

AGENDA ITEM NO: 8/3(o)

Parish:	Walpole	
Proposal:	Construction of detached chalet bungalow	
Location:	The Willows The Marsh Walpole St Andrew Norfolk	
Applicant:	Mr Lee Walton	
Case No:	16/01849/F (Full Application)	
Case Officer:	Mr K Wilkinson	Date for Determination: 13 January 2017 Extension of Time Expiry Date: 10 February 2017

Reason for Referral to Planning Committee – Previous appeal history on this site.

Case Summary

This application is made for the construction of a detached chalet bungalow at The Willows, a plot of land on the south-eastern side of The Marsh, Walpole St Andrew.

An earlier application for reserved matters approval was refused and the subject of an appeal which was dismissed.

Key Issues

Planning History
Other material considerations

Recommendation

APPROVE

THE APPLICATION

The application seeks full planning permission for the erection of a single 3 bedroomed chalet bungalow on land at The Willows, a plot of land on the south-eastern side of The Marsh, Walpole St Andrew.

There are residential properties either side of the plot and a large land drain adjoining the road.

SUPPORTING CASE

The application is for a single dwelling and does not require the submission of a Design & Access Statement.

PLANNING HISTORY

15/00819/RM: Application Refused: 24/07/15 - Reserved Matters Application: construction of one dwelling - Appeal Dismissed 09/05/16

12/01717/O: Application Permitted: 13/12/12 - Outline Application: construction of residential dwelling

15/00766/F: Application Withdrawn: 26/05/15 - Construction of new dwelling

12/00397/O: Application Withdrawn: 03/05/12 - Outline Application - Erection of Residential Dwelling

RESPONSE TO CONSULTATION

Parish Council: NO OBJECTION

Local Highways Authority: NO OBJECTION subject to condition to provide parking and turning facilities.

King's Lynn Internal Drainage Board: NO OBJECTION but requests informative note regarding the need to comply with IDB byelaw.

Environmental Health & Housing – Environmental Quality: NO OBJECTION

Environment Agency: NO OBJECTION subject to development according with the Flood Risk Assessment.

District Emergency Planning Officer: NO OBJECTION subject to conditions relating to signing up to Floodline and a flood evacuation plan. This however fails the tests applied to conditions and is covered by an informative note.

REPRESENTATIONS

No third party comments or objections received.

NATIONAL GUIDANCE

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

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

LDF CORE STRATEGY POLICIES

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS01 - Spatial Strategy

CS08 - Sustainable Development

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM15 – Environment, Design and Amenity

OTHER GUIDANCE

The Walpoles

PLANNING CONSIDERATIONS

Planning History

The site has an involved planning history with a series of applications having been made for residential development since 2012 (see history above). The principle of developing this plot remains acceptable as the site lies within the Village Development Area (VDA) as defined in the recently adopted SADMPP.

In 2012 outline permission was granted for a single dwelling, however the following reserved matters submission (ref: 15/00047/RM) was refused permission on the grounds of poor design and lack of private amenity space.

That refusal was appealed and this was subsequently dismissed by the Planning Inspectorate, primarily in relation to lack of private amenity space – a copy of the appeal decision notice is appended to this report for reference. The key issue is addressed at Paragraph 8 where the Inspector states:

“I therefore find that the lack of a suitable private outdoor space would result in harmful living conditions for future occupants and for this reason the proposal would fail to comply with the Development Plan and the National Planning Policy Framework (the Framework). The proposal would specifically conflict with Policy CS08 of the King’s Lynn & West Norfolk Borough Council Local Development Framework – Core Strategy (2011) (CS) which seeks to achieve good design and a good quality of life for residents.”

Conversely the Inspector did not agree with the concerns of the Council with regards to the design and appearance of the proposed chalet. At Paragraph 12 the Inspector stated:

“I find that the proposal would not result in a form of development that would appear out of character in an area which has a varied character and appearance.”

The current application is a response to the above appeal decision, and involves the re-positioning of the dwelling forward on the site to relate better to the adjoining dwellings and create a larger rear garden depth of some 8 – 8.5m. This is now considered to be acceptable to serve a 3 bedroomed dwelling of this size and remains contained within the VDA.

The application has retained the same design of chalet and, in light of the Inspector’s findings above, this is acceptable.

Other material considerations

The site lies within the Rural Village comprising Walpole St Peter, Walpole St Andrew and Walpole Marsh. Policy CS06 enables limited development in the rural villages to support and maintain these communities. The principle of development on this site has been established through the planning history.

The appeal was determined in May 2016 and as such the SADMP was available in draft form and was referred to in the Inspector's decision notice. Although now adopted, it is not considered that there have been any material changes to the policies in the interim that would impact upon this application.

The site lies within Flood Zone 3 of the Strategic Flood Risk Assessment and is accompanied by a site specific FRA. The proposal passes both sequential and exception testing and has received no objection from the Environment Agency subject to the recommendations of the FRA being implemented – this may be controlled via condition.

There are no contamination or drainage issues of concern. The byelaw issues will be addressed with the IDB.

There are no highway issues to resolve and no crime and disorder concerns.

CONCLUSION

The proposed development accords with the provisions of the Development Plan and, in light of the Planning Inspector's recent decision, it is concluded that the proposal is now acceptable subject to certain conditions indicated below.

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: 1:1250 scale Location Plan & 1:500 Block Plan received 11.10.16, Dwg No. 1 First Floor Plan, Dwg No. 1A Ground Floor Plan, Dwg No. 2 Elevations and Dwg No. 3 Roof Plan received 02.12.16.
- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition The development shall be constructed in accordance with the recommendations of the Flood Risk Assessment submitted as part of this application i.e. finished floor levels to be 300mm above existing ground level and incorporating flood resistance and resilience measures.
- 3 Reason To protect the development and future residents from the risk of flooding in accordance with the provisions of the NPPF and Core Strategy Policy CS09 of the LDF.

- 4 Condition Prior to the first occupation of the development hereby permitted, the proposed access, on-site 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.