

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.