

AGENDA ITEM NO: 8/2(g)

Parish:	Marshland St James	
Proposal:	New detached four bedroom house	
Location:	Land Opposite Bramble Cottage Dades Lane Marshland St James Norfolk	
Applicant:	Mr & Mrs Davey	
Case No:	17/02419/F (Full Application)	
Case Officer:	Clare Harpham	Date for Determination: 5 March 2018

Reason for Referral to Planning Committee – Councillor Long has requested that the application be determined at Planning Committee.

Neighbourhood Plan: No

Case Summary

The application is for a new four bedroom detached house. The proposed new dwelling would be located outside the development boundary of Marshland St James and therefore within the countryside. There is no justification put forward with regard to housing needs for a rural worker. It also fails the sequential test as there are areas within the development boundary and Parish of Marshland St James which are within a lower flood risk area. In addition the proposal is served by a narrow road which is considered inadequate to serve the proposed development.

Key Issues

Principle of development
Form and Character
Neighbour Amenity
Flood Risk
Highways Issues
Other material considerations
Crime and Disorder Act

Recommendation

REFUSE

THE APPLICATION

The application site is almost rectangular shaped and is currently classed as agricultural land which is being used for grazing horses. The site has a width of approximately 24 metres and a depth of approximately 44 metres and is to the western side of Dades Lane.

Dades Lane is a narrow single width road with some ex Local Authority semi-detached dwellings located to the north of the site and some detached dwellings opposite. To the south there is a site which currently has extant planning permission (15/02110/F) for one dwelling which was granted planning permission when the Borough Council lacked a five year housing land supply.

The application is for full planning permission for a large detached dwelling with attached garage.

SUPPORTING CASE

Introduction:

The proposal is for a new four bedroom house which would be situated between two dwellings. The site extends to some 1056m² in area comprising a large garden with some hedge to its southern boundary which will remain. The site has access to power and water and is in flood zone 2.

Local Development Framework Core Strategy 2011:

CS01- Spatial Strategy

CS06 – Development in Rural Areas. Rural villages have a limited but locally important role meeting the needs of the immediate village. Sustaining the existing services is a key priority. These settlements may see some growth, which will help support surrounding rural areas including some small-scale infill and/ or affordable housing. Promotion of sustainable communities and sustainable patterns of development to ensure strong, diverse, economic activity.

CS02- The Settlement Hierarchy. To ensure employment, housing (including affordable housing), services and other facilities are provided in close proximity.

CS08- Sustainable Development

CS09- Housing Distribution CS10- The Economy

CS13- Community and Culture

Sustainability:

The site benefits being in close proximity to major transport facilities. By road, the towns of Wisbech and King's Lynn and the city of Peterborough are short distances away offering shops and services associated with larger market towns and cities.

These public amenities as well as many more are within walking distance from the proposed site of development:

- Primary School
- Secondary School (via bus)
- Public House
- Village Chapel
- Village Hall
- Village Playing Field
- Bowls Club
- Camping Site and Fishing Lake
- New Sports/community Centre (2018)

In Conclusion:

The proposed new dwelling would add a much needed additional dwelling to the village. The applicants have lived in the village all their lives, as have their children who attend the local school, this proposal provides an opportunity for them to remain , thus providing extra support to local services. The Local Parish council Support the application as well as neighbouring occupants whom will be directly affected by the proposal. The proposal will have no adverse impact to the surrounding area , providing another needed dwelling.

PLANNING HISTORY

No planning history on CAPs

RESPONSE TO CONSULTATION

Parish Council: SUPPORT

Highways Authority: OBJECTION

Having visited the site it is evident that Dades Lane is very narrow for the majority of its length with only very limited passing opportunities found at its ends. There is a ditch to its north side and verges are narrow and therefore it is not possible to provide any mitigating formal passing provision over its length of concern. It is therefore considered that Dades Lane is unsuitable for habitual increases in traffic due to the conflict, over running and reversing that is likely to result.

A residential dwelling will typically generate on average 6 vehicular trips per day. I believe that an approval of the application would result in an intensification of use of a section of highway that is unsuitable to cater for additional traffic in its current form and an approval of this application is also likely to set a precedent for further undesirable development on this narrow section of road.

Emergency Planning: Due to the location in an area at risk of flooding it's advised that the occupants' sign up to the EA FWD service and prepare a flood evacuation plan.

It is noted that page 13 of the FRA includes an outdated map for the warning areas along the coast between Snettisham and Hunstanton. This is not relevant for this area. There are no advanced warning signs or a planned operational multi-agency evacuation warning of the area.

Environmental Health & Housing - Environmental Quality: No comment to make regarding contaminated land or air quality.

Environment Agency: No comment to make. The site is located in Flood Zone 2. It is for the LPA to determine whether there are other sites available at a lower risk of flooding as required by the sequential test. We recommend the proposed mitigation measures are adhered to.

REPRESENTATIONS

THREE letters of **SUPPORT** covering the following:

- Good to see a young couple from the village raise their family here / be part of the community.
- Self-build will enable them to get on the housing ladder.
- The turning point for large vehicles is already benefitting the lane.
- One more house will not be a problem.

Councillor Brian Long supports the application for the following reason:

The proposed dwelling will provide a much needed family home, allowing a family to stay living close to other family members and live sustainably within a village location where they have grown up.

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

DM2 – Development Boundaries

DM6 - Housing Needs of Rural Workers

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

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

PLANNING CONSIDERATIONS

The main issues to consider when determining this application are as follows:

- Principle of development
- Form and Character
- Neighbour Amenity
- Flood Risk
- Highways Issues
- Other material considerations
- Crime and Disorder Act

Principle of development

The application site is located outside of the settlement boundary of Marshland St James as identified within Inset Map G57 (Marshland St James / St John's Fen End / Tilney Fen End) of the Site Allocations and Development Management Policies Plan 2016 and as such is within the countryside.

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 an unrestricted dwelling in the countryside. The proposed dwelling 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. Policy DM2 of the Site Allocations and Development Management Policies Plan 2016 also states that outside the development boundary new development will be more restricted and identifies instances where residential development may be appropriate such as rural workers housing (under Policy DM6 of the SADMP) and affordable housing (under Core Strategy Policy CS09). The proposal does not meet the criteria for either of these.

Consequently, 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 is contrary to the provisions of the NPPF, Policies CS01 and CS06 of the King's Lynn and West Norfolk Core Strategy 2011 and Policies DM2 and DM6 of the Site Allocations and Development Management Policies Plan 2016.

Form and Character

The proposed dwelling is large in scale and would take up the majority of the width of the plot measuring 20 metres in width (including the attached garage) and with a depth of 14.5m on the eastern side. Whilst the proposal is large in scale and does not have the modest proportions of the neighbouring semi-detached properties it is hard to argue it would be out of character with the locality given the dwelling which has extant approval to the western side. Notwithstanding this fact it does not overcome the in principle policy objection outlined above.

Neighbour Amenity

The proposal would not cause any amenity issues to the degree that would warrant a refusal. There are no first floor windows on the eastern elevation and the balcony / doors on the western elevation would be approximately 14m from the western boundary at its closest point and given the existing screening and the configuration of the adjacent proposal would not give rise to overlooking which would be material to the degree that would warrant a refusal on this basis.

The proposal would be to the south-west of the neighbouring semi and therefore there will be some impact upon light to the garden during the afternoon, however there are no windows in the side elevation of this neighbour and therefore there will be no material loss of light to any habitable rooms in the neighbouring property. The orientation is such that there

would be no material impact upon the proposed dwelling to the south-west of this application site.

The proposed dwelling would have a depth on the eastern side of 14.5 m with a maximum height of 8.57m and an eaves height of 5.35m. Whilst this is a substantial elevation it is angled away from the boundary slightly to the rear. This in combination with the land to the side of the neighbour to the north-east (over 7m) is considered to mitigate against any overbearing impact of this elevation on the neighbouring semi.

Flood Risk

The application site is within Flood Zone 2 of the Environment Agency Maps. The Environment Agency do not object to the proposal and refer to the FRA.

Whilst the EA have no objection, the LPA still need to apply the sequential test. The aim of the sequential test aims to steer new development to areas with the lowest probability of flooding. Within the village, predominantly along Smeeth Road there are sites at a lesser risk of flooding within Flood Zone 1.

The current proposal is for a single dwelling and therefore sites which could accommodate a single dwelling have been considered when applying the Sequential Test. It has been identified that there are other sites which currently have outline planning permission within Marshland St James along the Smeeth e.g. 15/01293/O 'proposed residential development, within an area at lower risk. This alternative site is located within Flood Zone 1 of the EA Flood Maps and is therefore at a lower risk of flooding than the current application site. The sequential test is therefore failed as there is land at a lower risk of flooding.

Highways Issues

There is an objection to the proposal on the grounds of highway safety from the Highways Officer. Dades Lane is very narrow for the majority of its length with only limited passing opportunities at its ends. As there is a ditch to its northern side and the verges are narrow it's not possible to provide any mitigating formal passing provision over its length of concern.

A residential dwelling will typically generate on average 6 vehicular trips per day. An approval would result in an intensification of use of a section of highway that is unsuitable to cater for additional traffic in its current form. The lack of passing provision leads to habitual conflict, over running and reversing.

Other material considerations

There are no other material considerations which are pertinent to this application.

Crime and Disorder Act

There are no issues with this application with regard to crime and disorder.

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 sequential test as there are areas within the development boundary and Parish of Marshland St James which are within a lower flood risk area. In addition the proposal is served by a narrow road which is considered inadequate to serve the proposed development. Consequently the proposal is

contrary to the National Planning Policy Framework, Policies CS01, CS06, CS08 and CS11 of the King's Lynn and West Norfolk Core Strategy 2011 and Policies DM2, DM6, DM15 and DM21 of the Site Allocations and Development Management Policies Plan 2016.

Members are asked to consider the application in light of National Guidance, Development Plan Policies and other material considerations and on this basis it is recommended that the application 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 dwelling is located outside of the settlement boundary with no justification and is therefore contrary to the provisions of the NPPF, Policies CS01 and CS06 of the King's Lynn and West Norfolk Core Strategy 2011 and Policies DM2 and DM6 of the Site Allocations and Development Management Policies Plan 2016.
- 2 The unclassified road serving the site is considered to be inadequate to serve the proposed development, by reason of its restricted width and lack of passing provision. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety. Consequently the proposal would be contrary to the provisions of the NPPF, Policy CS11 of the King's Lynn and West Norfolk Core Strategy 2011 and Policy DM15 of the Site Allocations and Development Management Policies Plan 2016.
- 3 The application site falls within Flood Zone 2 of the Environment Agency Flood Maps. Sequentially there are sites located within the defined Rural Village (which includes the settlement of Marshland St James, St Johns Fen End and Tilney Fen End) within Flood Zone 1 of the Environment Agency Flood Maps and therefore at a lower probability of flooding. Therefore the proposal does not pass the Sequential Test. The proposed development is contrary to the overarching aims of the NPPF and in particular to section 10 of the NPPF and to Core Strategy Policy CS08.