

Parish:	Marshland St James	
Proposal:	OUTLINE SOME MATTERS RESERVED: Proposed residential development	
Location:	Land N of 36 School Road Marshland St James Norfolk	
Applicant:	C/o Agent	
Case No:	20/01231/O (Outline Application)	
Case Officer:	Mr K Wilkinson	Date for Determination: 16 October 2020 Extension of Time Expiry Date: 6 November 2020

Reason for Referral to Planning Committee – Called in by Cllr Brian Long

Neighbourhood Plan: No

Case Summary

This application involves a 0.5Ha parcel of paddock land on the north-eastern side of School Road approx. 330m from the Hickathrift crossroad junction with Walton Road and Smeeth Road. It has a road frontage of some 69m and depth of 70-74m. 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 a 0.5Ha parcel of paddock land on the north-eastern side of School Road approx. 330m from the Hickathrift crossroad junction with Walton Road and Smeeth Road. It has a road frontage of some 69m and depth of 70-74m. It contains stable buildings and has vehicular access onto School Road.

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 approx. 15.5m in width. Vehicular access to the paddock land to the rear of the site would be created via a new additional access alongside the NW side boundary of the site. New footpath provision is also indicated across the front of the site, together with road widening to create a 5.5m wide carriageway which also extends north-westwards across the frontage of the adjoining site and beyond in front of Nos. 31 & 33 School Road.

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:

“There is continuous residential development located to the north of the site and the proposed housing allocation MSJ1 is immediately opposite the western aspect of the site.

The site 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 proposal also provides a significant benefit by means of the installation of a public footpath across the site frontage which links up to the existing footpath network. This will link the Marshland Arms (which is now a dwelling) with the remainder of the village. One of the reasons for the refusal of the previous application was that the Highways Officer felt

there was not enough room for the road widening and footpath. We now have the landowner of the adjacent plot of land in agreement and a separate application is submitted for that site which overcomes this reason for refusal.

The site is located within 150m of the primary school giving even more weight on this being an ideal location for residential development.

The proposal also includes the relocation of the 40mph speed sign so that all existing and future occupiers along School Road, including the new housing allocations, will benefit from reduced traffic speeds which promotes good levels of residential amenity and highway safety. The development therefore complies with policy 17 of the SADMPP.

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

Frontage of land to the immediate NW which is part of this application site area:

19/01907/O: Application Permitted: 07/02/20 - Outline application: Proposed residential development (Committee decision)

RESPONSE TO CONSULTATION

Parish Council: OBJECT – the site is outside the development boundary for the village; School Road is a narrow unclassified road which is inadequate to serve this development.

If this application is approved against the decision of the Parish Council we would like the following conditions to be placed on any approval: a footpath along the front of the site; a full ecological survey to be done on the site; and 40mph speed limit on School Road to be extended to beyond the development.

Highways Authority: (Initial response) **HOLDING OBJECTION** - From a highway safety perspective the suitability of the application would be similar to planning application 19/01907/O and ultimately rests with the ability of the development to provide access to accord with the adopted standards and to deliver footway links through to the school together with appropriate road widening to take account of the kerbing requirement for the footway. This would not be achievable as the area of red land to be considered does not provide for sufficient land to build the footway and re profile the ditch to an acceptable manner.

Should however the applicant be able to provide revised plans detailing sufficient land for a robust indicative scheme (taking account of levels and earthworks) together with an appropriate legal agreement, then I would be happy to review such a design. Given that the works for the footway and road widening would also move the access view point further into the site, I would also recommend that the applicant be asked to provide a plan to demonstrate that sufficient visibility splays for the accesses will be achieved.

(Revised plans): The amended plans are now acceptable in relation to highway safety, provided you are ultimately satisfied that the legal agreements would be in place prior to start of construction on site.

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

Environmental Health & Housing – CSNN: No comments received at time of writing however suggested conditions on the immediately adjoining site (ref: 19/01907/O) 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 but suggests condition relating to unexpected contamination

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:

“As ward member I consider that the site is favourable to the allocated site and has a better risk of not flooding as sites higher than adjacent site.”

ONE item of correspondence received neither **OBJECTING** nor **SUPPORTING** but raising the following comments:

- Road not good enough for new houses and the sewer would need extension to Hope Lane and it would need more street lighting and a path at the front of plots back to the existing path already in School Rd. Also traffic when School times is absolutely manic now without adding to it. These planning applications are all in the wrong place for the village with the amenities available.
- It's near the school which is full now and has very little car parking facilities only on the road outside.

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

- With established development along School Road this is a much-needed low-density development of just four dwellings. They are within walking distance of the village school and the new village hall. It would also provide a natural balance to the adjacent geographical centre of the village. This development will include enhanced landscaping within the site, which will improve the ecology and biodiversity, but improve visual amenities in general.
- Marshland St James has welcomed growth over the past few years and this site is the perfect location for balanced expansion. Other benefits will include CIL revenue and Council Revenue in perpetuity.
- Being close by to this development, I feel it would be very good. Currently the land is not really being used and would be much better with executive homes. I don't think an abundance of houses would be good but 5-10 between the current properties and the old pub (which I believe was also trying to be converted into residential accommodation) would bring a balance to the village. While there may have been objections about the

road, I do not agree. I think the addition of a footpath and extending the 30mph speed limit to the village boundary will actually be better for the school and add a possible area where cars can park safely rather than on the side verge.

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

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 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 SADMPP. This shows the village development area terminating at the SE side of 'Little Oaks' which is some 170m 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 67m away from the application site extending the built up area. This has prospectively been further extended by outline permission granted for 4 plots to the immediate NW of this current site (planning application ref: 19/01907/O). This site nevertheless lies beyond the current built-up area on the NE frontage of School Road, it is outside the development area of the village and forms 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 6.97 years' worth of supply. Members will note that since the 5 year supply of housing land shortfall in 2015-16, there have been almost 100 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 proposed allocation site on the opposite side of School Road (MSJ1) in the draft Local Plan Review. However, a second draft of the Plan is currently being drawn up and the decision has taken that based on housing targets, delivery and existing allocations that there is not a need to allocate any additional sites within the village. The only allocations will be those currently in the adopted Local Plan. It should be noted however that this is an ongoing process and, given it is at an early stage any draft proposals, 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.

It is recognised that permission has recently been granted on the adjoining site to the NW (planning application ref: 19/01907/O), however that proposal was clearly contrary to policy and contrary to officer recommendation. There remains no planning justification to support this proposal.

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 increasing the carriageway of School Road from 5.0m to 5.5m plus the provision of a 1.8m wide footpath along the road frontage to connect with the proposed network in front of the allocated site for residential development leading up to the school. This involves the frontage of adjoining land (19/01907/O). There is also an intention to relocate the 40mph speed sign so all occupiers along School Road will benefit from reduced

traffic speeds. In highway safety terms the plans are acceptable, however the Local Highway Authority raise concerns regarding landownership and the deliverability of these improvement works as they affect third party land.

In planning terms, the improvement works could be secured via a 'Grampian' style condition. This would secure the details of implementation prior to any development commencing.

However, this is academic as the principle of the development fundamentally fails to accord with the development plan as stated above.

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.

Contamination:

The site contains stable buildings which will need to be demolished in order to develop the site. As a precautionary measure Environmental Protection requests a condition relating to unexpected contamination.

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 6.97 years' worth of supply, and it is not likely that any more allocations will be made for the village. 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.

This 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.