

Parish:	West Dereham	
Proposal:	Proposed new dwelling	
Location:	Stonibruk Ryston Road West Dereham King's Lynn	
Applicant:	Mr Oliver Glover & Mrs Hayley Burton	
Case No:	18/00231/F (Full Application)	
Case Officer:	Mrs C Dorgan	Date for Determination: 5 April 2018 Extension of Time Expiry Date: 10 February 2019

Reason for Referral to Planning Committee – Called in by Councillor Squires

Neighbourhood Plan: No

Case Summary

The application is for full planning permission for the construction of a large detached four bedroom dwelling located to the east of the dwelling known as 'Stonibruk'. The application site fronts onto Ryston Road in West Dereham, and is detached from the built extent of the settlement, located to the west of this.

The applicant has stated that the dwelling is required to provide support for elderly relatives residing at 'Stonibruk' and for security to the family business premises to the north of the application site.

Key Issues

- * Principle of Development
- * Form and Character
- * Neighbour Amenity
- * Highways/ Access
- * Flood Risk

Recommendation

REFUSE

THE APPLICATION

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The application site is currently classed as agricultural land, although is not currently farmed.

SUPPORTING CASE

- This application has been submitted for the provision of a new residential dwelling positioned as an infill development between Watering Cottages (3No dwellings) and Stonibruk, an existing bungalow owned by the applicants parents who have lived at the property and farmed the 65 acres of farmland that surrounds the property for the last 50 years.
- The Site Allocations and Development Management Policies Plan 2016, states that West Dereham has been classed as a 'Smaller Village and Hamlet' by the 2011 Core Strategy and as such it does not have any specific site allocations or a development boundary. Only very limited development would be expected in West Dereham and this is to be judged against the range of policies in the Core Strategy and the Development Management Policies in this Plan (including, in particular, DM3: Development in the Smaller Villages and Hamlets). The policy states that even though there is no development boundary for the SVAH, this does not mean there is an embargo on development in these settlements.
- The Policies within DM3 refer to provision of development to meet local needs and maintain the vitality of the settlements and that development will be limited to meet specific needs. As explained in the original planning supporting statement, the specific needs for a new dwelling in this location relate to providing support to the applicants elderly relatives that reside at the property known as Stonibruk and also to provide security to the family business premises situated to the north west of the proposed new dwelling as there have been a number of burglaries at the premises in the last 12-18 months, causing concern and distress to the occupants of Stonibruk and the business itself.
- Although the site sits within Flood Zone 3, after discussions and meetings with the Environment Agency, the Environment Agency have agreed upon a proposed finish floor level for the new dwelling, are satisfied that compensatory measures can be put in place should any flooding occur and offer no objection to the development, subject to compliance with planning conditions.
- Stoke Ferry Internal Drainage Board have no objections to the proposals from a drainage point of view.
- Norfolk County Council Highways have assessed the site and its proposed access and confirm that the proposals meet with the required adopted standards.
- West Dereham Parish Council support the proposed development and advise that the application meets with the West Dereham Parish Council preferred new house Planning Criteria.
- Local Councillor Sandra Squires supports the application and understands the requirement for a local family wanting to provide a new family home offering support to their elderly relatives and family run business.

PLANNING HISTORY

None

RESPONSE TO CONSULTATION

Parish Council: SUPPORT

It meets with West Dereham Parish Councils preferred new house planning criteria.

Highways Authority: NO OBJECTION.

The proposed access, parking and turning as indicated would accord with the adopted standards. 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 are likely to conflict with the aims of sustainable development and you may wish to consider this point within your overall assessment of the site. Should however your Authority seek to approve the application I would recommend conditions and informals are attached.

Internal Drainage Board: NO OBJECTION.

Environment Agency: NO OBJECTION.

National Planning Policy Framework Flood Risk Sequential Test- In accordance with the National Planning Policy Framework (NPPF) paragraph 158, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. 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 flood risk as required by the Sequential Test in the NPPF. Our flood risk standing advice reminds you of this and provides advice on how to do this. By consulting us on this planning application we assume that your Authority has applied and deemed the site to have passed the NPPF Sequential Test. Please be aware that although we have raised no objection to this planning application on flood risk grounds this should not be taken to mean that we consider the proposal to have passed the Sequential Test.

Review of Flood Risk Assessment (FRA)- We have no objection to this application, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) addendum dated 11th December 2018 are adhered to. The FRA states:

- * Finished floor levels to be 7.65mAOD
- * Flood resilient measures to be included in construction
- * Flood compensation to be provided in line with the submitted drawing ref 2113- 07D

Foul Drainage- The site is located in an area which is not served by the public foul sewer. Accordingly, the proposal will need to be served by a non-mains drainage system.

Environmental Health & Housing – Environmental Quality: NO COMMENTS.

Public Rights of Way (NCC): NO OBJECTION.

We have no objection in principle to the application but would highlight that a Public Right of Way, known as West Dereham Footpath 5 is aligned alongside the ditch on the south side of the road and is coincident with the new proposed drain. The full legal extent of this footpath must remain open and accessible for the duration of the development and subsequent occupation. This includes any disturbance to the surface of the PROW.

Planning Committee
4 March 2019

REPRESENTATIONS

ONE NEUTRAL letter received from neighbouring dwelling raising the following concerns-

- No trees to be planted where it will block sunlight to our kitchen or garden.
- Remove 2 conker trees near kitchen/ conservatory as conkers fall onto our pathway and conservatory roof.
- We were informed the ditch would be diverted but on plans shows old ditch will stay and an island of trees and shrubs will be there. This ditch is causing problems to our house being so close as the soil gets washed away daily. When the water level rises it comes onto the pathway beside the house, in the past has been to doorstep. Would it be possible to fill the old ditch and widen new one to stop these problems?
- No objections to house plans.

LDF CORE STRATEGY POLICIES

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM2 – Development Boundaries

DM3 - Development in the Smaller Villages and Hamlets

DM21 - Sites in Areas of Flood Risk

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
- Neighbour Amenity
- Highways/ Access
- Flood Risk

Principle of Development

West Dereham is classified as a Smaller Village and Hamlet in the settlement hierarchy contained within Core Strategy Policy CS02. The adopted Local Plan seeks to focus most development in sustainable settlements to ensure services and facilities are within proximity of the development, reducing the need to travel. For such settlements there is no development boundary and therefore development is assessed against countryside protection policies; NPPF paragraph 79 and Core Strategy Policy CS06 both of which seek to restrict new dwellings in the countryside.

Policy DM3 'Development in Smaller Villages and Hamlets' of the Site Allocations and Development Management Policies Plan (SADMP) identifies that there is a potential need for a modest amount of development in the smaller settlements, and alongside development suitable in rural areas, specific criteria is included within the policy to permit some limited 'infill' development.

This application provides limited justification as to why countryside policies should be relaxed, and fails to meet the requirements listed in policy DM3. The applicant states that the dwelling is required so that they are able to live close to elderly relatives currently residing at neighbouring dwelling 'Stonibruk' and also to provide security to the family business premises situated to the northwest of the dwelling, as there have been burglaries in recent years. In terms of the proximity to elderly family, this is not considered to be sufficient a planning reason to grant consent for a new detached dwelling in the countryside. Also there is a dwelling located next to the family business already (Stonibruk) and there is nothing to suggest that an additional dwelling will further reduce the likelihood of burglaries. The applicant has not provided any evidence to suggest an additional dwelling is required in the countryside to directly support a business.

The applicant infers that the development is 'infill' however again the proposal does not accord with the criteria stated in policy DM3. The policy states that 'the sensitive infilling of small gaps in an otherwise continuously built up frontage will be permitted where the development is appropriate in scale and character and it will not fill a gap which provides a positive contribution to the street scene.' In this instance the application site and dwelling proposed is not within an otherwise continuously built up frontage. While the site is located between two properties it is of particular relevance that the site itself is located well away from the start of the linear development within the main part of West Dereham, it is very rural in character and is part of an isolated collection of four dwellings surrounded by farmland. It does not constitute a continuously built up frontage as required by Policy DM3, and is not considered to represent sustainable development.

Form and Character

The application site is rural in character, with an existing bungalow to the west of the site, and a terrace of three workers-style cottages to the east. These dwellings are not uniform in character. As a result there is no requirement to conform to a particular development type, but the scale of the dwelling proposed and the requirement to raise finished floor levels in accordance with the Flood Risk Assessment will result in the new dwelling being of more significant scale and impact, and it will be visible in this relatively isolated rural location, altering its character.

Neighbour Amenity

The application site is neighboured by existing dwellings on either side of Ryston Road. However the site is large and there is sufficient separation (approximately 20m at the closest point) between the dwelling proposed and those existing to reduce any impact in terms of

overshadowing or the scheme being overbearing. The plans show existing boundary treatments are to be retained, and given the separation distance will not give rise to any overlooking or loss of privacy.

The neighbour raises concerns regarding the planting of new trees and removal of existing. The plans indicate that the existing boundary treatments will be retained and enhanced by the planting of additional native trees, shrubs and hedgerows. The site is located to the west of the existing dwelling and in our view the additional planting will not sufficiently restrict light to the dwelling and is acceptable in planning terms. The representation also queries the relocation of the ditch which is indicated on early versions of the site plan. During the application process proposals to move the ditch were abandoned due to the need for an application for prior consent to the Lead Local Flood Authority to enable this. In planning terms it is acceptable for it to be retained in its current position.

Highways/ Access

The Local Highways Authority do not raise any objections to the scheme on highway safety grounds and recommend a series of conditions and informatives to be attached to the planning consent should it be approved. However they do query the sustainability of the site for a new dwelling, given it is remote from local services. This issue has been discussed above.

Flood Risk

The NPPF makes it clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. In areas at flood risk the sequential test should be applied and development should not be permitted if there are reasonably available sites appropriate for the proposed development, in areas with lower risk of flooding. In cases where it is not possible for the development to be located in zones at a lower risk the exception test may have to be applied. Both elements of this exception test need to be satisfied for development to be permitted.

The Flood Risk Assessment submitted with the application discusses the sequential and exception tests. This states that given the Borough Council allows such residential development in zone 3 areas, subject to meeting specific flood risk design guidance, that no sequential or exception testing is necessary. Therefore the location of development complies with the NPPF. This is not correct.

The specific design guidance referred to above, and in the applicants FRA, is to be utilised in circumstances where the sequential test and all parts of the exception tests have been passed. It does not negate the need to carry out these tests in accordance with national policy guidance.

In consideration of the sequential test the site is located within flood zone 3 of the SFRA. The Local Planning Authority is required to consider reasonable alternatives at a lower flood risk within the parish. While it is recognised that the applicant wishes to be located next to 'Stonibruk' and the associated business, there are alternative locations in West Dereham within a reasonable proximity to the site, which are at lower flood risk. Therefore given these alternatives the scheme does not pass the sequential test.

In assessing the application, it is useful to also consider the application against the exception tests. The proposal must demonstrate that the development is needed for wider sustainability benefits to the community. There is not a need for a dwelling in this location, there are limited 'wider sustainability benefits to the community' that would outweigh the flood risk, and therefore it also fails the exception tests in line with the NPPF.

It is acknowledged that, beyond the sequential and exception tests, the Environment Agency are satisfied that the proposal can be developed with appropriate mitigation measures and flood resilience measures, and will not increase flood risk elsewhere as a result of the development, but they also make it clear that it is for the LPA to assess these fundamental aspects of flood risk planning policy.

CONCLUSION

The proposed development would represent a new dwelling in the countryside. It does not accord with the policy criteria in DM3 in terms of development suitable in rural areas, or as an 'infill' form of development. The scheme is also remote from the main part of West Dereham, as part of an isolated and small collection of dwellings. Therefore the scheme is contrary to the provisions of the NPPF, policy CS06 of the adopted Core Strategy and policy DM3 of the adopted Site Allocations and Development Management Policies Plan.

Furthermore the site lies within flood zone 3 and it is the view of the officer that the application fails to meet the sequential test, required in line with the NPPF paragraphs 155-165. There are no material considerations that would outweigh this fundamental in principle policy objection. Consequently it is recommended that Members refuse the application for the reasons discussed above and detailed below.

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 The site forms part of a small isolated collection of dwellings within West Dereham, a smaller village and hamlet, where development is restricted unless it is required in relation to a rural enterprise or represents infill development. The applicant has not provided any special justification why countryside protection policies should be relaxed, and the proposal does not represent the infilling of a small gap within an otherwise continuously built up frontage. The proposed development is therefore contrary to paragraph 79 of the NPPF, Policy CS06 of the Core Strategy and policy DM3 of the Site Allocations and Development Management Policies Plan.
- 2 The application site falls within Flood Zone 3 of the Strategic Flood Risk Assessment and the scheme fails to pass both the sequential test, and the exception tests. There are considered to be alternative locations for development within West Dereham which are at a lower flood risk, and the proposal does not represent development where the sustainability benefits outweigh the flood risk. The proposed development is therefore contrary to paragraphs 155-165 of the NPPF and policy CS08 of the adopted Core Strategy.