

Parish:	Walpole Cross Keys	
Proposal:	Change of use of a strip of land to the rear of new dwellings 67A – 67H Sutton Road from agricultural to gardens	
Location:	67A – 67H Sutton Road, Walpole Cross Keys	
Applicant:	Stinders Developments Co Ltd	
Case No:	20/00095/CU	
Case Officer:	Mr K Wilkinson	Date for Determination: 10 April 2020 Extension of Time Expiry Date: 19 June 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 (15/04/20).

Neighbourhood Plan: Yes

Case Summary

This is a retrospective application relating to a strip of land, formerly part of an agricultural field, which has extended the rear gardens of 4 pairs of recently built semi-detached houses by 2.5m on the southern frontage of Sutton Road, Walpole Cross Keys.

This application is the result of an Enforcement investigation, reported by the Parish Council, and seeks to regularise the situation.

Key Issues

- Principle of development
- Impact on form and character
- Drainage
- Other material considerations

Recommendation

APPROVE

THE APPLICATION

The application site effectively comprises a strip of land (2.5m x 78m) which has extended the rear gardens to 8 no. dwellings on the southern side of Sutton Road by 2.5m respectively. The rear boundary comprises 1.8m high close boarded fencing as does the common boundaries of the properties.

The extended parts of the gardens are confirmed by the agent to be grassed and permeable.

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The 4 pairs of semi-detached houses were approved in September 2018 under delegated powers with the support of the Parish Council. They form part of ribbon development which has been progressively approved along this road frontage, with the inclusion of affordable units secured via Section 106 agreements.

The site technically lies outside the development area of the village, as did the plots for the dwellings, however they were approved as it was considered they were in accordance with the Neighbourhood Plan.

SUPPORTING CASE

This is classified as an 'other' type of planning application and is not required to be accompanied by a Design & Access Statement; however the agent submits the following statement:

“Just to confirm that there will be no impact on the surface water drainage system as the area of land will all be permeable grass surface as it currently is. “

PLANNING HISTORY

(Application site)

18/00620/NMA_1: Application Permitted: 06/05/20 - Non-material amendment to planning permission 18/00620/F - Construction of 4 semi-detached dwellings (Delegated)

18/00620/F: Application Permitted: 12/09/18 - Construction of 4 semi-detached dwellings (Delegated)

18/00579/NMA_1: Application Permitted: 06/05/20 - Non-material amendment to planning permission 18/00579/F - Construction of 4 semi-detached dwellings (Delegated)

18/00579/F: Application Permitted: 12/09/18 - Construction of 4 semi-detached dwellings (Delegated)

(Site to east)

17/02107/NMA_1: Application Permitted: 28/08/18: Non-material amendment to planning permission 17/02107/F: Development of 4 No. 2 bedroom Terraced houses built in 1 block of 4 with parking and landscaping to the front and gardens to the rear (Delegated)

17/02107/F: Application Permitted: 29/03/18 - Development of 4 No. 2 bedroom Terraced houses built in 1 block of 4 with parking and landscaping to the front and gardens to the rear (Delegated)

(Site to west)

19/00063/F: Application Permitted: 29/06/19 - Erection of 4 x 2 bedroom semi-detached houses (Delegated)

RESPONSE TO CONSULTATION

Parish Council: OBJECT - 1 The Parish Council objects to the loss of agricultural land and has objected to similar cases along with the Borough Council; 2 The application is not in accordance with the Walpole Cross Keys Neighbourhood Plan; 3 The water drainage strategy for the properties does not include drainage of additional land.

Water Management Alliance IDB: The Board has no comment on this application as I cannot see that any adopted or riparian watercourses are directly affected, nor is there any additional impermeable area.

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REPRESENTATIONS

None received

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

WALPOLE CROSS KEYS NEIGHBOURHOOD PLAN

Policy 5 – Development Design (all developments)

Policy 6 – Managing and Reducing Flood Risk

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2019

PLANNING CONSIDERATIONS

The key considerations when assessing this application are as follows:

Principle of development

Impact on form and character

Drainage

Other material considerations

Principle of development

Walpole Cross Keys is defined as a Rural Village in the settlement hierarchy, set out under Policy CS02 of the Local Development Framework (LDF) (2011), capable of accommodating modest growth to support essential rural services. The adopted Site Allocations and Development Management Policies Plan (SADMP) shows the application site lying outside

the village development area and therefore falling within 'countryside' as indeed does the approved residential plots.

The Neighbourhood Plan has been formally adopted. As the most up-to-date planning policy this application must also be judged against the provisions of the Neighbourhood Plan (NP), and if there is a conflict with the Local Plan then the Neighbourhood Plan will take precedence.

Clarification was sought from the Parish Council as to the grounds of their objection (outlined above in the Consultations section) and which Policies were contravened by the proposal. They responded as follows:

"...policy 6 of the Neighbourhood Plan is relevant because the proposed garden extensions are not part of the drainage strategy.

However, the main point is that in recent months, the Parish Council has considered the Neighbourhood plan as a whole, rather than focusing on individual sentences to suit the situation. The plan's intention for development is well summarised on page 10 "The vision & objectives" and specifically in the development area map on page 13.

It's worth noting that the properties in question were constructed outside the development area shown on the map...but that's history now.

It's also very noticeable that the developer has often submitted modified plans after the work has been completed, as in this case (claiming more agricultural land as gardens) and the ongoing issue on Station Road North that changes the whole drainage plan after approval."

Whilst the 'Vision and Objectives' part of the Neighbourhood Plan sets the context, proposals for development must be judged against the Policies clearly identified therein. It is officer opinion that the relevant NP policies are as follows:

Policy 5 - Development Design (all developments)

- a. All developments will be sympathetic to neighbouring properties in terms of size, general design features, and materials. These sympathies will be greater depending on their proximity.
- b. Where an area is already a mix of building styles there can be more leeway for further variety.
- c. Where one building style predominates, this should inform the size, material, and design of newer properties.
- d. Development will ensure maintenance of a good standard of residential amenity for nearby occupiers.
- e. Developments will be carried out in such a way that is mindful of the safety of road users.

Policy 6 – Managing and Reducing Flood Risk

All development proposals will be expected to contribute towards effectively managing flood risk in the Neighbourhood Plan area. This means (but may not be limited to):

- a. the development being designed and constructed so as not to increase, and wherever possible to reduce, the overall level of flood risk both to site and elsewhere when compared to the current situation
- b. rates and volumes of surface water run-off being discharged from a site will be minimised, and wherever possible will be no greater than the appropriate greenfield rates and volumes
- c. proposals that would create new culverts or result in the loss of an open watercourse will not be permitted unless the culvert is essential to the provision of an access and it

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can be demonstrated that the culvert will have no adverse impact on the ability to manage and maintain surface water drainage in the Neighbourhood Plan area

Planning applications designed specifically to improve surface water drainage such as works to reinstate an effective drainage scheme are encouraged.”

With regards to Policy 5 the proposal to have garden depths of 11m rather than 8.5m provides for improved amenity space for the residents of those dwellings, which are 3 bed family homes. If the original application had 11m rather than 8.5m gardens, the reality is they would have been supported, as that length of garden would have been deemed fully acceptable. The proposal would also provide a good standard of amenity to the adjoining residents. The dwellings to both the east and west of the application site have rear gardens which are on the same alignment. This consistency of garden depths creates a continuous feature/fenceline, when viewed from public areas to the south (Staton Road North).

This loss of a strip of former agricultural land would be acceptable in conjunction with Policy CS06 of the LDF, in that it would not have a significant impact upon the intrinsic character and beauty of the countryside, and certainly would not be cropped as it is not in the same ownership as the field to the immediate south. This also corresponds with paragraph 70 of the NPPF.

NP Policy 6 will be addressed later in this report.

Form and character

This part of the village is defined by linear development fronting directly onto the southern side of Sutton Road. There is a mix of both semi-detached and terraced properties in similar styles and materials which have been built over recent years.

The site plan indicates 4 no. pairs of semi-detached 3 bedroomed houses, set back approx. 12m back from the highway, with a similar 'building line' to the adjoining residences on this side of the road. The plot depths, including this additional strip of land to the rear, are consistent and therefore in terms of form and character, the proposal is considered to be acceptable and complies with Policy 5 of the NP (as stated above) and Core Strategy Policy CS08 of the LDF.

Flood risk and drainage

The site is located in Flood Zones 2 & 3a in the Strategic Flood Risk Assessment adopted by the Borough Council. The Parish Council raised objection on the grounds of the water drainage strategy for the properties does not include drainage of additional land and contravened NP Policy 6. Planning permission and subsequent discharge of conditions for the dwellings included details of surface water drainage covering disposal of water from roofs and impermeable surfaces.

The developers have provided improvements to the surface water drainage system by creating a new ditch along the frontage of Sutton Road, then the western periphery of the overall field to the rear, and linking at the junction with Littleholme Road/Station Road North to the IDB adopted system. Once completed the drains may be submitted for adoption by the IDB for long-term maintenance.

The inclusion of this strip of land within the garden areas of the dwellings, which is grassed and permeable, would drain naturally – the same as if it was retained as part of the field. It would have no impact upon the drainage of this locality. It will be noted in the Consultation section above that the IDB commented as follows:

“The Board has no comment on this application as I cannot see that any adopted or riparian watercourses are directly affected, nor is there any additional impermeable area.”

The current development proposed does not therefore contravene Policy 6 of the NP.

Walpole Cross Keys has experienced localised foul and surface water flooding issues over previous years and it is understandable that the Parish Council may still have concerns regarding the overall suitability of the new system. However all development has been undertaken to date in liaison with the IDB.

Other material considerations

During processing of this application it was noticed that the alignment of the pairs of semi-detached dwellings were parallel to the road, and not slightly staggered as initially approved. This has been authorised by the submission and approval of two non-material amendment applications (refs: 18/00579/NMA_1 & 18/00620/NMA_1). It was considered that the repositioning of the dwellings to have a similar set back from the highway would not create a significant impact upon the appearance of the overall development and is consistent with the building line created along this road frontage.

The Parish Council criticises that the developer has often submitted modified plans after the work has been completed; any unauthorised works are undertaken at the developers' risk.

The application raises no significant issues regarding crime and disorder as the land is contained by appropriate fencing.

CONCLUSION

Whilst the extension of gardens into the countryside is not usually encouraged by virtue of the likely impact upon the intrinsic character and beauty of the countryside and loss of agricultural land, for the reasons stated above in this instance the proposal is considered to be acceptable. Notwithstanding the concerns raised by the Parish Council, there would be no adverse implications regarding surface water drainage as the land is grassed and permeable – a view endorsed by the IDB.

It is concluded that the development complies with the provisions of the NPPF, Policies CS06 & CS08 of the LDF and Walpole Cross Keys Neighbourhood Plan Policies 5 & 6. The application is therefore duly recommended for approval subject to certain condition stated below.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition:

- 1 Condition: The development is approved in accordance with the following plan: 1:1250 scale Site Location Plan submitted on 06.03.20.
- 1 Reason: To define the terms of this permission in the interests of proper planning.