

AGENDA ITEM NO: 9/3(k)

Parish:	Walpole Highway	
Proposal:	Outline Application: Construction of 4 detached dwelling houses	
Location:	Land on the West side of Mill Road Walpole Highway Norfolk	
Applicant:	Mr and Mrs J Williams	
Case No:	16/00565/O (Outline Application)	
Case Officer:	Mr K Wilkinson	Date for Determination: 27 May 2016 Extension of time Expiry Date: 10 June 2016

Reason for Referral to Planning Committee – The views of the Parish Council are contrary to the Officers recommendation.

Case Summary

The site comprises part of a Grade 2 agricultural field (0.29Ha) with frontage onto the western side of Mill Road, Walpole Highway, opposite the access to Pear Tree Farm.

Outline permission is sought for the construction of 4 detached dwellings; all matters are reserved for future consideration with the exception of the means of access which is to be considered at this stage.

The site lies beyond the defined development boundary of Walpole Highway (which is classed as a Rural Village in the settlement hierarchy) and is therefore considered to be 'countryside'. It also lies within Flood Zone 2 of the Strategic Flood Risk Assessment.

Key Issues

Principle of development
Impact on appearance and character of the countryside
Access and highway implications
Other material considerations

Recommendation

REFUSE

THE APPLICATION

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Outline permission is sought for the construction of 4 detached dwellings; all matters are reserved for future consideration with the exception of the means of access which is to be considered at this stage. An indicative layout shows 4 equally sized plots with detached houses and single garages served off two shared accesses off Mill Road.

SUPPORTING CASE

The application was not accompanied by a Design & Access Statement due to its limited size, but the agent raises the following matters in support of the proposal:

The sustainability of the site has been considered and whilst Walpole Highway is a small village, it does benefit from good bus links with both Wisbech and King's Lynn and bus stops for either direction are within comfortable walking distances from the site of the proposed dwellings. More local amenities include a primary school and post office in the village itself (again within walking distance) whilst in Walton Highway (2 miles) there is a takeaway, post office and public house and in Terrington St John (1.1 miles) there is a doctors surgery and further public house, takeaway and a restaurant. Further afield, Watlington and a direct rail link to London is approximately 7 miles from the site.

The site proposed does not expand the village in principle as although located just outside Type D Built Environment envelope, it is in effect enclosed by the village with existing dwellings to the East (Ratten Row) and immediately to the North where permission has been granted for the construction of a dwelling between the site and the care home. The site chosen therefore represents an infilling of a void and a natural progression of development along Mill Lane.

There need be no negative impact on the village posed by the development in terms of intrusion, overlooking or excessive traffic given the appropriate location, orientation and scale of the plots proposed, something that can be cemented through detailed design for a Reserved Matters application and which has been reinforced through receipt of support for the proposal from the Parish Council.

Whilst this application is Outline only, the inherent nature of the scheme for which approval is sought lends itself to the preparation of detailed designs that will be commensurate with the local vernacular in terms of layout, materials and appearance further reducing the impact of the development upon the wider area.

PLANNING HISTORY

2/93/0817/O: Application Refused: 02/11/93 - Site for residential development - Appeal Dismissed 21/09/94

RESPONSE TO CONSULTATION

Parish Council: SUPPORT - Walpole Highway Parish Council approve this application validated on 1st April before the press release of 19th April re the 5 year housing supply. In September a dwelling was approved further to the North of this site at Coopers Mill.

This was deemed a sustainable development - this site is closer to the village centre & equally sustainable. The site is fronted by a footpath & the road is of adequate width. Plots will be of adequate size to ensure that on road parking will not be an issue.

Highways Authority (NCC): NO OBJECTION but concerns expressed relating to traffic speeds and appropriate visibility splays.

King's Lynn Drainage Board: NO OBJECTION – byelaw implications apply to culverting of drain and surface water disposal

Environmental Health & Housing – Environmental Quality: NO OBJECTION

Environment Agency: NO OBJECTION – standing advice applies

District Emergency Planning Officer: NO OBJECTION subject to conditions relating to signing on to EA's Floodline service and an evacuation plan being produced.

Housing Enabling Officer: NO OBJECTION subject to affordable housing contribution of £60,000 (equivalent to the value of one unit) to be covered by a Section 106 agreement.

REPRESENTATIONS

None received

NATIONAL GUIDANCE

National Planning Policy Framework – sets out the Government's planning policies for England and how these are expected to be applied.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS11 - Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

OTHER GUIDANCE

The Walpole's Parish Plan

PLANNING CONSIDERATIONS

The key considerations in assessing this application are as follows:

- Principle of development
- Impact on appearance and character of the countryside
- Access and highway implications
- Other material considerations

Principle of development

The application site lies outside of the defined development area of Walpole Highway village as shown in both the King's Lynn and West Norfolk Local Plan (1998) and the proposed Site Allocation & Development Management Policies Document.

Whilst the views of the Parish Council are noted, with regards to the application being validated on 1st April 2016 prior to the 5 year housing land supply being considered met and statement issued on 19th April 2016, there has been a significant change with regards to policy.

The decision must now be made in accordance with provisions of the Development Plan as endorsed Section 54a of the Town & Country Planning Act 1990 as amended by Section 38(6) of the Planning and Compensation Act 2004.

Recent residential development may indeed have been approved further along this road to the north of this site, but the consideration at that time would be a judgement in light of the lack of a 5-year supply of housing land. Planning permission could have been granted unless: any adverse impacts of doing so would 'significantly and demonstrably' outweigh the benefits when assessed against the policies of the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted. However, this is no longer the situation, and development plan policies for the supply of housing are once again the basis for making decisions on development in the countryside.

In this particular case, the applicant has not provided any special justification why countryside protection policies should be relaxed. The proposed development is therefore contrary to the provisions of the NPPF (paragraph 55), Core Strategy Policy CS06 of the Local Development Framework 2011 and emerging policy DM2 of the Site Allocations & Development Management Policies Document (April 2016).

It will be noted from the history section above that there was a previous refusal (application ref: 2/93/0817/O) and appeal dismissed for residential development on part of this site, combined with additional land to the south and west. For reference the appeal decision is appended to this report.

Impact on appearance and character of the countryside

Policy CS06 states:

“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 housing development would obviously change the character of this road frontage from agricultural land set behind a tree-lined drainage ditch into an extension of the built environment.

Once again it is considered that the proposed development would create harm to the character and beauty of the countryside and be contrary to the Development Plan.

Access and highway implications

County Highways have not objected to this application, but initially raised concerns regarding the visibility available to serve the proposed northern-most access point. Further investigation of highway land ownership indicates that adequate splays may be achieved and there are now no objections subject to certain conditions.

Other material considerations

The site lies in Flood Zone 2 of the SFRA (as is the majority of the village) within which residential development is deemed to be compatible. The Environment Agency raises no objections to the development of this site and likewise the Internal Drainage Board. Byelaw issues apply to culverting of the land drain to create access off Mill Road and would require appropriate consent from the IDB.

The District Emergency Planning Officer suggests conditions relating to connection to Floodline and an evacuation plan, but these matters may be covered by an informative note as they fail the tests applied to conditions.

There are no obvious contamination issues associated with this site.

There are no significant crime and disorder issues associated with this proposal.

Affordable housing criteria have changed most recently and schemes of 5 dwellings and less do not now attract affordable housing contributions.

CONCLUSION

Whilst the views of the Parish Council are noted, with regards to the application being validated on 1st April 2016 prior to the 5 year housing land supply being considered met and statement issued on 19th April 2016, there has been a significant change with regards to policy. The decision must now be made in accordance with provisions of the Development Plan as endorsed Section 54a of the Town & Country Planning Act 1990 as amended by Section 38(6) of the Planning and Compensation Act 2004.

The proposal lies outside the development area of the village in an area classed as countryside, and is duly recommended for refusal on the grounds identified in the above report and reason specified below.

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 The application site lies outside of the defined development area of Walpole Highway village as shown in both the King's Lynn and West Norfolk Local Plan (1998) and the proposed Site Allocation & Development Management Policies Document. The applicant has not provided any special justification why countryside protection policies should be relaxed. The proposed development is not therefore considered to be sustainable development and is contrary to the provisions of the NPPF (paragraph 55), Core Strategy Policy CS06 of the Local Development Framework 2011 and emerging policy DM2 of the Site Allocations & Development Management Policies Document (April 2016).