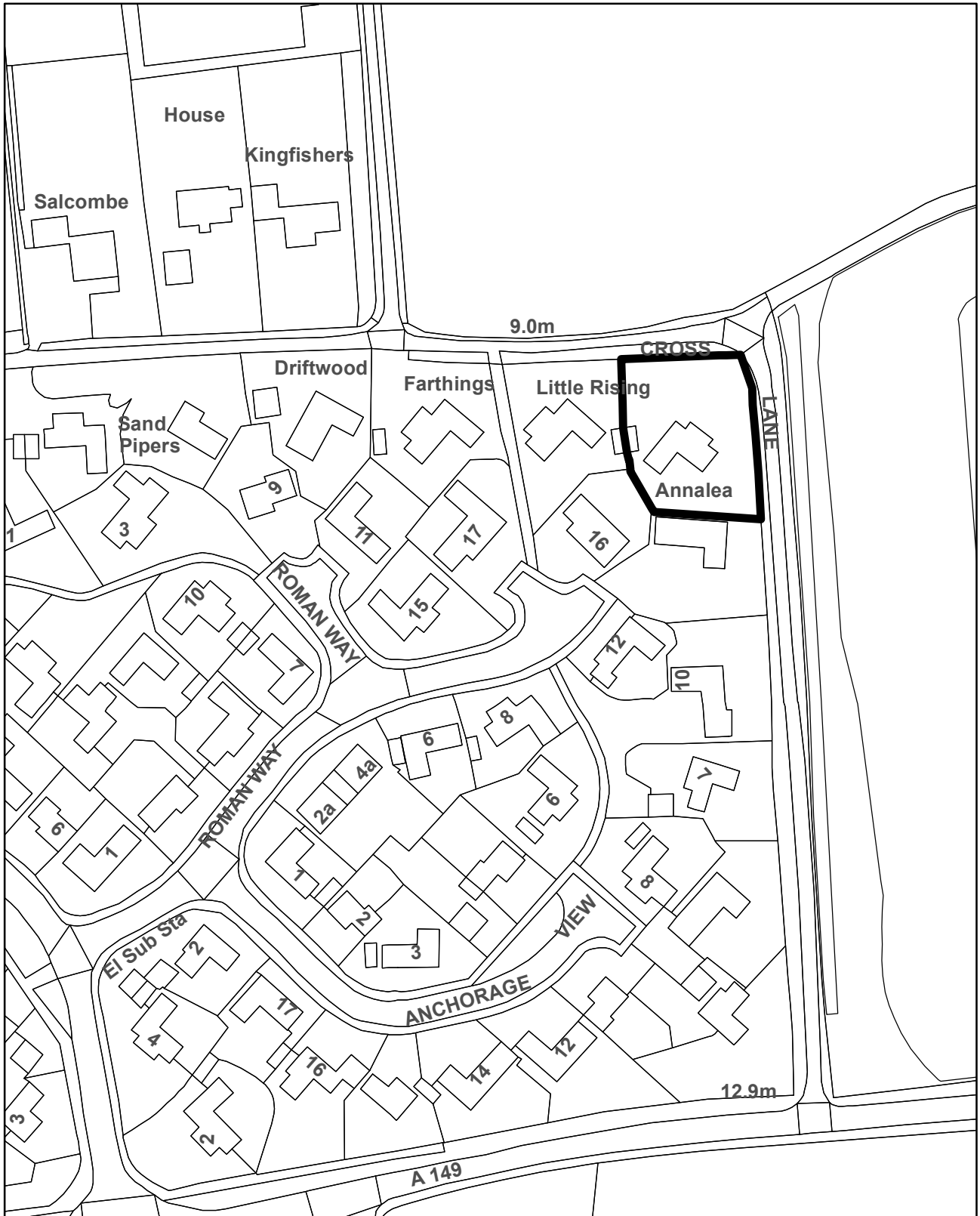
To consider and determine the attached Schedule of Planning Applications submitted by the Executive Director.

Contact

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16/01938/F

Annalea Church Lane Brancaster



1:1,250

AGENDA ITEM NO: 8/3(a)

Parish:	Brancaster	
Proposal:	Two storey side extension, first floor rear extension and new garage	
Location:	Annalea Cross Lane Brancaster King's Lynn	
Applicant:	Mr And Mrs Chamberlain	
Case No:	16/01938/F (Full Application)	
Case Officer:	Mr M Broughton	Date for Determination: 28 December 2016 Extension of Time Expiry Date: 13 February 2017

Reason for Referral to Planning Committee – Called into the Committee by Councillor Watson.

Case Summary

The land is situated on the south side of Cross Lane, Brancaster, at the junction with Stockings Lane and approximately 170m north of A149 Main Road and 208m east of the entrance to the relatively new housing estate of Brandonum, which includes Roman Way. This an Area of Outstanding Natural Beauty (AONB)

The site comprises a detached two storey dwelling (Annalea) with two and single storey projections, a single garage and a garden storage shed.

The application seeks to construct a two storey side extension, a first floor rear extension and an additional garage

The National Planning Policy Framework 2012 (NPPF), the King's Lynn and West Norfolk Core Strategy 2011 and the King's Lynn and West Norfolk Site Allocations and Development Management Policies 2016 (SADMP) are relevant to this application

Key Issues

Principle of development
Previous applications
Form and character
Scale, design, residential and visual amenity
Impact on the Area of Outstanding Natural Beauty
Other considerations

Recommendation

APPROVE:

THE APPLICATION

The land is situated on the south side of Cross Lane, Brancaster on a corner plot at the junction with Stockings Lane. This rectangular shaped plot, approximately 26m x 33m, is sited 170m north of A149 Main Road and approximately 208m east of Brandonum junction (modern mixed housing - south and west), in an Area of Outstanding Natural Beauty (AONB)

To the north and east, on the opposite side of Cross Lane, is open agricultural and marsh land, leading the sea. To the east is a Scheduled Ancient Monument - the site of a Roman fort and settlement known as Branodunum.

The site comprises a detached, two storey dwelling, with the main ridge-line orientated north-west / south-east. The dwelling is angled on the site but within the central area of the plot. The dwelling has single storey projections on the side elevation (south-east) and rear elevation (south-west) and a subservient two storey side extension (north-west).

It is of note that the ground floor provides sleeping accommodation, whilst the first floor provides day-to day living rooms

There is a raised balcony to the front elevation (north-east), a single garage, attached to the neighbour's garage at Little Rising on the north-west boundary and a garden storage shed sited on the rear south boundary with 14 Roman Way.

Materials comprise a light colour (pale blue-grey) timber cladding to the first floor walls, white painted brick to ground floor walls, red pantiles and painted timber windows.

The existing point of access into the site from Cross Lane rises from road level. It is initially shared with the neighbouring bungalow (Little Rising) before it is separated by a 2.5m hedge and leads off to the gravelled frontage of Annalea with ample parking and turning.

The boundary treatment for the site comprises:

- North (Cross Lane) and East (Stockings Lane) – mixed hedge and other foliage at minimum 2/3 m high
- South (with 14 Roman Way) 2m close boarded fence with one tall tree and a collection of smaller growth trees planted within the site boundary
- South-west (with 16 Roman Way) minimum 3m high hedge
- West (with Little Rising, Cross Lane) – mixed fencing, the shared garage block and 2m hedge

The application seeks to construct:

- A two storey side extension on the south-east side elevation, encompassing the existing south-east ground floor projection and actually extending the existing width of the building from 12m to 13.8m. Thus, the proposed ground floor area would effectively extend an existing bedroom and the new first floor area provides a lounge extension. The existing balcony is extended across the extended façade. There are two first floor windows on the south-east side elevation but none on the rear south-west elevation.
- A first floor rear extension over the ground floor bedroom forming the existing single storey rear projection (south-west elevation) to create a snooker room. There are no windows detailed in the rear south-west elevation. However, there is a one window at first floor level on the north-west elevation and two windows at first floor level on the

south-east elevation, the latter reduced in number from 4 windows in the amended scheme.

- A double garage, with storage space over accessed by a loft hatch. The garage has a ground floor area 6.75m x 5.8m and eaves level at 2.6m. The siting of the garage (as amended) is on the south-east corner of the site, set 1m minimum off the eastern hedged boundary and 2m minimum off the 2m boundary forming the south boundary. The ridge is orientated north-west to south-east at height 5.3m and there are two velux roof windows in the north-east facing roof plane

Materials are proposed to match, in keeping with that existing

The current arrangement in the dwelling, utilising the ground floor for sleeping accommodation (4 bedrooms) and the first floor for day-to-day living, will continue. There is no increase in the number of bedrooms.

SUPPORTING CASE

Comments supplied by the Agent and Applicant in response to objections:

In relation to overshadowing, the Agent has supplied a plan (GA.05), in effect overlaying the proposed block plan and identifying the rotation of the sun (against the backdrop of the proposed garage) and splay during the year affecting ground floor windows (northern elevation) of 14 Roman Way in comparison to objections raised (overshadowing). The result identifies minimum disruption will be created by the siting of a garage in the site.

The applicant identifies the requirement to extend the dwelling is with a view to future permanent occupation by the family, thus becoming much needed full time residents in a predominantly second home owner village.

The site is 'substantial' and well able to accommodate the extensions and an additional garage. Generally, Permitted Development regulations for garages / outbuildings suggest that a maximum of 50% of the site area can be covered by such buildings; in this case the impact is minimal at roughly 5% of the total site area. The matter of whether the garage can be converted at a later date can be adequately controlled by planning regulations.

Foundation depth: Matters relating to garage foundations will be assessed by Building Control. This is not a planning matter. The correct 'party-wall' procedure will be followed in due course and if garage foundations are deeper than the neighbour (south) and within 3 metres of their property, then a 'three metre notice' will be served in the normal manner.

Mains drainage: Building Control and Anglian Water will be consulted and will require a satisfactory engineered technical solution to be approved before building work starts

Loss of light / garage siting: The proposed single storey garage will not have an impact on neighbour light levels. It is orientated politely with the eaves and ridge parallel to the boundary on the northern side of the neighbouring site. In amending the original scheme, a lower ridge, now orientated east to west, has been applied and the southern elevation of the garage is now sited 2m away from the southern neighbour boundary.

Loss of view: Any views the neighbour currently enjoys (which must already be minimal on account of tall hedges and boundaries) are not a right that he can continue to expect under planning law.

Impact on the historical Roman fort of Branodunum: The suggestion to site the garage in the north gravelled area of the house is impractical, as indeed reported in the response from Historic England suggesting that a garage closer to the 'fort ditch' known to run close by would clearly be detrimental to the setting of the Scheduled Ancient Monument. It would also contravene the recommended location for garages in the permitted development regulations, that is 'not to be forward of the principal elevation of the house'.

Covenants applying to Annalea: This is a civil issue, not a planning matter and will be attended to in due course.

Highways: An additional point raised is about the traffic in Cross Lane and Stocking Lane. Many major developments have been undertaken in the vicinity and this project is very modest in comparison. Highways have not raised an objection to the proposal.

PLANNING HISTORY

09/01226/F: DCB Permitted: 08/09/09 - Ground floor and first floor extension including balcony – Annalea (Not built to date)

08/01674/F: Refused: 09/09/08 - Remove roof of existing single storey section of house, extend footprint and add second storey with roof terrace over – Annalea

- Appeal Dismissed 05/05/09

08/00149/PREAPP: Withdrawn: 20/06/08 - First floor extension and roof terrace - Annalea

03/1785/F: Permitted: 30/10/03 - Ground floor and first floor extensions to dwelling including balcony's - Annalea

02/0500/F: Permitted: 23/07/02 - Extensions to dwelling and detached garage (modified scheme) - Annalea

RESPONSE TO CONSULTATION

Parish Council: OBJECT - comments:

- Vast overdevelopment of a site and thoughtless siting of a new garage.
- Neighbours loss of privacy - overlooked to an unacceptable degree.
- Neighbourhood Plan applies.
- AONB.

Local Highway Authority: NO OBJECTION – informal advice on the highway boundary applies

Historic England - Archaeological: NO OBJECTION

NCC Historic Services - Archaeological: NO OBJECTION – conditions apply

The proposed development site lies within 15m of the scheduled area of Brancaster Roman fort (protected by the Ancient Monuments and Archaeological Areas Act 1979). Cropmarks and previous excavations immediately to the southwest of the site indicate that it lies on the edge of the fort ditch and within the civilian settlement associated with the fort. It is likely that

important archaeological remains and artefacts will be present at the proposed development site.

Consequently there is potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance would be affected by the proposed development

Representations: Two neighbour objections with comments:

The upper storey builds will be clearly visible from 14 Roman Way and further restrict light on the northern elevation of the kitchen, which is already restricted for six months of the year by a mature tree which overhangs the property. During the winter period, the proposed side extension will further restrict light to this key family room.

The situation of loss of privacy already exists. Further development increases the issues – resulting in loss of value

The double garage being erected just a few feet from the boundary will also restrict light to the window providing the main light source to the kitchen (northern elevation) and this will affect the quality of our life in a room which is one of the key areas of our house. The kitchen side window is restricted for six months of the year by a tree.

Annalea occupies a substantial plot and the garage could be sited in the north east corner. The views from the decked patio area on the eastern elevation and from all the windows to the rear of our house (kitchen, lounge and bedrooms) again a few feet from the proposed construction, will be changed completely. There will be an increase in diesel/petrol fumes given the closeness of this garage. This aspect is one of the most pleasant features of our home, and a clear quality of life issue and be completely out of keeping with the immediate area.

Instead of the tree line that marks the boundary of the Branodunum historic site, owned by the National Trust, we will be presented with a 15-16 foot high solid structure looming over the garden and house. We are residents of Brancaster and we should not be placed in a significantly worse position for the sake of the provision of the extensions to what is currently a holiday home occupied for 6-8 weeks per year. Works will involve months of noise, disturbance and mess and impact on the mains drainage channels for this house are not clearly identified

Amended plans do not address concerns raised. The issue of sunlight relates to the effect of the development on total daytime ambient light, not direct sun light.

NATIONAL GUIDANCE

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

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

LDF CORE STRATEGY POLICIES

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS11 - Transport

CS12 - Environmental Assets

CS07 - Development in Coastal Areas

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM15 – Environment, Design and Amenity

OTHER GUIDANCE

Brancaster Parish Neighbourhood Plan 2015

PLANNING CONSIDERATIONS

- Principle of development
- Previous applications
- Form and character
- Scale, design, residential and visual amenity
- Impact on the Area of Outstanding Natural Beauty
- Other considerations

Principle of development:

The application site lies to the north-east of the central area of Brancaster and comprises a two and single storey dwelling at the Cross Lane / Stockings Lane junction, approximately 170m north of the A149.

The National Planning Policy Framework (NPPF):

Nationally, the NPPF seeks a high standard of design that takes the opportunity to improve an area. Some of the key objectives referred to in the NPPF are for development which responds to the local context and creates or reinforces local distinctiveness, are visually attractive as a result of good architecture and appropriate landscaping.

The importance of design in protecting the AONB is identified in Paragraph 115 of the NPPF.

In terms of the KLWNBC Core Strategy 2011:

- Policies CS01 and CS02 identify Brancaster, with Brancaster Staithe and Burnham Deepdale as a Key Rural Service Centre in the settlement hierarchy, where local scale development will be concentrated, including new housing, employment and retail development.
- Policies CS06 and CS08 state that good design are a key element of sustainable development, but should not be to the detriment of the character or surrounding area or landscape.

Policy CS07 (development in coastal areas) seeks to balance the sensitivity of the coastal area / AONB with the development and advises that new development should enhance the local character

Policy DM15 (environment, design, amenity) states that development must protect and enhance the amenity of the wider environment including its heritage and cultural value and that proposals will be assessed against their impact on neighbouring uses and their occupants. Furthermore, proposals will be assessed against a number of factors including overbearing, overshadowing, noise and visual impact and development that has a significant adverse impact on the amenity of others or which is of a poor design will be refused.

Brancaster Neighbourhood Plan 2015:

This Neighbourhood Plan includes Policies to limit the size of new dwellings, influence design and layout, and conserve the character of the area. It is considered in context with the aforementioned Policies.

The Brancaster Plan (para.3.14) identifies support for development necessary to sustain and accommodate communities living in the village, be they working families, retired, second home owners or tourists

Policy 2 – design, style and materials: refers to extensions being carefully designed to blend to maintain the village character with the use of traditional materials encouraged

Policy 3 – footprint: advises that extended buildings should occupy no more than half the plot

Policies 8/9 – protection of heritage assets and landscape: states new development shall have due regard for heritage assets and AONB

This application seeks to extend the dwelling with two storey extensions and a detached double garage, the latter on the south-east side of the dwelling. There is no increase in the height nor on the number of bedrooms. The design, style and material proposed are considered to be in keeping with that existing and acceptable to the locality

The status of the locality (AONB) and that of the adjacent historic asset (site of Brandonum - east) are both acknowledged but in principle do not outright restrict the proposed works. Archaeology works are accounted for by way of conditions. There are no other known restrictions affecting the proposed development site.

The main issues for consideration in this case, therefore, are whether the proposed extensions are appropriate in terms of design and scale for this site to be in harmony with the character of the surrounding development, whether the development is likely to have an adverse impact upon the amenity of existing residents and whether the proposed development will have a harmful impact upon the natural beauty of the landscape in this designated area.

It is considered that the principle of the proposal is acceptable, as it accords with the provisions the NPPF, the Core Strategy, Local Policy and the Brancaster Neighbourhood Plan.

Previous applications:

Application 08/0167/4F related to an increase in footprint, the removal of the roof from the existing single storey south-east projection and constructing a flat roof, second storey over, with a roof terrace thereon. The application was refused for two reasons:

- The proposed extension, by reason of its design and scale will appear unduly prominent in its setting and not in harmony with the building characteristics of the area

- The proposed extension, by reason of its design, form and scale, will have a detrimental impact upon the amenity of the occupants of the neighbouring properties in terms of overlooking.

The resulting Appeal raised no objection to a ground floor extension and, in principle, no objection to a second storey. However, it was dismissed on the grounds that the roof terrace would adversely affect the residential environment of neighbours and considered the design / scale of the building, having a bulky, box like shape, was not in keeping and would detract from the Area of Outstanding Natural Beauty

Application 09/01226/F, determined by the Planning Committee, was approved in 2009, though has not been built to date. The scheme proposed differed notably from the 2008 application in that a more traditional gabled ended roof span was proposed, with no roof terrace included. This addressed the concerns cited by the Inspectorate in the appeal decision.

Form and character:

Dwellings on the northern side of Cross Lane, to the west of the site, comprise a vast mix of two and single storey, generally detached dwellings, but mixed vastly in age, scale and design. The land directly north of the site is open marsh with views towards the sea.

The proposal site lies at the eastern most fringe of the settlement boundary and, whilst of earlier construction, is viewed in context with the relatively modern dwellings forming the Brandonum estate, a rectangular area which lies between Cross Lane and the A149 and is east of the Conservation Area. The Brandonum estate dwellings are mixed in scale and design, with red/brown brick and brown pan-tiles the norm, but with occasional timber cladding and / or light colour painted brick

This area of land is at a higher level than Cross Lane (north) and Stockings Lane (east)

To the southern boundary of the site lies a two storey detached dwelling (14 Roman Way), with ridgeline orientated east/ west, whilst to the south-west at an angle lies 16 Roman Way and to the west lies a detached bungalow 'Little Rising', also angled in its siting.

Scale, design, residential and visual amenity:

South-east projection:

The proposed south-east, two storey projection provides a gable to the front and rear, proportionate in width to that existing with a matching ridge height. Otherwise, it mimics the existing façade and that approved in 2009 with a continuation of style to the front elevation, no overlooking rear windows and use of matching external materials (clay pan-tiled roof, timber cladding and painted brick).

The similar pattern of fenestration, and the extension of the existing front balcony, provides a continuation to the front elevation. The narrower width of the extended balcony, in comparison to that of existing, prevents this feature visually dominating the front elevation of the dwelling, whilst contributing positively to the appearance of its north-east facade.

The principle to increase the footprint of the south-east elevation and effectively construct a first floor extension to the existing ground floor projection was considered acceptable in 09/01226/F, both in terms of residential amenity and adverse impact on the AONB. That element of the current overall proposal differs little from that approved (but not built). Notwithstanding a change in the roof alignment, there is no gain in ridge height, no issue with overlooking or overbearing on the neighbouring site (south) 14 Roman Way, the

boundary fence of which is a minimum 7.3m from the extreme south-east corner of the proposed extension. Orientation identifies there should be no overshadowing from this part of the proposal. There are two first floor windows on its end elevation (south-east). The angle of the dwelling on the site dictates the view will be over the proposed garage towards Stockings Lane. There is no direct overlooking to neighbouring sites.

South-west projection:

The proposed south-west facing projection would create a first floor extension (snooker room) over the existing rear south-west facing projection (bedroom 4). The works create no increase in ground floor area, has a lower ridgeline, with a south-west facing gable end, in keeping with that proposed on the south-east elevation. There are no first floor windows on the rear south-west facing gable and therefore no overlooking issues south-west towards 16 Roman Way. The distance to the boundary is limited to 3.5m where the boundary treatment comprises a 3m minimum high mature hedge. However, taking into account favourable orientation and site layouts, overshadowing or overbearing issues are unlikely.

On its south-east facing elevation, the proposal has two first floor windows (sunken dormers). These windows overlook the rear garden of the dwelling but have an outlook towards the south boundary of the site where there is a 2m fence, one tree @ 4m minimum and a row of small 'fence-high' trees, the latter fence forming the boundary with 14 Roman Way (south)

Comments, as listed, have been received from 14 Roman Way and these are supported by the Parish Council. Material objections in the main relate to:

- Overbearing - extensions and proposed garage
- Restricting light, view and overlooking of windows to north elevation.

The proposed south-east facing wall of the south-west projection will be a minimum 11m distant from the south boundary fence and 13m minimum from the area of the said kitchen door and window. It is acknowledged that there may be some view into this kitchen window of 14 Roman Way at certain times of the year when the foliage is thinner, but overall, the said separation distance, taking into account layouts and boundary treatment, is considered adequate to negate direct overlooking into a kitchen living area or first floor window. The separation is considered sufficient to negate overbearing and orientation is favourable sufficient to negate overshadowing.

The north-west elevation of the south-west projection has one central first floor window (sunken dormer). Taking into account the position of the existing semi-detached garage unit on that boundary (shared with the neighbouring bungalow site of Little Rising), separation distance and hedge on the boundary, overlooking and overbearing are unlikely issues.

Detached double garage:

The garage would be constructed from timber cladding, with matching pan-tiles proposed, in keeping with the dwelling and creating minimal impact on the locality in terms of appearance.

The garage proposal has been amended since the original objection, by lowering the ridge to 5.3m and specifically by rotating the ridgeline to an east/west gable ended arrangement, such that the roof planes are north and south. The amended siting provides a minimum 2m separation gap from the southern boundary, as detailed previously under 'The Site and Application', with dense high hedge on the eastern side.

Given the amended layout, with orientation favourable, there should be no overshadowing and the angle of the roof plane will allow natural light to the southern boundary, and reduce an aspect of the development, considered in objection as 'overbearing', to an acceptable level, taking into account site layouts.

There is no right to a view and other matters have been addressed elsewhere in this report

Notwithstanding the comments of the Parish Council (reference to the Brancaster Neighbourhood Plan) and those received by way of objection, overall the design and scale of the extensions and garage are considered to be appropriate to, and in keeping, thus maintaining the existing character, without undue adverse impact on the neighbouring sites

Impact on the Area of Outstanding Natural Beauty

The site, on the edge of the settlement on a corner plot, is within the AONB. Notwithstanding high hedges which surround the site, there are public views of the property – mostly from across the fields from the coastal path (north). However, the dwelling is seen against a backdrop of other development. With this regard it is necessary to assess whether the proposed development will be significant enough to have a significantly detrimental impact upon the natural beauty of the landscape in this designated area.

The extension, given its two storey height and siting at the edge of the built environment, will increase the scale of the building resulting in it becoming more prominent within a protected landscape. However despite the dwellings increased scale, given the extension continues the existing form, maintains the buildings existing height and uses the same external materials, the development is not considered to result in a building which is out of proportion within the landscape.

Notwithstanding the Parish Council comments, the revised facade is considered to compliment the dwelling without compromising the setting of the AONB and Roman Fort

Other considerations:

Historic Services:

The nature of the historical site of Brandonum (east) is acknowledged. A programme of archaeological work is required in accordance with paragraph 141 National Planning Policy Framework 2012.

The programme of archaeological mitigatory work will comprise the monitoring of groundworks for the development under archaeological supervision and control.

NCC Highways:

Notwithstanding the narrow width of the access routes (particularly Stockings Lane) the application identifies no increase in traffic, with adequate on-site parking and turning. The Highway Authority has raised no objection and that response accords with Policy 4 of the Brancaster Neighbourhood Plan

Ecology:

There is no information to support the presence of endangered species on the proposal site

Crime and disorder:

There are no issues affecting the development site

Other matters:

- Noise during works is considered temporary.
- Drainage is covered by Building Control
- Party Wall issues are civil matters

CONCLUSION:

This is a proposal to extend a residential dwelling within Brancaster, and in these terms is acceptable in principle.

In terms of residential amenity, it is acknowledged the development will create some view towards neighbouring dwellings, but any intrusion should be minimal and taking into account site layouts and neighbour amenity areas, this does not amount to adverse impact. Likewise, amendments to the siting and design of the proposed garage have accounted for undue overbearing, overshadowing and perceived loss of light to the southern neighbour.

In relation to the protection of the locality it is considered that the scale, form, design and matching materials proposed would result in an acceptable form which has due regard for, and will not adversely impact on, heritage assets and the Area of Outstanding Natural Beauty.

In the light of National Guidance, Development Plan Policies and other material considerations, it is recommended that this application is approved.

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:
 - Layout – drawing GA01 revision 2 – receipt dated 6/12/16
 - Block plan – drawing GA02 revision 3 – receipt dated 6/12/16
 - Elevations – drawing GA03 revision 3 – receipt dated 6/12/16
 - Garage elevations / layout – drawing GA04 revision 2 – receipt dated 6/12/16
 - Block plan of site in context with neighbouring sites – drawing GA05 – receipt dated 6/12/16
- 2 Reason For the avoidance of doubt and in the interests of proper planning.

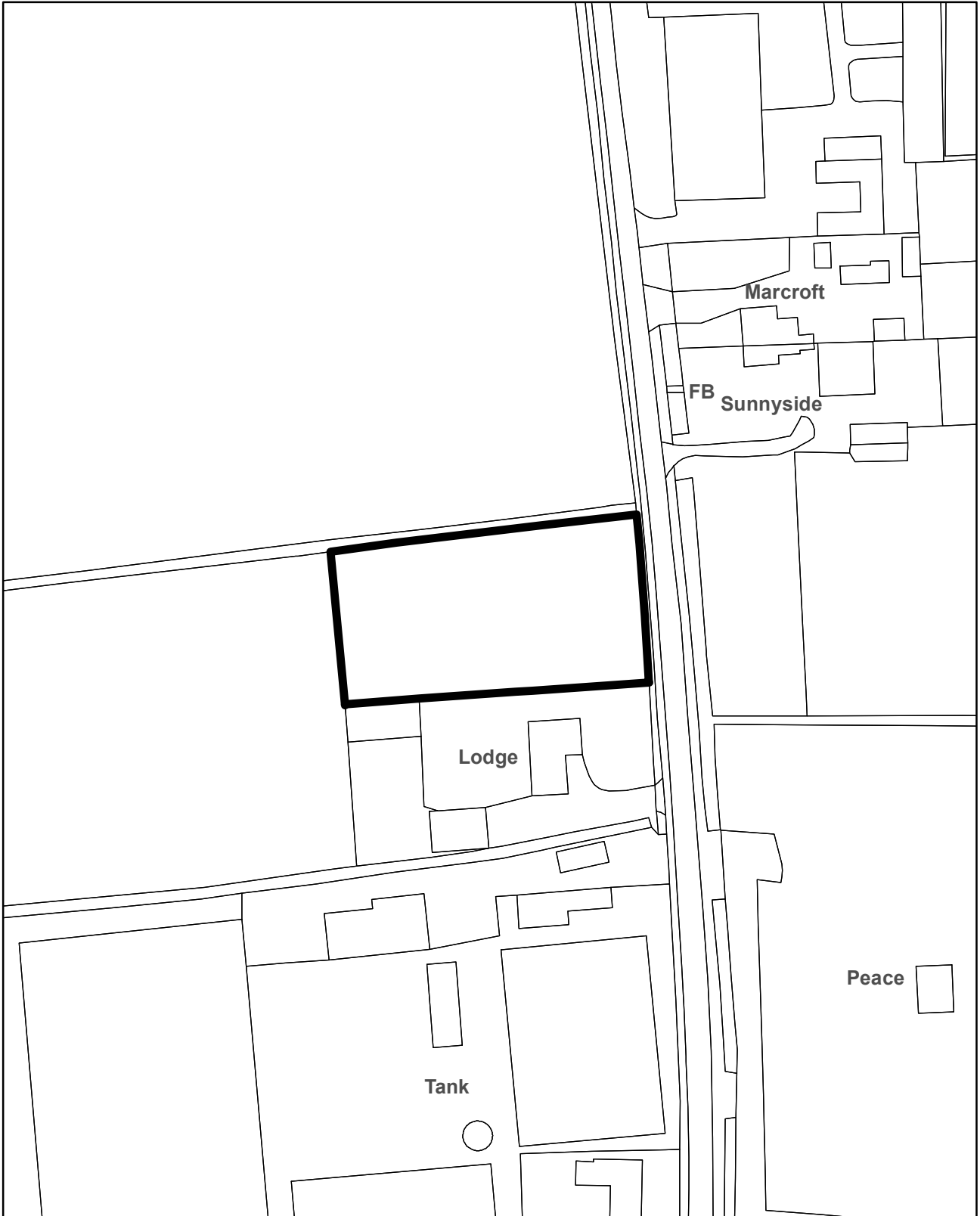
- 3 Condition No demolition / development shall take place / commence until a Written Scheme of Investigation for a programme of archaeological works has been submitted to and approved by the local planning authority in writing. The scheme shall include:
- An assessment of the significance of heritage assets present
 - The programme and methodology of site investigation and recording
 - The programme for post investigation assessment of recovered material
 - Provision to be made for analysis of the site investigation and recording
 - Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - Provision to be made for archive deposition of the analysis and records of the site investigation
 - Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- 3 Reason To safeguard archaeological interests, in accordance with the principles of the NPPF 2012. This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks / construction.
- 4 Condition No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under Condition 3.
- 4 Reason To safeguard archaeological interests in accordance with the principles of the NPPF 2012.
- 5 Condition The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 3 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 5 Reason To safeguard archaeological interests in accordance with the principles of the NPPF 2012.
- 6 Condition The use of the garage building hereby approved shall be limited to purposes incidental to the needs and personal enjoyment of the occupants of the dwelling and shall at no time be used for independent residential occupation, or for any business or commercial purposes.
- 6 Reason In the interests of residential amenity, in accordance with NPPF 2012
- 7 Condition Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B and D of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the enlargement, improvement or other alteration of a dwelling house, the enlargement of a dwelling house consisting of an addition or alteration to its roof, or the erection or

construction of a porch outside any external door of a dwelling house, shall not be allowed without the granting of specific planning permission.

- 7 Reason In the interests of residential amenity, in accordance with the NPPF 2012
- 8 Condition Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no new windows/dormer windows (other than those expressly authorised by this permission), shall be allowed at first floor level on the proposed south-east, south-west and north-west elevations without the granting of specific planning permission.
- 8 Reason In the interests of residential amenity, in accordance with the NPPF 2012

16/02068/O

Fenland Lodge School Road Terrington St John



AGENDA ITEM NO: 8/3(m)

Parish:	Terrington St John	
Proposal:	Outline Application: Construction of 2 dwellings, 1 to facilitate home-working	
Location:	Fenland Lodge School Road Terrington St John Wisbech	
Applicant:	C/O Agent	
Case No:	16/02068/O (Outline Application)	
Case Officer:	Clare Harpham	Date for Determination: 24 January 2017 Extension of Time Expiry Date: 13 February 2017

Reason for Referral to Planning Committee – Councillor Ayres has requested that the application be determined by the Planning Committee

Case Summary

The application site is currently agricultural land to the western side of School Road, Terrington St John. The application is for outline planning permission for the construction of two dwellings (access to be considered at this stage). The application site is outside the development boundary of Terrington St John as defined by Inset G94 and Policy DM2 of the Site Allocations and Development Management Policies Plan 2016.

Key Issues

Principle of Development
Highways Issues
Neighbour Amenity
Flood Risk
Other material considerations
Crime and Disorder

Recommendation

REFUSE

THE APPLICATION

The application site is currently agricultural land to the western side of School Road, Terrington St John. The site is bounded to the roadside by a native hedgerow.

The application is for outline planning permission for the construction of two dwellings (access to be considered at this stage) one to facilitate home working.

SUPPORTING CASE

The site lies close to the southern edge of the identified development boundary of Terrington St John and is 'sandwiched' between the physical built-environment boundary to the north, namely recently approved 15/01660/O | Outline Application: Construction of 5 x 4/5 bedroom executive style houses including homeworking facilities and sustainable build considerations at Land S of Cowslip Barn and to the south dwellings, including Fenland Lodge, either side of a large expanse of glasshouses.

The site was previously identified as former redundant arable land, the nature and size of which makes the plot reasonably unworkable to modern farming methods and equipment. However the discovery of an early aerial image identifies the site as having accommodated various buildings in the past. Clearly this is the reason for the land having not been in any gainful use. In essence its only use has been amenity land in association with Fenland Lodge, where the family's children have played, more recently enjoying quadbikes etc. whereby the land has been, in effect, extended garden.

The intention is to retain as much hedging as possible, subject to highways visibility splays.

The site scores more favourably in terms of sustainability 'Ten types of facilities and Services' than many sites which were selected as preferred options in the Borough, scoring higher than sites in neighbouring Marshland St James. This sustainability was confirmed by the approval for the adjacent land at 15/01660/O. The village is served by good public transport.

The site is sustainable due to a possible train line between King's Lynn and Peterborough (currently in talks).

The Inspector when assessing the sequential test in appeal decision APP/V2635/A14/2214514 (13/00989/O Land Adj. 145 Croft Rd, Upwell) was passed and the location of this site is at a lower flood risk than that site when assessed against the Local Authority hierarchy.

The number of dwellings the Core Strategy provides for in each class of settlement is a minimum and therefore there is potential to exceed this.

The proposal makes good use of redundant land.

In other villages (Walpoles) the Inspector concluded that some of the allocation sites represented 'infill' and would form a natural continuation of existing development. Also residential development has been approved as 'infill' in Boughton (16/00753/O).

There is a shortage of homes in the area and the proposal which includes a home office would suit senior management, skilled technical and executive staff of which there is a shortage in West Norfolk.

The land has been used as amenity land to Fenland Lodge and a certificate of lawfulness is to be applied for in future.

Early imagery shows earlier structures and this could be considered previously developed land which is a material consideration. A High Court judgment (Dartford Borough Council vs Secretary of State for Communities & Local Government) CO/4129/2015) stated that land in built-up areas such as private residential gardens were exempt from the definition of brownfield land in order to prevent garden grabbing due to more demand in urban areas. It is argued therefore that garden land outside 'built up' areas is brownfield land.

PLANNING HISTORY

16/01240/O: Application Withdrawn: 06/09/16 - Outline Application: Construction of 2 dwellings - North of Fenland Lodge School Road

RESPONSE TO CONSULTATION

Parish Council: SUPPORT no comments made.

Highways Authority: NO OBJECTION The applicant has identified both red and blue edged land which should enable the application site to be provided with visibility splays to the adopted standard. The width of the existing footway was raised as a concern in relation to the application to the north of the site. The LHA would not be against the principle of the application provided that acceptable visibility splays are provided for the point of access, parking with turning is achieved and footway widening across the frontage of the site is incorporated. Recommend conditions which relate to the consideration of access only at this stage.

Environment Agency: NO OBJECTION It is the responsibility of the LPA to carry out the sequential test. No objection to this application, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA), including raising floor levels (300mm above adjacent ground level) and incorporating flood resistance and resilience measures into the development are adhered to.

Environmental Health & Housing - Environmental Quality: NO OBJECTION Based upon the information supplied no comment to make with regard to contaminated land or air quality.

Emergency Planner: Due to sites location in an area at risk of flooding, applicant should sign up to EA Flood Warnings Direct Service and prepare an Evacuation Plan.

REPRESENTATIONS

THREE letters of SUPPORT on the following grounds:-

- Will enhance the locality.
- Will not spoil views as little can be seen currently due to the hedge.
- Good use of the land.
- Own the adjacent land which has permission to be developed. Do not want an untidy site next door and developing this site will increase marketability of adjacent development.

THREE letters of OBJECTION on the following grounds:-

- The proposal is outside the development boundary.
- Recent refusals in the area have said planning policy states that countryside should be protected.
- Infilling along School Road will inevitably change the character of the area with sporadic development contributing to ribbon development.
- There have already been a large number of approvals along School Road and the village.
- Large detached executive homes will lead to more cars, especially with work units which will have more cars at the site with additional parking.

- Large luxury houses are not needed what about 2 and 3 bed houses for locals?
- Can local services cope with the extra demand generated by additional housing?
- This is a rural area with associated horses which could be scared during construction phase.
- Impact of construction on surrounding, i.e. noise and disturbance.
- Impact on wildlife that currently utilise the site and surrounding area.
- The road is not suitable for more development, no footpath and the road is quite narrow with vehicles which speed.
- Increased flood risk due to more development. Has the impact on interlinked dykes been considered as run off will go into other peoples' dykes.
- There is no mains drainage or gas supply to the site.

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

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS09 - Housing Distribution

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM2 – Development Boundaries

DM6 - Housing Needs of Rural Workers

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

DM21 - Sites in Areas of Flood Risk

PLANNING CONSIDERATIONS

The main issues to consider when determining this application are as follows:

- Principle of development

- Neighbour Amenity
- Flood Risk
- Highways Issues
- Other material considerations

Principle of development

The application site is located outside of the development boundary of Terrington St John and therefore within the countryside as defined by Inset Map G94 and Policy DM2 of the Site Allocations and Development Management Policies Plan (2016).

Whilst planning policy has a presumption in favour of sustainable development, the proposal needs to accord with the three dimensions which underpin such development, i.e. economic, social and environmental aspects which are mutually dependent. One of the core principles of the NPPF is that the intrinsic character and beauty of the countryside should be recognised. Policy CS01 and CS06 of the King's Lynn Core Strategy (2011) reiterates that beyond the villages and in the countryside, the strategy will be to protect the countryside for its intrinsic character and beauty and Policy CS06 goes on to state that development of greenfield sites will be resisted unless essential for agricultural or forestry needs. No justification relating to housing need for a rural worker has been submitted and therefore the proposal is simply for two unrestricted dwellings in the countryside. The proposed dwellings would consolidate sporadic development in an area characterised by farmland and horticulture. The proposal would harm the rural character of the area and be contrary to policies to protect and focus new housing in sustainable locations. Consequently the proposal is contrary to the provisions of the NPPF and Policies CS01 and CS06 of the King's Lynn and West Norfolk Core Strategy (2011).

In addition, given the sites location outside of the development boundary and the fact that there is no justification for the proposal with regard to an essential housing need for a rural worker the proposal also fails to accord with Policies DM2 and DM6 of the Site Allocations and Development Management Policies Plan (2016).

Neighbour Amenity

The application proposed is an outline application at this stage. Issues regarding neighbour amenity could be dealt with fully at the reserved matters stage.

Flood Risk

The application site is within Flood Zones 3 of the King's Lynn and West Norfolk SFRA and part of the site is within the Tidal River Hazard Mapping Area 2015. There are no objections from the Environment Agency to the proposal based upon the submitted FRA, provided conditions are in place to secure the finished floor levels and flood resilience measures.

Whilst the EA have no objections, the LPA still need to apply the sequential and exceptions test. The aim of the sequential test aims to steer new development to areas with the lowest probability of flooding. Within the village there are sites at a lesser risk of flooding.

As stated within paragraph 104 of the NPPF only sites which have been allocated in development plans through the sequential test do not need sequentially testing in an individual application. This is not the case here. There are areas within the village of Terrington St John which are within Flood Zone 2 and therefore at a lower risk of flooding.

The current proposal is for two dwellings and therefore sites which could accommodate two dwellings have been considered when applying the Sequential Test. There are no sites identified within the Residential Land Availability by Parish (March 2015) nor within the Housing and Economic Land Availability Assessment within Terrington St John. The sequential test is therefore passed as there is no comparable land available at a lower risk of flooding.

As the proposal is in flood zone 3 then the exceptions test needs to be passed as well as the exceptions test. The Environment Agency are satisfied that the site specific flood risk assessment demonstrates that the development will be safe for its lifetime provided the mitigation measures within the FRA are secured by condition. However the proposal is outside the development boundary and not considered to be a sustainable location and therefore the sustainability benefits of approving two dwellings in this location do not outweigh the flood risk and consequently the proposal fails the Exceptions Test.

Highways Issues

There are concerns from the Highways Officer with regard to the width of the footpath to the front of the site although there are no objections to the proposal subject to the provision of a visibility splay and off site highway improvement works.

Other material considerations

The agent has tried to justify the proposal in a number of ways:-

- The site scores highly in terms of sustainability 'Ten types of facilities and services'.
- There is an approval immediately to the north of the site (15/01660/O) approved when the Borough lacked a five year land supply.
- There have been sites allocated within the Site Allocations and Development Management Policies Plan which the Inspector stated was 'infill' as well as a further approval in Boughton which was approved as 'infill'.
- Has stated that there have been approvals in areas at more risk of flooding.
- A High Court ruling has resulted in gardens within the countryside being classed as previously developed land.

None of the reasons given within the Statement of Justification are material considerations which would outweigh the fact that the proposal is for two dwellings, without any rural justification within an area defined as countryside. Much of the information given can be rebutted or is not pertinent to the consideration of this application.

Crime and Disorder

There are no crime and disorder issues which arise from this application.

CONCLUSION

The proposed new dwelling would be located within the countryside and has no justification with regard to housing needs for a rural worker.

It also fails the exceptions test as the location means there are no sustainability benefits to the proposal which would outweigh the flood risk. Consequently the proposal is contrary to the National Planning Policy Framework, Policies CS01, CS06 and CS08 of the King's Lynn and West Norfolk Adopted Core Strategy 2011 and Policies DM2, DM6, DM15 and DM21 of the emerging Site Allocations and Development Management Policies Plan (2016).

In light of National Guidance, Development Plan Policies and other material considerations it is recommended that Planning Permission for the development as proposed should be refused.

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 Planning policy states that the countryside should be protected beyond the villages for its intrinsic character and beauty and that development will be resisted unless essential for agricultural or forestry needs. The proposed new dwellings are located outside of the development boundary with no justification and are therefore contrary to the provisions of the NPPF, Policies CS01 and CS06 of the King's Lynn and West Norfolk Core Strategy 2011 and do not accord with Policies DM2, DM6 and DM15 of the Site Allocations and Development Management Policies Plan 2016.
- 2 The application site falls within Flood Zone 3 as defined in the Council-adopted Strategic Flood Risk Assessment and passes the sequential test; therefore the exceptions test is required. The proposal does not represent development where the sustainability benefits outweigh the flood risk. The proposed development is therefore contrary to para. 102 of the NPPF, Policy CS08 of the King's Lynn and West Norfolk Core Strategy 2011 and Policy DM21 of the Site Allocations and Development Management Policies Plan 2016.