

AGENDA ITEM NO. 8/3(b)

Parish:	Clenchwarton	
Proposal:	Proposed development of 1 x 2 storey dwelling	
Location:	Land NE of 69 Ferry Road Clenchwarton Norfolk PE34 4BU	
Applicant:	Mr N Hurst	
Case No:	21/01940/O (Outline Application)	
Case Officer:	Mr K Wilkinson	Date for Determination: 1 December 2021 Extension of Time Expiry Date: 12 December 2021

Reason for Referral to Planning Committee – Application called in for determination at committee by Cllr David Whitby.

Neighbourhood Plan: No

Case Summary

The application site lies in an area classed as ‘countryside’ on the southern side of Ferry Road opposite its junction with Mill Lane and Wash Lane, well outside the defined village development area of Clenchwarton.

This proposal seeks Outline Permission for the construction of a two storey dwelling, with all matters reserved for further consideration.

The site area (0.1Ha) is approx. half of that recently submitted under application ref: 21/00560/O, which sought outline permission for the construction of 3 no. two storey dwellings, and was refused at officer level in July under the scheme of delegation. That application was refused on the grounds of sustainability – development in the countryside, flood risk, plus highway and pedestrian safety.

Key Issues

1. Principle of development
2. Form and character
3. Flood risk
4. Highway implications
5. Impact upon neighbouring properties
6. Other material considerations

Recommendation

REFUSE

THE APPLICATION

The application site lies in an area classed as 'countryside' on the southern side of Ferry Road opposite its junction with Mill Lane and Wash Lane, well outside the defined village development area of Clenchwarton.

This proposal seeks outline permission for the construction of a two storey dwelling, with all matters reserved for further consideration.

Indicative plans accompanying the application show a single 4 bedroomed detached house facing northwards on the widest part of the reduced site, with a detached garage close to the corner and an access point in between (where the speed limit changes from 30 to 40mph).

SUPPORTING CASE

The agent has put forward the following statement in support of this proposal:

"This application has been submitted following the refusal of an outline application for 3 Dwellings. This was refused due to the site being in the open countryside, flood risk grounds and Highway issues.

We feel that a single dwelling in this location will not have a detrimental impact on the intrinsic character and local beauty of the area, in fact we believe it to have the opposite effect in tidying up a site that has been prone to fly tipping.

The Environment Agency have no objections to the proposals but recommend mitigation measures as proposed in the flood risk assessment are adhered to, the applicant is happy to proceed along those lines.

Norfolk County Council have no objection to a single dwelling on this site and the applicant is happy with Highways proposed conditions.

We feel that all three previous reasons for refusal have now been resolved through this application and we ask for your support in approving this development."

PLANNING HISTORY:

M1845: Application Refused: 28/09/62 – Site for construction of 4 dwellings (Delegated decision)

M4509: Application Refused: 28/06/71 – Site for construction of 4 dwellings (Delegated decision)

M4510: Application Refused: 30/07/71 – Site for construction of 5 dwellings (Delegated decision)

21/00560/O: Application Refused: 06/07/21 - Proposed development of 3 no. 2 storey dwellings (amended description) – Delegated decision

CONSULTATIONS:

Parish Council: No comments have been received.

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Local Highway Authority: NO OBJECTION

I am aware that this application site has previously been considered for development and we recommended that the site was not appropriate due to the absence of a dedicated safe footway provision. However, the level of pedestrian footfall from a single dwelling would be much lower as a result. On balance, I have no objection to the principle of the development at this all matters reserved stage. The applicant would however need to provide an appropriate design at a reserved matters stage to address the following points in accordance with the adopted standards:

- Visibility splays
- Access
- Parking provision and
- Turning.

Environmental Health & Housing - Environmental Quality: NO COMMENTS

IDB: COMMENTS regarding Byelaw issues and condition regarding foul and surface water drainage details.

Environmental Agency: NO OBJECTION - subject to sequential testing and condition relating to mitigation measures recommended in site-specific Flood Risk Assessment.

District Emergency Planning Officer: NO OBJECTION - Because of its location in an area at risk of flooding, a flood risk condition is suggested for the occupiers to sign up to the Environment Agency's flood warning system and to prepare a flood evacuation plan.

REPRESENTATIONS:

Original submission: **TWO** items of correspondence received raising **OBJECTION** on the following grounds:

Over the last 2 to 3 years several vehicles have left the road in both directions as a result of excess speed and lack of vision on a blind bend. This section of road is notorious for speeding vehicles.

- Second application this year to develop this site albeit with reduction in numbers – principle still applies.
- Outside the development boundary. Conflicts with Policy DM2 of the SADMPP.
- Council has a supply of housing sites over 6 years, excess of NPPF requirements. Clenchwarton has an allocation of housing in the Local Plan.
- Given the Council's position in terms of the housing land supply and allocations in Clenchwarton, the development is not necessary and would therefore be at an unacceptable risk of flooding, contrary to the NPPF and Policies CS01 and CS08 of the Core Strategy and DM1 of the SADMPP, which amongst other things seeks to direct development away from areas at risk of flooding.
- Precedent.

- Site is a key contributor to the open character of this part of the street scene. Proposal would result in a loss of this space, to the detriment of the character and appearance of the area.
- The mitigation proposed in the flood risk assessment submitted in support of this outline planning application would require the proposed dwelling to be situated on raised land, considerably higher than the application site, which would be incongruous and result in the dwelling dominating this part of the street scene in the locality.
- The narrow section of Ferry Road transitions between 30 and 40mph speed limits and has a blind bend. There's a crossroad with Ferry Road, Mill Lane, Wash Lane opposite the application site.
- No footpath or street lighting along this section of Ferry Road.
- The visibility splay encroaches onto land outside of the applicant's control (appears to cross onto 69 Ferry Road).
- At the moment there is a mature hedge at the entrance of 69 Ferry Road, which results in traffic approaching the application site from the west being hidden until well into the required 43m SSD. It is therefore considered the proposal will result in an unacceptable increase in the potential for collision and personal injury at this point of access. In the absence of a traffic assessment to suggest otherwise or provide mitigation we would suggest the proposal is contrary to Policy CS11 of the Core Strategy and Policy DM15 of the SADMPP.
- The use of private car would conflict with local and national planning policy in encouraging to reduce traffic movements.
- Loss of privacy to 69 Ferry Road due to first floor windows in the rear and side (west) elevations of the property.
- Proposal conflicts with Policies CS01, CS02, CS06 and CS09 of the Core Strategy and Policies DM1 and DM2 of the SADMPP.

Amended scheme: No responses at the time of writing.

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

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

PLANNING CONSIDERATIONS

The key considerations in assessing this application are as follows:

1. Principle of development
2. Form and character
3. Flood risk
4. Highway implications
5. Impact upon neighbouring properties
6. Other material considerations

Principle of Development:

The application site lies within the countryside as defined by the Core Strategy (CS). It is situated outside the defined Development Area of Clenchwarton which lies approx. 650m westwards along Wash Lane and 670m south-westwards to Main Road. Clenchwarton is designated as a Key Rural Service Centre in the Core Strategy and benefits from a range of facilities including surgery, school, bus route, post office, pub, church and other employment and retail uses. Clenchwarton is identified as having the potential to accommodate growth to sustain the wider rural community with three allocations for residential development in the SADMPP.

Policy CS06 of the Core Strategy 2011 (CS) states that 'beyond the villages and in the countryside, 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 agricultural or forestry needs.'

The proposed house is not identified as being associated with agricultural or forestry needs, or for any other appropriate development as listed within Policy DM2 of the SADMPP. The proposal would involve the loss of a manicured grassed area of open land that offers an important gap in development along Ferry Road, and contributes to the intrinsic character and beauty of the countryside. The site is described as 'garden/allotment' land on the application forms, however it does not appear to be directly associated with a specific dwelling in this immediate locality. Aerial photography shows that the site was hedge lined and contained trees historically but was cleared some time between 2016-18. Its use as 'garden' may therefore be unauthorised. This does not however significantly affect the assessment of this proposal.

Furthermore, the Council recorded in the Housing Delivery Test: 2020 Results (25/1/2021) as having a 7.96 year housing land supply, which is well above the 5 year supply of housing land requirement. Therefore, it is considered there is no justified reason for the proposal to not accord with the relevant policies within the development plan.

Given that the proposed site is defined as within the countryside by the CS, the proposed development would fail to accord with Policies CS06 and CS08 of the CS, and Policy DM2 of the SADMPP.

Form and Character:

This application seeks outline consent with all matters reserved, therefore the proposed development's appearance, access, landscaping, layout and scale would be addressed at the reserved matters stage. It is however important that the proposal harmonises with the character and appearance of the surrounding area.

Although the application site is near to a cluster of houses on Ferry Road, the site itself is within the countryside. The grassed site offers an area of spaciousness with views across the site towards mature trees and hedgerows by the rear and side boundaries. This offers a valuable gap in development which contributes towards its rural character and countryside setting.

The earlier proposal under application ref: 21/00560/O sought outline permission for three dwellings, with an indicative plan for three large, detached houses with detached garages spread across the site and around the corner. This current proposal shows a single large detached house facing northwards on the widest part of the reduced site, with a detached garage close to the corner with an access point in between.

Whilst the site area has been reduced and the eastern half of the overall land is proposed to be an orchard (agricultural use not requiring planning permission), it is clear that the introduction of even a single detached two-storey dwelling and garage, would alter the existing spacious character and appearance of the site with the introduction of built form and residential paraphernalia.

There are flood risk implications which will be explored below, however mitigation measures indicate that the Finished Floor Level of the dwelling would have to be elevated by some 1.4m above existing ground level. This would have significant implications regarding the scale and mass of the building compared to others in this locality and compound the adverse effects upon the appearance and character of this rural site/area.

Furthermore, the extent of urbanisation of the site would harm the character and appearance of the site and the surrounding area. However, as the proposal is for outline planning permission, the appearance, landscaping, layout and scale of the proposal would be addressed at the reserved matters stage.

It will be noted from the History section above, that attempts to develop this parcel of land have been made dating back to the early 1970s. Whilst planning policies have changed over the decades, the site remains designated as being in the countryside, so the principle of development remains unacceptable in policy terms.

Flood Risk:

Paragraph 158 of the NPPF explains how development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

The application site lies within Flood Zone 3a, an area with a high probability of flooding that benefits from flood defences. The Flood Risk Assessment (FRA) accompanying this application, refers to the three allocated sites for development of housing in the Local Plan having a similar level of flood risk to the application site. Indeed, the whole of the village lies

within Flood Zone 3a. It concludes that there are no available sites within Clenchwarton that offer a lower level of flood risk with respect to the Sequential Test. Whilst Sequential Testing is passed the proposal must also pass Exception Testing.

Paragraphs 159, 160 and 161 of the NPPF refers to the Exception Test, which is when development is not able to be located in a zone with a lower risk of flooding. The Exception Test requires consideration of sustainability benefits of the proposal, and that the development would be safe and residual risks managed. The site-specific FRA highlights that Clenchwarton is a Key Rural Service Centre, due to its facilities and potential to accommodate growth, and it proposes flood mitigation methods for the proposed development. Mitigation measures proposed are such that the Finished Floor Level (FFL) of the dwelling would be elevated by some 1.4m above existing ground level, with 0.6m of flood resistant construction (flood boards) above FFL. So the property could be made safe for its lifetime and that part of the Exception Test is passed. The EA raises no objection regarding the FRA.

However, both parts of the Exception Test must be passed in order to comply. With regards to 'sustainability benefits to the community that outweigh flood risk', the site itself is within the countryside and is located around 650m from Clenchwarton's development boundary. There are no footpaths or street lighting by the application site and therefore future residents would be highly reliant on private vehicles to reach services and facilities. Furthermore, the proposed urbanisation would harm the character and appearance of the application site, which contributes to the countryside setting. It is recognised that the proposal would provide a minor provision of housing for the local area, however, this single unit would not offset the harm and there would be a lack of sustainability benefits to the community that would outweigh the flood risk. Additionally, there are no material reasons to justify the development in this location.

Accordingly, the proposal would be unacceptable with respect to flood risk and it would fail to comply with the requirements of the PPG, the NPPF, Policies CS01, CS08 of the CS and Policy DM1 of the SADMPP.

Highway Implications:

This outline application has all matters reserved including means of access.

The plans provided are indicative only and therefore could change. The earlier application for three dwellings was opposed by the Local Highway Authority, however this scheme for one dwelling has attracted their response as follows:

"I am aware that this application site has previously been considered for development and we recommended that the site was not appropriate due to the absence of a dedicated safe footway provision. However, the level of pedestrian footfall from a single dwelling would be much lower as a result. On balance, I have no objection to the principle of the development at this stage. The applicant would however need to provide an appropriate design at a reserved matters stage to address the following points in accordance with the adopted standards:

- Visibility splays
- Access
- Parking provision and
- Turning

Whilst the number of dwellings has reduced, the site remains some considerable distance away from services within the village.

Notwithstanding the concerns raised by third parties, the LHA opines that the proposed development could be accessed in a safe manner subject to details to be submitted as

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reserved matters. The proposal could meet the requirements of the NPPF and Policy CS11 of the CS.

Impact upon Neighbouring Properties:

Representations have raised concerns over potential harm to neighbours' living conditions, including loss of privacy. The siting of the house and the elevation of its FFL would need to be handled very sensitively. However, there would appear to be sufficient space to accommodate a dwelling on the site, designed to avoid harm to nearby properties' living conditions.

As the plan is indicative this would be fully assessed at the reserved matters stage, when there is detailed information on the appearance, means of access, landscaping, layout and scale of the development.

Other Material Considerations:

A representation is concerned with the precedent of the development. However, each scheme is assessed on its individual merits and is assessed against the development plan.

The IDB raises comments regarding byelaw issues and drainage – the latter could be secured via condition. Environmental Quality raise no comments with regards to contamination. Whilst our Emergency Planning Officer recommends a condition covering signing up to the EA's Flood Warning System and preparation of a flood evacuation plan, however this is usually covered by an informative note on planning decisions due to concerns regarding the tests applied to the use of conditions and enforceability.

Crime and Disorder:

The proposal would not give rise to any significant issues relating to crime and disorder.

CONCLUSION:

The application site lies within the countryside which has seen attempts to develop it for residential purposes since the early 1970s. In the interim decades planning policies have changed, however the site remains as countryside.

The principle of development would conflict with the development plan as the site lies within the countryside, the scheme would also be unacceptable with respect to flood risk as the proposal would fail to meet the requirements of the Exception Test as it would not provide wider sustainability benefits to the community that outweigh the flood risk.

The proposal fails to accord with the provisions of the NPPF, PPG, Policies CS01, CS06 & CS08 of the Core Strategy (2011) and Policies DM1, DM2 & DM15 of the Site Allocations & Development Management Policies Plan (2016) and is duly recommended for refusal.

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 The application site is designated as within the countryside by the Core Strategy (2011). As the proposal is for open market housing within the countryside, it would not accord with the development plan. Furthermore, it would result in the loss of an important gap in development along Ferry Road, which contributes to the intrinsic character and beauty

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of the countryside. Also the flood risk mitigation measures raising Finished Floor Levels would create an unduly prominent scale of development which would result in a prominent and discordant feature in this locality. The Council has over a 5 year housing land supply, therefore, it is considered there is no justified reason for the proposal to not accord with the relevant policies within the development plan. Consequently, the principle of the development would fail to meet the requirements of Policies CS06 and CS08 of the Core Strategy (2011) and Policy DM2 of the Site Allocations and Development Management Policies Plan (2016).

- 2 The application site lies in Flood Zone 3a of the Council-adopted Strategic Flood Risk Assessment and the Tidal Hazard Mapping Zone of the Environment Agency's maps. The site itself is within the countryside and is located around 650m from Clenchwarton's development boundary. Furthermore, the proposed urbanisation of the application site would harm the character and appearance of the site, which contributes to the countryside setting. It is acknowledged that the proposal would provide a very modest provision of housing for the local area. However, a single unit would not offset the harm and there would be a lack of sustainability benefits to the community that would outweigh the flood risk. Additionally, there are no material reasons to justify the development in this location. Accordingly, the proposal would not meet the Exception Test and would be unacceptable with respect to flood risk. It would fail to comply with the requirements of Planning Practice Guidance - Flood Risk and Coastal Change, the NPPF and Policies CS01, CS08 of the Core Strategy (2011) and Policy DM1 of the Site Allocations and Development Management Policies Plan (2016).