

AGENDA ITEM NO: 8/2(i)

Parish:	Tilney St Lawrence	
Proposal:	Proposed residential house with garage	
Location:	Brickyard 123 Church Road Tilney St Lawrence King's Lynn	
Applicant:	J Goodley & Sons Ltd	
Case No:	18/00357/F (Full Application)	
Case Officer:	Clare Harpham	Date for Determination: 8 August 2018

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

Neighbourhood Plan: No

Case Summary

The application is for a new dwelling with garage as well as the associated vehicular access, which includes a vehicular access for the existing dwelling. The proposed new dwelling would be located some distance outside the development boundary of Tilney St Lawrence and therefore within the countryside. There is no justification put forward with regard to housing needs for a rural worker. The proposal also fails the exception test as the siting a dwelling in this unsustainable location does not give benefits which would outweigh the flood risk at the site.

Key Issues

Principle of development
Form and Character
Amenity issues
Flood Risk and Drainage issues
Highways Issues
Ecology
Other material Considerations
Crime and Disorder

Recommendation

REFUSE

THE APPLICATION

The application site is located to the western side of Church Road and is currently very overgrown garden land to the north of the existing dwelling that is 123 Church Road, a semi-

detached period cottage. The site is bounded to the front (east) of the site by hedging and a large drainage ditch (Board maintained).

The application relates to full planning permission for a residential dwelling as well as vehicular access provision for the new dwelling and for the existing dwelling on site.

SUPPORTING CASE

This application will be going to the Planning Committee recommended for refusal based on policy which I will not be arguing against in this document. Instead we have seen a favourable response to this application from the Parish Council stating that it would enhance the street scene along Church Road. Church Road is part of Tilney St Lawrence and runs from the cross roads (with Magdalen Road and School Road) now considered the hub of Tilney St Lawrence north towards the Church and then takes a sharp right and left and then continues north again towards the A47 where it finishes. This was at one time the main road through the village truncated when the A47 bypass was introduced. Church Road has linear development almost all along its length (approximately a mile long) which is the oldest part of the village and boasts some fine property along this length as well as a fine Church. Obviously the proposed would be in close proximity to the Church that for believers and non-believers is a vital part of the village with events going on throughout the year. It will be further away from the main hub of the Village being some 0.9 mile away from the crossroads referred to above, but I would say it's in good company with more properties past the proposed along Church Road. 123 Magdalen Road which the last of a group of linear development along Magdalen Road before it gets sporadic is approx. 0.7 mile away from the crossroads and so is 104 Westfields (off St Johns road) (please note that all these distances were taken from Google maps).

I don't believe this proposal will harm the setting of Church Road or anyway damage the open countryside. I believe along with the Parish Council that this proposal will indeed enhance the street scene and is a natural infill between 2 properties along a road with linear development.

The proposed would use quality materials so as to blend in to its surroundings in which it is set and hopes (if approved) to be an asset to Tilney St Lawrence.

PLANNING HISTORY

06/00161/O: Application Refused: 17/03/06 - Outline Application: construction of dwelling - Land To The North Of 123 Church Road Tilney St Lawrence

RESPONSE TO CONSULTATION

Parish Council: SUPPORT it would enhance the street scene.

Environment Agency: NO OBJECTION The FRA is acceptable and we strongly recommend that the mitigation measures detailed within the FRA are conditioned. It is for the Local Planning Authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower risk of flooding and whether the Exception Test has been passed.

Highways Authority: NO OBJECTION

Having examined the information submitted with the application I believe that ultimately accesses for the application would be safe and parking and turning for vehicles would be acceptable for the given road conditions.

The proposed development site is however 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 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. If you are minded to approve the application then conditions are recommended.

Internal Drainage Board: The site is within the catchment area of the Board and therefore the Board's Byelaws apply.

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

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.

Natural England: No comment. Please refer to the Standing Advice.

REPRESENTATIONS

No third party representations received.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

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 (NPPF)
Planning Practice Guidance (PPG)

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
- Amenity issues
- Flood Risk and Drainage issues
- Highways Issues
- Ecology
- Other material Considerations
- Crime and Disorder

Principle of development

The application site is located some distance (1.2km) outside of the settlement boundary of Tilney St Lawrence as identified within Inset Map G94 (Terrington St John / St John's Highway / Tilney St Lawrence) 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 immediate locality is characterised by some linear development along this section of Church Road which is now a dead-end due to the route of the A47 immediately to the north. The dwellings along this section of Church Road are predominantly modest cottages with simple proportions. The immediate neighbour to the south is a pair of semi-detached cottages and to the immediate north is a large bungalow with hipped roofline which has been extended over time giving it a larger footprint.

The proposed dwelling is large in scale with an almost cruciform shape when viewed in conjunction with its linked garage and would take up the majority of the width of the plot measuring 14.5 metres in width (including the attached garage) and with a depth of 11.5m. Due to the flood risk in the locality Finished floor levels will need to be raised 600mm above the surrounding ground level so this will give an overall height of 6.75m.

Whilst the proposal is large in scale and does not have the modest proportions of the semi-detached properties to the south it is hard to argue it would be out of character with the locality given the extended bungalow to the immediate north which gives some variety to the existing dwellings in the locality (albeit the bungalow sits at a lower level).

The Parish Council have supported the proposal stating that it would enhance the street scene however notwithstanding this opinion it does not overcome the in principle policy objection outlined in the report above and it would harm the rural character of the locality by contributing to an intensification of the sporadic development in this area of countryside.

Amenity issues

The proposal is directly south of the neighbouring dwelling to the north which has windows and patio doors in its southern elevation, as well as a large part of its private amenity space being located to this southern side, directly north of the proposal. However given the distance of the neighbour to the southern boundary in combination with the fact that the single storey element (garage) is on this side of the proposal it is considered that it would not warrant a refusal on the basis of overshadowing.

The proposal would not be overbearing or cause any material overlooking due to the depth of the proposal in proximity to each side boundary and the first floor windows on the northern elevation would serve non-habitable rooms (en-suites and landing).

Flood Risk and Drainage issues

The application site is within Flood Zone 3 of the Environment Agency Maps and within a Tidal Hazard Mapping Area. The Environment Agency have withdrawn their initial objection following receipt of a revised 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. The majority of the village is within Flood Zone 3 with a few pockets located within Flood Zone 2.

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. No sites at a lower flood risk have been identified and therefore the proposal passes the Sequential Test.

As the proposal is in flood zone 3 then the Exception Test needs to be passed as well as the Sequential Test. The Environment Agency are satisfied that the site specific flood risk

assessment demonstrates that the development will be safe for its lifetime provided the mitigation measures within the FRA are secured by condition. However the proposal is not considered to be in a sustainable location and therefore the sustainability benefits of approving a dwelling in this location do not outweigh the flood risk and consequently the proposal fails the Exceptions Test as set out within para 102 of the NPPF.

The open drain to the front of the application site looks to be a Board maintained drain (DRN146P0222) and therefore the IDB Byelaws apply to the proposal. The proposal looks like it is less than 9m from the brink of the drain (shown as a dashed line on the block plan it is 7.5m approx. from the brink) and therefore the proposal would require consent under Byelaw 10. Should the proposal be pushed back further within the site it could cause amenity issues as the proposed dwelling would be to the rear of the semi-detached dwelling to the south and so there could be window to window relationship issues and overlooking caused by the first floor front windows within the proposed dwelling.

Highways Issues

The proposal would involve the culverting of the drain to the front of the site and therefore consent will be required from the IDB under Section 23 of the Land Drainage Act. There are no objections to the proposed points of access from the Highways officer on highway safety grounds although he has made comment on the location being contrary to the aims of sustainable development.

Ecology

Given the nature of the site which is very overgrown and adjacent to an open drain a protected species survey was submitted. No evidence was found of protected species on site although there was the potential for foraging by bats and recommendations were made to ensure precautionary measures should development take place.

Other material Considerations

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

Crime and Disorder

There are no issues relating to crime and disorder which have arisen as a result of this application.

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 exception test as the provision of a dwelling in this area does not provide wider sustainability benefits to the community that outweigh the flood risk. Consequently the proposal is contrary to the National Planning Policy Framework, Policies CS01, CS06, and CS08 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.

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 The site lies well outside the development boundary of Tilney St Lawrence and the proposed development would result in the consolidation of the currently sporadic rural housing along Church Road. 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 application site falls within Flood Zone 3 of the Environment Agency Flood Risk Maps and passes the sequential test; therefore the exception test is required. The proposal does not represent development where the sustainability benefits outweigh the flood risk. The proposed development is therefore contrary to para. 102 of the NPPF and Policy CS08 of the King's Lynn and West Norfolk Core Strategy 2011.