

Parish:	Walsoken	
Proposal:	Construction of a single dwelling and garage	
Location:	Land S of Bartonview And N of Numbers 17 S-Bend Lynn Road Walsoken	
Applicant:	Mr Ian A.N & Owen R Green	
Case No:	20/01122/F (Full Application)	
Case Officer:	Clare Harpham	Date for Determination: 28 October 2020

Reason for Referral to Planning Committee – Officer recommendation contrary to views of Parish Council and Sifting Panel referred the application to Planning Committee

Neighbourhood Plan: No

Case Summary

The development is for the erection of a two storey 4 bedroom detached dwelling. The site lies to the south of the property known as "Bartonview" and to the north of a commercial yard occupied by FNR Machinery LTD. The site is on the south east side of Lynn Road, on the original s-bend section. The site lies outside any development boundary, so it is deemed as being in the countryside.

Key Issues

- Principle of development
- Character and appearance
- Neighbour amenity, noise and disturbance
- Other material impacts that require consideration prior to determination of the application

Recommendation

REFUSE

THE APPLICATION

The development is for the erection of a two storey 4 bedroom detached dwelling. The site lies to the south of the property known as "Bartonview" and to the north of a commercial yard occupied by FNR Machinery LTD. The site is on the south east side of Lynn Road, on the original s-bend section. The site lies outside any development boundary, so it is deemed as being in the countryside. This part of Lynn Road is largely rural in character with open agricultural fields to the north side of Lynn Road and some limited sporadic linear development along the south. The site lies over 1 km from the main built up edges of Wisbech and Walsoken, and just under 1 km away from Walton Highway.

SUPPORTING CASE

The application site is outside the development guidelines and against policy to allow a dwelling in the countryside. However, please consider what is going on in and around this site. There are at least eight businesses sandwiched between residential properties "Willow Field" and "Barton view" at what was, originally Bambers Nursery. "Barton view" is on the corner of Lynn Road and the Old S bend road where there are three houses, a stable yard and a machinery company leading onto further housing as it returns to "Lynn Road."

There are a further 11 dwellings including one new dwelling approved recently, and further west a large caravan sales complex and the huge Princes Distribution Centre. All developments in this area are outside any guidelines. The nearest are the "Wisbech Fringe with Walsoken" or "Walton Highway". The site is between Bartonview (a large bungalow) and FNR Machinery Ltd served off the Old S-Bend Road a left over from road improvements to the old A47. Effectively it is now a layby providing an excellent access to potentially this site and the other five properties it already serves. It is an infill plot utilising land of an odd shape immediately alongside an IDB drain, whose bye laws require a 9m maintenance access! It is so small it is not suited to modern day large farming equipment being very difficult to cultivate. Properties off this old section of road have enjoyed the lifting of agricultural restrictions and now include a new dwelling next to the Police House.

It provides an excellent access to all the properties and a NCC Highways road. The Parish Council, the local people support the application. There are no objections from the Environment Agency regards flood risk. There are no objections from the District Emergency Planner provided signing up to Flood Warning and a Flood Evacuation plan. The IDB have no objection. Environmental Quality have no objection regards contamination. The only concern raised is from FNR MACHINERY LTD who have a workshop next to the site and lorries leave the yard at 4am and there are forklifts running during the day.

We understand CSNN have asked for a Noise Assessment upon the project. The standard consultation expiry date for comments were 24th September 2020. The comment made by the site neighbour was submitted on 25th September 2020. The CSNN request I understand was only been received 20th October 2020! It is clearly out of time being a month late and we trust will be disregarded. To spring such a request at a time when you are intending to write up a report for the committee is not acceptable. Such noise reports will probably cost in excess of £1500!

We point out we have positioned habitable areas, living room at ground floor and bedrooms at first floor of the house is set furthest from the Machinery company premises with its double garage and a 1.8m high double boarded fence between. About 42m distance. A noise report is likely to conclude that the design of the house and double boarded fence is a sufficient barrier from noise at the neighbouring premises. I suspect that the adjoining house which is closer to the premises about 38m to the other side of the machinery company have never complained. To ask for a Noise Report now is a waste of tax payers money

In summary there is a mass of development around the site and all are outside any development guideline, in addition and against huge public opposition there has been a traveller's site approved (19/00963/F), and again outside any development guideline! So why should one additional single house be resisted?

PLANNING HISTORY

2/99/0884/O: Committee Decision: Application Refused: 07/09/99 - Site for construction of dwelling - Land south of Denholme off Lynn Road, Walsoken

Planning Committee
2 November 2020

RESPONSE TO CONSULTATION

Walsoken Parish Council: SUPPORT

It fits well between existing properties with no issues regarding access.

Highways Authority: NO OBJECTION

While the access from this section of road onto Lynn Road is not ideal due to the 50mph speed restriction, ultimately visibility at the highway junctions accord with standard and I therefore believe that it would be difficult to substantiate an objection to the application. Recommend conditions to ensure satisfactory access, avoiding obstruction, permanent availability of parking and turning areas and highway safety.

CSNN: REQUEST INFORMATION

The application site appears to be between FNR and a larger set of industrial units to the north east. These include from a google search a motor vehicle business, timber yard and pet food business all of which will have deliveries and may have plant and machinery operating throughout the day. I haven't looked to see if there is any planning conditions relating to the use of these sites so can't comment on that.

However it is likely that the application site will experience industrial / commercial noise from both areas and as such we would expect a noise survey to determine the suitability of the site for residential use to be undertaken. This should be in accordance with BS4142:2014 +A1:2019 and BS8233:2014. Without this we cannot be confident that the property will be protected from loss of amenity from noise.

Environment Agency: NO OBJECTION

Environmental Quality: NO OBJECTION

IDB: NO OBJECTION

Proposed drainage scheme is acceptable. Boards byelaws must be complied with.

Emergency Planning: NO OBJECTION

As the site lies in an area at risk of flooding I would suggest the following conditions be considered. The occupiers should sign up to the Environment Agency flood warning system, and a flood evacuation plan should be prepared.

Natural England: NO COMMENTS

REPRESENTATIONS

One neutral letter was received saying that FNR MACHINERY LTD trades in machinery and have a workshop very close to the Site. FNR Machinery also have lorries leaving the yard at 4am with forklift running all day. It is hoped the development will not result in any complaints against this business.

LDF CORE STRATEGY POLICIES

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 main considerations:

Principle of development
Character and appearance
Neighbour amenity, noise and disturbance
Other material impacts that require consideration prior to determination of the application

The principle of development:

The site was the subject of a similar planning application which was refused by the Planning Committee in 1999. The reasons given for this refusal were as follows:

1. The Norfolk Structure Plan (H6), the Norfolk Structure Plan Review (Policy H8), and Local Plan (Policy 8/6) state that outside villages permission will only be granted for new residential development where it is justified for agricultural, forestry, organised recreation or tourist facilities. The proposal does not meet these criteria and is consequently contrary to the provisions of the development plan and prejudicial to County Strategy.
2. To permit the development proposed would result in the consolidation of an undesirable ribbon development away from the village centre and create a precedent for similar development which would cumulatively to the loss of the pleasant semi-rural character and appearance of the area.

Whilst this decision was some time ago, the policy considerations are very similar and remain relevant to the current application. The site lies outside any development boundary and is not allocated for development in the SAMDPP 2016. As such it will be treated as countryside, where new development is more restricted, and limited to that identified as suitable in rural areas. Additionally, Policy CS06 of the Core Strategy 2011 reinforces this position, by stating that development of greenfield sites will be resisted unless essential for agricultural or forestry use. No suitable rural use has been advanced on this site, hence there is no justification in favour of the development of this greenfield land.

The site is well separated from any of the nearby settlements. The site lies approximately 1.35km away from the edge of Wisbech, and 0.9km from Walton Highway. This part of Lynn Road is developed to an extent, but it does not associate with the main built up part of Walsoken. Hence, it is considered that development of the site would not in any significant way contribute to enhancing the vitality of the surrounding rural communities and it would be distant from service centre provision. As such, the site is not considered to be a suitable location for a new dwelling. This is contrary to the objectives of the NPPF, which supports housing that is located where it would be beneficial to a rural community.

For the reasons above, the development of a dwelling on the site in question would not be sustainable development, as it is contrary to the NPPF, Policies CS02, CS06 and CS08 of the Core Strategy 2011 and DM2 of the SADMPP 2016.

Impact on character and appearance on area:

The proposed dwelling would be set back far from Lynn Road, and situated between existing developed sites including a dwelling to the north and a commercial site to the south. The dwellings would be two storey with a front gable projection and attached double garage. The external materials proposed include brickwork, red clay pantiles and white upvc windows and doors. Details of the bricks have not been provided with this application but could be conditioned. The proposed materials are considered acceptable.

Although the site is in between existing development on both sides, the dwelling to the north-east is well screened by dense and mature vegetation, the commercial site is low rise and the buildings have an agricultural character. Lastly the dwelling to the west lies below street level, set well back from Lynn Road itself and also screened by an approximately 3m high hedgerow. Surrounding this immediate scene are agricultural fields to the south east and north, including a smaller open area to the front of the site. It is therefore considered the character of the street scene is largely rural in character with sporadic development, of which the existing undeveloped application site forms an integral part.

One of the reasons for refusal in the previous application 2/99/0884/O was concerned with the consolidation of the sporadic ribbon development detracting from the rural character of the area. It is considered this viewpoint has not changed. The proposed development would fill an important gap in the street scene, and result in a consolidation of the existing sporadic linear development, detracting from the rural character of the area. The site lies in the countryside and it is considered the development would be detrimental to the character and appearance of the countryside, contrary to Policy DM15 of the SADMPP 2016, Policies CS06 and CS08 of the Core Strategy 2011 and the NPPF.

Impact on neighbour amenity, and noise and disturbance:

The proposed dwelling would be situated far enough away from the neighbouring dwellings to the north and west such that it would not have any significant overbearing or overshadowing impact.

A window is proposed at first floor level on the south elevation, but this would face towards the commercial site and not have any detrimental overlooking impacts. No first floor windows are proposed on the north elevation towards Bartonview. First floor windows on the front and rear elevation would only look over fields to the front and rear. Overall the proposed dwelling would not have any significant overlooking impacts.

The Borough Council Community Safety and Neighbourhood Nuisance Team (CSNN) has looked at the application and requested that a noise survey be submitted to fully take into account the impact of the existing surrounding commercial uses (including those further to the north east). The applicant has indicated that they do not wish to go through with such a survey, and would like instead for the application to be determined as it stands. Despite the lack of a noise survey, the agent has attempted to address the noise concerns in the supporting statement, saying that acoustic fencing will be provided, which in combination with the gap would be sufficient to mitigate adverse noise impacts.

The site lies to the north of a commercial site FNR Machinery LTD. A third party comment has indicated that operations are carried out unrestricted at this site late at night and early in the morning (the example given was 4am). Also that fork lift trucks operate throughout the day. It is worth noting that the dwelling immediately to the west of FNR Machinery LTD known as "Wellington House" is under the same ownership as the commercial site. The new proposed dwelling would not be associated with the business site. It is considered the resulting relationship between the proposed dwelling and existing commercial site would be detrimental to both parties. The existing commercial site would be likely to have an impact on the occupiers of the proposed dwelling in terms of noise and disturbance.

In addition, the third party comment raised concern that it could lead to complaints against the commercial site in the future. Paragraph 182 of the NPPF states that new development should be integrated effectively with existing businesses. Existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

Despite the proposed acoustic fence, without additional information in the form of a noise survey, it is considered the potential for noise and disturbance on the occupiers of the proposed dwelling would be such that an adverse impact on residential amenity is likely, contrary to Policy DM15 of the SADMPP 2016. In addition, the introduction of a residential dwelling has the potential to disrupt the operations of the existing established commercial site, and therefore it would also be contrary to Paragraph 182 of the NPPF.

Other material impacts:

The comments raised by the Parish Council in support of the application relate to the details of the proposal, but are not considered to outweigh the general principle against residential development of this site, or the other material impacts outlined above.

It is considered the proposed dwelling would not pose any significant risk to highway safety. The Local Highway Authority do not object to the application. It is also considered there are no significant contamination risks on the site, and the Borough Council Environmental Quality Team has no objection to the application. The Environment Agency has no objection to the application. Although part of the curtilage would lie in Flood Zone 2, the entire footprint of the dwelling would lie in Flood Zone 1, so it is considered there are no significant flood risk implications. Lastly, the Internal Drainage Board do not object to the application subject to compliance with their byelaws.

CONCLUSION

The site lies in the countryside outside of any designated development boundary and is not considered a sustainable location for new development. In addition, no justification has been provided to demonstrate why the residential development of this land should go ahead. In addition, it is considered the dwelling would be harmful to the rural character of this part of Lynn Road, by occupying an important gap which contributes to the rural character of the area. The residential development of this site would detract from the intrinsic character of the countryside.

Lastly, the development would be situated next to an existing established commercial site. The relationship between the proposed dwelling and commercial site would have the potential to be detrimental to both parties. No substantive information has been submitted to demonstrate that no significant noise impacts would arise, therefore it is considered likely that the existing operations on the commercial site would have an adverse impact on the occupiers of the dwelling, Subsequently there is a potential that the introduction of a dwelling could disrupt those commercial operations should complaints arise,

The proposal is therefore contrary to paragraphs 78 and 182 of the NPPF, Policies CS02, CS06 and CS08 of the Core Strategy 2011 and Policies DM2 and DM15 of the SADMPP 2016.

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 The site lies outside of any development boundary. Policy DM2 of the SADMPP states that areas outside development boundaries will be treated as countryside where development is more restricted, except for development identified as suitable in rural by areas by other policies in the plan.

There is no justification for the proposed dwelling as it does not meet the criteria of any of the policies which outline suitable development in rural areas. As such, it does not accord with the objectives of sustainable development and the application is contrary to Policies DM2 of the SADMPP 2016, CS02, CS06 and CS08 from the Core Strategy 2011, and the NPPF.

- 2 The proposed dwelling would fill an important gap in the street scene and detract from the rural character of the area, leading to a consolidation of the existing sporadic linear development and harming the intrinsic character of the countryside. This would be contrary to Policy CS06 of the Core Strategy 2011 and would fail to be sympathetic to the local setting and pattern of development contrary to DM15 of the SADMPP 2016.
- 3 Policy DM15 states that new development should not have any adverse impacts on residential amenity. Paragraph 182 of the NPPF states that new development should be integrated effectively with existing businesses. Existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

It is considered the resulting relationship between the proposed dwelling and existing commercial site would be detrimental to both parties. The existing commercial site and its unrestricted operations would be likely to have an impact on the occupiers of the proposed dwelling in terms of noise and disturbance therefore being contrary to Policies CS08 of the Core Strategy 2011 and Policy DM15 of the SADMPP 2016. Additionally, the introduction of a residential dwelling has the potential to disrupt the

operations of the existing established commercial site, and therefore it would also be contrary to Paragraph 182 of the NPPF.