

AGENDA ITEM NO: 8/3(h)

Parish:	West Walton	
Proposal:	OUTLINE APPLICATION SOME MATTERS RESERVED: Construction of 2 x 2 bedroom chalet bungalows	
Location:	Willowvista 232 Salts Road West Walton Norfolk	
Applicant:	C/o Agent	
Case No:	18/00860/O (Outline Application)	
Case Officer:	Clare Harpham	Date for Determination: 13 July 2018 Extension of Time Expiry Date: 16 January 2019

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 outline planning permission for the construction of two two-bed chalet bungalows located to the rear of the donor dwelling. The site (except the access) is located outside the development boundary of West Walton with no rural justification but also represents a tandem form of development which is not characteristic of the locality and may also give rise to amenity issues.

Key Issues

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

Recommendation

REFUSE

THE APPLICATION

The application site is located to the rear (west) of Willowvista (donor dwelling), a single storey dwelling which is in the same ownership as the application site. The site is currently bounded to three sides by very tall conifer hedging (north, west and south) and close board fencing to the applicant's garden (east).

At the time of the site visit the site was vacant with some hardcore and rubble on site. The applicant stated that the site used to be part of a nursery / orchard and that there used to be a greenhouse and chicken shed on the site. The land therefore would not be classed as previously developed land as defined within annex 2 of the NPPF 2018 which states that land which is or was last occupied by agricultural buildings is excluded from this classification.

The application is for outline planning permission with only the access to be considered at this stage for two two-bedroom dwellings. The description was altered during the application with the agreement of the agent as the original description of 'bungalows' did not reflect the two storey nature of the proposal.

SUPPORTING CASE

It is hoped that members will take into consideration the Statement of Justification submitted in support of this application, and in particular the following extract:

This proposal comes forward as a result of the recent permissions granted in respect of housing development at the adjacent Tamar Nurseries site 16/00813/OM, a development of 49 dwellings to the immediate west, on the site of an existing intensive commercial plant nursery. Both this approval and the existence of the operation are held to be a strong Material Considerations.

In allowing these much needed homes within this locality the site would support the Local Authority's development plans overall strategy of directing most development to the district's major settlements. Indeed this proposal has both the support of the Parish Council and that of the Ward Councillor.

The village is a sustainable settlement, and the location and scale of the proposed development would not conflict with the plan's overall strategy for the distribution of housing.

Recent appeal decisions support well designed, considerate and modest proposals within land defined as 'Countryside', promoting the principal that a blanket ban on such development is flawed; the NPPF, in recognising the intrinsic character and beauty of the countryside, and does not seek a blanket protection.

In assessing impact on appearance and character, is it not considered that the single-access, cul-de-sac layout would be out of keeping with the village, and would be most in keeping with adjacent development. The scheme would not extend the village into open countryside because the site is well contained by landscape features, and the proposal causes no conflict with development plan, locational policies, or visual and character impacts.

The site has low value in the wider landscape, in fact it is practically invisible from any highway, and the proposal would relate well to the settlement, particularly due to other recent approvals for new housing nearby.

The new homes would accord with the development plan as a whole, and certainly with the vast majority of the principals and objectives of both BCKLWN policy and NPPF.

PLANNING HISTORY

10/00303/F: Application Permitted: 23/04/10 - Extension to existing dwelling - 232 Salts Road West Walton

RESPONSE TO CONSULTATION

Parish Council: SUPPORT

- Good access to the development
- Good use of redundant brown field site
- Conifer trees to remain to maintain privacy of existing housing as neighbouring properties privacy must be respected

Highways Authority: NO OBJECTION

In terms of Highways considerations I have no objection to the principle. I do observe that there is a section of footway directly to the south of the point of access with Salt's Road which should be connected to achieve acceptable pedestrian access and therefore I recommend conditions relating to access/footway link and on-site parking and turning.

Environmental Health & Housing - Environmental Quality: NO COMMENT to make regarding contaminated land and 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.

Environment Agency: NO OBJECTION

Previous objection has been withdrawn following the receipt of additional information. It is strongly recommended that the mitigation measures proposed in the submitted letter from MTC Engineering Ref: MJB/2264, dated November 2018 are conditioned relating to finished floor levels at a minimum of 2.8m aOD. It is the responsibility of the LPA to carry out the sequential test and if appropriate the exception test.

Community Safety and Neighbourhood Nuisance: NO OBJECTION

There are discrepancies in the information provided regarding surface water drainage (FRA states soakaway but Section 12 of the application form indicates SUDS) and therefore I recommend a pre-commencement condition relating to surface water drainage.

REPRESENTATIONS

NINE letters of **OBJECTION** as follows:

- Noise and disturbance (cars and gravel on driveway).
- Overlooking to neighbouring properties in Orchard Drive and the rear garden to the immediate north (no. 228).
- New access proposed, will cause loss of streetlight or relocation which could cause light pollution to houses.
- Emotional distress caused by proposal and disruption by building works.
- Lack of infrastructure and services i.e. schools are oversubscribed.
- Original description was misleading as the proposal states bungalows but they have first floor accommodation causing privacy issues.
- Security issues caused by increased access to the back of the dwellings along Salt's Road.
- The impact of works so close to the ditch may cause damage and effect drainage in the locality.

- The conifers will be affected by the development and if kept the proposed dwellings will be massively enclosed and suffer from lack of light.
- Whilst adjacent to the proposed Tamar development (16/00813/OM) this is different as the land is a rear garden and Tamar was a business, how is this brownfield?
- The Tamar development has two bungalows which line up with these and so this could become another road onto the Tamar site.
- The supporting statement proposes a footpath from the Tamar site but there is insufficient space with the drainage ditch in place.
- The agent has said it is less intrusive than the development on School Road (16/00482/OM) but this is not the case as that development did not have so many neighbours who would be affected.
- It will affect character of area if all the conifers are removed.
- Until 2014 this was a grassed over rear garden so surely it is not a brownfield site.
- This is financial gain at the expense of neighbours.

LDF CORE STRATEGY POLICIES

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS09 - Housing Distribution

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
- Amenity Issues
- Flood Risk
- Highways
- Other material considerations
- Crime and Disorder

Principle of Development

The application site is located outside the development boundary (with the exception of the access) of West Walton as identified by Inset Map G120 of the Site Allocations and Development Management Policies Plan 2016. Local Plan policies seek to restrict residential development within the countryside which do not have a rural justification. Policy CS06 states that the development of greenfield sites will be resisted unless essential for agricultural or forestry needs and Policies DM2, and DM6 reiterate the fact that outside development boundaries new development will be more restricted and limited to that identified as suitable in rural areas. For residential purposes this would be limited to rural workers housing as outlined in DM6 of the SADMP and affordable housing as identified within Core Strategy Policy CS09. The application as submitted does not give any justification for market housing which would be located outside the development boundary.

Notwithstanding the above policy objections, whilst the proposal is outside the development boundary paragraph 78 of the NPPF 2018 states that policy should promote sustainable development in rural areas and housing should be located where it will enhance or maintain the vitality of rural communities. Some recent appeals have assessed whether proposed residential development is located in a suitable location having regard to the accessibility of services and facilities and have concluded that whilst the proposed sites were outside the development boundary and therefore do not accord with Policies DM1 and DM2 of the SADMP 2016 and Policy CS06 of the Core Strategy 2011 they found that due to the location of the sites, in close proximity and accessible to the main village and level of services available, that these considerations outweighed the policy conflict and that the development would meet the overarching aims to direct housing to where it would be acceptable and suitable in terms of services and facilities.

Consequently whilst the proposed dwellings would not be located within the development boundary it is considered in this case that the location would meet the aims of sustainable development with regard to services and facilities.

It should be noted at this stage that within the Parish Council response which supports the application it was stated that it would be good use of a redundant brown field site, however the application site would not be classed as previously developed land as defined within annex 2 (glossary) of the NPPF.

Form and Character

The proposal seeks to locate two chalet style dwellings to the rear of an existing bungalow on Salts Road. The existing form and character along Salts Road is linear in form with Orchard Drive being located to the south of the application site. Whilst the dwellings on Orchard Drive are immediately adjacent (south) to the application site they represent a

planned and comprehensive form of development which has a positive frontage onto Salts Road.

The proposed development would represent a backland development which would provide an 'ad hoc' tandem form which would not relate positively to the existing linear form along Salts Road, or the planned form on Orchard Drive to the south. Consequently it is considered that it would have a harmful effect on the character and appearance of the locality. Within the agent's supporting case he has stated that the location is suitable due to the fact that there is outline planning permission to the west (16/00813/OM) for dwellings which would make this proposal acceptable. However whilst there is extant outline permission, this has not been implemented nor is the layout known. The agent site (not unlike Orchard Drive) to the south would be a planned form of development and not a tandem form as proposed which is out of character with the locality.

Policy CS06 and CS08 of the Core Strategy emphasis that design should be of high quality which responds to the context and character of places in West Norfolk by ensuring that the scale, density, layout and access will enhance the quality of the environment. This is reiterated in Policy DM15 of the SADMP and also paragraph 130 of the NPPF 2018 which states that permission should be refused for poor design which fails to take the opportunities available for improving the character and appearance of the area and the way it functions. The form of development proposed is not considered to comply with these policies and would represent a built form which is not in character with the locality.

Amenity Issues

The proposal, whilst in outline with only access being considered at this stage, is for two two-bedroom chalet bungalows where first floor accommodation is being proposed. Whilst the indicative layout could be altered at reserved matters stage, due to the constraints of the site with garden land being located to the north, east and south and extant planning permission for residential development (16/00813/OM) to the west it is likely that the indicative layout would be the most suitable for the site. Given that two storey accommodation will require first floor windows the impact on the surrounding dwellings has been assessed using the indicative layout.

Whilst at the time of the site visit (28th June 2018) the site was surrounded by very large conifer trees it is not possible to rely on the retention of this screening, especially as the proposed private driveway would be located along the length of the southern boundary which may well impact upon the roots of the existing conifers and require their removal. The indicative plans show the dwellings only 8.2m (at their closest) to the southern boundary and less than 20m from the rear windows within no. 12 Orchard Drive. Whilst there are no first floor windows within the indicative plans to the northern roof slope it is worth noting that the nearest proposed dwelling is only 9.8m away from this northern boundary. Consequently there is the very real possibility that siting two dwellings within the application site would result in a loss of privacy to the dwellings to the south.

The proposed private driveway would be located along the southern boundary and would introduce vehicular movements to the rear/side of 238 Salts Road as well as four other dwellings within Orchard Drive, with the rear boundary of no.12 Orchard Drive being located 6m from the proposed driveway.

There have been neighbour objections relating to overlooking and noise and disturbance relating to the increase of vehicular movements.

Whilst it is acknowledged that the indicative site plan could be altered at reserved matters stage it is considered that given the size constraints of the site, surrounded by residential

development the proposal would give rise to overlooking issues which would be detrimental to neighbour amenity and would therefore be contrary to section 12 of the NPPF 2018 (achieving well designed places), Policy CS08 of the Core Strategy 2011 and Policy DM15 of the SADMP 2016.

Flood Risk

The application site is within Flood Zone 3 of the SFRA 2018 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 1.

The current proposal is for two dwellings and therefore sites which could accommodate two dwellings 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 (finished floor levels set at a minimum of 2.8m aOD). However the proposal is located outside the development boundary 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.

Highways

The proposal incorporates a new vehicular access between the existing bungalow at no. 232 Salts Road and the neighbouring dwellings to the south (no. 238 Salt's Road). There are neighbour objections to this relating to possible loss / relocation of a street light and noise and disturbance created by the access.

There are no objections to the proposal from the highways officer subject to conditions relating to the access with a footway link provision and parking and turning being provided on site.

Other material considerations

There are a number of objections to the proposal which have been stated earlier within this report, some of which are relevant planning issues and which have been addressed within this report.

Crime and Disorder

There are no issues relating to crime and disorder which arise from this application. There is an objection which relates to security issues which may arise from allowing increased access to the back of dwellings along Salts Road; however an argument could also be made that with the provision of additional dwellings there will be an increase in natural surveillance in the immediate locality.

CONCLUSION

The proposed development would represent tandem form of development which is not characteristic of the locality and would not improve the character and quality of the area, giving rise to possible overlooking issues, which would be contrary to the principles of the NPPF, Policy CS06 and CS08 of the Core Strategy 2011 and Policy DM15 of the SADMP 2016. The application is also not considered to pass the exception test as set out within paragraphs 160 and 161 of the NPPF 2018. Consequently it is recommended that Members refuse the application.

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 Within Section 12 of the NPPF it states that decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and that they should be sympathetic to local character. Policies CS06 and CS08 of the Core Strategy 2011 reiterate this with proposals taking into consideration the form and character of existing development. Policy DM15 states that the layout of a development should respond sensitively and sympathetically to the local setting and pattern of adjacent streets. The proposed development represents a tandem form of development with no active frontage which is not in character with the existing linear form of development along Salts Road and the neighbouring planned development in Orchard Drive. The proposal is therefore contrary to Section 12 of the NPPF 2018, Policies CS06 and CS08 of the Core Strategy 2011 and Policy DM15 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. 160 and 161 of the NPPF 2018 and Policy CS08 of the King's Lynn and West Norfolk Core Strategy 2011.
- 3 Policy DM15 of the Site Allocations and Development Management Policies Plan 2016 states that development must protect and enhance the amenity of the wider environment and that proposals will be assessed against their impact on neighbouring uses and occupants, including overlooking. The size constraints of the application site, with residential dwellings and garden land to its boundaries give rise to the likelihood that residential development would cause overlooking of private amenity space to the detriment of the neighbouring residents and as such the proposal is contrary to the principles of the NPPF 2018, Policy CS08 of the Core Strategy 2011 and Policy DM15 of the Site Allocations and Development Management Policies Plan 2018.