

## AGENDA ITEM NO: 8/2(d)

<b>Parish:</b>	<b>Wiggenhall St Germans</b>	
<b>Proposal:</b>	<b>Proposed new two storey residential dwelling</b>	
<b>Location:</b>	<b>22 Mill Road Wiggenhall St Germans King's Lynn Norfolk</b>	
<b>Applicant:</b>	<b>Mr &amp; Mrs K Gyles</b>	
<b>Case No:</b>	<b>15/00189/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Miss G Richardson Tel: 01553 616457</b>	<b>Date for Determination: 8 April 2015</b>

**Reason for Referral to Planning Committee** – Parish Council object as contrary to officer recommendation

### Case Summary

The application site lies on the southern side of Mill Road, Wiggenhall St. Germans, between a recently built detached house (No.22) and a house (Millstone/22a) to the east.

Planning consent is sought for a proposed two storey residential development.

### Key Issues

Principle of development;  
Planning history;  
Impact on form and character;  
Highway matters;  
Drainage and flood risk;  
Relationship with adjoining dwellings; and  
Other material considerations

### Recommendation:

**APPROVE**

## THE APPLICATION

The application site lies on the southern side of Mill Road, Wiggenhall St. Germans, between a recently built detached house (No.22) and a house (Millstone/22a) to the east. The site is presently unkempt land containing an old garage and a conifer tree, with a depth of some 33m and width of approx. 13m.

The site lies in the countryside as identified by the inset maps for Wiggenhall St. Germans, although the area where the house is proposed will be within the new proposed village guideline, set out in the Site Allocations and Development Management Policies Document (SADMPD).

Full permission is sought for the construction of a detached 3 bedroom house with a paired access and use of half of an existing double garage to serve both the new dwelling and donor property.

## **SUPPORTING CASE**

The application is supported by a Design and Access Statement and a Flood Risk Assessment.

The Design and Access Statement details that the proposal is for a three bedroom dwelling on the site, based on the style and design of the adjacent dwelling. The new dwelling has been designed to satisfy the requirements for family living incorporating the following features, large family open plan lounge, kitchen / breakfast and dining areas and a downstairs cloakroom. At first floor the property will have three bedrooms, one with an en-suite and a family bathroom. Externally the property will have a single garage together with plenty of off road parking for vehicles visiting the property.

The proposed new dwelling has been designed to ensure the main rooms namely the family lounge and kitchen/ dining areas are located at the rear of the dwelling to ensure the occupants will be able to monitor smaller family members within the rear amenity space of the properties without too much difficulty.

The adjacent properties to the proposed site are large dwellings of a two storey nature similar in design to the proposed new dwelling. Due to current flood risk requirements the ground floor level has been raised to comply with the submitted flood risk assessment however the overall height of the dwelling has been maintained at traditional levels, this has been achieved by reducing the height of the eaves thus reducing the overall ridge height. This has been clearly demonstrated on the submitted planning application drawing which indicates the street scene elevation between the proposed and existing dwellings with an approximate reduced ridge height of over 1.000m for the proposed dwelling when the two are compared. This therefore demonstrates that the proposal will not be over-bearing on the existing street scene.

The new landscaping scheme for the site will include the following, driveway providing access to the property and the single garage at the rear, the boundaries to the plot will be fenced and the rear garden will be laid to lawn together with border areas suitable for planting. The existing boundary is planted with trees and shrubs to provide a visual break for both the new and existing dwelling as well as providing a noise break to ensure disruption is kept to a minimum.

## **PLANNING HISTORY**

13/01551/F: Application Refused: 19/12/13 - PROPOSED NEW TWO STOREY RESIDENTIAL DWELLING

12/02005/F: Application Refused: 07/02/13 - Two storey residential dwelling

07/01385/F: Application Permitted: 24/09/07 - Demolition of existing dwelling and erection of new dwelling and garage

06/01784/O: Application Refused: 24/10/06 - Outline Application: construction of two pairs of semi-detached dwellings and one detached dwelling following demolition of existing dwelling

Appeal Dismissed 22/03/07

## RESPONSE TO CONSULTATION

**Wiggenhall St. Germans Parish Council: OBJECT** to this application for the following reasons:

- The area is over developed
- Mill Road suffers from a lot of traffic that is causing problems and been the subject of many complaints
- The word "currently" in regards to the availability of a footpath along Mill Road; the D & A states that "Pedestrian access will be via a footpath from the existing road as currently a footpath does not exist on this side of Mill Road". This is at variance with the future provision of this which would undoubtedly further accentuate the problems along Mill Road for vehicular access
- Borough Council policy document have previously indicated that Mill Road would not be in an acceptable zone for future development i.e. ribbon development and village facilities
- Very concerned about the application being incomplete as the FRA lacks the mapping which constitutes part of the assessment
- The fire risk assessment is also incomplete

**Local Highway Authority (NCC): NO OBJECTION** subject to condition.

**Environment Agency: NO OBJECTION** subject to condition.

**Internal Drainage Board: NO OBJECTION**

**Emergency Planning Officer:** Due to the sites location in an area at risk of flooding it is suggested that if permission is granted than the following conditions should be considered:

Occupiers should sign up to the EA Floodline Warnings Direct (FWD) service

A flood evacuation should be prepared to the satisfaction of the Local Authority Emergency Planning Department- this will include actions to take on receipt of the different warning levels, evacuation procedures e.g. isolating services and taking valuables and evacuation routes.

**Environmental Health & Housing - Environmental Quality:** No comments to make for this proposal regarding contaminated land or air quality issues.

## REPRESENTATIONS

**THREE** letters of representation received. The following concerns are raised:

### Initial plans

- The plans are not dissimilar from the ones which have already been refused
- The proposal plus the single storey extension to the donor plot will cram all the buildings together resulting in over-development of the site
- Site is too small

- Will make Mill Road look like an estate on the edge of the village
- Proposal will have implications on traffic and road conditions
- Drains are very shallow and as a result could suffer with waste going into an already busy system
- Planning reference 07/01385/F did not make reference to a further development years later
- Now that permission has been granted for a 3 bedroom dwelling adjacent to 23 and 25 Mill Road, this gives more weight to the issues of over-development in this area

### **Revised plans**

- Distance from objector's property is incorrectly stated as 1 metre
- Inconsistencies in relation to landscaping within the application
- Not sufficient room on site for a property without causing problems to neighbouring properties and creating potential road hazards
- Proposal takes away parking spaces, which may result in more on street car parking

### **NATIONAL GUIDANCE**

**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

### **LDF CORE STRATEGY POLICIES**

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS09** - Housing Distribution

**CS11** - Transport

**CS12** - Environmental Assets

### **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT**

**DM1** – Presumption in Favour of Sustainable Development

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

**DM21** - Sites in Areas of Flood Risk

## **PLANNING CONSIDERATIONS**

The key considerations in assessing this proposal are as follows:

- Principle of development;
- Planning history;
- Impact on form and character;
- Highway matters;
- Drainage and flood risk;
- Relationship with adjoining dwellings; and
- Other material considerations

### **Principle of development**

At the current time the Local Planning Authority has both an adopted Local Plan (1998) and the emerging Site Allocations and Development Management Policies Document (SADMPD) (Pre-submission version) which are both material considerations in the consideration of any current planning application. The SADMPD is due to be examined in July 2015. Guidance is given in relation to emerging plans in paragraph 216 of the NPPF and how much weight should be attached to the emerging plan. This is dependent upon:

The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

Wiggenhall St. Germans is identified as a 'Rural Village' where limited minor development will be permitted which meets the needs of settlements and helps to sustain existing services. As stated above, the site lies mostly within countryside as per the adopted Local Plan map for Wiggenhall St. Germans, where there is a general policy presumption against new development.

Notwithstanding these facts the site within the emerging SADMPD is located partly within the settlement and partly outside. The proposed settlement boundary runs along the dwellings rear wall at number 22 and across to number 22a and includes this dwelling and its associated curtilage. On this basis the proposed new dwelling would be within the proposed settlement boundary but its associated curtilage outside, as is currently the case.

Having due regard to paragraph 216 of the NPPF, it is recognised that the emerging plan is at a relatively advanced stage, and importantly there are no fundamental objections to reducing this part of the development boundary in this section of the village; two representations were received but these requested that the whole site at 22 Mill Road should be included within the development boundary for the village. Therefore, if anything the Inspector is being asked to increase the development boundary at this site, and it will not reduce in size. Finally in terms of the criteria in Paragraph 216, it is considered that there are no fundamental conflicts with the aims and policies of the NPPF in this regard.

On this basis it is considered that weight should be attached to the new village development boundary on this occasion, which includes the area where the proposed dwelling is to be erected within the defined guideline, and the garden outside of this area.

Furthermore it is appreciated that this land is already currently curtilage to number 22 and for these reasons it is considered that an objection could not be sustained on that issue, and accordingly the principle of development is considered acceptable. This is a similar situation to other developments where the building has been within the guideline, but the established garden outside.

## **Planning history**

There have been two similar planning applications received for this site, both of which have been refused. The current scheme and the previous scheme are very similar, although the block plan now shows two roof lights which are positioned to provide light into a stair well, a ground floor WC, and most notably the re-siting of the dwelling within the plot.

It will also be noted from the history section of this report, that an earlier application (ref: 06/01784/O) for the construction of 2 pairs of semi-detached houses and one detached house on this site (it was part of a wider site) was refused and dismissed on appeal. In this appeal (attached) the Inspector noted that "... I cannot agree that the proposed dwellings would have no effect on the countryside since they would extend across the entire width of the plot which in my view would be inconsistent with the well-spaced pattern of development on Mill Road and detrimental to the character of the street scene and the rural area." This appeal was considered prior to the publication of the NPPF, and in addition since the appeal two applications were refused on the site in 2012 and 2013 for a two storey dwelling.

Another more recent appeal relating to land adjacent 23 and 25 Mill Road has been attached, as this was directly across the road, and makes comment on the form and character of the area.

The 2012 application (planning reference 12/02005/F) was refused on the basis of it being mostly outside the development area of the village in a prominent position and elevated height/proportions, presenting a cramped form of development that would not have regards to, nor be in harmony with, the building characteristics of the locality and on the basis of overlooking. The 2013 application (planning reference 13/01551/F) also included a reason for refusal on the basis of the failure of the flood risk exception test, but it was considered the previous overlooking issue had been addressed.

This application seeks to overcome those reasons for refusal as described below.

## **Impact upon form and character**

Mill Road is characterised by frontage development, comprising mainly houses but with some bungalows in a mix of building styles and materials, and in plots of varying sizes. (this description is taken directly from the recent appeal). There are also views into the countryside beyond, which adds to the rural/edge of village character.

The design of the dwelling remains as previously considered earlier last year, with just a corrected block plan, showing two roof lights.

The dwelling is positioned back into the plot, so that it follows a similar line (although not identical) to number 22, and forward of 22A. The alteration of the siting of the dwelling reduces its prominence as it is seen as being more closely related to the donor dwelling; number 22 and increasing the gap between the proposed dwelling and the boundary with number 22a to 3.4m.

Whilst it is appreciated that due to the flood risk issues that are relevant to this site it necessitates the ground floor level being raised by some 300mm as indicated on both the plans and FRA, it is also recognised that it is set back a distance of 6m from the highway, thus allowing for the floor level to be dealt with sensitively, and it has a lower ridge level than number 22, and therefore would be compatible in scale with its neighbours.

In summary the properties on the southern side of Mill Road are characterised as mainly detached dwellings set in reasonably sized grounds. The dimensions of the proposed building plot, remains as previously considered, however the proposed dwelling has been moved further to the western side of the plot (closer to number 22,) giving a greater degree of separation to number 22A. It is considered that this re-location of the dwelling helps to create a more spacious feel to the street scene comparable to the scheme recently allowed at appeal on the opposite side of the road and other existing dwellings on this side of the road; it is not therefore considered to erode the rural character of this part of the village.

On this basis it is considered that the previous reason for refusal in this regard has been adequately addressed.

### **Highway matters**

Norfolk County Council Highways have confirmed that they have no objection to the proposal subject to conditions.

### **Drainage and flood risk**

The site lies in Flood Zone 3 and Hazard Zone of the Council-adopted Strategic Flood Risk Assessment, where new housing must be subjected to both the sequential and exceptions test.

In terms of the sequential test development should be steered away from areas at high risk of flooding and should be located within the lowest risk areas. However the settlement of Wiggshall St. Germans is all within flood zone 3 and hazard zone, therefore there is no other site available at a lower risk of flooding. In these circumstances the EA and Council have agreed that development may be appropriate in principle, subject to other material considerations. The sequential test is therefore passed and the exception test is now applied.

There are two parts to the exception test: a) development provides wider sustainability benefits to the community that outweigh flood risk, informed by a SFRA and b) a FRA must demonstrate that the development will be safe, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

With regard to part a), the site is outside the settlement boundary for the village according to the saved policies in the 1998 Local Plan. However, within the emerging Site Allocations and Development Management Policies the proposed site is located partly within the settlement and partly outside. The proposed settlement boundary runs along the rear wall of number 22 and across to number 22a and includes this dwelling and its curtilage. On this basis the proposed new dwelling would be within the settlement but its curtilage outside, however it is appreciated that this land is currently curtilage to number 22, and on this basis it is considered that an objection could not be sustained. On balance therefore it is considered that the development does bring wider sustainability benefits to the community that outweigh the flood risk.

With regard to part b), a FRA accompanies the application which has been reviewed by the Environment Agency and despite its age they do not raise an objection subject to the mitigation measures being taken.

One of the mitigation measures referred to in the FRA is to raise the finished floor level of the dwelling by 300mm above existing ground levels and flood resilient construction incorporated up to 1m above finished floor level.

### **Relationship with adjoining dwellings**

Concerns were previously raised in regard to the relationship with No.22a Mill Road; this resulted in a second reason for refusal in the 2012 application.

As the dwelling has been positioned further back into the site it would mean that the new property would still be afforded a private amenity space, as the windows within the front elevation of 22a would not have a direct line of view into the dwelling or the area immediately to the rear of the dwelling. There is a first floor window in No. 22a Mill Road, however this appears to serve a non-habitable room-bathroom (2/84/0923/CU/F), and there is therefore limited material impact.

The donor property has no window openings within the side flank, so this relationship is not a problem.

### **Other material considerations**

There are no crime and disorder issues raised by this application.

In relation to the point raised by the Parish Council regarding pedestrian access to the site via a footpath, officers can confirm that currently a footpath along this side of the road does not exist. It is also confirmed that the Highway Authority is not requiring this provision along the frontage.

Finally, in response to a point raised by an objector, the distance between the site and the neighbour (No.22a) is confirmed as being 1.6m.

## **CONCLUSION**

The proposal, for a new dwelling is at the present time largely outside of the settlement boundary for Wighenhall St. Germans, based on the Local Plan maps adopted in 1998. The site is therefore classed as countryside. Planning policy generally seeks to resist new dwellings in countryside locations unless there are special circumstances. However since the time of the consideration of the last application the Site Allocations and Development Management Policies Document has been published. The revised development boundary proposed includes the front portion of the site as being within the developable area of the village.

Taking into account paragraph 216 of the NPPF it is considered that weight can be attached to the revised development boundary for the village of Wighenhall St. Germans, as the emerging plan is at a relatively late stage, and there are no fundamental objections to the changes to this part of the village boundary which would cause it to be reduced; it is also consistent with the NPPF. On the basis of this emerging policy it is considered that on balance development in principle could be supported.



The height of the dwelling is lower than that of number 22, and a greater distance of separation has now been provided with number 22a, giving similar relationships that are apparent on the opposite side of the road, and which form part of the established character of the area. It is therefore considered that the development of this site no longer represents a cramped form of development, and the resulting development would be comparable to other plots within the vicinity.

Finally the previous objection on amenity grounds has been designed out and there are no problems in that regard.

On balance it is therefore recommended that the application can be approved.

## **RECOMMENDATION:**

**APPROVE** subject to the imposition of the following condition(s):

- 1 Condition The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition The development hereby permitted shall be carried out in accordance with the following approved plans; (GA) 1050 Revision B and (GA) 1000 Revision D both received on the 15th May 2015.
- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition Finished floor levels of the dwelling shall be set no lower than 300mm above surrounding ground level.
- 3 Reason To reduce the risk of flooding to the proposed development and future occupants.
- 4 Condition Prior to the commencement of any development, a scheme for the provision and implementation of surface water, foul water and land drainage (which shall include details of any site level changes) shall be submitted and agreed in writing with the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme.
- 4 Reason To ensure that there is a satisfactory means of drainage in accordance with the NPPF. needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.
- 5 Condition Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan (drawing number (GA) 1000 Rev D) in accordance with the highway specification (Dwg. No. TRAD 5) attached. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- 5 Reason To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.

- 6 Condition Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking, amending or re-enacting that Order) no gates, bollard, chain or other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.
- 6 Reason In the interests of highway safety.
- 7 Condition Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4 x 43 metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.
- 7 Reason In the interests of highway safety.
- 8 Condition Prior to the first occupation of the development hereby permitted the proposed access / on-site car parking area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 8 Reason To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.
- 9 Condition Prior to the commencement of any development, a scheme for the provision and implementation of Flood resilient/resistant construction methods shall be submitted and agreed in writing with the Local Authority. This shall include the provision of flood barriers to be installed on all entrance/doorways to a level of 1m above surrounding ground level. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme.
- 9 Reason In order to prevent an increased risk of flooding in accordance with the principles of the NPPF. This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.
- 10 Condition No development shall take place on any external surface of the development hereby permitted until details of the type, colour and texture of all materials to be used for the external surfaces of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 10 Reason To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 11 Condition Prior to first occupation/use of the development hereby permitted, a plan shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, heights, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the occupation/use hereby permitted is commenced or before the building(s) are occupied or in accordance with a timetable to be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

- 11 Reason To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.