

Parish:	Marshland St James	
Proposal:	OUTLINE APPLICATION SOME MATTERS RESERVED: Proposed residential development	
Location:	Land W of 47 School Road Marshland St James Norfolk	
Applicant:	Mr S Riddick	
Case No:	19/01906/O (Outline Application)	
Case Officer:	Mrs C Dorgan	Date for Determination: 30 December 2019 Extension of Time Expiry Date: 3 April 2020

Reason for Referral to Planning Committee – Application was called in by Councillor Long

Neighbourhood Plan: No

Case Summary

This application involves an approximately 0.4ha parcel of agricultural land on the north-eastern side of School Road. The site wraps around the former pub ‘The Marshland Arms’ from School Road and also fronting on to Hope Lane. 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
Highways and Access
Other material considerations

Recommendation

REFUSE

THE APPLICATION

This application involves an approximately 0.4ha parcel of agricultural land on the north-eastern side of School Road. The site wraps around the former pub ‘The Marshland Arms’ (now a dwelling) from School Road and also fronting on to Hope Lane. 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.

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 plots from a single access onto School Road. One plot fronts onto School Road, and three plots front onto Hope Lane with access and parking to the rear of the dwellings. 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

RESPONSE TO CONSULTATION

Parish Council: OBJECT

The Parish Council objects to the application because the site is outside the development boundary for the village

Local Highway Authority: OBJECTION

School Road has an average carriageway width of 5 m which is only wide enough for a car and a wide vehicle (lorry / tractor) to pass. Manual for Streets recommends that for two wide vehicles to pass a minimum carriageway width of 5.5m is required. This is of particular importance given that the road would also need to be kerbed to facilitate safe footway provisions to the school and taking into account the agricultural and haulage vehicles which are common place in the area.

Given the narrowness of the road, and the fact that in my view the necessary road widening and footway provision cannot be safely achieved by the applicant, an approval of the application would result in conditions detrimental to highway safety. As a result I recommend that the application is refused.

Environment Agency: NO OBJECTION

CSNN: NO OBJECTION

No objection subject to conditions relating to Foul and Surface Water Drainage details, a Construction Management Plan and Site Hours during construction.

Natural England: NO COMMENTS

Emergency Planning Officer: NO OBJECTION

The occupiers should sign up to the Environment Agency flood warning system, and a flood evacuation plan should be prepared.

REPRESENTATIONS

CPRE: OBJECTION

- 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. The Borough Council of King's Lynn and West Norfolk's Authority Monitoring Report 2017 to 2018 states that: "Therefore following the standard method for calculating Local Housing Need (LHN) as per current policy or on that being consulted the Borough Council of King's Lynn and West Norfolk

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is able to demonstrate a 5 year housing land supply position significantly higher than 5 years' worth. With the calculated result being 11.7 years' worth of supply against current policy and 9.9 years' worth of supply against the consultation approach to LHN calculation." 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.

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."

In addition 2 letters of SUPPORT for the application and 1 NEUTRAL letter have been received.

- There has been a large amount of development within the village of late and this seems an opportunity to complete this part of the village, delivering much sought after new homes.
- Hope that there will be restrictions on the hours of work/ noise.
- 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.
- No access to village sewer. Does this mean the sewerage system will be extended?
- Plenty of alternative sites available in the village such as there is a haulage yard in the middle of the village.
- Council should consider the future approach to growth and development in the village, as a lot of houses have been approved recently.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS09 - Housing Distribution

CS11 – Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

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 Design Guide 2019

PLANNING CONSIDERATIONS

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

Principle of development
Highways and Access
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 (SADMPP) (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 240m 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 northwest 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 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 7.37 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 94 dwellings approved in the village, which is significantly in excess of the 25 units on allocated sites in the SADMPP (Policies G57.1 & G57.2).

The Council is currently in the process of reviewing its Local Plan (both CS & SADMPP). 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

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therefore the draft proposals within it should currently carry minimal weight in the decision making process.

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. There is also no affordable housing to be provided as part of the scheme, and so there would not be any such benefit there either.

The applicant points to case law and states that the land is classed as 'brownfield land' because it has been used for grazing and keeping horses. Case Law differs but generally if horses are kept on the land for substantial periods of time with supplementary feeding etc then this is likely to be classed as being used for the 'keeping of horses' and represents a material change of use. Where as if the horses are let on the land occasionally solely for the purposes of grazing on the land then this is classed as agriculture. It is a matter of fact and degree but the presence of a field shelter or loose box reinforces the impression of a non-agricultural use. In this case the applicant has stated that the horses are kept on the land, and there is a structure on the site. Therefore the applicant argues that it is not agricultural land but a brownfield site, and that this should be given substantial weight in the determination of the application. They refer us to national policy which gives 'substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs' in preference to the development of greenfield land. However the NPPF in paragraph 117 states that 'planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.' The site reads as part of the wider countryside as there is no area of hardstanding and no permanent buildings on the site. Notwithstanding that this use is categorised as brownfield, this does not outweigh the considerations above.

The proposal would be unjustified consolidated development and therefore be harmful to the character and appearance of the countryside, contrary to the provisions of the NPPF, Core Strategy Policies CS01, CS02, CS06 & CS08 of the LDF (2011) and Policies DM1 & DM2 of the SADMPP (2016).

Highway and Access:

The proposal indicates the provision of a 1.8m wide footpath along the road frontage of the site at School Road which will link the former Marshland Arms pub with the remainder of the village, and importantly provide a link to the school. The applicant states that the 1.8m footpath is capable of being provided within the highway verge. The road width at School Road is proposed to increase from 5.0m to 5.5m and there is an intention to relocate the 40mph speed sign so all occupiers along School Road will benefit from reduced traffic speeds. The applicant has stated that they have shown in the drawings and plans submitted that they can deliver the necessary improvements and therefore this is not a reason for refusal of the application.

However the Local Highway Authority objects to the scheme. They state that larger scale development on School Road should have a requirement to provide footway provisions that link with existing provision, ensuring that this application and 19/01907/O (the recent residential consent along School Road to the north west determined at Committee in February 2020) both facilitate footway links to the school. They express concerns whether this is deliverable alongside the road widening, given the highway extent and the applicant's land ownership. It is their view that the applicant does not have control over sufficient land and therefore cannot guarantee the improvements required would be delivered. The design submitted for footway and carriageway widening does not conform to standard. Therefore to date, a satisfactory highway improvement scheme has not come forward hence the proposal

is contrary to the NPPF, Policy CS11 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).

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.

A representation received queries access to main sewers, however the drainage arrangements are yet to be provided and a condition is attached requiring details to be submitted. 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.

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. In principle this outweighs the use of brownfield land. The Borough Council is able to show a land supply in excess of the required five years, with the current position being 7.37 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 SADMPP.

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.

Furthermore the Local Highway Authority objects to the scheme on the grounds that the applicant has failed to demonstrate that the necessary improvements including road widening, footway provision and relocation of the speed sign can be delivered to the required standards. It is their view that the application, if permitted, would be likely to give rise to conditions detrimental to highway safety.

The application is therefore duly recommended for refusal.

RECOMMENDATION:

REFUSE for the following reasons:

- 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 and 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.

- 2 The unclassified road, School Road, serving the site is considered to be inadequate to serve the development proposed, by reason of its restricted width / lack of passing provision and lack of footway provision. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety. This is contrary to the NPPF and Policy CS11 of the adopted Core Strategy 2011 and Policy DM15 of the Site Allocations and Development Policies Plan 2016.