

Parish:	Stoke Ferry	
Proposal:	Proposed residential development	
Location:	Romer Farm Oxborough Road Stoke Ferry Norfolk	
Applicant:	Mr B D, B C & W R Chapman	
Case No:	18/00410/O (Outline Application)	
Case Officer:	Mrs N Osler	Date for Determination: 7 May 2018 Extension of Time Expiry Date: 8 June 2018

Reason for Referral to Planning Committee – Called in by Councillor Sampson and officer recommendation is contrary to Parish Council recommendation.

Neighbourhood Plan: No

Case Summary

Outline planning permission with all matters reserved is sought for residential development of the site.

The site lies outside of the development boundary for Stoke Ferry (a Key Rural Service Centre (CS02)) as shown on Inset G88 of the SADMP, and is therefore designated as countryside.

The site lies within flood zone 1, and within Stoke Ferry Conservation Area.

Key Issues

- Principle of Development
- Form and Character
- Impact on the Conservation Area
- Residential Amenity
- Highway Safety
- Affordable Housing
- Loss of Employment Use
- Other Material Considerations
- Crime and Disorder

Recommendation

REFUSE

THE APPLICATION

Outline planning permission with all matters reserved is sought for residential development of the site. Indicative plans show 5 dwellings; 3 detached and a pair of semis. Each property is indicatively shown to have its own access onto Oxborough Road and the three detached properties are indicatively shown to have garages.

The site lies outside of the development boundary for Stoke Ferry (a Key Rural Service Centre (CS02)) as shown on Inset G88 of the SADMP, and is therefore designated as countryside.

The site is adjacent to existing housing that was permitted under application 15/01757/O when the Local Authority could not demonstrate a five-year housing land supply.

The site lies within flood zone 1, and is within Stoke Ferry Conservation Area.

SUPPORTING CASE

None submitted

PLANNING HISTORY

17/00038/TPO: TPO Work Approved: 13/04/17 - 2/TPO/00353: T1 Beech Tree - Remove

04/02016/CU: Application Permitted: 08/02/05 - Extension and change of use of storage buildings to Retail (Class A1) for farm shop and creation of vehicular access

2/99/1278/F: Application Permitted: 23/11/99 - Conversion of cattleyard to provide farm offices and storage facilities

2/95/1587/F: Application Permitted: 09/07/96 - Erection of steel framed agricultural storage building

RESPONSE TO CONSULTATION

Parish Council: The parish council would like to stress that number one on the list below is the issue they feel most strongly about as they are deeply concerned that by splitting developments on the same land in this manner the village is losing out as a way that the developers circumvent affordable housing. And they would like this point considered as a priority over others by the planning and those who will review the application.

The Stoke Ferry Parish Council met to discuss the application above on Weds 28 March 2018 and instructed me to return the following response:

It was proposed that the Parish Council **APPROVE** the application subject to the four conditions as listed below:

- 1) The Parish Council agreed that they were concerned that the current application that had been submitted was a second development of housing from the same developer on the same piece of land. The first development appeared to have finalised and there was not this application with further five houses resulting in no affordable housing units being

Planning Committee
4 June 2018

eligible for either of the development as split in two were in isolation too small to qualify below the threshold. The Parish Council agreed that they were interested to know what the criterion was for affordable housing to make this allowable. The Parish Council felt that the developer had put the two applications for housing through separately to avoid and circumvent a way round placing affordable housing within the site and the Parish Council agreed that they would like to see plot 2 and 3 become affordable housing. There was concern that developing in this way to avoid rules of affordable housing could set a precedent for other developments on that site. The Parish Council felt that if there was any further development they should be within S106/CIL.

- 2) As part of conditions relating to the first development, the A134 access was not permitted for use by the developer, though the Parish Council note that they did use this access constantly, so if it was to happen on this second lot of development then there was concern by the Parish Council that this could imply that the access becomes allowable for the residents which would be dangerous as this leads directly out onto the A134. The Parish Council agreed to request that the Oxborough Road remained as a cul-de-sac due to the dangers of the A134 opening, and if open would be used as short cut disturbing residents of the Oxborough Road. The Parish Council wished to make the planners aware that if the Oxborough Road entrance to the A134 was used as a through-road then there would be an objection by the Parish Council.
- 3) The Parish Council noted that there is an access to the back field to the development and the Council does not wish this to be an access route to further development behind.
- 4) The Parish Council would like CIL payments to be applied to this development.

Highways Authority: NO OBJECTION to the principle of development.

Stoke Ferry Internal Drainage Board: NO OBJECTION subject to the Board's Bylaws being complied with.

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

Environmental Health & Housing – CSNN: NO OBJECTION subject to conditions relating to foul and surface water drainage, road traffic noise mitigation (to new dwellings) and protection scheme for construction.

Housing Enabling Officer: NO OBJECTION The site area and number of dwellings proposed trigger the thresholds of the Council's affordable housing policy as per CS09 of the Council's adopted Core Strategy. At present a 20% provision is required on sites capable of accommodating 5 or more dwellings and / or 0.165ha in Stoke Ferry. The affordable housing provision is then further split into 70% of the affordable homes being made available for rent and the other 30% for shared ownership or any other intermediate product that meets the intermediate definition within NPPF, meets an identified need in the Borough and is agreed by the Council.

However, NPPG states that affordable housing should not be sought on developments of fewer than 11 units. There are two exceptions to this;

- Firstly, on sites with a combined floorspace (GIA) of greater than 1,000m², policy CS09 continues to apply.

- Secondly, on sites of 5 to 10 units, with a combined floorspace (GIA) of under 1,000m², and where the site is located in a designated rural area, a financial contribution will be required.

As this site is under this threshold, then ordinarily no affordable housing would be required.

However, as the case officer has determined that Policy DM8 applies and this is part of a linked site, it is treated as a site of 13no units. Therefore, across the two sites, 3no units of affordable housing are required, with no financial contribution. 2no units should be for rent, with 1no unit for shared ownership. This replaces the requirement [that has been delivered] on the linked site alone for 1no rented unit and a financial contribution of £36,000.

A S106 will be required to secure the affordable housing.

Conservation Officer: NO OBJECTION The site is within the conservation area but the original farm buildings, which I suspect were the reason for its inclusion, are in a very poor state and overshadowed by the large modern structure on part of the site that neither preserves or enhances the character of the conservation area, and given the new build adjacent I have no objection to the proposal subject to design details and materials.

Historic England: No comments to make

REPRESENTATIONS

Three letters of objection / concern have been received. The issues raised can be summarised as:

- Affordable housing is needed in this area, not expensive executive houses
- Oxborough Road should not be opened up to through traffic (i.e. an access provided with the bypass)
- Incremental applications are being made to avoid having to provide affordable housing
- The public footpath through the field should be properly reinstated so that villagers and new resident can use it
- Impact from additional traffic
- Lack of amenities
- Impact from construction
- Pollution
- Protected Species

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS10 - The Economy

CS11 – Transport

Planning Committee
4 June 2018

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM8 – Delivering Affordable Housing on Phased Development

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

PLANNING CONSIDERATIONS

The main issues in the determination of this application are:

- Principle of Development
- Form and Character
- Impact on the Conservation Area
- Residential Amenity
- Highway Safety
- Affordable Housing
- Loss of Employment Use
- Other Material Considerations
- Crime and Disorder

Principle of Development

The site lies outside of the development boundary for Stoke Ferry and is therefore subject to countryside protection policies contained within the NPPF and Local Plan.

Both the NPPF and Local Plan Policy CS06 seek to locate housing where it will enhance or maintain the vitality of rural communities or that are essential for agricultural or forestry needs.

The site, in conjunction with the land opposite, provides a clear break between built form and the Bypass (to the northeast), and represents the beginning of open countryside.

The adjacent houses (to the southwest) were approved at a time when the LPA could not demonstrate a five-year supply of housing land. As such, at that time, applications should only be refused if there was clear and demonstrable harm as policies for the supply of housing were considered to be out of date. In this regard it was concluded that the development, opposite existing housing, would not represent such harm.

Planning Committee
4 June 2018

However, the LPA can now demonstrate a five-year supply of housing land and therefore its policies in relation to residential development should be accorded full weight. Development must therefore be considered against the policies of the Development Plan unless material considerations indicate otherwise. It is not considered that there is any special justification for continuing linear development on this side of the road into the countryside, outside of the defined development boundary.

Form and Character

As stated above, this application would represent linear development into the countryside that would be contrary to policy and at odds with the land use on the opposite side of the road. Whilst all decisions need to be taken on their own merits, as there are no specific material considerations that outweigh the departure from the development plan, it would make it difficult for the LPA to resist further development in the locality of the site especially on the opposite side of the road.

Due to the outline nature of the application specific comments cannot be made on design / appearance although it should be noted that due to the site's location within the Conservation Area greater consideration needs to be given to the proposal as indicatively shown.

Impact on the Conservation Area

In relation to the impact on the Conservation Area alone, your officers agree with the Conservation Officer that, subject to an acceptable design, it is unlikely that residential development of the site would be of detriment to the Conservation Area. This is primarily due to the fact that any such development would replace an existing modern agricultural building and smaller semi-derelict buildings constructed from common brick.

Residential Amenity

Due to the outline nature of the application residential amenity cannot be fully considered. However, it is considered that any material overlooking, overbearing or overshadowing impact could be designed out.

Highway Safety

Likewise access is a reserved matter. However, the Local Highway Authority (LHA) considers that safe access could be achieved and that there is sufficient space for an appropriate degree of parking and turning. As such the LHA does not object to the proposed development on the grounds of highway safety.

Affordable Housing

Development Management Policy DM8 specifically covers the issue of the sub-division of sites that can lead to affordable housing triggers not being met, and states: *'On windfall sites the requirement to provide affordable housing under Core Strategy CS09 Housing will apply where the Council considers that the proposed development forms part of a larger site which, if developed, would result in a requirement for a proportion of (or contribution to) affordable housing. If the application site satisfies one or more of the following criteria, then it will be considered to be part of a larger site for the purposes of this policy:-*

- * *Land ownership – If an application site is in the same ownership as one or more adjacent plots of land at the time the application is made or within 3 years of the date the application is made and development of those sites would comply with other policies of the Local Plan;*
- * *Planning history – If there is evidence of previous applications for development of a larger site of which the application site forms a part within the past 3 years of the date an application is made and development of the larger site would still be acceptable under other policies of the Local Plan; or*
- * *Extensions to existing consented development – If the site forms an extension to a development that has been approved in the 3 years before the application is made and which is still capable of being implemented or the site forms an extension to a development that is being built out on the date the application is made.'*

An example is given at paragraph C.9.5 of the policy text: *'Permission is granted for 4 market dwellings on a site of 0.150 ha in a rural village. The site is not required to provide affordable housing as it is below the threshold set in Core Strategy Policy CS09 Housing. Development is completed on the site in 2014. Four years later, an application is made for 3 more houses on land immediately adjacent to the completed site. Both sites are assessed in combination to determine the affordable housing contribution. Therefore, the total number of dwellings on both sites is 7 and the developer will be required to deliver the relevant proportion of affordable housing (20% in this rural example), or equivalent financial contributions if this cannot be delivered on site.'*

In relation to the current application the applicant has confirmed that they agree that the site does represent an extension to an existing site and have indicated that they are willing to enter into a S106 Agreement to provide affordable housing, and Heads of Terms have been submitted in this regard. Notwithstanding this, any resolution to approve by this committee would need to be on the condition that a suitable S106 Agreement is in place within four months of the date of the resolution.

In summary, affordable housing is required and can be secured if permission is granted.

Loss of Employment Use

Core Strategy Policy CS10 seeks to retain employment land (including agricultural uses) unless it can be demonstrated that:

- continued use of the site for employment purposes is no longer viable, taking into account the site's characteristics, quality of buildings, and existing or potential market demand; or
- use of the site for employment purposes gives rise to unacceptable environmental or accessibility problems particularly for sustainable modes of transport; or
- an alternative use or mix of uses offers greater potential benefits to the community in meeting local business and employment needs, or in delivering the Council's regeneration agenda.

However, it is considered on balance that the loss of such a small area of land of a wider agricultural holding (that accommodates only one building currently in use) does not warrant refusal of the application in this instance.

Other Material Considerations

A replacement tree is to be provided within the site under TPO application 17/00038/TPO. If it is to be planted in the north-eastern corner of the site (which is where the originally

Planning Committee
4 June 2018

protected beech tree was located) the Arboricultural Officer (AO) suggests that a layout, such as that indicatively shown, would not impact on this replacement tree. Should permission be granted the AO requests that details of tree protection be submitted as part of the reserved matters application.

In relation to protected species the larger building was in operation when the site visit was undertaken. It is therefore highly unlikely that protected species are present, and it is not considered that the smaller building would be suitable. Notwithstanding this, surveys could be requested if permission is granted.

It is not considered, given the scale of the proposed development, that it is necessary to condition the requirement of a construction management plan. It is however considered, if permission is granted, that all other recommended conditions are appended.

In relation to Parish Council and third party comments not covered above your officers respond as follows:

Access from / onto A134 – if such an access were proposed it would require planning permission and any application would have to be determined on its own merits

The retained field access should not be used in the future as an access route to enable further development of the agricultural land at the back of the site – likewise, such a proposal would require planning permission and any application would have to be determined on its own merits

CIL should be paid – the proposal is CIL liable and will be dealt with under the relevant legislation

Reinstate public footpath – it would not be reasonable to condition this

Pollution – It is not considered that five residential dwellings would result in pollution of a level to warrant refusal.

Crime and Disorder

There are no specific crime and disorder issue arising from this application.

CONCLUSION

The proposed development represents a departure from national and local planning policy and guidance and would represent unjustified residential development in the countryside that would be of detriment to the visual amenity of the locality. There are not considered to be any material considerations that outweigh this departure. It is therefore considered that this application should be refused for the following reason.

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 The site lies within countryside where development is restricted unless it is required in relation to a rural enterprise. The applicant has not provided any special justification why countryside protection policies should be relaxed. The proposed development is therefore contrary to paragraph 55 of the NPPF, Policy CS06 of the Core Strategy 2011 and Policy DM2 of the SADMP, 2016.