

<b>Parish:</b>	<b>Marshland St James</b>	
<b>Proposal:</b>	<b>Outline application: Proposed residential development</b>	
<b>Location:</b>	<b>Land NE of 36 School Road Marshland St James Norfolk</b>	
<b>Applicant:</b>	<b>Mrs Janette Eileen Putt</b>	
<b>Case No:</b>	<b>19/01907/O (Outline Application)</b>	
<b>Case Officer:</b>	<b>Mr K Wilkinson</b>	<b>Date for Determination:</b> <b>30 December 2019</b> <b>Extension of Time Expiry Date:</b> <b>7 February 2020</b>

**Reason for Referral to Planning Committee** – Called in at the request of Councillor Brian Long

**Neighbourhood Plan:** No

### **Case Summary**

This application involves a 0.44Ha parcel of paddock land on the north-eastern side of School Road approx. 275m from the Hickathrift crossroad junction with Walton Road and Smeeth Road. It has a road frontage of some 52m and depth of 68m. Outline permission is sought for residential development with all matters reserved bar access. An indicative plan has been submitted showing the provision of 4 dwellings.

The site lies outside the defined village development boundary and within Flood Zone 1 of the Council-adopted Strategic Flood Risk Assessment.

### **Key Issues**

Principle of development  
Other material considerations

### **Recommendation**

**REFUSE**

## **THE APPLICATION**

This application involves a 0.44Ha parcel of paddock land on the north-eastern side of School Road approx. 275m from the Hickathrift crossroad junction with Walton Road and Smeeth Road. It has a road frontage of some 52m and depth of 68m.

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Outline permission is sought for residential development. All matters are reserved for further consideration with the exception of the means of access which is to be determined at this stage. An indicative site layout plan shows 4 individual access points onto School Road serving four equal plots of 13m in width. New footpath provision is also indicated across the front of the site, together with road widening to create a 5.5m wide carriageway.

The site lies outside the defined village development boundary and within Flood Zone 1 of the Council-adopted Strategic Flood Risk Assessment.

The application is accompanied by a Design & Access Statement and a Flood Risk Assessment.

## **SUPPORTING CASE**

The following statement in support of this proposal is submitted by the agent:

“The application site is adjacent to the 2-storey dwellings at 27- 33 School Road.

The site physically adjoins the established built form and is immediately opposite a proposed housing allocation, it cannot be considered as being within an isolated countryside location as per paragraph 79 of the NPPF. There is continuous residential development located on both sides of the highway to the north of the site and the proposed housing allocation MSJ1 is immediately opposite the site. This site is the preferred option currently.

Paragraph 11 of the NPPF states that there is a presumption in favour of sustainable development.

The site lies within Flood Zone 1 of the adopted Level 2 SFRA and is therefore in a sequentially preferable location in terms of flood risk.

Marshland St James/St John's Fen End with Tilney Fen End is identified as a Key Rural Service Centre within the Draft Local Plan. As per policy LP02, Key Rural Service Centres 'help to sustain the wider rural community'. It further states that the Council will seek to maintain and enhance facilities to support this function.

The proposal will also bring increased benefits to the area by means of CIL and Council Tax Income which will be paid in perpetuity.

In terms of social benefits, the proposal will integrate the existing housing to the south-east of the site with the remainder of the village. This will help to support the community as a whole and will promote the social objective as set out in paragraph 8 of the NPPF.

The proposal will bring economic benefits by reason of local expenditure and creation of employment and purchasing of local materials during the course of construction, thereby meeting the economic objective as set out in paragraph 8 of the NPPF.

The development will allow for enhanced landscaping within the site, promoting ecology and biodiversity within the area as well as improving visual amenities in general. The proposal therefore meets the environmental objective as set out in paragraph 8 of the NPPF.”

## **PLANNING HISTORY**

None recent

## RESPONSE TO CONSULTATION

**Parish Council: OBJECT** – the site is outside the development boundary of the village.

**Highways Authority:** (Initial response) **COMMENTS** - the width of the existing carriageway is rather narrow for housing at just 5.0m and in combination with the footway works should be widened to a minimum of 5.5m fronting the site so two vehicles can comfortably pass. I additionally observe that there is a proposed footway to front the site which is detailed on the submitted plans. This would need to extend and link in, with a crossing, to the new footway provision which will come forward with the housing development opposite.

The proposed development site is however remote from shopping; health provision and has restricted employment opportunities. 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 is 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 that; given the highway conditions are found to be narrow in terms of both carriageway and footway width, the applicant be asked to provide further topographical survey detail of the existing site and locality conditions and demonstrate at this stage that carriageway widening and footway provision with link to upcoming provisions are feasible. Ultimately the applicant would need to undertake such work if the application is approved so it should not be abortive works for them.

(Revised plans): Comments are awaited at time of writing this report.

**King's Lynn Drainage Board: COMMENTS** - relating to byelaw issues, foul and surface water drainage details.

**Environmental Health & Housing – CSNN: NO OBJECTION** suggests conditions relating to foul & surface water drainage details, construction management plan, hours of construction; plus informative notes regarding Environmental Protection Act, Soakaways, and noise, dust & smoke from construction work.

**Environmental Health & Housing – Environmental Protection: NO OBJECTION**

**Environment Agency: NO OBJECTION**

**District Emergency Planning Officer: NO OBJECTION** suggests that occupiers should sign up to the EA flood warning system and a flood evacuation plan produced.

## REPRESENTATIONS

**Cllr Brian Long:**

“I would like for both the above applications [19/01907/O and 19/01906/O] to be considered by the Planning Committee.

Both seem to me to expand the village of Marshland out to existing build out of a previously allocated site opposite and also fill up to the former Pub that is now a normal dwelling. There has been a large amount of development within the village of late and this seems to me an opportunity to complete this part of the village, delivering much sought after new homes."

**ONE** item of correspondence received from the Campaign for Protection of Rural England **OBJECTING** on the following grounds:

- The proposed site is outside the development boundary of Marshland St James and is not an allocated site for housing within the current Local Plan's adopted site allocations and development management policies plan (September 2016.) Therefore, the application site is classified as 'countryside' and is subject to Core Strategy Policy CS06 where "the strategy will be to protect the countryside for its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, and its natural resources to be enjoyed by all. The development of greenfield sites will be resisted unless essential for agriculture or forestry needs."
- The application is for market housing, not for much needed truly affordable housing.
- The Borough Council of King's Lynn and West Norfolk currently demonstrates that it has a housing land supply well in excess of 5 years. Moreover, sufficient sites have been allocated within the current Local Plan to deliver the necessary housing targets without the need for additional unallocated sites such as the proposed application site being developed.

**TWO** items of correspondence **SUPPORTING** on the following grounds:

- Over the last couple of years, there has been a large amount of development within the village of late and this seems to me a great opportunity to complete this part of the village, delivering much sought after new homes and if this application is permitted I hope that there will be restrictions on the hours of work/noise.
- Living down the road I think these properties would be great for the village to thrive. The village is currently very linear and more properties on School Road would help bring a balance, similar to Walton Road (opposite to Smeeth Road) where a number of larger properties have been built recently. Looking at the amount of land for the proposed development I think the application is very sympathetic. I would have no problem whatsoever with this application.

## **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

### **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

National Design Guide 2019

### **PLANNING CONSIDERATIONS**

The key issues in assessing this application are considered to be as follows:

Principle of development

Other material considerations

#### **Principle of development**

The Borough Council Local Plan currently comprises the Core Strategy (CS) (2011) and the Site Allocations and Development Management Policies Plan (SADMP) (2016).

Marshland St. James is presently classed as a Rural Village in the Borough Council's adopted Local Plan. The site itself is located outside of the development boundary, as indicated by Inset G57 on page 289 of the SADMP. This shows the village development area terminating at the SE side of 'Little Oaks' which is some 110m to the NW of the application site; however during the period when the Council could not demonstrate a 5 year supply of housing land two pairs of semi-detached houses (Nos. 27-33 School Road) were built on the parcel of land to the immediate NW of the application site extending the built-up area. Whilst adjacent to the current built-up area on the NE frontage of School Road, it is nevertheless outside the development area of the village. It is classed as a greenfield site and part of the countryside.

Policy DM2 – Development Boundaries states inter alia:

"The areas outside development boundaries (excepting specific allocations for development) will be treated as countryside where new development will be more restricted and will be limited to that identified as suitable in rural areas by other policies of the local plan..."

This proposal does not fall into the categories which are listed as permitted, and the principal of developing the site is contrary to the provisions of the adopted Local Plan.

The most recent Annual Monitoring Report (AMR) and the Housing Delivery Test Action Plan illustrate that the borough council is able to show a land supply in excess of the required amount of five years, with the position currently being 8.42 years' worth of supply.

Members will note that since the 5 year supply of housing land shortfall in 2015-16, there have been in excess of 90 dwellings approved in the village, which is significantly in excess of the 25 units on allocated sites in the SADMP (Policies G57.1 & G57.2).

The Council is currently in the process of reviewing its Local Plan (both CS & SADMP). This will look beyond the current plan period (2026) a further 10 years to 2036. A draft version of the Local Plan Review was published in 2019 for public consultation. Significance is drawn by the agent to the allocation site on the opposite side of School Road (MSJ1) in the draft Local Plan Review. It should be noted however that this is at an early stage and therefore the draft proposals within it should currently carry minimal weight in the decision making process.

The proposal would be unjustified consolidated development and therefore be harmful to the character and appearance of the countryside.

It could also be argued that the intended 4no. substantial open market plots would not make a significant contribution towards local housing demands for smaller, more affordable units. Given the size of the site and number of dwellings proposed, no affordable housing would be necessary or provided as part of the scheme, and so there would not be any such benefit there either.

### **Other material considerations**

#### *Flood risk:*

The site lies in Flood Zone 1 of the Council-adopted Strategic Flood Risk Assessment, which is compatible to accommodate dwellings. A site specific Flood Risk Assessment has been submitted as part of this application which receives no objection from the Environment Agency. The District Emergency Planner suggests certain measures, as reported in the Consultation section above, which would normally be dealt with via an informative note attached to any permission. There are no known surface water drainage concerns relating to this specific site.

#### *Form & character, layout and amenity:*

This is an outline application seeking consent for the principle of developing the site. Whilst an indicative layout plan has been submitted as part of the application, all these matters (with the exception of access) are reserved for future consideration.

#### *Highway matters:*

The proposal indicates the provision of a 1.8m wide footpath along the road frontage of the site and extending onto the verge in front of Nos. 31 & 33 School Road; road width increased from 5.0m to 5.5m and there is an intention to finance a Traffic Regulation Order to extend the speed limit further along School Road to the SE. Access to the paddock land to the rear is retained by a new access alongside the NW side of the site. There would appear to be adequate land within the highway verge and the application site to accommodate the intended works to widen the carriageway and create a footpath. If there are any implications to existing culverted drains, byelaw issues will apply as inferred by the King's Lynn Drainage Board.

At the time of writing this report a response to revised plans from the Local Highway Authority is awaited. This will be reported as late correspondence.

### *Crime & disorder:*

There are no significant crime and disorder issues related to this proposed development.

## **CONCLUSION**

The proposal constitutes the development of a parcel of countryside with road frontage development, which would consolidate the built form outside the defined development area of the village, to the detriment of the appearance and character of the countryside. The Borough Council is able to show a land supply in excess of the required five years, with the current position being 8.42 years' worth of supply. The proposal is therefore not considered to be sustainable development and contrary to the provisions of the NPPF (paragraphs 11, 78 & 170), Core Strategy Policies CS01, CS02, CS06 & CS08 of the LDF and Policies DM1 & DM2 of the SADMP.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that an application must be determined in accordance with the development plan unless material considerations indicate otherwise. No material considerations have been proposed as part of this application to warrant a decision that is clearly contrary to the aforementioned policies contained within the Development Plan.

The application is therefore duly recommended for refusal.

## **RECOMMENDATION:**

**REFUSE** for the following reason(s):

- 1 The proposal constitutes the development of a parcel of open countryside with road frontage development, which would consolidate the built form outside the defined development area of the village, to the detriment of the appearance and character of the countryside. There are no material considerations to outweigh this in principle policy objection; the proposal is therefore not considered to be sustainable development and is contrary to the provisions of the NPPF (paragraphs 11, 78 & 170), Core Strategy Policies CS01, CS02, CS06 & CS08 of the LDF and Policies DM1 & DM2 of the SADMP.