

AGENDA ITEM NO: 8/2(c)

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| Parish: | Tilney St Lawrence | |
| Proposal: | Proposed Residential Development | |
| Location: | Buildings E of 10 / 12 And N of 19 Spice Chase Tilney St Lawrence Norfolk | |
| Applicant: | Clients of Swann Edwards | |
| Case No: | 19/00948/F (Full Application) | |
| Case Officer: | Mr K Wilkinson | Date for Determination: 2 August 2019 Extension of Time Expiry Date: 11 October 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 3 terraced dwellings on the east side of Spice Chase. The site lies outside the development boundary of Tilney St Lawrence, so the land is designated as countryside. The site has the benefit of an extant permission for 2 dwellings, approved at a time when the Council could not demonstrate a 5-year supply of housing land. These 2 dwellings were approved under application refs: 16/00289/O and 18/01274/RM in the form of a semi-detached pair. This application would result in a net gain of 1 new dwelling in the countryside.

Key Issues

Principle of development
Form and character
Highway safety
Flood risk
Other material considerations

Recommendation

REFUSE

THE APPLICATION

Outline permission including access was approved under ref: 16/00289/O for the construction of two pairs of semi-detached dwellings, when the Council could not prove a 5-year supply of deliverable housing land. Reserved matters were approved under ref: 18/01274/RM for two pairs of three bedroomed semis with parking area at the front. The two

dwelling on Plots 3 & 4 are currently under construction and 'the development' is extant, with a further pair (plots 1 & 2) capable of being built on this application site (i.e. the fall-back position).

This application seeks full permission for the construction of a terrace of three 3 bed roomed houses on the site of Plots 1 & 2. The point of access is the same as previously approved, and the parking area is proposed to accommodate 6 cars in allocated spaces to meet current standards (i.e. two spaces per dwelling).

The proposal would effectively constitute new development of three dwellings in the countryside. However, for all intents and purposes it would be a net gain of one additional house given that two can be built as the fall-back position.

The site lies on the east side of Spice Chase, Tilney St Lawrence. The site lies approximately 385m away from the nearest point of the development boundary of Tilney St Lawrence. Since the application lies outside the development boundary it is classified as countryside. It is bounded to the north-west by Spice Chase, while to the south east lies open countryside. The area is comprised predominantly of semi-detached dwellings with large gaps in between, with some detached homes.

SUPPORTING CASE

(Extracted from submitted design and access statement)

The site already benefits from Planning Approval for a pair of 3 bed semi-detached houses and this proposal seeks to make more efficient use of this residential development land in this area and create a terrace of 3 bed dwellings. This approach is considered to make the most efficient use of land and meet the overarching requirements of the NPPF as well as ensuring the proposal is in keeping with the form and character of the area while providing an increased housing mix at affordable levels.

There are regular and frequent Number 46 Stagecoach bus services nearby, which link the site to surrounding villages and the towns of Wisbech, March, Downham Market and King's Lynn. The nearest bus stop is within a 3 minute walk of the site. In addition, the village benefits from being a short driving distance from the towns of Wisbech, March and King's Lynn. From these towns onward public transport connections are available via train and bus to nearby towns, villages and cities.

The previous approvals noted that the site passed the sequential test and exception test as there are no sites in lower flood zones and that the site is in the context of a collection/group of existing dwellings. In addition, the site already has approval for residential development and lies reasonably close to the playing fields, shop, public house and other facilities that the village has to offer.

The proposal should be seen as the best use of the site as directed by national government, and we believe is sympathetic to its surrounding neighbours. This is a brown field site with the benefit of an extant approval.

PLANNING HISTORY:

18/01274/RM: Application Permitted - Delegated Decision: 21/09/18 - Reserved matters sought for the construction of two pairs of semi-detached dwellings in regards of appearance, landscaping, layout and scale

16/00289/O: Application Permitted - Committee Decision: 07/04/16 - Outline Application: construction of two pairs of semi-detached dwellings

RESPONSE TO CONSULTATION:

Tilney St Lawrence Parish Council: SUPPORT: It would improve the street scene

NCC Highways: NO OBJECTION subject to conditions to avoid carriage of extraneous material onto the highway, to ensure that highway improvement works are designed to an appropriate standard, to ensure the permanent availability of parking and turning areas, and to ensure that the highway network is adequate to cater for the development proposed.

Environment Agency: NO OBJECTION - standing advice applies

Emergency Planning Officer: NO OBJECTION: Advises signing up to EA's flood warning system and preparation of a flood evacuation plan (to be dealt with via informative note on decision notice)

IDB: No comments received

Environmental Quality: NO OBJECTION: Suggested informative note relating to disposal of asbestos containing materials.

Representations: None received

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

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

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 for consideration in the determination of this application are as follows:

- Principle of development
- Impact on character and appearance of area
- Highway safety
- Flood risk
- Other material considerations

Principle of Development

Tilney St Lawrence is defined as a Joint Key Rural Service Centre (JKRSC) in the settlement hierarchy set out under Policy CS02 of the Core Strategy (2011). The Site Allocations and Development Management Policies Plan (2016) defines the village development area which lies over 380m to the north-west of the application site. The site is therefore subject to countryside protection policies and advice contained in the National Planning Policy Framework 2019 (NPPF). One of these policies that seeks to protect the countryside is Policy CS06 of the Core Strategy 2011, which states 'Beyond the villages and in the countryside, the strategy will be to protect the countryside for its intrinsic character and beauty' and 'The development of greenfield sites will be resisted unless essential for agricultural or forestry needs'. The NPPF also requires Councils to recognise the intrinsic character and that housing should be located where it will enhance or maintain the vitality of rural communities.

Whilst there is an extant outline permission for 4 houses (2 of which have been constructed already), any new planning proposal must be determined on its own merits. The earlier permission was granted at a time when the Council could not demonstrate a 5-year supply of housing land and this is no longer the case. This new application effectively amounts to a net gain of 1 new dwelling in the countryside. The current planning policy as outlined above indicates that permission should be resisted due to the location of the site outside the development boundary of Tilney St Lawrence, and separated from the settlement by over 380m. The current proposed development is not so exceptional as to outweigh the policies of the Development Plan and the NPPF. Overall, it is considered that the principle of developing the site with an additional dwelling is not acceptable. It would be contrary to the NPPF, and Policies CS02 and CS06 of the Core Strategy 2011, and Policy DM2 of the SADMPP 2016.

Impact on character and appearance of area:

One of the characteristics of the area is the large gaps between dwellings, particularly on the north-west side of Spice Chase. Three dwellings on this site would leave only a small gap on either side, tending towards a terraced and urbanised appearance. In addition, the provision of 3 dwellings on this site would appear cramped, having a much greater density than any

surrounding sites and with confined parking arrangements to the front of the properties. The rear garden access for the middle plot would also be contrived. The style and palette of materials are considered to be acceptable in this locality (bricks and tiles same as being used on Plots 3 & 4). But overall it is considered the development would be contrary to the character and appearance of the area and amount to a cramped form of development, contrary to Policies CS06 and CS08 from the Core Strategy 2011 and Policy DM15 from the SADMPP 2016.

Highway Safety:

Off-site highway improvement works (including road widening and footpath provision along site frontage) are agreed under the earlier outline application for 2 dwellings, but the access point and frontage parking area remain the same in this proposal (with 2 additional spaces to serve additional unit). This would be sufficient space for parking for the development.

Flood Risk:

The application site falls within Flood Zone 2 as defined in the SFRA flood maps. The site passes the sequential test because there are no comparable sites available elsewhere within the village at a lower risk of flooding. The exception test must also be applied as prescribed in Paragraph 160 of the NPPF. The relevant facet of the test in this case is that it must be demonstrated that the development would provide wider sustainability benefits to the community that outweigh the flood risk.

In light of the principle of development not being acceptable as considered above, the proposal does not represent development where the sustainability benefits outweigh the flood risk. The proposed development is therefore contrary to Paragraphs 160 and 161 and Policy CS08 of the Core Strategy 2011.

Other material considerations

Regarding any impact on neighbour amenity, it is considered the inter-relationships between existing and proposed dwellings would be acceptable given the orientation of windows, separation distances and proposed boundary treatments.

There are no significant crime and disorder concerns relating to this proposal. There is also no affordable housing requirement as the overall site is under 0.5Ha in size and not part of a larger phased development as indicated on the submitted location plan.

CONCLUSION

Whilst it is acknowledged that there are 2 dwellings already approved on this site, there is no special justification or indeed need (given the 5-year land supply is currently met) for the additional dwelling proposed as part of this scheme. In addition, the development would fail to maintain the character of the area, due to its cramped form which would be contrary to the characteristics of the rural setting. Lastly, the development fails the exception test, as it is considered that the sustainability benefits would not outweigh the flood risk.

Consequently the proposal would be contrary to Policies CS02, CS06 and CS08 of the Core Strategy 2011, Policies DM2 and DM15 of the SADMPP 2016 and also contrary to the objectives of the NPPF. It is therefore recommended that planning permission for the proposed development should be refused.

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 The proposed development is effectively a net gain of 1 new dwelling in the countryside, lying some distance from the main built up extent of Tilney St Lawrence. Although the previous two dwellings were approved at a time when a 5-year supply of housing land could not be demonstrated, this is no longer the case, as the council maintains in excess of a 5 year deliverable supply of housing so the full weight of the Development Plan can be applied. The case for an additional dwelling is not so exceptional as to outweigh the policies of the Development Plan. As such, it is considered the proposed development would not be in accordance with the NPPF, Policies CS01 and CS06 of the Core Strategy 2011 and Policies DM1 and DM2 of the SADMPP 2016, and would amount to unsustainable development in the countryside.
- 2 The provision of 3 dwellings on this site would leave only a small gap on either side, limiting the views through to the open countryside to the rear, and would create a cramped form of development which would adversely affect the character and appearance of the area. The proposal would therefore be contrary to the NPPF, Policy CS06, and CS08 of the Core Strategy (2011) and Policy DM15 of the SADMPP(2016).
- 3 The application site falls within Flood Zone 3 as defined by the Council adopted SFRA and passes the sequential test; however, the exception test must also be applied. Paragraph 160 of the NPPF requires that sites within areas of flood risk should put forward development where the sustainability benefits outweigh the flood risk. As outlined above, the principle of development is unacceptable, and the proposed development would have a detrimental impact on the visual amenities of area. As such, it is considered the proposal does not represent development where the sustainability benefits outweigh the flood risk. The proposed development is therefore further contrary to the objectives of the NPPF and contrary to Policy CS08 of the Core Strategy 2011.