

AGENDA ITEM NO.8/2(g)

Parish:	Walpole	
Proposal:	Outline application for a new residential development	
Location:	Land Adjacent Roseville Chalk Road Walpole St Peter PE14 7PN	
Applicant:	MR J HEAVEY	
Case No:	22/01496/O (Outline Application)	
Case Officer:	Mr K Wilkinson	Date for Determination: 17 October 2022 Extension of Time Expiry Date: 11 November 2022

Reason for Referral to Planning Committee – Called in for determination by the Planning Committee at the request of Cllr Julian Kirk.

Neighbourhood Plan: No

Case Summary

The application site is a strip of land on the western side of Chalk Road comprising 0.35ha of mostly paddock land.

The application seeks outline permission with all matters reserved for future consideration, for new residential development. Indicative plans accompanying the application show 7 dwellings (pair of semis and 5 no. detached units).

The site lies outside the village development area for Walpole St Peter and in Flood Zone 3a of the Council-adopted Strategic Flood Risk Assessment.

Members will recall the same development being proposed under application ref: 21/02490/O which was refused at the 4th April 2022 Planning Committee.

Key Issues

Principle of development
Impact upon the countryside
Flood risk
Highway implications
Affordable housing
Other material considerations

Recommendation

REFUSE

THE APPLICATION

The application site is a strip of land on the western side of Chalk Road comprising 0.35ha of mostly paddock land. It is known locally for the donkeys kept there.

The site has an overall frontage of approx. 120m and depth ranging from 30.4m to 38.4m. It is bisected towards the southern end by an existing access driveway to land at the rear which is to be retained.

The application seeks outline permission with all matters reserved for future consideration, for new residential development. Indicative plans accompanying the application show 7 dwellings (a pair of 2 bedroomed semis on Plots 1 & 2 at the northern end and 5 no. detached 4 bedroomed units on the remaining land). This equates to a density of 20 dwellings per hectare. The indicative plot widths range between 8.8m (semis) and 17.7m to 21m for the detached units.

The site lies outside the village development area for Walpole St Peter and in Flood Zone 3a of the Council-adopted Strategic Flood Risk Assessment.

The application is accompanied by a Flood Risk Assessment and Arboricultural Impact Assessment, plus a draft Section 106 agreement to secure financial contribution for off-site affordable housing provision.

SUPPORTING CASE

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

“Whilst we appreciate that the proposed site is just outside the village boundary, we would like to take this opportunity to highlight a few points.

Although development outside a village boundary is against current policy, this has not been an issue in other village locations where application have been granted for the change of use of agricultural land to residential land, as this is the case, a clear precedent has been set and therefore this cannot be given as a reason for refusal for this project as all applications should be treated fairly and equally. If it is good for one site, then it is good for all!

Bearing in mind the previous refusal point relating to the joining of rural villages, as stated in the supporting planning statement, this has occurred in several other villages in the area, namely North and South Wootton which are joined and Grimston and Pott Row just to name two. In fact, when you enter the village, the sign says ‘The Walpoles’ clearly demonstrating that they are considered one village, the question is however why does this cause the planning department an issue in this location?

In fact, looking at the council website, the following comments have been received:

- This application has received the support of the parish council
- This application has also received the full support of Cllr Kirk
- Norfolk highways have no objection to the proposals
- The Environment Agency has no objections
- Natural England have not commented this time but had not objection objections last time
- Environment agency have no objections

Bearing in mind all the above and that the fact that the council have approved other application for the change of use of agricultural land to residential then this application needs to be supported by the planning department as the precedent has clearly been set.

This together with the fact that other villages have being joined together in the same council area clearly demonstrates that this is not a reason for planning refusal. If it is, then these are points which can clearly be argued at appeal and overturned.”

PLANNING HISTORY (relevant)

2/95/0419/O: Application Refused: 25/05/95 - Site for construction of bungalow and garage (Committee decision) [Relates to Plot 7]

2/88/5146/O: Application Refused: 10/01/89 – Site for construction of 4 dwellings and garages (Delegated decision) – Appeal dismissed 07/09/89

2/88/1337/O: Application refused: 06/07/88 – Site for construction of 3 dwellings (Delegated decision) – Appeal dismissed 07/09/89

21/02490/O: Application Refused: 04/04/22 - Outline application for a new residential development

RESPONSE TO CONSULTATION

Parish Council: SUPPORT – Walpole Parish Council are in support of this application as it is considered to be in keeping with the original application and states high environmental specifications. This was a majority vote at the Parish Council meeting on 6th October 2022.

Highways Authority: NO OBJECTION but raises concerns regarding sustainability as the site is remote from service centre provision and precludes any realistic opportunity of encouraging a modal shift away from the private car towards public transport. If minded to approve, suggests conditions relating to off-site highway improvements comprising a frontage footway.

King’s Lynn Drainage Board: NO OBJECTION raise byelaw issues regarding surface water disposal.

Environmental Health & Housing – Community Safety & Neighbourhood Nuisance: No comments received at the time of writing this report but previously raised **NO OBJECTION** subject to conditions relating to details of Foul & Surface Water disposal and construction hours plus informative notes on soakaways and pollution from construction work.

Environmental Health & Housing – Environmental Quality: NO OBJECTION

District Emergency Planning Officer: Suggests that occupiers sign up to EA’s flood warning system and a flood evacuation plan be prepared

Environment Agency: NO OBJECTION subject to sequential test being applied/passed and mitigation measures recommended in Flood Risk Assessment being secured via condition.

Historic Environmental Services: NO OBJECTION subject to conditions to secure archaeological investigation works.

Natural England: NO COMMENTS – standing advice applies.

Housing Development Officer: NO OBJECTION subject to commuted sum of £84,000 towards off-site affordable housing being secured via Section 106 agreement to comply with Policy CS09 of the Core Strategy.

Norfolk Constabulary (ALO): NO OBJECTION advice offered on pursuit of Secured by Design accreditation.

REPRESENTATIONS

ONE item of correspondence received in **SUPPORT** of the proposal:

The proposed development would be a great addition to the housing in Walpole St Peter. The layout and planned design would be both attractive and practical. The road is perfectly capable of handling any additional traffic and the new housing would not cause any obvious hazards.

Well thought through small developments like this should be encouraged as they will only enhance the village landscape. Hopes the Planning Committee will support the application.

ONE item of correspondence received raising **OBJECTION** on the following grounds:

Three out of four reasons for refusal of application ref: 21/02490/O have not been overcome. Therefore, the application should be refused.

1. The site lies in the countryside outside of the designated development boundary of both Walpole St Peter and Walpole St Andrew. Therefore, in accordance with Policy CS06 of the Core Strategy (2011), it is not considered to be a suitable location for new residential properties or constitute sustainable development. As such, the proposed development would fail to accord with the provisions of the NPPF, Policy CS06 of the CS (2011), and Policy DM2 of the SADMPP (2016).
2. The site comprises part of a verdant and visually important gap between the built-up parts of Walpole St Peter and Walpole St Andrew. If developed it would conjoin the two and create continuous development along the western side of Chalk Road to the detriment of the character and appearance of the countryside and be contrary to Policy CS06 of the CS (2011).
3. The site lies in Flood Zone 3a of the Council-adopted Strategic Flood Risk Assessment and the risk of flooding on the site would not outweigh the limited sustainability benefits of providing the development, thus failing the exception test and contrary to Policy CS08 of the Core Strategy (2011) and paragraphs 157-161 of the NPPF (2019).

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

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CS08 - Sustainable Development

CS09 - Housing Distribution

CS11 – Transport

CS12 - Environmental Assets

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 main issues in assessing this application are as follows:

Background

Outline planning permission was sought for an identical proposal under application ref: 21/02490/O. This was called in by Cllr Julian Kirk for determination by the Planning Committee at its meeting on 4th April 2022.

Members refused that application in accordance with the officer recommendation for the following reasons:

1. The site lies in the countryside outside of the designated development boundary of both Walpole St Peter and Walpole St Andrew. Therefore, in accordance with Policy CS06 of the Core Strategy (2011), it is not considered to be a suitable location for new residential properties or constitute sustainable development. As such, the proposed development would fail to accord with the provisions of the NPPF, Policy CS06 of the CS (2011), and Policy DM2 of the SADMPP (2016).

2. The site comprises part of a verdant and visually important gap between the built-up parts of Walpole St Peter and Walpole St Andrew. If developed it would conjoin the two and create continuous development along the western side of Chalk Road to the detriment of the character and appearance of the countryside and be contrary to Policy CS06 of the CS (2011).

3. Notwithstanding the 'in principle' objection to this scheme, no mechanism has been produced to secure affordable housing contribution and this proposal therefore fails to comply with Policy CS09 of the CS (2011).

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4. The site lies in Flood Zone 3a of the Council-adopted Strategic Flood Risk Assessment and the risk of flooding on the site would not outweigh the limited sustainability benefits of providing the development, thus failing the exception test and contrary to Policy CS08 of the Core Strategy (2011) and paragraphs 157-161 of the NPPF (2019).

This current application comprises the same plans and details save for the addition of a draft Section 106 agreement seeking to secure an off-site affordable housing contribution.

Principle of Development:

Walpole St Peter combined with Walpole St Andrew and Walpole Marsh (The Walpoles) is designated as a Rural Village in the Core Strategy (CS) where limited minor development will be permitted which meets the needs of the settlement and helps to sustain existing services in accordance with Policy CS06 - Development in rural areas. The Walpoles are identified as having the potential to have some growth with two allocations for a combined total of over 20 homes under Policies G109.1 (Walnut Road) and G109.2 (Church Road) of the SADMPP.

However the application site lies within the countryside as defined by the CS and depicted in the SADMPP - Inset G109 Walpole St Peter/Walpole St Andrew/Walpole Marsh (September 2016). The site is situated outside the defined Development boundary which stops at 'Roseville' (bungalow) to the south and 'Kirkfield Farm' (house) to the north.

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.'

Policy DM2 also applies which 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, including

- farm diversification (under Core Strategy Policy CS06);
- small scale employment (under Core Strategy Policy CS10);
- tourism facilities (under Core Strategy Policy CS10);
- community facilities, development in support (under Core Strategy Policy CS13);
- renewable energy generation (under Policy DM20 of the rural economy or to this Plan);
- rural workers' housing (under Policy DM6 of this Plan); and
- affordable housing (under Core Strategy Policy CS09)..."

The proposed development 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 nor is it previously developed land or in accordance with any other enabling criteria of the NPPF.

Furthermore, the Council has a supply of housing land, which is well above the 5-year requirement. Therefore, it is considered there is no justified reason for the proposal to not accord with the relevant policies within the development plan.

It will be noted from the history section above that previous attempts have been made to develop this land for residential purposes. Two refusals covering the majority of the current application site were appealed and dismissed in 1989; a copy of the Inspector's decision is attached to this report for reference. With the passage of time and changes to planning policy in the interim, little weight can be applied but the principle issues remain pertinent.

The agent opines that the conjoining of villages is not unprecedented and gives examples of North and South Wootton plus Pott Row and Grimston.

The agent has also pointed out that a parcel of land at the southern end of the overall site (Plot 7) previously had outline approval for the construction of a bungalow and garage (application refs: 2/88/1337/O and 2/92/0970/O). A renewal was refused by committee under application ref: 2/95/0419/O, and policies have significantly changed in the interim; the land is not designated for development in both the current and reviewed Development Plan.

Given that the proposed site is defined as within the countryside by the Development Plan, and no material considerations have been advanced that would outweigh those policies or that of the NPPF, the proposed development would fail to accord with the provisions of the NPPF, Policy CS06 of the CS, and Policy DM2 of the SADMPP.

Impact upon Countryside

The paddock is bounded at the rear for approx. 80m by 10m+ high leylandii hedging and there is post and wire stock fencing adjacent to the road. The remainder of the paddock land is segregated into smaller sections by similar planting and a line of semi-mature trees, but does not correspond with the indicative plots on the submitted plans. This shows the rear hedging retained and northern boundary plus frontage set with new hedging and replacement tree planting – covered by an Arboricultural Impact Assessment. The central area of the paddock is to be stripped out to allow the dwellings to be built.

Plots 6 & 7 at the southern end are open parcels of land presently and grassed adjoining 'Roseville'.

The application site therefore contains trees and hedges and, combined with hedge lined fields on the opposite side of Chalk Road, forms a verdant gap, between the built-up parts of Walpole St Peter and Walpole St Andrew. This area of land therefore contributes significantly to the character and appearance of the countryside.

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 proposal clearly fails to comply with Policy CS06 of the CS and has an unduly adverse impact upon the countryside.

This issue was identified by the Planning Inspector in the earlier appeal.

Flood Risk

The site lies in Flood Zone 3a of the Council-adopted Strategic Flood Risk Assessment and a flood risk assessment (FRA) was required to be submitted as part of this application to

demonstrate that the site can pass both the sequential and exceptions tests as outlined in the NPPF (2019).

Paragraph 159 of the NPPF states that where development is necessary in areas of flood risk, the development shall be made safe for its lifetime without increasing flood risk elsewhere. It should be noted that the application site is outside of the development boundary and the principle of residential development on site is not acceptable. This, combined with the Borough Council's ability to demonstrate a housing supply in excess of the required figure, limits the potential for the development to truly be considered as 'necessary' in this location.

In regards to the Sequential Test, the majority of the Walpoles lies within Flood Zone 3a and there are no 'reasonably available sites' to take the development in lower risk. This test is therefore passed.

Whilst a site-specific FRA has been provided to demonstrate the site will be safe for its lifetime (finished floor levels raised 300mm above ground level and 300mm of flood resilient construction above), the second part of the exceptions test requires proposals to provide sustainability benefits to the wider community. As noted above, the application site is outside of the development boundary on land which is considered countryside for the purposes of the SADMPP (2016). The provision of seven open market dwellings in this location is not considered to provide sustainability benefits to the wider community which has limited facilities and residents would be dependent upon private means of transport; this element of the exception test is therefore failed.

The application is once again considered to be contrary to paragraphs 161-165 of the NPPF (2021) and Policy CS08 of the Core Strategy (2011).

Highway Implications

Concerns were previously raised regarding the suitability of Chalk Road and the village network to take the additional traffic associated with this proposed development.

The Local Highway Authority, whilst stating that it is not sustainable, indicates that appropriate access and visibility splays could be achieved along the road and parking/turning space made available within the plots. However, this would be dealt with at the reserved matters stage. They have requested that should permission be granted; a footway be provided along the frontage of the site for pedestrian safety.

It is your officer's opinion that this would be a further urbanising feature and erode the rural character of this locality. It would not connect to any other existing footpath to the north or south of the site along Chalk Road.

Affordable Housing

Our Housing Development Officer confirms that the site area (0.35ha) and number of dwellings proposed trigger the thresholds of the Council's affordable housing policy as per CS09 of the Council's adopted Core Strategy.

At present a 20% provision is required on sites capable of accommodating 5 or more dwellings and/or 0.165ha in Walpole St Peter. The affordable housing provision is then further split into 70% of the affordable homes being made available for rent, 25% for First Homes and 5% for shared ownership or any other intermediate product that meets the intermediate definition within NPPF, meets an identified need in the Borough and is agreed by the Council.

However, NPPF states that affordable housing should not be sought on developments of fewer than 10 dwellings and/or 0.5ha other than in designated rural areas. On sites on 6-9 dwellings and less than 0.5ha, a financial contribution based on £60,000 per equivalent whole affordable dwelling will be sought.

As this site is proposed for 7no. units in a designated rural area and the site area is under 0.5ha, a financial contribution of £84,000 would be required (calculated as 7no. units x 20% affordable housing = 1.4 units; 1.4 x £60,000 = £84,000).

This application is accompanied by a draft bi-lateral Section 106 agreement. This would cover the indexed linked fee/contribution for off-site affordable housing as above. Notwithstanding the 'in principle' policy objection to the proposal as stated earlier in this report, the terms of this agreement would need amendment as the trigger for payment is indicated to be upon completion of the last/7th dwelling. This is usually set at 50% of the total number of dwellings as theoretically six units could be built out and the last one not developed hence no contribution.

On the application forms reference is made to two social, affordable or intermediate rent houses being provided on the site (likely to be the semis on Plots 1 & 2). This would be over and above the requirements of Policy CS09 as stated above.

Other Material Considerations

Surface and foul water drainage details could be dealt with via condition as recommended by both CSNN and the IDB.

The impact upon adjoining properties would be assessed at the reserved matters stage but every indication is such that the inter-relationships could be acceptable.

CSNN previously suggested a condition restricting hours of construction, but this is not considered to be necessary on a development of this scale and therefore fail the tests applied to use of conditions.

There are no concerns regarding potential contamination given the former and current use of the land.

Archaeological investigations could once again be covered via conditions as suggested by Historic Environment Services.

The welfare of the donkeys is not a consideration as alternative grazing could be sourced.

A site on the opposite side of the road from 'Roseville' and north of 'Dunston' (HELAA ref: H434) was assessed by the Housing and Economic Land Availability Assessment which informed the Local Plan Review 2016-2036 and was rejected at an early stage due to transport and road constraints.

The Planning Statement indicates that various sustainable elements would be incorporated into the reserved matters stage including the following:

- Air source heating
- Triple glazed windows

- Additional insulation throughout the property over and above the current building regulations requirements
- Grey water recycling
- Solar roof panels or roof tiles

These are considered to be almost standard practice with modern development and are not given any significant weight in determining this proposal given the 'in principle' concerns outlined above.

CONCLUSION

The site lies in the countryside outside of, but adjacent to, the designated development boundary of both Walpole St Peter and Walpole St Andrew. Therefore, in accordance with Policy CS06 of the Core Strategy (2011), it is not considered to be a suitable location for new residential properties or constitute sustainable development. As such, the application would fail to meet the objectives of Policy DM2 of the SADMPP (2016).

The site comprises part of a verdant and visually important gap between the built-up parts of the villages. If developed it would conjoin the two and create continuous development along the western side of Chalk Road to the detriment of the character and appearance of the countryside and be contrary to Policy CS06 of the CS.

The site lies in Flood Zone 3a of the SFRA and the risk of flooding on the site would not outweigh the limited sustainability benefits of providing the development, thus failing the exception test and contrary to Policy CS08 of the CS and the NPPF.

Whilst the affordable housing contribution is capable of being addressed by a Section 106 agreement, the previous reasons for refusal for the earlier application ref: 21/02490/O still remain. This application is therefore once again duly recommended for refusal.

RECOMMENDATION

REFUSE for the following reason(s):

- 1 Reason The site lies in the countryside outside of the designated development boundary of both Walpole St Peter and Walpole St Andrew. Therefore, in accordance with Policy CS06 of the Core Strategy (2011), it is not considered to be a suitable location for new residential properties or constitute sustainable development. As such, the proposed development would fail to accord with the provisions of the NPPF, Policy CS06 of the CS (2011), and Policy DM2 of the SADMPP (2016).
- 2 Reason The site comprises part of a verdant and visually important gap between the built-up parts of Walpole St Peter and Walpole St Andrew. If developed it would conjoin the two and create continuous development along the western side of Chalk Road to the detriment of the character and appearance of the countryside and be contrary to Policy CS06 of the CS (2011).
- 3 Reason The site lies in Flood Zone 3a of the Council-adopted Strategic Flood Risk Assessment and the risk of flooding on the site would not outweigh the limited sustainability benefits of providing the development, thus failing the exception test and

contrary to Policy CS08 of the Core Strategy (2011) and paragraphs 161-165 of the NPPF (2021).