

AGENDA ITEM NO: 8/1(k)

Parish:	Northwold	
Proposal:	Proposed new chalet bungalow	
Location:	Land adjacent No 27 Church Lane Whittington King's Lynn	
Applicant:	Mr Mervyn Douglas	
Case No:	15/00884/F (Full Application)	
Case Officer:	Mrs N Osler Tel: 01553 616402	Date for Determination: 1 September 2015 Extension of Time Expiry Date: 11 September 2015

Reason for Referral to Planning Committee – Called in by Councillor Peake

Case Summary

Permission is sought for the erection of 1No detached dwelling. The site lies almost wholly within what was the settlement boundary of Whittington (as defined by the Local Plan proposal maps).

The rear of the site lies within flood zones 2 and 3, but the area where the dwelling is proposed is within flood zone 1. This difference between flood zones is due to a significant change in levels between the rear (north) and front (south) of the site.

Key Issues

Principle of development
Form and Character
Neighbour Amenity
Highway Safety
Flood Risk
Other Material Considerations

Recommendation

REFUSE

THE APPLICATION

The application proposes 1No detached 2 / 3 storey, four-bed dwelling house that, due to significant changes in levels across the site, manifests itself from Church Lane as a chalet-style dwelling. Parking would be provided at the rear in under-croft garages; a domestic workshop is also proposed at this level.

The rear of the site lies within flood zones 2 and 3, but the front of the site (due to the changes in levels) lies at flood zone 1.

The site is located in Whittington, a Smaller Village and Hamlet.

SUPPORTING CASE

The Design and Access Statement that accompanied the application states:

1. BACKGROUND

i) Planning status

The proposed dwelling falls wholly within the Whittington development boundary which borders the application site to the north and east. The red line defines the proposed curtilage. The curtilage is arranged so as to exclude the flood plain.

ii) Planning history

It is understood that there is no known planning history which is relevant to this application.

2. DESIGN CONSIDERATIONS

i) Site description

The site slopes gently downward to the north from Church Lane. There are existing chalet bungalows to the west and opposite. These properties all have substantial garages served directly from Church Lane. There is a children's play area behind the bungalow opposite.

ii) Design and layout

The proposed new chalet bungalow is designed to closely match the existing properties in the vicinity. The overall scale, ridge height and floor slab levels and the roof pitch are determined by the existing properties on either side and opposite. As a result, the proposed new chalet bungalow fits in well with its neighbours and generally accords with Local Authority design guidance in terms of the street scene.

The driveway slopes down with the contours of the site. This reflects the vehicular arrangements next door at No 27. The garaging serving the proposed new dwelling is invisible from the highway.

iii) Materials

The proposed materials relate well to those used in the construction of the surrounding properties. The applicant is willing to discuss sample materials as necessary with a view to ensuring that the proposed new dwelling sits appropriately in the street scene.

3. ACCESS

The site is served by an, established, existing vehicular access onto Church Lane. There are satisfactory visibility splays in both directions. It is not considered that the proposal will have any significant effect on the highway generally'.

PLANNING HISTORY

An application for residential development of the site was withdrawn in February 2013 (12/02095).

RESPONSE TO CONSULTATION

Parish Council: No Comments received at time of writing report

Highways Authority: OBJECT for two reasons:

1. The unclassified road serving the site is considered to be inadequate to serve the development proposed by reason of its restricted width, lack of passing and restricted visibility at adjacent road junctions. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety which would be contrary to Core Strategy Policy 11.
2. The applicant does not appear to control sufficient land to provide adequate visibility at the site access. The proposed development would therefore be detrimental to highway safety which is contrary to Core Strategy Policy CS11.

Environmental Health & Housing – Environmental Quality: No Comments to make in relation to air quality or land contamination.

Natural England: No Comments to make

Environment Agency: NO OBJECTION

Historic Environment Service: NO OBJECTION subject to conditions

REPRESENTATIONS

None received at time of writing report.

NATIONAL GUIDANCE

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

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

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS11 - Transport

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

DM17 - Parking Provision in New Development

PLANNING CONSIDERATIONS

The key issues to be considered in assessing this application are as follows:

- Principle of development
- Form and Character
- Neighbour Amenity
- Highway Safety
- Flood Risk
- Other Material Considerations

Principle of development

The NPPF states that there is a presumption in favour of sustainable development and in relation to housing applications that they should be considered in the context of the presumption in favour of sustainable development.

Until recently the Core Strategy has taken a hard line in relation to new housing in the smaller villages and hamlets and followed a criteria based approach as set out in the NPPF in relation to isolated dwellings in the countryside i.e. meeting a need, re-use buildings or exceptional design.

However, national and local policy is changing with the NPPG (March 2014) and draft policy DM3 of the Site Allocations and Development Management Policies Pre-Submission Document (SA&DMP) suggesting that all settlements (including those with limited services and facilities) have a role to play in sustainable development in rural areas.

In May 2014 Planning Committee agreed that applications for new dwellings in smaller villages and hamlets should be considered on their own merits in accordance with the NPPG and draft DM Policy DM3, and a number of applications have since been approved.

With regards to assessing this particular application against the criteria outlined in DM3, the site does not represent the infilling of a gap within a continuous built-up frontage, but rather a continuation of existing linear development.

As such the proposal does not strictly accord with this emerging policy as should therefore be considered under Core Strategy Policy CS06. Both the NPPF and Policy CS06 seek to restrict new housing development in such countryside designations (unless necessary in connection with a rural enterprise). However, this is more relevant to isolated sites than sites within a defined settlement.

Notwithstanding this, a recent High Court Ruling has found that the Local Planning Authority (LPA) cannot demonstrate a five-year supply of deliverable housing sites. In such circumstances housing supply policies should not be considered up-to-date (para. 49 NPPF). Paragraph 14 of the NPPF states: At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking...For decision-taking this means...where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted'.

Form and Character

The proposed dwelling is of 2 / 3 storeys, but due to the significant level changes across the site manifests itself from the street as a 2-storey chalet-style dwelling.

There is no particular predominant built characteristic in the wider locality, and dwellings range in size, scale, materials, age and design. However, dwellings in the immediate vicinity of the site are characterised by chalet-style dwellings with dormer windows. Another general characteristic is that dwellings have smaller front gardens than rear (the former of which are normally laid to parking / turning areas). In these regards the proposal is considered representative.

The dwelling is considered to be of a scale, mass and design that relates adequately to the site and the wider locality would not be of detriment to the form and character of this particular part of Whittington.

Neighbour Amenity

The greatest impact from any development on this site would occur to the property to the immediate west of the site (No.27 Church Lane). However, other than the proposed veranda (screening of which could be suitably conditioned if permission was granted) the proposal would not result in overlooking, overbearing or overshadowing impacts that would warrant refusal and would not be dissimilar to other relationships along Church Lane.

Highway Safety

The Local Highway Authority (LHA) objects to the proposed development on the grounds of highway safety.

The LHA concludes that the visibility splays required cross land not in the control of the applicant. In order to address this issue a legal agreement would be required between land owners; no such agreement has been submitted. Additionally, the LHA consider that Church Lane itself, by reason of its restricted width, lack of passing and restricted visibility at its junctions with the A134 would result in conditions detrimental to highway safety.

The applicant has submitted additional information that has shown that the existing splay can be retained across land to the west (in front of No.27), but they have no control over the height of the existing wall. Unfortunately the existing wall is slightly too high to meet the recommended standard in Manual for Streets section 7.6. Furthermore the applicant has not been able to provide any evidence that they control land to the east.

Highway safety is a material consideration carrying significant weight and in this regard represents a specific policy in the NPPF (paragraph 32) that suggests development should be restricted. However, the applicant suggests that: *'It is plain that the kind of strictures being proposed by NCC Highways serve no purpose and do not reflect the broad thrust of planning policy in this instance'*. The applicant requests that Members be given the opportunity to view the access arrangements for themselves.

Flood Risk

Whilst parts of the site fall within areas at risk of flooding, the area where the dwelling is proposed lies within flood zone 1. As such the scheme is considered appropriate and neither the sequential nor exception tests are required. The Environment Agency has no objection to the proposed development and due to the location of the dwelling (within flood zone 1) did not request the submission of a flood risk assessment. Notwithstanding this, the dwelling has been designed in such a way that if flooding did occur it would affect the ground floor garages and workshop.

Flood risk is therefore not considered to be a constraint on development.

Other Material Considerations

There are no specific crime and disorder issues.

Foul drainage is to be by via a package treatment plant with surface water drainage via soakaways.

The site lies within the bufferzone of a SSSI. However, given the scale and nature of the proposed development it is not considered it would have any significant detrimental impact on the features on which the area was designed. Natural England has raised no objection to the proposed development.

Other than the Local Highway Authority, no objections have been received from either statutory consultees or third party representatives.

CONCLUSION

The site lies within the settlement of Whittington, and the development is considered to be of a scale, mass and design that relates adequately to the locality and the changes in levels of the site and would not result in any material visual or neighbour disamenity. It is therefore concluded, in this regard, that the proposal is acceptable.

However, the lack of ability to secure appropriate visibility for the site and the inadequacy of Church Lane and its junctions with the A134 suggests that there are significant and demonstrable reasons that outweigh the benefits of providing an additional single dwellinghouse.

The proposal is therefore contrary to the NPPF in general and specifically to paragraph 32 of the NPPF which requires safe and suitable access to the site a requirement reiterated in Core Strategy Policy CS11.

It is therefore recommended that this application be refused for the following reasons.

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 Church Lane is inadequate to serve the development proposed by reason of its restricted width, lack of passing and restricted visibility at adjacent road junctions (with the A134). The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety which would significantly and demonstrably outweigh the benefits of the scheme. The proposal is therefore contrary to the NPPF in generally and specifically to paragraphs 14 and 32 of the NPPF, and to Core Strategy Policy 11.
- 2 The proposed visibility splay (at Church Lane) crosses land not in the applicant's ownership and therefore not within their control. The applicant has therefore failed to show that suitable visibility can be achieved. The proposal, if permitted, would be detrimental to highway safety which would significantly and demonstrably outweigh the benefits of the scheme. The proposal is therefore contrary to the NPPF in generally and specifically to paragraphs 14 and 32 of the NPPF, and to Core Strategy Policy 11.