

<b>Parish:</b>	<b>Stow Bardolph</b>	
<b>Proposal:</b>	<b>OUTLINE APPLICATION ALL MATTERS RESERVED: Erection of two chalet bungalows</b>	
<b>Location:</b>	<b>Horseshoe Farm 241 the Drove Barroway Drove Norfolk</b>	
<b>Applicant:</b>	<b>Mr Thomas Heffernan</b>	
<b>Case No:</b>	<b>17/01128/O (Outline Application)</b>	
<b>Case Officer:</b>	<b>Mr K Wilkinson</b>	<b>Date for Determination: 30 August 2017 Extension of Time Expiry Date: 8 September 2017</b>

**Reason for Referral to Planning Committee –** The views of the Parish Council are contrary to the Officer recommendation

### **Case Summary**

Outline permission is sought for two dwellings on a parcel of agricultural land with frontage onto The Drove, Barroway Drove. All matters are reserved for future consideration.

Barroway Drove is defined as a 'Smaller Village or Hamlet' in the settlement hierarchy defined in the Core Strategy of the LDF. The site lies in an area classed as countryside and within Flood Zone 3 & Hazard Zone of the Council-adopted Strategic Flood Risk Assessment and the Environment Agency's Tidal River Hazard Mapping area.

### **Key Issues**

Principle of development  
Flood risk  
Impact upon appearance of locality and effect on neighbouring properties  
Other material considerations

### **Recommendation**

**REFUSE**

## **THE APPLICATION**

Outline permission is sought for two dwellings on a parcel of agricultural land with frontage onto The Drove, Barroway Drove. The site comprises 0.1Ha of land with a frontage of 35m and depth of 30m on the north-western side of The Drove, approx. 2.4km from the recognised centre of the village at the junction of The Drove and Lady Drove.

There are bungalows on either side of the site (Nos. 241 & 237 The Drove), and agricultural fields stretching beyond to the rear and on the opposite side of the road.

The development sought is the construction of two chalet bungalows. All matters are reserved for future consideration; however an illustrative layout plan shows how the site could potentially be developed.

## **SUPPORTING CASE**

The applicant raises the following comments in support of the proposed development:

“The permission to construct two Chalet bungalows on the site is principally so that my Daughter, Son in law and family being our carers need to be on hand at all times.

They look after the many animals on the farm along with maintaining the ditches, watercourses, hedges and the farm land. We presently have a residential caravan on site, which whilst being there for years has of late been subject to an ongoing Planning enforcement matter has, (we’ve been informed,) been allowed to remain. However, it is not really adequate for our family.

The planning application is for two bungalows, hopefully, the selling of the one will fund the building of the second for my family? We are not wealthy people with the intention of making a profit from the proposal.

We have lived in Barroway our whole lives, going back several generations; we are local people wishing to provide a local home for our son.

We understand from our Agent/Architect that there are issues concerning the flood risk in this location? However, the application is for Outline with all matters reserved. The practicalities and submission of an acceptable design is for a later application for full planning and it should not be assumed at this stage that no design would be acceptable. Further, many other similar applications have been allowed of late.”

## **PLANNING HISTORY (Relevant)**

16/01193/O: Refused 25/10/2016: Outline application: Construction of 3 dwellings

## **RESPONSE TO CONSULTATION**

**Stow Bardolph Parish Council: SUPPORT** - although the location of application could be considered outside of the main settlement of the village, Barroway Drove is a linear village with ‘The Drove’ being the central road approximately 2 ½ miles in length with clusters of properties covering most of this distance. Application 17/01128/O is within one of these clusters and as such could be considered infill; therefore the Parish Council make no objection to this application.

**Local Highway Authority: Concerns expressed** - Having previously visited the site and examined the plans submitted, I believe that ultimately accesses for the proposal could be arranged to provide safe entrance and egress and parking with turning can be provided in accord with the parking standards for Norfolk.

The proposed development site is remote from schooling; town centre shopping; health provision and has restricted employment opportunities with limited scope for improving access by foot and public transport. The distance from service centre provision precludes

Planning Committee  
4 September 2017

any realistic opportunity of encouraging a modal shift away from the private car towards public transport.

It is the view of the Highway Authority that the proposed development is likely to conflict with the aims of sustainable development and you may wish to consider this point within your overall assessment of the site.

**Downham & Stow Bardolph Internal Drainage Board: NO OBJECTION** comments made in relation to byelaw issues

**Environment Agency: NO OBJECTION** but strongly recommend mitigation measures proposed in FRA are conditioned

**District Emergency Planning Officer: NO OBJECTION** subject to suggested conditions relating to signing up to EA's Floodline and an evacuation plan (Officer note – this may be dealt with via informative note on decision notice due to enforceability issues).

**Environmental Health & Housing – Community Safety & Neighbourhood Nuisance: NO OBJECTION** suggests conditions relating to foul & surface water drainage, land drainage and levels.

**Environmental Health & Housing – Environmental Quality: NO OBJECTION** subject to conditions relating to potential contamination

## REPRESENTATIONS

None 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

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS11** - Transport

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM1** – Presumption in Favour of Sustainable Development

**DM2** – Development Boundaries

**DM3** - Infill development in the Smaller Villages and Hamlets

**DM15** – Environment, Design and Amenity

### **PLANNING CONSIDERATIONS**

The key issues for consideration in determining this application are as follows:

- Principle of development
- Flood risk
- Impact upon appearance of locality and effect on neighbouring properties
- Other material considerations

#### **Principle of development**

The application site lies in Barroway Drove which is categorised as a Smaller Village or Hamlet in the settlement hierarchy defined in the LDF. Although not having many facilities itself, it lies fairly close to a market town and is considered to contribute to its role in maintaining and delivering services. Within such settlements with regards to housing provision Policy DM3 of the SADMPP applies which states:

“...The sensitive infilling of small gaps within an otherwise continuously built up frontage will be permitted where:

- The development is appropriate to the scale and character of the group of buildings and its surroundings; and
- It will not fill a gap which provides a positive contribution to the street scene.

In exceptional circumstances the development of small groups of dwellings in Smaller Villages and Hamlets may be considered appropriate where the development is of a particularly high quality and would provide significant benefits to the local community.”

In the past two years there have been several infill developments in Barroway Drove, given the implications of Policy DM3 and the 5 year supply of housing land deficit experienced by the Council. This has resulted in the consolidation of certain parts of road frontages in the settlement.

It will be noted from the History section above that outline permission for three dwellings was refused in October last year under application ref: 16/01193/O. This application site is on two of the previous three plots.

In this particular instance whilst there are two bungalows to the north-east of the site and a bungalow to the south-west, there is an 18m gap retained for access to No.241/Horseshoe Farm and its land to the rear (a building plot on application ref: 16/01193/O). Whilst the proposed site does effectively have development either side, it is not considered to be within a continuous frontage and as such the infill provisions of Policy DM3 are not applicable.

Secondly the character of the settlement is that of sporadic linear development along The Drove and intrinsic to that is the existence of gaps between the dwellings. The site frontage mostly comprises a mature hedge which would need to be removed in order to create access and visibility splays to Local Highway Authority standards. This would expose the proposed development from this public route.

It is considered that the proposal would cause harm to the character of this locality by virtue of the loss of this undeveloped gap and would not therefore be sensitive infilling contrary to Policy DM3 of the Site Allocations & Development Management Policies Plan 2016.

### **Flood Risk**

The application site falls within Flood Zone 3 & Hazard Zone as defined in the Council-adopted Strategic Flood Risk Assessment and passes the sequential test in that there are no available sites within the village at lower risk of flooding. In passing the sequential test, the exception test must be applied as prescribed in Paragraph 102 of the NPPF.

For the exception test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall

Both elements of the test will have to be passed for development to be allocated or permitted.

The Council has an up-to-date plan with residential development sites identified throughout the Borough. In light of its failure to comply with Policy DM3 as addressed above, this is considered to be inappropriate development as the proposal does not represent development where the sustainability benefits outweigh the flood risk. The first criterion of the exception test is failed.

With regards to the second criterion the FRA requires Finished Floor Levels to be set at 1.4m above existing ground levels. Given the low set existing bungalows on either side of the site it is a concern that the impact of raising ground levels will possibly increase flood risk on neighbouring properties.

By virtue of failing the Exception Test, the proposed development is therefore contrary to Paragraph 102 of the NPPF and Policy CS08 of the King's Lynn and West Norfolk Core Strategy 2011.

### **Impact upon appearance of locality and effect on neighbouring properties**

Whilst the application is made in outline only with all matters reserved, the requirements of the Environment Agency, and recommendations of the site-specific Flood Risk Assessment, seek to raise the Finished Floor Levels of the dwellings by 1.4m above surrounding ground level. This has been a requirement for other developments in this settlement and the awkward inter-relationships with adjoining properties negated by graduating or stepping land levels, patios etc. This would however be addressed at the reserved matters stage.

## **Other Material considerations**

Whilst the personal circumstances of the applicant as indicated in the statement of support are noted, little weight is attached as those needs do not outweigh the significant policy objections to this proposed development.

Likewise the comments of the Parish Council are noted, but the officer's conclusions regarding compliance with Policy DM3 are contrary to that opinion and set out clearly in the body of this report.

Access to the site would be determined at the reserved matters stage; however the Local Highway Authority does not raise any concerns at this stage.

Contamination issues are suggested to be addressed by conditions as requested by Environmental Protection.

Our Emergency Planner suggests conditions relating to a flood evacuation plan and signing on to Flood Warnings Direct service – this could be covered by an informative note due to enforceability issues.

Drainage – surface water is proposed to be dealt with via soakaway, but foul water disposal is not specified.

There are no significant crime and disorder issues raised by this proposal.

## **CONCLUSION**

Whilst the views of the Parish Council are noted, it is concluded that the proposed development fails to meet the criteria of Policy DM3 of the SADMPP, as it is not considered to be within a continuous frontage and would cause harm to the character of this locality by virtue of the loss of this undeveloped gap.

The application site falls within Flood Zone 3 & Hazard Zone as defined in the Council-adopted Strategic Flood Risk Assessment and both sequential and exception testing is required. By virtue of failing the Exception Test, the proposed development is therefore contrary to Paragraph 102 of the NPPF and Policy CS08 of the King's Lynn and West Norfolk Core Strategy 2011.

The application is therefore recommended for refusal.

## **RECOMMENDATION:**

**REFUSE** for the following reason(s):

- 1 Policy DM3 of the Site Allocations & Development Management Policies Plan (SADMPP) adopted 2016, enables sensitive limited new residential infill development to be built within a continuous built frontage within smaller villages and hamlets, provided that it is of an appropriate scale and character and will not fill a gap which provides a positive contribution to the street scene.

Whilst the proposed site does have development either side, it is not within a continuous frontage and as such the infill provisions of Policy DM3 are not applicable.

Secondly the character of the settlement is that of sporadic linear development along The Drove and intrinsic to that is the existence of gaps between the dwellings.

The proposal would cause harm to the character of this locality by virtue of the loss of this undeveloped gap. As such the proposal is contrary to the provisions of the NPPF, Policies CS01 and CS06 of the King's Lynn and West Norfolk Core Strategy 2011 and does not accord with Policies DM3 and DM15 of the Site Allocations and Development Management Policies Plan 2016.

- 2 The application site falls within Flood Zone 3 & Hazard Zone as defined in the Council-adopted Strategic Flood Risk Assessment and passes the sequential test in that there are no available sites within the village at lower risk of flooding. In passing the sequential test, the exception test must be applied as prescribed in Paragraph 102 of the NPPF.

For the exception test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall

Both elements of the test will have to be passed for development to be allocated or permitted.

The Council has an up-to-date plan with residential development sites identified throughout the borough. In light of its failure to comply with Policy DM3, this is considered to be inappropriate development as the proposal does not represent development where the sustainability benefits outweigh the flood risk. The first criterion of the exception test is failed.

With regards to the second criterion the FRA requires Finished Floor Levels to be set at 1.4m above existing ground levels. Given the low set existing bungalows on either side of the site it is a concern that the impact of raising ground levels will possibly increase flood risk on neighbouring properties.

By virtue of failing the Exception Test, the proposed development is therefore contrary to Paragraph 102 of the NPPF and Policy CS08 of the King's Lynn and West Norfolk Core Strategy 2011.