

AGENDA ITEM NO: 8/3(g)

Parish:	Walpole	
Proposal:	Outline application for a new residential development	
Location:	Land Adjacent Roseville Chalk Road Walpole St Peter Norfolk PE14 7PN	
Applicant:	Mr J Heavey	
Case No:	21/02490/O (Outline Application)	
Case Officer:	Mr K Wilkinson	Date for Determination: 7 March 2022 Extension of Time Expiry Date: 8 April 2022

Reason for Referral to Planning Committee – Referred by virtue of being called in by 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.

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.

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 the case 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 application should be treated fairly and equally. If it is good for one site, then it is good for all!

- 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 no objections
- CSNN have no objections
- Environmental 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 should be supported by the planning department as it makes good use of land which otherwise will be left. It is not large enough for agricultural use and therefore makes good sense to be used for residential purposes.”

PLANNING HISTORY

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

1/88/1337/O: Application refused: 06/07/88 – Site for construction of 3 dwellings (Delegated decision) – Appeal dismissed 07/09/89

RESPONSE TO CONSULTATION

Parish Council: SUPPORT – The Parish Council do acknowledge that this application is outside the planning boundary but consider that it will enrich the village and area.

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 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.

REPRESENTATIONS

TWO items of correspondence raising **SUPPORT** of the proposal for the following abbreviated reasons:

- Straight piece of road
- Visibility achievable
- Small developments minimises larger developments being 'imposed' on the outskirts to meet housing need

- Recently completed Church Road development has not caused any traffic problems so this proposal shouldn't either
- Prefer development in the middle of the village rather than on edge.

SIX items of correspondence raising **OBJECTION** on the following abbreviated grounds:

- Outside village development area – contrary to National and Local Plan policy
- Would result in coalescence of Walpole St Andrew and Walpole St Peter
- Erosion of valuable open space and filling of gap which provides a positive contribution to the rural character of the area
- Village already has allocated sites for housing to meet future needs
- Provision of two affordable units does not outweigh the departure from the development plan and harm to the rural character of the area
- Site on opposite side of the road (HELAA ref: H434) was assessed by the Housing and Economic Land Availability Assessment which informed the Local Plan Review 2016-2036 and was rejected due to transport and road constraints. Same should apply to the application site/proposal
- Highway safety concerns - narrow poorly surfaced road with no footpath or lighting
- Village has limited facilities
- Public transport is poor
- Roads can't take additional traffic
- No plans shown for EV power points
- Area is subject to historical flooding
- Increased noise levels from construction traffic
- Value of houses will be beyond villagers' means
- Impact on elderly donkeys and loss of popular attraction for local children
- Concerns raised regarding conduct at Parish Council meeting

Correspondence received from W. Brooks (Parish Councillor and applicant) in response to objection:

- 1) I declared an interest in planning at the start of the meeting and
- 2) I did not take part in any of the discussions when this item came up nor did I vote on the matter. The minutes of the meeting confirm this.

The Parish Council supported the application; they did acknowledge that it is just outside the planning boundary but considered that it would enrich the village and the area. Parish Councillors are not precluded from making planning applications.

Cllr Julian Kirk: Request that the application be referred to the Planning Committee for determination and opportunity to speak.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

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 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:

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 or in accordance with 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.

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

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.

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 155 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 sites available 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 considered to be contrary to paragraphs 157-161 of the NPPF (2019) and Policy CS08 of the Core Strategy (2011).

Highway implications

Third party concerns have been 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).

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. However no indication has been made towards a legal agreement to provide those two dwellings and no mechanism has been produced to secure the aforementioned sum towards the provision of off-site affordable dwellings; this proposal therefore fails to comply with Policy CS09 of the CS.

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 suggest 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 indeed 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.

Any issues regarding how the Parish Council conducted its business in considering this application is not a matter for the Local Planning Authority, and does not affect the consideration and determination of this application on its planning merits.

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.

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. However no indication has been made towards a legal agreement to provide those two dwellings and no mechanism has been produced to secure the aforementioned sum towards the provision of off-site affordable dwellings; this proposal therefore fails to comply with Policy CS09 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.

The application is therefore duly recommended for refusal.

RECOMMENDATION:

REFUSE for the following reason(s):

- 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).
- 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).