

AGENDA ITEM NO: 8/3(j)

Parish:	Stow Bardolph	
Proposal:	OUTLINE ALL MATTERS RESERVED: Single dwelling	
Location:	Land East of Midway The Drove Barroway Drove Norfolk	
Applicant:	Mrs Jakings	
Case No:	17/01174/O (Outline Application)	
Case Officer:	Mrs C Dorgan	Date for Determination: 16 August 2017 Extension of Time Expiry Date: 6 October 2017

Reasons for Referral to Planning Committee – The views of Stow Bardolph Parish Council are contrary to the Officer recommendation.

Case Summary

Outline permission is sought for one dwelling 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 one dwelling on a parcel of agricultural land with frontage onto The Drove, Barroway Drove. The site comprises 498m² of land with a frontage of 11m and depth of 50m on the north-western side of The Drove. There are dwellings on either side of the site and agricultural fields stretching beyond to the rear and on the opposite side of the road.

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

SUPPORTING CASE

The application has been supported by statement which summarises the benefits of the proposal accordingly:

Consideration of the proposal relates to the compliance with the requirements of DM3 SADMP. Following the revisions since 2016, it is the applicant's contention that the current proposal is compliant in relation to the following key matters;

- In physical and functional terms the site is part of Barroway Drove (as confirmed by the Parish Council) and to arbitrarily decide to end the settlement north of the site is not justified in planning terms.
- The development is infill in its 'planning' meaning as it does fill a gap in an otherwise built up frontage.
- The scale of the dwelling has been reduced as sought by the Parish Council in respect to the previous submission and the retention of the access to the farm holding to the rear is maintained and dimensions to demonstrate that it will still be functional in relation to the largest agricultural vehicles.
- Whilst it is accepted that the layout is illustrative, the applicant is happy to accept a condition requiring general compliance with the submission.
- The proposal has been reduced in scale and is clearly appropriate in scale and character to the surrounding built form.
- The gap (application site) is not important in the street scene and will not cause material harm to local or wider amenity.

This proposal is materially different from that which was refused in 2016, the previous submission focussed on the 5 year land supply issue and did not properly explain the proposal in terms of Policy DM3.

Matters of flood risk are addressed within the FRA, it is clear that sequentially there are no preferable sites within the village as it is all subject to the same flood risk.

It is considered that the site is acceptable in planning terms having regard to material planning policy at both local and national levels.

Most specifically the proposal accords with the provisions of Policy DM3 which is a positive policy worded to allow limited infill development within the smaller settlements to maintain the vitality and viability of these settlements.

It is therefore requested that planning permission be granted.

PLANNING HISTORY

16/00320/O: Application Refused: 19/05/16 - OUTLIN APPLICATION SOME MATTERS RESERVED: Proposed dwelling - Land East of Midway The Drove, Barroway Drove, Norfolk;

06/02135/O: Application Refused: 28/11/06 - Outline Application :-Construction of dwelling - Land East Of 10 Taylors Row, Barroway Drove, Barroway , Drove, Downham Market, Norfolk, PE38 0AW Appeal Dismissed 04/10/07;

RESPONSE TO CONSULTATION

Parish Council: NO OBJECTION

Stow Bardolph Parish Council has considered the above planning matter and their view is that 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 17/01174/O is within one of these clusters and as such could be considered infill; therefore the Parish Council make no objection to this application.

Highways Authority: NO OBJECTION

In relation to highway issues only, notice is hereby given that Norfolk County Council requests conditions are attached should a recommendation of approval be put forward.

Internal Drainage Board: NO OBJECTION

Downham & Stow Bardolph IDB have no objections to this application subject to the Board's byelaws being complied with.

Environmental Quality: NO OBJECTION

As noted in previous planning applications and from the aerial photograph the site appears to have been used as an extension to the adjacent scrap metal yard. Therefore there is considered to be a risk to human health. As such I would recommend the conditions be attached to any recommendation to overcome existing concerns.

Environment Agency: NO OBJECTION

We have no objection to this application, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) are adhered to.

REPRESENTATIONS None

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 and 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 a single dwelling was refused in 2006 under application ref: 06/02135/O and a subsequent appeal, reference APP/V/2635/A/07/2045131, was dismissed by the Planning Inspectorate.

In this particular instance there are dwellings to the north-east of the site and a row of dwellings to the south-west. Whilst the proposed site does have development either side, it is not considered to be within a continuous frontage given the isolation of the group of dwellings.

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 application site is set in an area which is an isolated strip of development set in the countryside which is detached from the settlement of Barroway Drove.

Flood risk:

The application site falls within Flood Zone 3 as defined in the Council's 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 which accompanies the application requires Finished Floor Levels to be set at 500mm above existing ground levels.

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 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 500mm 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 could however be addressed at the reserved matters stage or through the imposition of suitable conditions.

Other material considerations:

The comments of the Parish Council are noted, but the officer's conclusions on the suitability of the location for further development 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 subject to conditioning.

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.

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 an isolated strip of development set in the countryside which is detached from the settlement of Barroway Drove, and the proposal 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's 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 character of Barroway Drove is that of sporadic linear development along The Drove, intrinsic to that is the existence of gaps between dwellings and groups of dwellings, and this proposal will lead to consolidation of development in this isolated group of dwellings, and in addition will lead to the loss of an established which would be harmful to the character of this area and to the countryside in general.

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 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.

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.