

Parish:	West Winch	
Proposal:	Outline application with some matters reserved for proposed residential development of five properties	
Location:	Land N 34 E of 32 And S of 28 Hall Lane West Winch Norfolk	
Applicant:	Mr P Burt	
Case No:	19/00765/O (Outline Application)	
Case Officer:	Mr K Wilkinson	Date for Determination: 23 July 2019 Extension of Time Expiry Date: 8 November 2019

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

Neighbourhood Plan: No

Member's Update:

This application was referred to the previous meeting of the Planning Committee on 4th November 2019. In response to queries raised, it was resolved that the application be deferred to enable further discussions to be held with the applicant regarding amending the application site.

Amended plans have now been submitted increasing the site area to incorporate the yard and agricultural buildings.

Changes to the earlier report are emboldened for ease of reference.

Case Summary

Ivy Farm lies between The Common and Hall Lane, West Winch, with vehicular access onto Hall Lane approx. 70m south of its junction with Long Lane.

Residential development lies to the immediate south with dwellings on Laurel Grove and Walnut Avenue. There is a further farm to the north (Myrtle Farm) with two houses fronting Hall Lane.

Outline permission **was initially sought** on approx. two thirds of the overall farm site to demolish the existing agricultural buildings and create five building plots. **The site area has now been increased to 0.36ha to include the agricultural yard, office and buildings adjoining the farmhouse/No.32.** Access is to be considered at this stage and shows access to serve two dwellings off Hall Lane, and three further plots, plus the remainder of the farm, via Walnut Avenue (off Laurel Grove). All other matters are reserved for future consideration.

The site lies within the village development boundary for West Winch contained in Inset E2 of the Site Allocations & Development Management Policies Plan and also in the North Runcton & West Winch Neighbourhood Plan area.

Key Issues

Principle of development
Impact upon form and character of locality
Highway issues
Amenity issues
Other material considerations

Recommendation

REFUSE

THE APPLICATION

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SUPPORTING CASE

The agent has submitted the following statement in support of this application:

- “* Site lies within the development boundary of the village.
- * Five much needed dwellings within centre of village.
- * Supported by the Parish Council.
- * It infills a somewhat “unattractive gap” in Hall Lane.
- * No reported complaints of smell or noise from farm of cattle housing (consent granted in 1993) or barn used for storage of straw!
- * Housing will be placed so as to ensure amenity gardens are 30m from adjoining neighbours cattle housing to the north.
- * Assessment made by CSNN that the straw barn could be changed to another cattle housing is considered unlikely. That would affect Nos 5 and 6 Birch Grove and their rear

gardens which would envelope No 5 completely and the majority in No 6 by a 30m radius circle from the straw barn.

- * Access from Walnut Tree Avenue to No 32 will be limited to residential access only as No 32 is no longer in farm use and the owner has no agricultural land elsewhere.
- * Agricultural use finished some years ago and we trust a condition can be imposed that it is no longer used for agriculture or other business purposes.”

PLANNING HISTORY

Application site: None recent

Adjoining land to north:

2/93/0888/F: Application Permitted: 27/07/93 - Construction of cattle shed for wintering animals and demolition of a derelict house

2/98/0852/F: Application Permitted: 27/10/98 - Extension to barn for livestock

05/02378/F: Application Permitted: 10/01/06 - Construction of one dwellinghouse and detached single garage

08/01872/F: Application Permitted: 16/09/08 - Construction of one dwelling

RESPONSE TO CONSULTATION

Parish Council: a) **NO OBJECTION** but ask that the Borough Council give consideration to Policy WA04 of the North Runcton and West Winch Neighbourhood Plan when determining the development (i.e. providing sustainable drainage).

b) West Winch Parish Council note that question 12 of the application form asks if there are any trees/hedges on the site to which the Agent has answered “No”. We point out that there is a substantial hedge on the frontage to Hall Lane and part of this hedge will have to be removed for vehicular access to Plots 1 and 2. Also, please note that there is a hedge between the two road tracks leading to number 32 and the neighbouring property number 30 as well as some trees/bushes to the southern boundary with properties on Laurel Grove.

c) Please note that this development site is adjacent to a bus stop.

d) We finally ask if the Borough Council can consider a condition be added to any approval as follows:

“Construction workers’ vehicles associated with this development shall not be parked on Hall Lane during the construction of the dwellings.”

This is because during school arrival/departure times children walk to the primary school, often unaccompanied, and many cross Hall Lane near the junction with Long Lane. This is a busy junction and used by many vehicles to access/leave the A10 as well as transport children to the village school. Bus numbers 38 and 39 go through the village and use the bus stop adjacent to the development site.

Openreach can have up to 3 vans parked outside their green cabinets towards the junction with Long Lane which cause traffic problems. All this whilst young children try to cross the road will be a highway safety issue.

Amended scheme: No response at time of writing

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Highways Authority: NO OBJECTION subject to conditions relating to access construction, no gates or bollards, parallel visibility splay along Hall Lane frontage and on-site parking for construction workers.

Amended scheme: Continue to recommend previous conditions

East of Ouse, Polver & Nar Internal Drainage Board: NO OBJECTIONS

Amended scheme: No objections

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

Environmental Health & Housing – CSNN: OBJECTION – on amenity grounds as we consider that this site is unsuitable for residential development due to its proximity to a source of odour and noise, with the potential for impact from insects.

Amended scheme: Maintain objection - I have noted the suggestion from the agent re conditioning the green shaded area on drawing ref 2183-00D so that it can no longer be used for agricultural purposes, reverting back to land and buildings incidental to residential use associated with No.32. Despite the change of red line boundary to include the existing remaining 'farmyard' land, which I acknowledge will lessen the impact from the vehicle movements associated with the permitted agricultural use on existing residents of Laurel Grove and Walnut Avenue along with occupiers of the new dwellings nearest this area of the site, there will still be an impact from traffic movements to and from the six dwellings (five proposed dwellings, and the existing farm) on occupiers of the dwellings currently experiencing no passing traffic located at the dead end of the cul-de-sac (numbers 21 and 32 Walnut Avenue North).

Statutory Nuisance legislation does exist to act on nuisances reported, but it would be inappropriate and contrary to policy for the Borough Council to take enforcement action on the existing cattle farm, having allowed the development and placed sensitive receptors where they could be adversely affected by activities at the adjacent cattle site (i.e. odour, noise, insects etc.). It would not be appropriate to introduce residents into this environment in close proximity to the existing cattle farm which has potential year-round agricultural/livestock use. Plot 5 will be in the region of 16m from one of the existing sheds on the cattle farm, and only around 9m from the farm boundary.

The document supplied by the applicant referring to Durham County Council advice on odour mainly focuses on development of odour emitting facilities, and how these could be controlled and mitigated by EA permitting and other methods in order to ensure that odour does not impact on existing residents and therefore make them suitable. The document does advise:

The introduction of development into areas where there is a risk that sensitive receptors may be adversely impacted by odour emissions should be avoided wherever possible.

and

Spaces offering amenity within new developments will also need to take into account existing facilities in the surrounding area that may generate unsuitable conditions.

Further reference is made to Paragraphs 170 & 182 of the NPPF.

The quality of life for future occupiers of these dwellings, if they were permitted, is at risk from permeating odours and flies (which have been an increasing topic of complaint to this authority in recent years), and to a lesser extent (assuming the 6ft close board fence to the boundary) noise. There will be no protection from the former nuisances to the outside amenity areas, which must be a consideration.

National Grid: NO OBJECTION

Health & Safety Executive: Do not advise against

Amended scheme: Refer to website standing advice applies as above

Natural England: NO COMMENTS – standing advice applies.

Amended scheme: Same comments

Housing Strategy & Enabling Officer: NO OBJECTION - As this development proposes 5 units and the site area is less than 0.5ha, an affordable housing provision is not required.

Amended scheme: No further comments

REPRESENTATIONS A total of THREE items of correspondence received OBJECTING on the following material planning grounds:

- * Opening up of access onto the Walnut Avenue cul-de-sac to serve the development would clearly affect the quality of life as a result of additional traffic (including agricultural vehicles and equipment) and noise;
- * Likely to be contamination issues;
- * Walnut Avenue and Laurel Grove not suitable for agricultural vehicles;
- * Removal of asbestos containing materials when buildings are removed;
- * Request site visit before application is determined;
- * Negative impact upon property prices/values;
- * Boundary dispute but understood to be a civil matter;
- * Adjoining site is a working farm and has been for over 100 years. Currently have around 100 head of cattle and this results in regular noise, smell and everything else that goes with a working farm anytime of the day and night;
- * Regular deliveries would result in lorries driving very close to proposed properties;
- * Not directly consulted about the application; and
- * Strip of land at head of Walnut Avenue North is a ransom strip.

Amended scheme: THREE further items of correspondence received raising the following concerns:

- * Whilst I agreed Mr Burt is retired and the property is no longer used as a farm. There are still farm vehicles (tractor and digger) that regularly enter and exit the property. With the proposed new access to the proposed properties these would be passing by an increased number of residential properties;
- * I just want to bring it to your attention that the boundaries are still not right on the plans however progress has been made on this matter;
- * Also it has been agreed in principle with Mr Burt that a six foot close board fence is put up along the whole boundary line before any building work starts if the application is approved; and
- * Original comments remain valid.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS08 - Sustainable Development

CS09 - Housing Distribution

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM15 – Environment, Design and Amenity

DM2 – Development Boundaries

NEIGHBOURHOOD PLAN POLICIES

Policy WA04 - Providing Sustainable Drainage

Policy WA03 - Protecting and Replacing Natural Features

Policy WA07 - Design to Protect and Enhance Local Character

Policy WA12 - Adequate Outside Space

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.

PLANNING CONSIDERATIONS

The key issues to consider in determining this application are as follows:

Principle of development
Impact upon form and character of locality
Highway issues
Amenity issues
Other material considerations

Principle of development

The site lies within the village development boundary for West Winch contained in Inset E2 of the Site Allocations & Development Management Policies Plan and also in the North Runcton & West Winch Neighbourhood Plan area.

The Neighbourhood Plan is the most up-to-date planning policy and contains the following relevant policies: Policy WA03, Policy WA04, Policy WA07 & Policy WA12.

The principle of development is considered to be acceptable subject to compliance with the aforementioned policies, which will be discussed in more detail below.

Impact upon form and character of locality

POLICY WA07: Design to protect and enhance local character

Development proposals shall recognise, sustain and develop the distinctive village characteristics of the existing neighbourhoods in relation to building design, spatial layout, height, density, scale, lighting and use of materials. This means:

- * New residential development shall generally be no more than 2 storeys in height, unless justified by the immediate surroundings and setting, and of exemplary design.
- * Materials used in the construction of dwellings, including boundary design, shall be high quality and respond positively to the characteristics of existing properties. The use of traditional local building materials (local brick types, carrstone, pantile) will be strongly supported. Proposals will be supported when they demonstrate how design detail has been fully considered to ensure good visual outcomes, e.g. that the potential impact of parked cars, meter boxes, downpipes, aerials and dishes, overhead services and the like have all been minimised.
- * Boundary demarcation should embrace 'rural' character, e.g. by using hedging consisting of mixed native species (hawthorn, blackthorn, field maple, hazel, holly, etc.). Unsympathetic boundary design (e.g. unmitigated security railings or Leylandii hedging) will not be supported.
- * Where possible, adequate space should be made for the establishment of larger tree species (as opposed to smaller trees and shrubs) so as to provide more significant amenity value over time.
- * Night lighting should be restricted to essential public spaces, corridors and road junctions. All street lighting and other external building and space lighting should be designed to minimise light spillage and energy wastage.
- * Demonstrating an adequate level of privacy and protection from noise in relation to neighbouring properties and public spaces.

POLICY WA12: Adequate outside space

Residential development proposals will be expected to meet the following external space standards where appropriate and possible, subject to viability and deliverability considerations:

- * All dwellings are designed with private outside space (not including driveway, garages and storage sheds). Flats should ideally have balconies with sufficient space for a table and chairs (e.g. 5 sqm or more).
- * Houses of one or two bedrooms shall have a minimum garden size of 50 sqm but preferably more. Houses of 3 or more bedrooms shall have a minimum garden size of

100 sqm but preferably more. Residents of flats or multiple occupancy buildings should have access to an equivalent area of semiprivate garden space. There may be scope for a reduction in the provision of external amenity space for dwellings which have immediate access to well landscaped and well maintained communal open space; or, where smaller garden sizes for certain homes can be demonstrated to be appropriate for the intended occupiers of the properties, and this is supported by an up-to-date market needs assessment.

- * All garden space should be provided 'ready to grow' (i.e. with clean, free draining soil). All principal garden areas will ideally have direct sunlight for several hours a day.

Most of the above criteria relate to detailed design matters which would be addressed at the reserved matters stage.

An indicative site layout plan shows two detached houses fronting Hall Lane with a shared vehicular access; a chalet directly north of No.32 Walnut Avenue facing onto the extended cul-de-sac; and two further detached houses to the centre of the site served off a private track alongside the northern boundary. Whilst the layout is somewhat unconventional, the site is considered to be of an appropriate size to accommodate 5 no. dwellings with appropriate garden sizes expressed in Policy WA12 above.

Indeed Paragraphs 122-123 encourages achieving appropriate densities and making efficient use of land.

Highway issues

The means of access is to be considered as part of this application. As stated above, the indicative site layout plan shows a shared vehicular access onto Hall Lane and the remainder of the proposed development and existing farmhouse and yard served off an extension to the Walnut Avenue cul-de-sac.

The application site area has now been increased to incorporate the yard, office and farm buildings west of the access off Walnut Avenue – the principle of developing this area for residential purposes is now to be considered, which would include residential/domestic use. Technically this area could be used to accommodate one of the dwellings which would bring a residential unit close to the cow shed and associated nuisance, however the layout would be the subject of a reserved matter application and the applicant/agent has stated that the agricultural use has effectively ceased. Given that the yard and buildings are now within the application site area it would be reasonable to secure the use of them to not being used for agriculture, or other commercial uses, via condition.

Whilst the applicant still possesses agricultural vehicles and equipment, it is indicated to be at a level of 'domestic hobby' rather than at a business level and vehicular movements along Walnut Avenue/Laurel Grove would not be excessive.

In response to concerns raised by the case officer with regards to the suitability of Walnut Avenue serving the remaining farm activities **on the original submission**, the Local Highway Authority stated: "While I would comment that a potential mix of agricultural traffic and residential is not ideal, ultimately the route to site from the existing access is short and the road would in technical terms accord to the adopted standards. I would be surprised if the applicant would seek to restart such activity on what remains of the site as I do not feel that it would be in their interest if planning to do so to choose to access via a more contrived route. I am of the view that this is more of a social and domestic consideration in relation to additional traffic potential, different type of traffic and noise for existing residents as ultimately I do not believe that there is a standard to which we could directly object."

The matter of disamenity will be addressed later in this report.

With regards the matter raised by the Parish Council of contractor parking during construction being accommodated within the site, this is also endorsed by the LHA and suggested to be covered via condition together with visibility, access construction, and details of any gates etc.

Amenity issues

This is an outline application and only the principle of development is considered at this stage. The layout, scale, appearance and landscaping are to be reserved matters. The inter-relationships between dwellings, including overshadowing and overlooking, would be fully addressed at the detailed stage.

There were earlier concerns regarding the suitability of the Walnut Avenue cul-de-sac (4.5m wide carriageway) serving the remaining farmhouse, office and agricultural buildings and the associated disamenity created by that being served via a residential estate road. Notwithstanding the concerns of CSNN, the amended scheme now potentially removes the agriculture/commercial use and renders the vehicular movements to a level that would not significantly affect the amenities of neighbouring residences along Walnut Avenue and Laurel Grove to such a degree that would justify a refusal on those grounds. This change would also improve the amenity afforded to the proposed new dwellings sharing the same access.

The site also lies close to Myrtle Farm (No. 30 Hall Lane) which contains a substantial cattle shed and hay store. The owner has stated that the property is a working farm and has been for 100 years plus; it currently has around 100 head of cattle and this means regular noise, smell and everything else which goes with a working farm anytime of the day and night.

In assessing the amenity impact Paragraphs 127, 130, 170 & 182 of the NPPF are pertinent which state as follows:

“127. Planning policies and decisions should ensure that developments: ...(f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users ; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

130. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents...

170. Planning policies and decisions should contribute to and enhance the natural and local environment by:

...e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions...

182. Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could

have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."

Plus Policy DM15 of the SADMP which states inter alia:

"Policy DM 15 – Environment, Design and Amenity

Development must protect and enhance the amenity of the wider environment including its heritage and cultural value. Proposals will be assessed against their impact on neighbouring uses and their occupants as well as the amenity of any future occupiers of the proposed development. Proposals will be assessed against a number of factors including:

...Noise;

Odour...

Development that has a significant adverse impact on the amenity of others or which is of a poor design will be refused..."

CSNN raise the following concerns:

"...the site boundary is less than 12m from the existing working cattle farm to the immediate north of the site. Future occupiers of the dwellings could easily have their residential amenity adversely affected by odour, as well as insects and noise from farm vehicles and associated machinery. Odour and insects can impact more adversely than noise as the latter can often be 'put up with' at certain times of the day and night or be deemed less impactful when occupiers themselves are involved in activities which create noise. Odour can often permeate into homes and is not something which can easily be attenuated in this situation. Future residents would have no protection from impact on external amenity areas. If the situation were reversed and the cattle farm was the proposed development close to residential dwellings, our concerns would be the same, but we could ask for odour, noise and insect management measures/policies to be utilised which could mitigate and attenuate the impacts on residents..."

As the cattle farm is already in existence, in a confined location, it would be unfair and inappropriate to require them to take any further measures to control noise, odour or insects at the point of any future complaint from an occupier of these proposed dwellings. The most appropriate step would be to avoid this situation occurring in the first place, and therefore we consider that this site is unsuitable for residential development due to its proximity to a source of odour and noise, with the potential for impact from insects."

It will be noted from the Planning History section above, that the cattle building was approved in 1993. Whilst the description stated cattle shed for wintering animals, it was conditioned to be used for agricultural purposes only and no other business or commercial purpose. Its use year-round for livestock is therefore **not prohibited and is something that can lawfully be done without amounting to a breach of planning law.**

The agent draws attention to other residential developments in the vicinity of the farm, however these were undertaken in excess of 10 years ago and the subject of previous advice and legislation.

In light of the above concerns the proposal is considered to be unsuitable and contrary to the provisions of the NPPF and Development Plan policies.

Other material considerations

Drainage

POLICY WA04: Providing sustainable drainage

Development proposals will be supported where they can show they have had appropriate regard for:

- * Current surface water risk mapping as well as the recommendations set out in the North Runcton and West Winch Surface Water Management Strategy (April 2014), and provide a drainage plan following consultation with the relevant Internal Drainage Board (IDB) and the Lead Flood Authority.
- * Good sustainable urban drainage design, commensurate with current best practice design guidance.
- * Detailed street and building design, including provision of permeable surfaces, rainwater re-use, green roofs and/or other measures to ensure sustainable water management unless it can be demonstrated that this is not practical.
- * Design that will not adversely affect (and, where possible will improve) surface water drainage for properties and land, both 'upstream' and/or 'downstream' of the development.

The site lies in Flood Zone 1 of the Strategic Flood Risk Assessment.

The use of soakaways would be controlled via Building Regulations, however given the concerns of the Parish Council it is considered prudent to include a pre-commencement condition with regards to surface water disposal from the land and buildings. This can be combined with the foul water drainage details as suggested by CSNN.

Contamination - The demolition of the existing agricultural buildings and former use of the site may involve asbestos containing materials and contamination, so a suite of contamination conditions are suggested by Environmental Quality.

Impact upon hedge – There is a hedgerow along the northern boundary of the site. There is a boundary dispute that is indeed a civil matter, but the protection of the hedge may be the subject of a condition and would secure the issues referred to in Policy WA03 of the Neighbourhood Plan. **Further third party correspondence infers that the site boundary is still not right but progress has been made on this matter. Also Mr Burt has agreed in principle to erect a 6ft close boarded fence along the whole boundary line before building works if the application is approved.**

The agent in response states that the applicant will accept a condition to erect a 6ft fence along the northern boundary to the adjoining neighbours boundary should consent be granted. As far as they are concerned the boundary as submitted is correct. This is based upon correspondence and drawings received from the topographical company who surveyed the site and in context with the title deed of the adjoining property to the north.

Impact upon property prices – The impact upon property prices, albeit increase or decrease, is not a material planning consideration.

Impact upon Gas pipeline – There are no health & safety issues relating to gas infrastructure.

Impact upon ecology – There are no concerns regarding impact upon protected species or SSSI.

Affordable housing – The application site area (**0.36ha**) and number of dwellings proposed, is under the threshold for affordable housing contribution.

Crime and Disorder – There are no significant crime and disorder issues raised by this proposal.

CONCLUSION

This proposal seeks to demolish existing agricultural buildings and develop five residential properties on an existing farm site within the defined development area of the village. The principle of the development is considered to be acceptable, however the disamenity created by the proximity of the site to Myrtle Farm which is a source of odour and noise, with the potential for impact from insects, renders the proposal as being unacceptable.

The proposal fails to constitute development which accords with the provisions of the NPPF, Development Plan and Neighbourhood Plan and is duly recommended for refusal for the reason stated below.

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 The western part of the site lies in close proximity to Myrtle Farm which as a cattle farm is a source of odour and noise, with the potential for impact from insects, which renders the proposal as being unacceptable in terms of disamenity to future occupiers of the proposed residential units. As the cattle farm is already in existence, in a confined location, it would be unfair and inappropriate to require them to take any further measures to control noise, odour or insects, should any future complaint occur from an occupier of these proposed dwellings. The proposal therefore fails to accord with the provisions of Paragraphs 127, 130, 170 & 182 of the NPPF and Policy DM15 of the SADMP.