

<b>Parish:</b>	<b>Marshland St James</b>	
<b>Proposal:</b>	<b>New Dwelling</b>	
<b>Location:</b>	<b>Land W of Bramble Cottage Dades Lane Marshland St James Norfolk</b>	
<b>Applicant:</b>	<b>Ms J Nelson</b>	
<b>Case No:</b>	<b>20/01585/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Clare Harpham</b>	<b>Date for Determination: 9 December 2020</b>

**Reason for Referral to Planning Committee** – Councillor Long requested that the application be determined by the Planning Committee

**Neighbourhood Plan:** No

**Case Summary**

The application is for a new four bedroom detached house with attached garage served by Dades Lane, Marshland St James. The proposed new dwelling would be located outside the development boundary of Marshland St James and therefore within the countryside.

**Key Issues**

- Principle of development
- Form and Character
- Neighbour Amenity
- Highways Issues
- Other material considerations
- Crime and Disorder Act

**Recommendation**

**REFUSE**

**THE APPLICATION**

The application site is a regular shaped piece of land at the end of Dades Lane on its western side and is currently classed as agricultural land. The site is bounded to the front by mixed hedging/vegetation. The site is open to the neighbouring dwelling (family member) and open to the other boundaries.

Dades Lane is a narrow single width road with a mix of ex Local Authority semi-detached dwellings, as well as some detached, predominantly two-storey dwellings located in

proximity to the application site. Immediately adjacent to the site is a large two-storey dwelling which was granted planning permission when the Borough Council lacked a five-year housing land supply (15/02110/F and revised by application 17/02417/F).

The application is for full planning permission for a large detached dwelling with an attached garage.

## **SUPPORTING CASE**

None received.

## **PLANNING HISTORY**

20/00235/F: Application Withdrawn: 07/04/20 - New dwelling - Land W of Bramble Cottage Dades Lane Marshland St James

## **RESPONSE TO CONSULTATION**

### **Parish Council: SUPPORT**

**Highways Authority: OBJECT** I note that this application is similar to a previous proposal under reference number 20/00235/F. I refer you to my comments made at the time, the highways conditions remain the same and therefore my previous recommendation for refusal still stands for this application.

Previous comments - You will be aware that I have previously visited the site and expressed concerns in relation to former planning applications 15/02110/F and 17/02419/F.

From my visits it was, and it remains evident that Dades Lane has limited passing opportunities found at its north-east end. There is a ditch to its north side and verges are narrow and therefore it is not possible to provide any mitigating formal passing provisions over its length of concern. It is therefore considered that Dades Lane is unsuitable for further habitual increases in traffic due the conflict, over running and reversing that is likely to result and there are currently signs of verge damage to be found at the north-east section of the road.

A residential dwelling will typically generate on average 6 vehicular trips per day.

I believe that an approval of the application would result in an intensification of use of a section of highway that is unsuitable to cater for additional traffic in its current form and an approval of this application is also likely to set a precedent for further undesirable development on this narrow section of road.

The National Planning Policy Framework (NPPF) supports through section 9 Promoting Sustainable Transport & para 110, in part, the need to 'minimise the number and length of journeys'. It also encourages the importance of being able to 'give priority first to pedestrian and cycle movements' and 'so far as possible facilitating access to high quality public transport'...

Sustainable transport policies are also provided at a local level through Norfolk's 3rd local transport plan Connecting Norfolk – Norfolk's Transport Plan for 2026 (see Appendix F). Policy 5 of this document states "New development should be well located and connected to

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existing facilities so as to minimise the need to travel and reduce reliance on the private car or the need for new infrastructure”.

The proposed development site is remote from schooling; town centre shopping; health provision and has restricted employment opportunities with limited scope for improving access by foot, cycle and public transport. The distance from service centre provision precludes any realistic opportunity of encouraging a modal shift away from the private car. It is the view of the Highway Authority that the proposed development is also likely to conflict with the aims of sustainable development, therefore and you may wish to consider this point within your overall assessment of the site.

In relation to highway maintenance and safety considerations I recommend that the application is refused

**Internal Drainage Board: NO OBJECTION** The applicant indicates that surface water will be via infiltration (soakaway). If surface water drainage via infiltration is not viable following testing and it is proposed to a watercourse then consent under Byelaw 3 will be necessary.

We note that foul water is proposed to a package treatment plant. Should this be discharged to a watercourse then consent will be required under Byelaw 3.

We note the presence of a riparian drain adjacent to the site and that works are proposed to alter this (access) which will require consent under Byelaw 4 and Section 23 of the Land Drainage Act 1991.

It is recommended that consent is sought prior to the granting of planning permission.

**Environmental Health & Housing - Environmental Quality: NO OBJECTION** The applicant has provided a brief contaminated land screening assessment. Based on this and on the site's previous use as an orchard, there are no significant sources of contamination identified and we have no objections to the proposal.

I also note that the plans show a chimney and presumed solid fuel appliance. The applicant should have regard to our advice on burning wood and coal.

**Emergency Planning:** Due to the site location in an area at risk of flooding it is recommended that the occupants sign up to the EA Flood Warnings Direct service and prepare a Flood Evacuation Plan.

**Natural England: NO OBJECTION** Based upon the plans submitted Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

## REPRESENTATIONS

**FOUR** letters of **SUPPORT** covering the following:

- Peaceful lane, one more house will make no difference.
- The other two houses build adjacent are good quality, another will have no detrimental effect and will enhance houses already built.
- Since adjacent houses have been built there has been an upgrade in electricity and the dykes have been cleared and serviced.
- Since other houses have been built its helped having a turning point at the end of the road.

- No objection but the green lane (continuation of Dades Lane but unmetalled) should have no further building as is unsuitable for through traffic.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**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

**DM6** - Housing Needs of Rural Workers

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

## **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 main issues to consider when determining this application are as follows:

Principle of development

Form and Character

Neighbour Amenity

Highways Issues

Other material considerations

Crime and Disorder Act

### **Principle of development**

The application site is located outside of the settlement boundary of Marshland St James as identified within Inset Map G57 (Marshland St James / St John’s Fen End / Tilney Fen End)

of the Site Allocations and Development Management Policies Plan 2016 and as such is within the countryside.

Planning policy has a presumption in favour of sustainable development, the proposal needs to accord with the three dimensions which underpin such development, i.e. economic, social and environmental aspects which are mutually dependent. Para 170 of the NPPF states that the intrinsic character and beauty of the countryside should be recognised. Policy CS01 and CS06 of the King's Lynn Core Strategy 2011 reiterates that beyond the villages and in the countryside, the strategy will be to protect the countryside for its intrinsic character and beauty and Policy CS06 goes on to state that development of greenfield sites will be resisted unless essential for agricultural or forestry needs. Page 4 of the design and access statement states that the application site is 'previously developed land' but this is not the case, the land is classified as agricultural land (formerly part of an orchard) and this is excluded from the definition of 'previously developed land' within Annex 2: Glossary of the NPPF.

No justification relating to housing need for a rural worker has been submitted and therefore the proposal is simply an unrestricted dwelling in the countryside. The proposed dwelling would consolidate sporadic development in an area characterised by farmland and horticulture. The proposal would harm the rural character of the area and be contrary to policies to protect and focus new housing in sustainable locations. Policy DM2 of the Site Allocations and Development Management Policies Plan 2016 also states that outside the development boundary new development will be more restricted and identifies instances where residential development may be appropriate such as rural workers housing (under Policy DM6 of the SADMP) and affordable housing (under Core Strategy Policy CS09). The proposal does not meet the criteria for either of these.

Consequently, given the sites location outside of the development boundary and the fact that there is no justification for the proposal, the proposal is contrary to the provisions of the NPPF, Policies CS01 and CS06 of the King's Lynn and West Norfolk Core Strategy 2011 and Policies DM2 and DM6 of the Site Allocations and Development Management Policies Plan 2016.

### **Form and Character**

The proposed dwelling is large in scale, with a width measuring 20 metres (including the attached garage) and a depth of 14.5m on the north-eastern side. Whilst the proposal is large in scale and does not have the modest proportions of some other dwellings in close proximity, the neighbouring two dwellings are large in scale and of a similar appearance so it is hard to argue that it would be out of character with the locality.

Notwithstanding the above, the proposal would further extend the existing built form into the open countryside (former orchard) at the end of Dades Lane. Page 8 of the Design and Access Statement refers to the proposal as 'infill', however this is not the case and the proposal certainly does not comply with infill Policy DM3 'Development in Smaller Villages and Hamlets' for two reasons. Firstly, Marshland St James is not a 'Smaller Village and Hamlet' as defined within Policy CS02 of the Core Strategy and consequently has a defined development boundary. Indeed, the application site is located at some distance from the development boundary of Marshland St James which is located predominantly along Smeeth Road. Secondly, the proposed dwelling is not located within a gap in an otherwise built up frontage, but would be located at the end of the metalled part of Dades Lane, with the proposed dwelling fronting the non-metalled 'green lane' which extends south-west, with the proposal extending the existing built form further into undeveloped countryside.

Therefore, it can be determined that whilst the proposal may not be out of character with its immediate neighbours, it does not overcome the in principle policy objection outlined above.

### **Neighbour Amenity**

The proposal would not cause any amenity issues to the degree that would warrant a refusal and the impact on the neighbouring dwelling to the north-east has been considered.

There are no first-floor windows on the north-eastern side elevation and therefore there would be no impact with regard to overlooking. The plans have been amended to relocate the balcony to the master bedroom so that it looks towards the south-west and would not overlook any private amenity space to the neighbouring dwelling.

Whilst the side elevation has a depth of 14.4m it is not considered overbearing due to its distance from the boundary and the neighbouring dwelling.

There are some side windows in the neighbouring dwelling to the north-east (first floor windows to the master bedroom suite and ground floor to the kitchen/lounge/dinner) and due to the orientation of the proposal there may be some impact later in the day with regard to loss of light, however due to the distance between the proposal and the neighbour and the orientation which is not directly south, the impact is not considered sufficient to refuse the application on this basis.

There is no neighbour directly opposite and no other neighbour who could be impacted with regard to amenity issues due to the orientation and distance.

### **Highways Issues**

There is an objection to the proposal on the grounds of highway safety from the Highways Officer. Dades Lane is very narrow for the majority of its length with only limited passing opportunities at its ends. As there is a ditch to its northern side and the verges are narrow it's not possible to provide any mitigating formal passing provision over its length of concern.

A residential dwelling will typically generate on average 6 vehicular trips per day. An approval would result in an intensification of use of a section of highway that is unsuitable to cater for additional traffic in its current form. The lack of passing provision leading to habitual conflict, over running and reversing.

Additionally the Highways officer states that the NPPF supports through section 9 Promoting Sustainable Transport & para 110, in part, the need to 'minimise the number and length of journeys', encouraging the importance of being able to 'give priority first to pedestrian and cycle movements' and 'so far as possible facilitating access to high quality public transport'... Sustainable transport policies are also provided at a local level through Norfolk's 3rd local transport plan Connecting Norfolk – Norfolk's Transport Plan for 2026 (see Appendix F). Policy 5 of this document states "New development should be well located and connected to existing facilities so as to minimise the need to travel and reduce reliance on the private car or the need for new infrastructure".

It is therefore also the view of the Highways officer that the proposal is also likely to conflict with the aims of sustainable development as has been identified within the in principal objection to the proposal earlier in the report. With the proposed development site being remote from schooling; town centre shopping; health provision and having restricted employment opportunities with limited scope for improving access by foot, cycle and public transport. The distance from service centre provision also precludes any realistic opportunity of encouraging a modal shift away from the private car.

The proposal is therefore contrary to Section 9, in particular paragraph 110 of the NPPF, Policy CS11 of the Core Strategy 2011 and Policy DM15 of the SADMPP 2016.

### **Other material considerations**

The application site is located within a Dry Island and Flood Zone 1 of the Strategic Flood Risk Assessment 2018 and therefore does not require a Flood Risk Assessment although it would be recommended that the future occupants signed up to the EA Flood Warnings Direct Service.

Comments have been received from the IDB which confirm that consent under Byelaw 4 and the Land Drainage Act will be required in order to carry out works on the new point of access. In addition, consent under Byelaw 3 may be required if it is determined following infiltration tests that soakaways will not work. Whilst the IDB indicate that these consents should be obtained prior to the determination of the application it is of note that the granting of planning permission does not preclude a developer from gaining any other consents that are necessary for a development to take place. Therefore it is considered that the application can be determined without the need to gain consent under different legislation.

There are no objections from Environmental Quality regarding contamination or air quality.

There are no objections from Natural England relating to statutorily protected nature conservation sites or landscapes.

### **Crime and Disorder**

There are no issues with this application with regard to crime and disorder.

### **CONCLUSION**

The proposed new dwelling does not represent sustainable development and would be located within the countryside with no justification. In addition, the proposal is served by a narrow road which is considered inadequate to serve the proposed development. Consequently, the proposal is contrary to the National Planning Policy Framework, Policies CS01, CS06, CS08 and CS11 of the King's Lynn and West Norfolk Core Strategy 2011 and Policies DM1, DM2, DM6 and DM15 of the Site Allocations and Development Management Policies Plan 2016.

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. In this instance there are no material considerations which indicate that the application should be determined other than in accordance with the development plan and it is recommended that the application be refused.

**RECOMMENDATION:**

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

- 1 Planning policy states that the countryside should be protected beyond the villages for its intrinsic character and beauty and that development will be resisted unless essential for agricultural or forestry needs. The proposed new dwelling is located outside of the settlement boundary with no justification and contributes towards a consolidation of sporadic development which is contrary to the provisions of the NPPF, Policies CS01 and CS06 of the King's Lynn and West Norfolk Core Strategy 2011 and Policies DM2 and DM6 of the Site Allocations and Development Management Policies Plan 2016.
- 2 The unclassified road serving the site is considered to be inadequate to serve the proposed development, by reason of its restricted width and lack of passing provision. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety. Consequently, the proposal would be contrary to the provisions of the NPPF, Policy CS11 of the King's Lynn and West Norfolk Core Strategy 2011 and Policy DM15 of the Site Allocations and Development Management Policies Plan 2016.