

## AGENDA ITEM NO: 8/3(i)

<b>Parish:</b>	<b>Stow Bardolph</b>	
<b>Proposal:</b>	<b>Proposed two storey dwelling and garage</b>	
<b>Location:</b>	<b>Great Poplars The Drove Barroway Drove Norfolk</b>	
<b>Applicant:</b>	<b>Mr S Singh</b>	
<b>Case No:</b>	<b>17/01049/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mr K Wilkinson</b>	<b>Date for Determination:</b> <b>27 July 2017</b> <b>Extension of Time Expiry Date:</b> <b>2 October 2017</b>

**Reason for Referral to Planning Committee** – The site has a planning history of an appeal dismissed for residential development.

### Case Summary

Full permission is sought for a two storey dwelling and detached garage on a parcel of agricultural land with frontage onto The Drove, Barroway Drove.

Barroway Drove is designated as a 'smaller village or hamlet' in the Development Plan and the site also lies within Flood Zone 3 & Hazard Zone of the Council-adopted Strategic Flood Risk Assessment.

The site has a history of refusal and appeal dismissed. For ease of reference the appeal is attached to this report.

### Key Issues

Appeal history  
Principle of development  
Impact upon form and character  
Flood risk  
Impact upon adjoining properties  
Impact upon trees  
Other material considerations

### Recommendation

**APPROVE**

## THE APPLICATION

Full permission is sought for a two storey dwelling on a parcel of agricultural land with frontage onto The Drove, Barroway Drove. The site comprises 0.163Ha of land with a frontage of 38m and depth of 43m on the south-eastern side of The Drove, approx. 250m south-west of its junction with Lady Drove.

There is a recently built chalet to the north—east and a typical Fen cottage and associated stables and outbuildings to the south-west. On the site frontage there is a row of mature lime trees which have most recently been subjected to a Tree Preservation Order as a result of this proposed development (2/TPO/00565). There are also two field accesses to the land off this road frontage.

The application is accompanied by a site-specific Flood Risk Assessment (site lies in Flood Zone 3 & Hazard Zone of the Strategic Flood Risk Assessment) and a Tree & Impact Survey.

## **SUPPORTING CASE**

The agent has submitted the following comments in support of the proposed development:

“This proposal is for a detached two storey property on a large plot located along Barroway Drove between existing residential developments.

No concerns have been raised by the Environment Agency, Parish Council, Environmental Health, neighbouring properties or the Internal Drainage Board.

The applicant wishes to maintain all the trees at the front of the site which is subject to a preservation order.

There are two existing accesses at the site which are also to be maintained, which are already set between the trees.

A detailed drainage design has been carried out for the proposed surface water drainage, not only for the dwelling and garage but also for the driveway and amenity areas. A land drainage system has been developed which would allow surface water to be taken to the rear of the proposed dwelling and dispersed through subsoils.

British Geological Survey Sheet Wisbech 159 indicates soils at this site to comprise of silty soils but with bands of peat, which would allow sufficient surface water drainage through infiltration.

Levels have been maintained adjacent each neighbouring plot, as existing and land drainage set back, in this regard.

The proposed dwelling does not have any openings on side elevations to avoid overlooking with all principle openings on the front and rear elevations.

The proposal has been revised during the course of discussions with the client and Planning Officer.”

## **PLANNING HISTORY (Relevant)**

2/01/1743/O: Application Refused: 20/12/01 - Site for construction of dwelling and garage - Appeal Dismissed 14/03/03

2/03/0878/CU: Application Refused: 13/08/03 - Siting of caravan for storage and occasional occupation – Planning refusal and Enforcement Notice (E0345) Appeal Dismissed 02/07/04

## **RESPONSE TO CONSULTATION**

**Parish Council:** Original submission- **SUPPORT**

Amended plans- No response at time of compiling this report

**Local Highway Authority:** *Amended plans*- **NO OBJECTION** subject to conditions regarding access construction, parallel visibility splay plus parking and turning facilities

**Downham & Stow Bardolph Internal Drainage Board: NO OBJECTION**

**Environmental Health & Housing – Environmental Quality: NO COMMENTS**

**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 will be dealt with via informative note on decision notice due to enforceability issues).

**Arboricultural Officer: NO OBJECTION** subject to condition that the development is carried out in accordance with the submitted Tree & Impact Survey

## **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.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS08** - Sustainable Development

**CS11** - Transport

**CS12** - Environmental Assets

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

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

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

**DM15** – Environment, Design and Amenity

## DM17 - Parking Provision in New Development

### PLANNING CONSIDERATIONS

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

- Appeal history
- Principle of development
- Impact upon form and character
- Flood risk
- Impact upon adjoining properties
- Impact upon trees
- Other material considerations

#### Appeal history

It will be noticed in the History section above that this site has been the subject of a previous application for residential development back in 2001 under application ref: 2/01/1743/O. This application was refused by virtue of being outside the village development area and having an adverse effect upon the character and appearance of the countryside in an Area of Important Landscape Quality (AILQ).

That decision was appealed and a copy is attached to this report for reference. The Inspector concluded at Paragraph 10:

“...the proposal would extend and consolidate development on a prominent site on the fringe of the village, resulting in harm to the character and appearance of the site and its surroundings and the Area of Important Landscape Quality...”

The appeal was determined in March 2003.

A further application refusal and enforcement notice appeal related to the siting of a caravan for storage and occasional occupation, but this is of lesser relevance to the development now proposed.

#### Principle of development

There have been some significant changes to planning policy since the previous outline application for residential development was refused and appealed some 14 years ago; specifically related to housing and the classification of the countryside as an AILQ no longer applies.

The application site lies in an existing settlement which is categorised as a Small 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.

Whilst the Planning Inspector considered in 2003 that the gap was a significant feature, its value is not considered to be such today in light of the step change in planning policy and recent commitments to develop in Barroway Drove.

### **Impact on form and character**

The proposal is for a substantial 5 bedroomed house set fairly central on the site, with a detached double garage sited towards the road. The existing field access points are to be used in order to avoid damage to the TPO limes along the site frontage. The siting of the house has been influenced by the position of this line of mature trees. It is a substantial building, but the site is generous and capable of accommodating the house without adverse effect upon the form and character of this locality.

The siting of the single storey garage acts as a visual step up to the two storey house when seen in context with the adjoining chalet. The fairly shallow roof pitch helps to lower the mass of the house as the flood risk implications require the finished floor level to be elevated by some 1.4m above existing ground level.

### **Flood Risk**

The proposal passes both sequential and exception testing with regards to flood risk because although the site lies within Flood Zone 3 & Hazard Zone, all of Barroway Drove is in the same category. This is in accordance with the protocol agreed with the Environment Agency in dealing with Parishes in a high risk zone. As stated above, the site specific FRA indicates that mitigation measures may be made to render the dwelling safe – a view endorsed by the Environment Agency. The setting of the finished floor level at 1.4m above existing ground level is proposed which engenders raising and contouring levels within the site. Sections have been submitted to illustrate how this may be achieved. The use of land drains indicated on the plans should ensure no adverse effect upon adjoining properties (full details and implementation may be secured via condition). This approach has been employed on other infill sites along this road frontage.

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

### **Impact upon adjoining properties**

The inter-relationships between both the existing and proposed dwellings are considered to be acceptable, with the addition of flank screening to the south-western side of the rear patio area (details and implementation to be secured via condition). This would negate the differences in land levels and the prospect of overlooking should the common boundary hedge die or be removed.

## Impact upon trees

As previously stated there is a line of 6 mature lime trees along the frontage of this site. They have significant amenity value and were the subject of a TPO soon after the application was first submitted.

The application is accompanied by a Tree & Impact Survey which has been reviewed by our Arboricultural Officer. The implementation of the development to accord with the protection measures may be secured via condition.

## Other material considerations

Access to the site is to be via the existing field gateways in order to avoid damage to the TPO trees. A parallel visibility splay can be achieved across the front of the site by repositioning of the boundary fence. Ample parking and turning facilities may be accommodated within the site to meet current standards.

Drainage – surface water is proposed to be dealt with via soakaway and foul water will be dealt with via mains.

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

## CONCLUSION

Whilst there is a history of planning refusals and appeals dismissed for this site, it is considered that the proposal now accords with the criteria of Policy DM3 of the SADMPP. It is considered that the proposal accords with the provisions of the Development Plan and is duly recommended for approval subject to certain conditions identified 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: H5243/01 Revision B, H5243/02 Revision B, H5243/03 Revision A, H5243/04 Revision D & H5243/06 Revision E.
- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition The development hereby approved shall be implemented in accordance with the Tree & Impact Survey dated June 2107, produced by Trees in Planning Ltd and submitted as part of this application.
- 3 Reason In order to secure the protection of the TPO lime trees during the development and to accord with Core Strategy Policy CS12 of the LDF.

- 4 Condition The development shall be implemented in accordance with the recommendations of the site-specific Flood Risk Assessment dated May 2017, produced by Geoff Beel Consultancy and submitted as part of this application including:
- Finished floor level of dwelling at minus 0.20m aOD;
  - Flood resistant construction incorporated up to 600mm above finished floor level; and
  - No sleeping accommodation at ground floor level.
- 4 Reason To protect the dwelling and future residents at times of high risk of flooding and to accord with the provisions of the NPPF and Core Strategy Policy CS08 of the LDF.
- 5 Condition Prior to the first occupation of the development hereby permitted the vehicular accesses shall be provided and thereafter retained at the positions shown on the approved plan (drawing number H5243/04 Revision D) in accordance with the highway specification Dwg. No. TRAD 5. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- 5 Reason To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.
- 6 Condition Prior to the first occupation of the development hereby permitted a 2.4 metre wide parallel visibility splay (as measured back from the near edge of the adjacent highway carriageway) shall be provided across the whole of the site's roadside frontage. The parallel visibility splay shall thereafter be maintained at all times free from any obstruction (with the exception of street furniture and service poles) exceeding 0.225 metres above the level of the adjacent highway carriageway.
- 6 Reason In the interests of highway safety.
- 7 Condition Prior to the first occupation of the development hereby permitted the proposed accesses, 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.
- 7 Reason To ensure the permanent availability of the parking and manoeuvring areas, in the interests of highway safety.
- 8 Condition Prior to occupation of the dwelling hereby approved, details of the screens to the sides of the lower patio area shall have been submitted to, approved in writing by, the Local Planning Authority and implemented as agreed. The screens shall be retained in such condition thereafter.
- 8 Reason To safeguard the amenities of the adjoining residents and to accord with Policy DM15 of the SADMPP.
- 9 Condition Notwithstanding the information submitted as part of this application, no development shall commence on site until full details of the surface water and land drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The surface water and land drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.

- 9 Reason To ensure that there is a satisfactory means of land and surface water drainage in accordance with the NPPF and Policy DM15 of the SADMPP.

This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.

- 10 Condition No development shall take place on any external surface of the development hereby permitted until details of the type, colour and texture of all materials to be used for the external surfaces of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

- 10 Reason To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.