

AGENDA ITEM NO: 8/2(c)

Parish:	King's Lynn	
Proposal:	Proposed residential development	
Location:	Land Between Clenchwarton Road And Orchard Grove West Lynn King's Lynn Norfolk	
Applicant:	George Goddard Ltd	
Case No:	16/00572/FM (Full Application - Major Development)	
Case Officer:	Mr D Parkin	Date for Determination: 20 June 2016 Extension of Time Expiry Date: 14 November 2016

Reason for Referral to Planning Committee – The application is referred to Committee at the request of Councillor Joyce.

Case Summary

The application is for full consent for the development of 50 dwellings on land to the east of Clenchwarton Road, West Lynn. The land is greenfield and lies outside the settlement boundary.

Key Issues

The application raises the following issues:-

Principle of development;
Form and character;
Highway safety and access;
Crime and anti-social behaviour;
Ecology; and
Flood risk and Drainage.

Recommendation

REFUSE

THE APPLICATION

The application relates to a triangular site of 2.2ha to the east of Clenchwarton Road and to the south of St Peter's Road/Orchard Grove in West Lynn. Two storey houses on Orchard Grove lie adjacent to part of the northern boundary with an open area of land and a bungalow on Clenchwarton Road along the remainder of this boundary. To the south-east is a public footpath, a drain and open fields beyond. To the south-west is Clenchwarton Road with a metalled footpath running along the site boundary. On the opposite side of Clenchwarton Road is a terrace of 4 houses and a large warehouse complex.

The site itself is over-grown and has no obvious use at the moment. There are the remains of two buildings on the site but their previous use is not obvious given their condition. There

are hedges to the north and south-east boundaries and a post and rail fence to the south-west. Trees dot the site. There is also a pond in the northern half of the land, which appears to be seasonal.

Access to the land is via a field gate on the south-western boundary. There is no access to the land to the north via the application site; this appears to be accessed from the north between the houses on St Peter's Road.

The proposal is in full for 50 houses. Fourteen of the houses front on to Clenchwarton Road and have individual drive-ways off that road. The remainder are accessed via a new T-junction to the north of the site. The access road curves into the site. Twenty houses have drive-ways directly off the access road with 3 private drives giving access to the remainder.

The houses are a mix of two, three and four bed units. Most are detached or semi-detached with one terrace of three. The units are of a conventional design and are either 2 or 2 ½ storey's high. Parking is provided to County Council standards with 2 spaces for the 2/3 bed units and 3 for the four bed units.

Open space is provided in the centre of the site with replacement ponds in the southern corner alongside which runs a pedestrian link to the existing footpath on Clenchwarton Road.

SUPPORTING CASE

The applicant has submitted the following statement in support of the application:-

- Proposals are for a mixture of 2 and 2 ½ storey dwellings, the latter with first and second floor views across to the Town, a design as agreed with the King's Lynn Civic Society.
- A total of 50 houses proposed, 8 of which will be affordable housing subject to usual S106 planning agreement and the site owner will retain other houses for private renting.
- Public Open Space provided as a central green with dedicated children's play area.
- Secondary open space area provided alongside footpath to south east. Total open space area is much larger than required by planning Policy.

Housing designed to overlook Public Open Space and vulnerable crime areas. 'Secured by Design' Police Liaison Officer satisfied with the crime deterrent proposals and supports scheme.

Very little contamination on the site which was originally a Victorian house and gardens. Environment Agency satisfied and support the Flood Risk design measures. Emergency Planning Officer satisfied subject to normal warning provisions.

Surface water from site to be taken direct to the Internal Drainage Board open drain at the head of St Peters Road by running it within Clenchwarton Road. This will aid the drainage that serves Orchard Grove properties, and their present drain will also be cleaned out.

Landscaping Plan includes retaining the ancient hedge alongside the bank to the south east boundary with additional planting to reinforce its growth.

Many trees retained across the site, especially to the south east corner, within and around the dedicated wildlife area.

Wildlife area includes 2 new ponds and a wild growing dry area, designed to retain the potential for Great Crested Newts and attract all types of ecology. The area will be fenced off from the general public and maintained by a management company, who will be taking instructions from an Ecological Consultant.

Satisfies Norfolk Wildlife Trust and Natural England.

Fully supported by Norfolk County Council Highways. Highways suggested individual access points on to Clenchwarton Road to reduce local traffic speed – 30mph area to be extended.

Provides an immediately deliverable development in King's Lynn and the Developers are teamed up with local builders E.N.Suiter to take the planning permission forward.

This is not a land banking exercise. This site will be developed whilst others still sit dormant, although they had previous permissions or are adopted as preferred sites.

PLANNING HISTORY

None relevant

RESPONSE TO CONSULTATION

King's Lynn Area Consultative Committee Planning Sub-group: (on earlier proposals) Councillors considered that given the current deficiencies in design the application was not suitable to approve and raised the following issues:

- The footpaths needed to be removed from the scheme.
- The Internal Drainage Board needed to agree a suitable drainage scheme.
- Concern was raised over the speed of traffic along Clenchwarton Road as the number of accesses onto it would be increased.

Norfolk County Council - Highways Authority: NO OBJECTION subject to conditions

Norfolk County Council – Public Rights of Way: Disappointed to see removal of the pedestrian access to the existing Public Footpath 18 to the east of the site. This will isolate the site and future inhabitants from access to the wider countryside.

Norfolk County Council – Lead Local Flood Authority: Has no comments to make

Norfolk County council – Infrastructure & Economic Growth: **NO OBJECTION** subject to a Section 106 agreement to secure £151,372 contribution towards new self-contained class space at West Lynn Primary School Academy and £3,825 towards mobile library services in West Lynn plus a condition to secure fire hydrants.

Internal Drainage Board: NO OBJECTION requests conditions to secure final details of surface water drainage.

Environment Agency: NO OBJECTION subject to conditions to ensure that the development is completed in accordance with the flood risk assessment.

BCKLWN Community Safety * Neighbourhood Nuisance: NO OBJECTION subject to conditions to secure details of foul and surface water drainage and land drainage.

BCKLWN Environmental Health & Housing - Environmental Quality: NO OBJECTION subject to conditions to secure a construction management plan to mitigate the impact caused by noise and dust during construction.

Norfolk Constabulary: NO OBJECTION The layout will provide a secure environment for generations to come.

Norfolk Wildlife Trust: NO OBJECTION subject to conditions to secure an ecological management plan to ensure that the new ponds that provide compensatory habitat are managed for biodiversity.

Natural England: NO OBJECTION

BCKLWN Greenspace Officer: Comments that secondary area of public open space is not well over-looked but that the applicant has made improvements. Central area is well over-looked and can accommodate play equipment. Requests clarification as to management responsibilities for various areas of open space.

BCKLWN Housing Strategy: NO OBJECTION subject to a S.106 to secure 8 units of affordable housing; 6 for affordable rent and 2 for shared ownership.

REPRESENTATIONS

King's Lynn Civic Society: (on amended plans) supports comments made by Public Rights of Way officer. Secure by Design guidance is stifling good design. The architect has worked to produce a really attractive layout but closure of the footpath will force pedestrians to use the main road to go into the village.

TWENTY-EIGHT representations **OBJECTING** to the proposed development raising the following points:-

- Outside development boundary;
- Impact on residential amenity;
- Lack of infrastructure;
- Flood risk;
- Road safety;
- Impact on ecology;
- Out of character;
- Damage to existing properties during construction; and
- Crime and anti-social behaviour.

Petition received bearing 11 signatures raising the following points:-

- Outside development boundary;
- Development of a greenfield site;
- Inadequate infrastructure;
- Removal of trees prior to permission being granted;
- Loss of habitat;
- Poor drainage;
- Loss of hedgerow;
- Poor design and architecture; and
- Traffic impact.

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

CS03 - King's Lynn Area

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS09 - Housing Distribution

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM16 – Provision of Recreational Open Space for Residential Developments

DM17 - Parking Provision in New Development

DM19 - Green Infrastructure

DM21 - Sites in Areas of Flood Risk

PLANNING CONSIDERATIONS

The application raises the following issues:-

- Principle of development;
- Form and character;
- Highway safety and access;
- Crime and anti-social behaviour;
- Ecology; and
- Flood risk and Drainage.

Principle of Development

The application site lies adjacent to but outside the settlement boundary for West Lynn defined by the Site Allocations and Development Management Policies Plan (SADMPP) adopted by the Council on 29th September 2016. Development outside settlement boundaries is guided by Core Strategy policy CS06 and SADMPP policy DM2.

Policy CS06 states that Council's strategy beyond village boundaries is to protect the countryside for its intrinsic character and that development of greenfield sites will be resisted unless essential for agricultural or forestry needs.

Policy DM2 expands on this and says that new development beyond settlement boundaries will be limited to that identified as suitable in rural areas. It does list certain types of residential – rural workers housing and affordable housing.

The Council has a 5 year housing land supply and the policies of the Development Plan should therefore be considered as up-to-date and decisions should be made in accordance with these policies unless other material considerations indicate otherwise.

The applicant argues that the site would maintain the Development Plan allocation for West Lynn, which has been reduced during the consultation process. The applicant argues that this is a suitable site as it was a potential option in the plan preparation process.

The reduction in housing numbers that the applicant points to is a reference to the reduction in numbers on allocation E1.15 (Del Monte site) from 200 units down to at least 120. Notwithstanding this reduction, it remains the Council's position that there is a 5 year housing land supply. It is not, therefore, necessary to develop the site for housing.

In the absence of any other material considerations, the proposal is contrary to Development Plan policies as it represents inappropriate development in the countryside outside development boundaries. The proposal is therefore contrary to CS06 and DM2, which reflect national policies on development in the countryside.

Form and Character

The site is currently over-grown and outside the settlement boundary, which runs to the north of the site and to the west along Clenchwarton Road. The site is greenfield and was dotted with trees, some of which have been removed. Whilst it is not farmed, it is not used for any other purpose and the applicant's Design and Access Statement suggests it has been in this state for at least 40 years.

The design of the development itself is conventional with 2 and 2 ½ storey dwellings. However, developing this open land will move the position of the built edge southwards resulting in a change in the character of the village.

In the absence of any other over-riding need for the development, such as the absence of a 5 year housing land supply, there are no mitigating circumstances to weigh against the visual incursion of housing into the countryside on what is currently open land. Consequently, the proposal does not preserve the character of the countryside and is contrary to Core Strategy policy CS06, CS08 and CS12.

Highway safety and Access

The access arrangements for the proposed development are described earlier on in this report. 3rd parties and the KLACC Planning sub-group have raised concerns at the number of individual accesses on to Clenchwarton Road. However, notwithstanding these concerns, Norfolk County Council has been consulted on the proposals and has not raised an objection on road safety grounds.

The County Council's Public Rights of Way Officer has raised concerns that the public footpath on the south-eastern boundary running from Clenchwarton Road to the recreation ground to the north-east of the site and beyond will have the backs of properties along its

edge. The officer believes that this will reduce the attractiveness of the footpath and lead to management issues such as fly tipping. The King's Lynn Civic Society share these concerns.

The south-eastern boundary has been the subject of negotiations between the applicant, the police (see below) and the PROW officer. The original plan included a link between the proposed houses on to the footpath, which raised concerns from the police who considered it made the layout of the site too permeable. However, the link was supported by the PROW officer.

The applicant has chosen to remove the direct link as the footpath can still be accessed from the site using the pedestrian access in the southern corner. This represents a compromise between permeability and access to services which is generally acceptable. Even with the earlier version of the layout the issues raised by the PROW officer could still have arisen. Other powers exist to deal with fly tipping or obstruction of the right of way and as the proposal does not directly affect people's ability to use the footpath and indeed may lead to an increase in its use, the layout is considered acceptable in this regard.

Crime and anti-social behaviour

Earlier versions of the layout raised concerns from Norfolk Police in particular regarding permeability. In addition, the original layout for the open space was poorly over-looked with properties backing on to it.

The applicant has amended the layout to remove concerns over permeability (see above) and to provide a better layout for the open space with better passive surveillance. The Police liaison officer has commended the applicant in their efforts and there are no outstanding objections from him.

Ecology

The site has been described earlier in this report. The pond referred to in the description is classified as a County Wildlife Site; this would be lost as a result of the proposed development.

The application is accompanied by an ecology survey, which was carried out after the site had been cleared by ground flora. The original survey identified that the site had potential for nesting birds, bats and great crested newts. Further survey work was recommended for bats and great crested newts.

The original submission attracted an objection from Norfolk Wildlife Trust, primarily to the loss of the ponds. 3rd parties also objected to the loss of the ecological value of the site.

Since these initial objections, the further survey work suggested by the first ecological survey has been carried out, which has identified through DNA surveys that the pond does provide a habitat for Great Crested Newts. In response, the layout has been amended to provide compensatory habitat in the form of two new ponds to the southern end of the site. The timing of the provision of these ponds would need to be conditioned and their management secured through a Section 106 agreement. In addition, hedges identified as having potential for bats are shown as being retained.

In light of these changes, Norfolk Wildlife Trust has removed its objection.

Flood risk

The entire site is located in Flood Zone 3 of the Strategic Flood Risk Assessment predicted situation with climate change. It is also within the area covered by the tidal River Hazard Mapping.

Paragraph 100 of the NPPF states inter alia that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

For the reasons stated above within the 'Principle of Development' section of this report, the Council contends that this proposed development is not necessary as there are sites allocated for residential development within the recently adopted SADMPD. These sites have been through a selection process and the Council produced a document titled 'Provision of a schedule of allocated sites at risk of flooding and the Council's approach towards their satisfactory development' (August 2015), which was submitted for consideration by the Planning Inspector presiding over the examination of the SADMPD. The document was found to be sound and the SADMPD was adopted by the Council on 29th September 2016.

The application site lies within Flood Zones 3 of the Strategic Flood Risk Assessment, and also within the Tidal River Hazard Mapping Area produced by the Environment Agency in 2015. Had Sequential Testing been required, it would have failed once again due to the allocated sites within the village (all with outline planning permission).

Had exception testing been required, the proposal constitutes development in the countryside outside the defined development area of West Lynn and is concluded to be unnecessary as discussed earlier in this report.

The proposal is therefore not considered to be necessary and is therefore contrary to paragraph 100 of the NPPF and Policies CS01 and CS08 of the Core Strategy 2011.

Other Matters

Surface Water Drainage

Concerns are raised by neighbours that the site floods. The Environment Agency, Anglia Water and the Internal Drainage Board have been consulted. A drainage system that provides storage capacity within over-sized pipe work has been developed to reduce run-off rates. Consultees have reviewed the calculations accompanying the scheme and concluded that the scheme is acceptable subject to conditions.

Residential Amenity

3rd parties have raised concerns re: over-looking and loss of privacy. Properties to the north on Orchard Grove have long gardens and are, at minimum, 12m from the site boundary. At this minimum distance the new properties would be gable-end on to the boundary and some 5m from it. Where the new houses would actually face on to the gardens at Orchard Grove, they are 14m away from the boundary and any over-looking would be over the bottom end of neighbouring gardens that are over 40m long. With the size of the neighbouring gardens and the distance of the new houses from the boundary, any loss of privacy is not considered to be material.

Infrastructure

3rd parties have raised concerns over the lack of infrastructure in the village to support the development. Norfolk County Council has been consulted and requested contributions to new classroom space at the Primary School and towards the mobile library service that serves West Lynn. There is currently no mechanism to secure contributions to wider infrastructure provision such as doctor's surgeries.

Open Space

Policy DM16 requires that the development provides 850m² of public open space. Excluding the replacement wildlife ponds, the layout provides for 1536m². The open space is well overlooked where it will be used to provide play and recreation rather than structural planting. A Section 106 would be needed to secure management and maintenance of the open space.

Affordable Housing

8 units of affordable housing are being provided in 3 clusters: units 7 to 9; units 48 & 49; and units 39 to 41. This is compliant with the Council's housing policies on pepper-potting as well as Core Strategy policy CS09.

CONCLUSION

The design and layout of the proposed development has been refined over the life-time of the application to remove objections from consultees re: ecology, crime and disorder and open space. There are now no outstanding issues as far as formal consultees are concerned although there remain objections from neighbours.

However, key to the determination of this application is its location. It falls outside the recently adopted settlement boundary and is therefore contrary to development plan policies. Consequently, it fails two other hurdles – the harm caused by development in open countryside cannot be weighed against any wider benefit; similarly, the development is not necessary to meet any pressing need for housing and so fails on flood risk grounds as well.

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 This proposal is for a substantial estate development of mainly open market dwellings in a location regarded as 'countryside', where there is a general policy presumption against this type of development. The development would have an adverse impact upon the character and appearance of the Countryside. The proposal in principle is therefore contrary to the provisions of the NPPF, Core Strategy policies CS06 & CS08 of the Local Development Framework and policy DM2 of the Site Allocations & Development Management Policies Document.
- 2 Paragraph 100 of the NPPF states inter alia that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

For the reasons stated in Reason 1 above, the Council contends that this proposed development is not necessary as there are sites allocated for residential development in Clenchwarton within the recently adopted SADMPD.

The application site lies within Flood Zones 3 of the Strategic Flood Risk Assessment, and also within the Tidal River Hazard Mapping Area produced by the Environment Agency in 2015. Had Sequential Testing been required, it would have failed once again due to the allocated sites within the village (all with outline planning permission).

Had exception testing been required, the proposal constitutes development in the countryside well outside the defined development area of West Lynn and is concluded to be unnecessary development as discussed earlier in this report.

The proposal is therefore not considered to be necessary and is therefore contrary to paragraph 100 of the NPPF and Policies CS01 and CS08 of the Core Strategy 2011.