

AGENDA ITEM NO. 9/1(b)

Parish:	North Runcton	
Proposal:	SELFBUILD - The erection of a cottage and garage on a former brown field site.	
Location:	Land Behind 32 Winch Road Winch Road West Winch Norfolk PE33 0ND	
Applicant:	Mr John Wood	
Case No:	24/01692/F (Full Application)	
Case Officer:	Helena Su	Date for Determination: 16 December 2024

Reason for Referral to Planning Committee – At the discretion of the Assistant Director.

Neighbourhood Plan: Yes

Case Summary

The proposal is for the erection of a cottage and garage on land immediately west of No 32 Winch Road, West Winch, PE33 0ND.

The site is approximately 850sqm, located in-between No 32 (to the east) and 30 (to the west). At the time of the site visit there was a small lean-to shack, digger, skip, miscellaneous cones, bricks, and piles of rubble on the site.

West Winch is designated as a Settlement Adjacent to King's Lynn within Policy CS02 of the Core Strategy 2011. The site is located within the development boundary of West Winch, shown on West Winch and North Runcton Neighbourhood Plan (WWNRNP) area and Inset Map E2 of the Site Allocation and Development Management Policies Plan (SADMPP) (2016).

Key Issues

- Planning History
- Principle of Development
- Highway Safety and Parking Provisions
- Form and Character
- Neighbour Amenity
- Other Matters

Recommendation:

REFUSE

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THE APPLICATION

The application is for the erection of a cottage and garage on a site immediately west of No 32 Winch Road, West Winch, PE33 0ND.

The application site is approximately 850sqm, located in-between No 32 (to the east) and 30 (to the west). The site would share the same access with the existing bungalows, which egresses on to the A10. At the time of the site visit there was a small lean-to shack, digger, skip, miscellaneous cones, bricks, and piles of rubble on the site. The Applicant has submitted evidence to support their claim that the land is brownfield: a former builder's yard. However, the Council consider the land is residential amenity land and has evidence in support of this.

There is recent planning history on this site. Notable, a previous Outline application (reference: 19/00250/O) was refused before Planning Committee in line with Officer's recommendation and a further Outline application (reference: 19/02177/O) was refused and dismissed at Appeal (reference: APP/V2635/W/20/3256924).

West Winch is designated as a Settlement Adjacent to King's Lynn within Policy CS02 of the Core Strategy 2011. The site is located within the development boundary of West Winch, shown on West Winch and North Runcton Neighbourhood Plan (WWNRNP) area and Inset Map E2 of the Site Allocation and Development Management Policies Plan (SADMPP) (2016).

SUPPORTING CASE The Applicant has submitted the following:

Application Owing to problems which arose with the previous application because of staff leaving etc., which protracted the time frame causing time constraints to be missed, this new application enables the proposals to be presented to Members and endorses the contents of the Design and Access Statement.

Points of agreement Planning: Officers have reached their independent professional judgement on their application and must not subscribe to any statement or reports which are contrary to their own genuine professional opinions (RTPI Code of Professional Conduct 11-13 February 2023). Therefore, the following matters can be considered agreed:

- the principle of development on the site is considered acceptable subject to accordance with other policies of the Local Plan.
- The layout and design of the property is considered acceptable with adequate spacing between existing houses. The scale of the dwelling is modest, and the appearance reflects the wider street-scene. It is considered the layout and appearance of the development is acceptable.
- The design and appearance of the dwelling is acceptable. It is considered that issues such as overlooking to neighbouring dwellings could be further mitigated through appropriate boundary treatments and landscaping which can be conditioned.
- Points of disagreement
- The existing storage observed on site should be considered as ancillary to the main dwelling and does not hold permitted class uses in its own right. Covered in DAS and a specific bundle of evidence and sworn affidavit will be submitted sufficient to establish use in law. This Builders Yard is a legal established use and traffic generated from it must be taken into account.

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- DM12 designates states that new development served by a side road which connects to the strategic road network will be permitted unless any increase in traffic would have significant adverse impacts on the national and strategic role as a road for long distance traffic. However, Planning Officers should not be relying on DM 12 as this only applies outside of the settlements specified within Core Strategy policy CS02 (West Winch specified).

Therefore, the only policy which can be set against the proposal is E2.2 a 1. No development resulting in significant new traffic or accesses onto to the A10 (excepting that provided under growth area Policy E2.1) will be permitted in advance of the new West Winch link road opening. The argument centres around a theoretical increase (or decrease) in traffic that results from building one new house and removing an existing builder's yard. Planning Officers argue this could be 6 traffic movements a day (or less if traffic from the builders' yard is discounted).

The National Planning Policy Framework states: Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 115. An examination of accident records does not suggest any difficulty with impact on highway safety and the traffic impact of this application is not judged to be severe.

A fundamental, underlying principle of the Planning System is that it should be applied in a Fair and Consistent manner. This is regularly upheld in Planning Appeals. The Borough Council has recently approved 300 new dwellings to access the A10 420 metres from the application site. It has approved two applications of Permanent Park homes and 17 New dwellings (now developed) 460 metres to the south of the application site. Planning Officers are duty bound to respect, promote and encourage equity and inclusion and the principles of the UN Universal Declaration of Human Rights - yet this application seems to have been singled out despite the fact that it does not offend any policy or policy wording and there is no evidence presented to show that it would result in any significant increase in traffic onto the A10 that could be construed as causing undue interference with the safe and free flow of traffic or ability of the A10 to carry long distance traffic efficiently.

Having examined national and local planning policies in context with the facts, it is clear that this application is without exception compliant and surely should be approved.

PLANNING HISTORY

24/00555/F: Application Refused: 16/09/24 - The erection of a cottage and garage on a former brown field site (Delegated)

19/02177/O: Application Refused: 21/02/20 - Outline application: Proposed new bungalow (Delegated) (Appeal reference APP/V2635/W/20/3256924 Dismissed)

19/00250/O: Application Refused: 01/04/19 - Outline Application: proposed new Bungalow (Committee)

RESPONSE TO CONSULTATION

Parish Council: SUPPORT with summarised comments:

After initial concerns about access, the applicant responded by reconstructing the ramp and widening the surfaced road. This work was completed several years ago. In the Parish Council's opinion this has removed the road safety issue.

The Parish Council have previously confirmed that the site has been used as a builder's yard for many years and that it was previously used in a commercial capacity by an antiques business. Given the mainly residential context the Parish Council believe it would be beneficial for the neighbours if the current usage ceased, the site was cleared and the proposed dwelling was permitted.

Request policy clarification (Policy E2.2) as there have been a number of refusals relating to access onto the A10 and intensification of use, whilst other applications in both North Runcton and West Winch have been approved.

The Parish Council support the Arboricultural Officer's condition request and ask the Council to use site specific neighbourhood plan policies when considering the scheme: WA03 (Protecting and Replacing Natural Features), WA04 (Providing Sustainable Drainage), WA05 (Providing GI Management Resources), and WA07 (Design to Protect and Enhance Local Character).

Local Highways Authority: OBJECT

In this respect the application is therefore very similar/same in its highway considerations as the previous planning reference 24/00555/F.

The Local Highway Authority therefore refer the LPA to comments made for that previous application and continue to recommend that the application be refused for the reasons given. The Local Highway Authority would also give strong consideration to the findings of the Planning Inspectorates decision for planning reference 19/02177/O which would have been reviewed during the period which the applicant claims to have been utilised as a builder's yard.

Previous Comments under Planning Reference 24/00555/F

Following the LPAs conformation that the existing storage observed on site should be considered as ancillary to the main dwelling and does not hold permitted class uses in its own right, the Local Highway Authority submit the following comments:

The proposed development accesses onto the A10 via a narrow single vehicle width private drive. The A10 is a strategic route in Norfolk's Route Hierarchy and within Policy DM12 of the King's Lynn and West Norfolk Borough Council Site Allocations and Development Management Policies Plan (2016)(SADMPP).

The A10 carries a very high volume of traffic which is subject to a 40mph speed limit and there have been several recorded collisions in the proximity of the access. The Local Highway Authority consider an approval of this application would ultimately lead to increases in conflict and interference with the passage of through traffic on this strategic route. Being caused by additional vehicles, slowing, stopping, waiting, and turning into and out of the site.

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It is observed that the applicant refers to the use of the land applied for as a builder's yard. However, as the land is considered to be ancillary by the LPA and does not appear to enjoy an independent permitted class uses relating to a builder's yard. It is view of the Local Highway Authority that the level of traffic generated by an additional dwelling (which is typically 6 trips per day according to the national TRICS data base) should be considered as additional.

It is also noted that the Design and Access Statement indicates that the land has been separated from no.32 by an act of sale and has listed traffic said to have accessed the site. However, examination of the list does not suggest a level of traffic that a dwelling would be expected to generate on a daily basis. We would also return to the position that the land is not considered to hold such a class use by the LPA.

Norfolk County Council as the highway authority for the A10, has consistently sort to resist development that would increase vehicle movements of the nature described above from private drives. All inspectors' decisions have been found in favour of this authority's stance when challenged at appeal. We would also refer to the planning inspectorate's decision for the nearby application for 17/01677/O at NO. 66 which was dismissed on highway safety grounds. And we also refer you to the very relevant appeal decision for this site considered under planning reference 19/02177/O where reasons 5-10 would appear to remain relevant in this case.

As we believe an approval of this application would ultimately lead to conditions to the detriment of safety and efficiency on the A10 We therefore recommend the application be refused for the following reason:

The proposed development would intensify the use of an existing narrow access on a stretch of classified highway which carries significant traffic movements. The existence of an access in this location is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs, but the intensification of that interference which this proposal would engender would be detrimental to highway safety.

Water Management Alliance: NO COMMENT

Environmental Health & Housing - Environmental Quality: NO OBJECTION subject to conditions related to site characteristics, submission of a remediation scheme, implementation of approved remediation scheme, and reporting of unexpected contamination, and an informative for asbestos.

Natural England: NO OBJECTION subject to securing appropriate mitigation related to Norfolk Green Infrastructure and Recreational disturbance Avoidance and Mitigation Strategy (GIRAMS).

Arboricultural Officer: NO OBJECTION subject to conditions for Tree and Hedge Protection, Tree Planting, and Access Construction Specification (if a new access is proposed.)

REPRESENTATIONS None Received.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS08 - Sustainable Development

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM2 – Development Boundaries

DM12 - Strategic Road Network

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

Policy E2.2 - Development within existing built-up areas of West Winch

NEIGHBOURHOOD PLAN POLICIES

Policy WA03 - Protecting and Replacing Natural Features

Policy WA04 - Providing Sustainable Drainage

Policy WA05 - Providing GI Management Resources

Policy WA07 - Design to Protect and Enhance Local Character

Policy WA10 - Adequate Provision for Cars

Policy WA12 - Adequate Outside Space

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations are:

- Planning History
- Principle of Development
- Highway Safety and Parking Provisions
- Form and Character
- Neighbour Amenity

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- Other Matters

Planning History:

The application site has recent planning history, which is a material consideration to this planning application.

The site was originally subject to an Outline application with access and layout reserved, for one dwelling in 2019 (reference 19/00250/O), which was refused at Planning Committee in line with Officer's recommendation. Following the determination of this Outline application, an Enforcement investigation was carried out (reference 19/00169/UNAUTU) to investigate whether the site was being used as a builder's yard and it was concluded that no material change of use has occurred. As no breach was considered to have taken place during this Enforcement investigation, the site remained to be amenity land to No 32 Winch Road.

A subsequent Outline application for one dwelling was submitted later in 2019, which was refused under Delegated powers. This refusal decision was appealed by the Applicant (appeal reference APP/V2635/W/20/3256924) and the Inspector refused and dismissed the appeal as "the proposed development would have a significantly adverse effect on the free flow of traffic and highway safety."

A more recent Full planning application was submitted for the erection of a cottage and garage, which was refused under Delegated powers (reference 24/00555/F). This application is an identical submission for the application to be heard within a democratic setting.

Principle of Development:

West Winch is designated as a Settlement Adjacent to King's Lynn within Policy CS02 of the Core Strategy 2011. The site is located within the development boundary of WWNRNP area and Inset Map E2 of SADMPP (2016). Development is generally permitted within the development boundaries in accordance with DM2 of the SADMPP (2016). However, this is subject to other local planning policies.

The application site is located along the A10 and therefore subject to Policy E2.2 of the SADMPP (2016). In their supporting case, the Applicant makes comparison of the proposed development against the development of West Winch Growth Area (WWGA). However, these developments are not comparable as WWGA is a strategic planned development and the development of the site is subject to a separate policy (E2.1 of the SADMPP (2016)).

Brownfield:

Paragraph 123 - 124 of the NPPF gives consideration for the development of suitable brownfield land. First, it is important to establish whether this land is lawfully brownfield.

The NPPF defines 'brownfield' or 'previously developed land' as: "Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where

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the remains of the permanent structure or fixed surface structure have blended into the landscape."

The Parish Council and Applicant have claimed the land has previously been used as a builder's yard and an antique business before that. No information has been submitted regarding the antique business. The Applicant has submitted information in support of this site being used as a builder's yard within the Design and Access Statement (D&AS) (Page 8 - 11) and during the application process. On the basis of this information, the Agent argues the land should be considered as 'brownfield'.

The evidence within the D&AS includes a list covering an array of matters between 32 West Winch and J C Wood Limited Builders from 30 April 2013 - 30 May 2023. Further supporting information includes invoices from William George Sand & Gravel Ltd (dated 30 April 2024 and 30 September 2023) and Skippy Skip Hire (dated 17 October 2023 and 29 August 2023) and land registry showing the sale of the land on 18 December 2020.

As per Paragraph 191 of the Town and Country Planning Act 1990, to ascertain whether "(b) any operations which have been carried out in, on, over or under land are lawful...he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations and other matter." The determination of whether the application site is brownfield land as a builder's yard via a Full planning application is incorrect procedure and the Applicant should apply for a Lawful Development Certificate to prove lawfulness.

Nevertheless, the Council do not consider the land is lawfully a builder's yard and therefore not brownfield land. In 2019, an Enforcement investigation was carried out on the application site, and the Enforcement Officer closed the investigation with the summary that that no material change of use had occurred in April 2019. Therefore, the land remained lawfully as amenity to No 32 Winch Road in April 2019.

During the submission of the Outline planning applications 19/00250/O and 19/02177/O, there was no formal submission of the application site as a builder's yard. In fact, the application form of both applications state that the existing use of land as 'Garden'. Furthermore, aside from one sentence in the Appellant's Statement of Case, which reads "a redundant garden which has been used for storage and a builder's yard for six years" which is discussed by the Inspector in paragraph 16 of the Appeal decision, there was no additional evidence submitted as part of the Appeal process that the site was a lawful builder's yard.

To claim that the land is now a builder's yard, the Applicant needs to demonstrate a change of use has occurred for a period in excess of ten years to avoid enforcement action, as per paragraph 171(3) of the Town and Country Planning Act 1990. However, as mentioned above, the Council did not consider a material change had taken place on the land in April 2019. Therefore, it is impossible for the Applicant to demonstrate that the application site has lawfully been a builder's yard for a period of over ten-years as the Council deemed that no change of use occurred in April 2019. At most, the Applicant would only be able to demonstrate that a change of use of the land to a builder's yard for just over five years (from April 2019 - December 2024). The Applicant does not address that matter of the Enforcement investigation and Inspector's decision within the D&AS, nor justify how the application site would now be considered a lawful builder's yard.

The lawful use of the site therefore falls outside the NPPF's definition of 'brownfield' / 'previously developed land' and is not considered brownfield land.

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Regardless of whether the Applicant could, or could not, demonstrate the land as brownfield by virtue of an unlawful change of use, the land would not be considered 'suitable brownfield' per the NPPF, as the development of this site would give rise to highway safety concerns contrary to Policy E2.2 and DM12 of the SADMPP 2016 and Policy CS11 of the Core Strategy 2011.

Self Build and Custom Housing

The application is for a self-build dwelling.

The NPPF explains in footnote 29, that the Self Build and Custom Housebuilding Act 2015, (as amended recently by the LURA), places a legal duty "to give enough suitable development permissions to meet the identified demand". The requirement that permissions need to be suitable means that the need to grant planning permission to meet demand for SB&C housing plots does not eliminate the need to consider the suitability of the site in other respects.

The potential self-build nature of one dwelling proposed attracts limited weight and does not outweigh the harm caused by this proposal or the primacy of the Development Plan, particularly regarding the impact on highway safety as per Policy E2.2 of the SADMPP 2016.

Highway Safety:

Policy E2.2 of the SADMPP Plan (2016) sets out requirements for development within the built-up area of West Winch:

"A development boundary for West Winch is shown on the policies map. (This is distinct from the strategic Growth Area identified in Policy E2.1) Within this development boundary the general Development Boundaries Policy DM2 will apply with the following provisos:

1. Along the existing A10:

a. no development resulting in significant new traffic or accesses onto to the A10 (excepting that provided under growth area Policy E2.1) will be permitted in advance of the new West Winch link road opening. Significance in this instance refers to effect on the capacity and free flow of traffic on the A10 and its ability to accommodate the existing traffic and that arising from the growth area, and both individual and cumulative potential impacts will be considered;

b. new development should generally be set back from the road and provide for significant areas of planting adjacent to the road in order to avoid extending the continuous developed edge to the A10;

2. Special care will be taken in the vicinity of the Countryside Buffer indicated on the Policies Map to maintain a soft edge to the countryside beyond and avoid a hard and prominent edge to the developed area when viewed from the West;

3. Areas to the east of the A10 will preferably be associated with the growth area, and accessed through the growth area rather than directly onto the existing A10 road."

Policy DM12 of the SADMPP (2016) reiterates this: "New development, apart from specific plan allocations, will not be permitted if it would include the provision of vehicle access leading directly onto a road forming part of this Strategic Road Network."

Policy CS11 of the Core Strategy (2011) further supports these policies: "Priority will be given to: Improving the strategic networks serving passenger and freight movements to, from and through the borough (including via the port) and including the introduction of measures to reduce congestion, and improve reliability and safety of travel within the A10, A17, A134, and A47(T)/A148/9 corridors."

Development along this section of Winch Road, West Winch, has consistently been resisted by the Council and Inspectors, as development is recognised to increase vehicle movements detrimental to the highway safety of a Principal travel route. Regarding the development of this application site, paragraph 10 of the Appeal decision summaries that "...the proposed development would have a significant adverse effect on the free flow of traffic and highway safety" against Local and National Planning Policies.

In paragraph 5 - 10 of the Appeal decision, the Inspector discusses the impact of an additional dwellinghouse on this site on the highway (A10).

The Parish Council consider that the works to the access would resolve highway safety concerns. Paragraph 7 - 8 of the Appeal decision discusses the existing access to the application site. In the D&AS (page 7-8) the Applicant has shown works to the existing access, namely surfacing to the top of the access joining the A10, to support the additional use of the access. Contrary to the opinion of the Parish Council, the Council and Inspector deem that the works to the access do not overcome concerns related to the additional traffic movements, of approximately 6 trips a day, which would ultimately disrupt the free flow traffic from the A10.

The A10 carries a very high volume of traffic which is subject to a 40mph speed limit and there have been several recorded collisions in the proximity of the access. The Local Highway Authority deems the development of this site for one dwelling would increase interference and conflict interference with the passage of through traffic on this principal route, ultimately caused by additional vehicles, slowing, waiting and turning into the private access. These conditions would be to the detriment of highway safety and efficiency on the A10.

It is also noted in the D&AS that the application site has been separated from No 32 by an act of sale and has been used separately by the Applicant for "his own business namely as a builder's yard". Regarding the information related to the sale of the application site from No 32 Winch Road in 2020, the Council give it no weight in the determination of this application. As established above, the land is lawfully amenity land. Moreover, the listed traffic associated with the site as a builder's yard (D&AS page 8 -11) does not suggest a level of traffic that a dwelling would be expected to generate on a daily basis.

Considering the above, the proposed development is considered to fail to meet Policies DM12 and E2.2 of the SADMPP (2016), Policy CS11 of the Core Strategy (2011) and provisions of the NPPF.

Form and Character:

The application site is located to the west of No 32 and east of No 30 Winch Road, both bungalows. Winch Road is characterised by predominately linear development of mixed scales and designs. There is evidence of some dwellings to the rear of the established linear form along Winch Road.

The proposed dwelling would be a chalet cottage-style dwelling, approximately 6.8m tall (3.4m to the eaves), 13.4m wide and 6.6m deep, finished in old farmhouse facing brick on the front and rear elevation, green horizontal timber cladding on the east and west side elevations, and clay pantiles to the roof. On the north (front) roof slope, three evenly positioned dormer windows are proposed, and two velux windows and solar panels are proposed on the south (rear) roof slope.

The proposed garage would be of similar design, finished in facing brick on the front and south elevations, and timber cladding with a brick plinth on the side elevations. The garage would be approximately 6.9m deep, 4m wide, and 4.5m tall.

The proposed dwelling would be placed centrally on the application site, approximately 4.5m from the south boundary, 9.5m from the west boundary, 6.6m from the north boundary and 7.7m from the east boundary, with the garage site to the east of the proposed dwelling, hard on the eastern boundary.

Considering there are dwellings that deviate from the linear pattern which differ in design and scale, the proposed dwelling and garage is considered to be acceptable. In respect to design, form, and character the proposed development would meet Policies WA07, WA10, WA12 of the West Winch and North Runcton Neighbourhood Plan, Policy CS08 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).

Impact on Neighbour Amenity:

The site is approximately 19m west from the rear elevation of No 32 and 16.6m east from the front elevation of No 30. The proposed dwelling would be 26m from the rear elevation of No 32 and 25.8m from the front elevation of No. 30. Given the height, orientation, and siting of the proposed dwelling it is unlikely to have an overbearing and shadowing impact. Furthermore, given the placement of windows and doors it is considered there would not be any overlooking impact to the neighbours' immediate private amenity spaces and any impacts can be sufficiently addressed by suitable boundary treatments.

The proposed garage would be sited hard on the eastern boundary and unlikely to have an impact to No 30. The garage would be approximately 19m from the rear elevation of No 32. Given the distances, height, orientation, and siting of the garage, impacts in respect to overbearing and shadowing would be limited to No 32's rear garden. As an ancillary building with no windows, there would be no overlooking impact from the garage to surrounding neighbours.

The proposed development would have limited impacts to No 28 to the north-east and No 34 to the south-east.

In respect to impact on neighbours, the development would meet Policy WA07 of the West Winch and North Runcton Neighbourhood Plan, Policy CS08 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).

Other matters:

In response to the applicant's supporting case:

The Applicant makes comments suggesting that the application site has been met with bias with the Council. Planning applications are determined in accordance with Local and National Planning Policies, evidence, and other materials considerations, such as recent Planning and Appeal decisions.

The Applicant refers to UN Declaration of Human Rights The Applicant refers to UN Declaration of Human Rights (now European Convention on Human Rights (ECHR)). The interference with the ECHR rights of any proposed occupiers to respect for private and family life and the home is a qualified right and must be weighed against the wider public interest in the upholding of the law, including planning law which aims to provide safe and convenient access to all transport modes and protect the status and function of the

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borough's strategic road network. This legitimate aim is only able to be upheld by resisting this inappropriate development.

Balancing the Applicant's rights against planning policy and the wider public interests, the interference of their rights is considered to be proportionate and justified.

Biodiversity Net Gain:

The proposal is for a self-build and custom dwelling and therefore exempt from providing BNG.

Norfolk GIRAMS:

The site does lie within the 'Zone of Influence' (Zoi) for one or more of the European designated sites scoped into the Norfolk Green Infrastructure and Recreational disturbance Avoidance and Mitigation Strategy ('GIRAMS'). The GIRAMS has been put in place to ensure that the additional recreational pressure created, as a result of new residential development, does not lead to an adverse effect on European designated sites in Norfolk. Natural England advise that a contribution to the Norfolk GIRAMS should be sought from this development to ensure that the delivery of the GIRAMS remains viable. An appropriate assessment was undertaken in this regard, and a mitigation fee of £221.17 was paid by the applicant.

This addresses Natural England's comments.

Trees:

In relation to Policies WA03 and WA05 of the WWNRNP, a Tree Survey, Arboricultural Impact Assessment, Protection Plan, and Method Statement was submitted by the Applicant due to the proximity of neighbouring trees to the access and within the boundary of the application site. The Arboricultural Officer considers that subject to conditions for tree and hedge protection and tree planting, the proposal would have minimal impact on the retained trees whose root protection area falls within the application site.

The Arboricultural Officer requested a condition for access construction specifications, should works to the access be proposed. Works to the access are not proposed by the Applicant, and therefore, this condition is not relevant to the proposal.

Irrespective, the proposal would be detrimental to highway safety and is recommended for refusal.

Flood Risk and Drainage:

The application site is located in Flood Zone 1, which has a low probability of flooding. The application site is approximately 0.09ha and the development of this site would comply with standing advice from the Environment Agency.

The proposed dwelling would have limited impact on existing drainage infrastructure, in accordance with Policy WA04 of the WWNRNP.

Contamination:

Conditions were requested by Environmental Quality due to the use of the land as a builder's yard. As discussed in length earlier in the report, the Council do not consider the land to be a builder's yard.

CONCLUSION:

This application is for the development of one self-build dwelling within the development boundary of West Winch. However, the site is accessed via a principal route (A10) where development, as a result of the intensification of the use of an access directly onto the A10, would cause disruption to existing pattern and free-flow of traffic. Development along the A10 which results in significant adverse effects on the free flow of traffic is resisted under Policy DM12 and E2.2 of the SADMPP 2016.

The applicant deems the site is brownfield land as a former builder's yard. However, the applicant has ultimately failed to provide substantial evidence that the land has been a builder's yard for a period of ten-years and therefore this argument holds little weight. Since the submission of the previous planning applications and Appeal decision, where highways matters were fully considered, there has been minimal change made to the planning application. Therefore, in the absence of evidence to demonstrate otherwise, the development would lead to highway safety issues.

It is thereby recommended that Members refuse the application as the scheme fails to accord with the provisions of the NPPF, and the adopted Local Plan policies CS01, CS02, CS06, CS08, CS11 of the Core Strategy (2011) and DM2, DM12, DM15 and E2.2 of the SADMPP (2016).

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 The proposed development, of one dwelling, would lead to the intensification in the use of an access on to the A10, which is a busy principal traffic route. The development would cause undue interference with the safe and free flow traffic on this important traffic route, to the detriment of highway safety and ability of the A10 to carry long distance traffic efficiently.

The proposed development is therefore contrary to the NPPF, Policy CS11 of the Core Strategy 2011 and Policies DM12, DM15, and E2.2 of the Site Allocation and Development Management Policies Plan 2016.