

Parish:	Marshland St James	
Proposal:	Proposed new dwelling and detached double garage	
Location:	Land Rear of Victoria House Bonnetts Lane Marshland St James	
Applicant:	ADC (East Anglia) Ltd	
Case No:	19/01713/F (Full Application)	
Case Officer:	Mr K Wilkinson	Date for Determination: 2 December 2019 Extension of Time Expiry Date: 10 January 2020

Reason for Referral to Planning Committee – The views of the Parish Council are contrary to the officer recommendation; and at the instruction of the Sifting Panel

Neighbourhood Plan: No

Case Summary

The application site comprises the rear part (0.19ha) of the former Anglia Drainage Company site, on the south-western side of Bonnetts Lane, which is a relatively narrow road leading off Smeeth Road. The frontage now has full planning permission for 4 detached houses fronting the lane (ref: 17/00561/F). Given that this is part of the former commercial site and laid to hardstanding, it meets the definition of ‘previously developed’ or ‘brownfield’ land. The application site is served by a separate driveway between the building plots and an Anglian Water pumping station to the south-east.

The site lies outside of the defined village development area which on Bonnetts Lane stops after Victoria House to the immediate NW of the frontage plots and approx. 20m from the northern corner of the application site.

This proposal seeks full permission for the construction of a new dwelling and detached double garage.

Key Issues

- Principle of development
- Impact upon form and character of this locality
- Relationship with adjoining properties
- Highway issues
- Flood risk
- Affordable housing
- Other material considerations

Recommendation

APPROVE

THE APPLICATION

The application site comprises the rear part (0.19ha) of the former Anglia Drainage Company site, on the south-western side of Bonnetts Lane, which is a relatively narrow road leading off Smeeth Road. The frontage now has full planning permission for 4 detached houses fronting the lane (ref: 17/00561/F). Given that this is part of the former commercial site and laid to hardstanding, it meets the definition of 'previously developed' or 'brownfield' land. The application site is served by a separate driveway between the building plots and an Anglian Water pumping station to the south-east.

The site lies outside of the defined village development area, which on Bonnetts Lane stops after Victoria House to the immediate NW of the frontage plots, and approx. 20m from the northern corner of the application site. It also lies mostly within Flood Zone 1 and only partially within Flood Zone 2 of the Council-adopted Strategic Flood Risk Assessment.

This proposal seeks full permission for the construction of a new 5 bedroomed dwelling and detached double garage.

The application is accompanied by a site-specific Flood Risk Assessment, Geo-environmental Desk Study, and Design & Access Statement.

SUPPORTING CASE

The agent submits the following case in support of the proposed development:

"The land is largely covered in hardstanding as a result of the previous commercial use of the site as a compound and storage area for the Anglia Drainage Company. The site is currently unused. The site adjoins the recently approved residential development.

The dwelling will be positioned centrally within the site, with the garage, parking and turning area to the front. A generous private garden area is positioned to the rear of the dwelling.

The site is on part of the previous Anglia Drainage Company compound and storage area. Planning permission 17/00561/F was granted on the majority of the site for residential development. Permission was granted on the strength that the site constitutes previously developed land and due to it being adjacent to the existing settlement of Marshland St James. The proposed site is on the remainder of the compound and therefore the issues are the same, that the proposed development would see the re-use of previously developed land adjacent to the footprint of the settlement.

The site lies mainly within Flood Zone 1 of the adopted Strategic Flood Risk Assessment and is therefore in a sequentially preferable location in terms of flood risk. It is therefore consistent with the aims of Section 14 of the NPPF.

The proposal is for a 5-bed detached dwelling with detached garage. The dwelling will have 2-storeys with room in the roofspace. The dwelling will have a single-storey side projection which will reduce the overall massing of the building so that it appears of a scale commensurate with the neighbouring buildings. The proposed buildings are of sufficient distance from the properties approved to the front of the site and as such neighbouring private amenities will not be compromised by reason of overlooking or overshadowing.

Due to the discrete location of the site, the proposal will have no harmful impact on the character and appearance of the area.

The site is currently laid to hardstanding. The development will therefore be of significant benefit to the ecology and biodiversity interest within the area, by means of the removal of the hardstanding and the introduction of planting within the application site.

Access to the site is via the existing access along Bonnetts Lane. Bonnetts Lane is a secondary highway off Smeeth Road which is the arterial route through the village, further demonstrating the sustainability of the location.”

PLANNING HISTORY

Adjoining site (frontage):

17/00561/F: Application Permitted: 22/05/17 - Proposed residential development

RESPONSE TO CONSULTATION

Parish Council: OBJECT - concerns about Highway safety, loss of privacy for neighbouring properties, and not in keeping with the linear style of the village.

Highways Authority: NO OBJECTION subject to conditions relating to construction of access, no gates or obstruction across access, parallel visibility splay, and provision of on-site parking and turning facilities.

Internal Drainage Board: No response received

Environmental Health & Housing – Environmental Quality: NO OBJECTION subject to a condition relating to any unexpected contamination encountered during construction.

Emergency Planning Officer: NO OBJECTION suggests occupiers should sign up to Environment Agency’s Flood Warning System and preparation of a flood evacuation plan. [NOTE: To be addressed via informative note added to planning decision notice.]

Natural England: NO COMMENTS – standing advice applies.

Housing Development Officer: NO OBJECTION - In accordance with Policy DM8, the two sites should be considered as a single larger site for affordable housing purposes. The two sites combined would amount to 5 dwellings and have a site area of 0.4ha. The NPPF states that affordable housing should not be sought on developments of fewer than 10 dwellings and/or 0.5ha other than in designated rural areas where contributions can be sought on sites of 6 or more dwellings.

As the combined site area and number of dwellings are below the thresholds set out in the NPPF, there would be no requirement for affordable housing on this site.

REPRESENTATIONS None received

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS09 - Housing Distribution

CS11 - Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM8 – Delivering Affordable Housing on Phased Development

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

PLANNING CONSIDERATIONS

The key issues for consideration of this application are as follows:

Principle of development

Impact upon form and character of this locality

Relationship with adjoining properties

Highway issues

Flood risk

Affordable housing

Other material considerations

Principle of development

The site comprises 0.19ha of former commercial yard associated with the previous use by Anglia Drainage Company. Technically the site lies beyond the defined village development area, which stops at the boundary between Victoria House and the north-western side of the frontage of the overall commercial site which has been cleared for the development of 4no. four bedrooed detached houses granted under ref: 17/00561/F. The village development area is therefore approx. 20m away from the northern corner of the current application site.

In approving the aforementioned residential development it was assessed to be a brownfield or previously developed site adjoining the defined village development area which was no longer viable. Its use for residential development was considered to be acceptable as limited

growth in supporting the sustainability of this Key Rural Service Centre (combined with St John's Fen End & Tilney Fen End).

The loss of the commercial use has therefore already been agreed in accordance with Core Strategy Policy CS10 and Policy DM9 of the SADMP Plan.

Impact upon form and character of this locality

The dwelling proposed is a 5 bedroomed residence which has an asymmetric roofline with single storey at the front containing dormers and full two storey projecting elements, with full two storeys at the rear and accommodation contained in the roof space served by dormers in the rear elevation. There is a single storey element to the north-western side and a detached double garage in the northern corner. The palette of materials has not been defined (due to availability concerns) but is indicated to be a combination of multi-red facing bricks, feather edged timber cladding and pantiled roofs, which would be compatible to this locality. There is a mixture of styles and materials in this village and the property, whilst having a contemporary feel, would not be out of context. Indeed there are similar properties contained within the village along Smeeth Road.

As stated above there are 4 no. four bedroomed detached 2 storey houses approved on the frontage of the lane. This site would be served off the existing access track between the last house and adjacent Anglian Water pumping station. Whilst the Parish Council has raised concerns regarding the tandem/backland form of layout compared to the mostly linear form of the village, it is considered that this is an edge of development site and the efficient use of a brownfield site has to be balanced against form and character. In this instance it is considered that the proposed dwelling in the position proposed would not create such a strident form of development to warrant a refusal on those grounds.

Relationship with adjoining properties

The dwelling is located centrally on the site; its front facing towards the lane and the rear of the approved frontage houses. The separation distance from front elevation to common boundary fences is 14.5m and elevation to elevation is some 29.5m. There is a 1.8m high close boarded common boundary fence between the existing and proposed dwellings and alongside the driveway. The front elevation at first floor level of the new dwelling contains a bedroom window and an en-suite/dressing room window serving habitable rooms. Given the separation distances and boundary treatments, it is considered that the inter-relationship between the existing and proposed dwellings is fully acceptable in terms of overlooking.

The separation and orientation of the buildings would result in no overshadowing implications.

As stated above it could be argued that the development of this site would remove the commercial use which could, given the lawful use of this site, create conditions detrimental to the approved dwellings on the road frontage in terms of noise and disturbance.

There is a 'cordon sanitaire' around the Anglian Water pumping station which precluded development on the access driveway; however the siting of the proposed dwelling is well outside of that zone.

The proposal therefore fully accords with the provisions of Policy DM15 of the SADMP Plan in terms of impact upon neighbouring properties.

Highway issues

The property is proposed to be accessed via the existing track off Bonnetts Lane. The Local Highway Authority states:

“...It is apparent that there is an existing Groundwork's Business currently on the site which, assuming that it is authorised, has the capacity to generate traffic in its own right to a level similar or higher to that of the proposed. I am additionally aware that an approval of this application would result in a rounding off of development along this section of the road.

While the highway conditions of Bonnetts Lane are not found to be ideal due its narrow carriageway width and restricted visibility at the highway junction. On balance of the existing permitted class uses which the site currently enjoys and the low traffic levels experienced on Bonnetts Lane, I believe that it would be difficult to substantiate an objection to this application on highway safety grounds...”

Officers agree with this summary from the highway officer. The proposal is therefore considered to be acceptable, subject to conditions relating to construction of the access, no gates or obstruction across the access, parallel visibility splay, and provision of on-site parking and turning facilities.

Flood risk

The site technically lies within both Flood Zones 1 & 2 of the Council-adopted Strategic Flood Risk Assessment. The majority of the site actually lies within Flood Zone 1 and indeed the dwelling is sited within that zone. The development is therefore compatible to that zone and does not require sequential or exception testing.

There is however a site-specific Flood Risk Assessment submitted with the application. This recommends that the finished floor level of the dwelling is set at 1.6m above Ordnance Datum (i.e. 300mm above existing ground level) with a further 300mm of flood resilient construction above finished floor level. These mitigation measures may be secured via condition. The finished floor level would not create adverse impacts with regards to overlooking and visual prominence of the building, as this equates to most new-build properties.

Affordable housing

The proposal is considered to be a phased development as viewed in context with the earlier frontage development of 4 houses. The combined site area (0.37ha) is under 0.5ha and the total number of dwellings does not exceed 5; the proposal therefore falls under the threshold of affordable housing contribution as required by the NPPF. This is confirmed by our Housing Development Officer.

Other material considerations

Contamination - The application is accompanied by a Geo-environmental Desk Study which indicates there is not a likelihood that contamination exists on the site. Environmental Protection suggests a condition to cover any unexpected contamination being encountered during construction and any remediation as necessary.

Drainage – Foul water is to be dealt with via existing mains sewerage and surface water to soakaways.

Ecology - There are no significant implications for impacts upon ecology as the site is covered by hardstanding and there are no comments from Natural England as standing advice applies.

Crime and disorder – There are no significant crime and disorder issues raised by the proposed development.

CONCLUSION

Whilst the application site lies outside the defined development area of the village and is technically contrary to policy, there are material considerations which would indicate otherwise.

The proposal constitutes the efficient development of a brownfield site in a village edge location, without adversely affecting the character and appearance of this locality, which would support the sustainability of this Key Rural Service Centre.

This proposal is also effectively seeking to develop the whole of the site rather than just the road frontage. This would constitute an effective use of land as endorsed by Paragraph 118c) of the NPPF. To support the principle of developing this site would be consistent with the earlier decision on the front portion.

This application is therefore recommended for approval subject to certain conditions stated below.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. PP1010 Revision A & PP1011 Revision A.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: No development shall take place on any external surface of the development hereby permitted until details of the type, colour and texture of all materials to be used for the external surfaces of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 3 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 4 Condition: The development shall be carried out in accordance with the recommendations of the Flood Risk Assessment produced by Ellingham Consulting Ltd dated September 2019, and submitted as part of this application. Those measures include the following:
 - Finished floor level set at 1.6m aOD; and
 - 0.3m of flood resilient construction above finished floor level.

- 4 Reason: To safeguard the future resident at times of high risk of flooding and to accord with the provisions of the NPPF, NPPG and Policy CS08 of the LDF.
- 5 Condition: In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a scheme to be agreed by the Local Planning Authority, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

- 5 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 6 Condition: Prior to the first occupation of the development hereby permitted the vehicular access over the verge shall be constructed in accordance with the highways specification TRAD 5 and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.
- 6 Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety; and to accord with Policy CS11 of the LDF.
- 7 Condition: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order (2015), (or any Order revoking, amending or re-enacting that Order) no gates/bollard/chain/other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.
- 7 Reason: In the interests of highway safety and to accord with the provisions of the NPPF.
- 8 Condition: Prior to the first occupation/use of the development hereby permitted 2.4 metre wide parallel visibility splay (as measured back from the near edge of the adjacent highway carriageway) shall be provided across the whole of the site's roadside frontage. The splay shall thereafter be maintained at all times free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.
- 8 Reason: In the interests of highway safety in accordance with the principles of the NPPF.
- 9 Condition: Prior to the first occupation of the development hereby permitted the proposed access, on-site car parking and turning areas shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 9 Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety and to accord with the provisions of the NPPF.