

**AGENDA ITEM NO: 8/2(b)**

<b>Parish:</b>	Fincham	
<b>Proposal:</b>	Construction of one bungalow south of The Bell House including construction of passing bay for Chapel Lane and new access	
<b>Location:</b>	The Bell House Chapel Lane Fincham King's Lynn	
<b>Applicant:</b>	Mr M Bell	
<b>Case No:</b>	17/00719/F (Full Application)	
<b>Case Officer:</b>	Mrs C Dorgan	<b>Date for Determination:</b> 5 June 2017 <b>Extension of Time Expiry Date:</b> 7 July 2017

**Reason for Referral to Planning Committee** – Contrary to the Local Highway Authority recommendation.

**Case Summary**

This application is for full planning permission for a new single dwelling on land to the south of The Bell House on Chapel Lane in Fincham, and a passing bay and a new access for The Bell House.

The site lies within the development boundary for Fincham, and so in accordance with Policy DM2, in principle development may be permitted. The site currently forms part of the garden of The Bell House, and is surrounded on all sides by residential development.

The site lies just outside Fincham Conservation Area.

**Key Issues**

Principle of Development  
Form and Character  
Neighbour Amenity  
Highways / Access

**Recommendation**

**APPROVE**

**THE APPLICATION**

This application is for full planning permission for a new single dwelling on land to the south of The Bell House on Chapel Lane in Fincham. A passing bay is also proposed along with a new access for The Bell House.

The site lies within the development boundary for Fincham, and so in accordance with Policy DM2, in principle development may be permitted. The site currently forms part of the garden of The Bell House, and is surrounded on all sides by residential development.

The site lies just outside Fincham Conservation Area.

## **SUPPORTING CASE**

The existing property, Bell House, has a vehicular access from Chapel Lane, just to the south of the house. Chapel Lane itself is a single-track carriageway with poor provision for passing. Although there is modern development on Chapel Lane, no additional dwellings have been added in the past 20 years.

In 2010 a planning application was submitted for an additional dwelling on land to the east side of the lane, further south than the application site. Norfolk County Highways recommended refusal of that application on the grounds that the road serving the site was considered to be inadequate by reason of its restricted width and lack of passing provision. The County Highways Officer commented that there would be an increased likelihood that vehicles would meet within the narrow section, resulting in reversing along the long section of road. That planning application was withdrawn and the situation has not changed since that time.

It is considered that this is still an issue affecting development, although, according to residents, the instances of actually meeting a car coming the other way are very rare. However, this application seeks to overcome the issue and offer a solution to all users of the lane.

The Highways Officer referred to 'meeting within the narrow section' and it was initially assumed that the main problem might be if a vehicle had already entered the Lane from the north, not being able to see around the corner and determine whether there was another vehicle already using the lane, travelling north. In order to overcome the problem, this application initially included the construction of a passing bay, to the north of Bell House, which would be dedicated to the highway. In the rare event of two vehicles using the lane at the same time in opposite directions, one of them would be able to pull into the passing bay, allowing the other to pass.

From that passing bay, a new access would have been formed to serve the existing dwelling, Bell House, which would have a parking and turning area in the northwest corner of the site.

However, the County Highways Officer considered that the passing bay should be located further south, on the proposed property frontage. The design was changed and the passing bay repositioned. The County Highways Officer then stated that the access to the property and the passing bay should be separate. This had not been mentioned previously.

There are three properties on the lane beyond this plot, so it really cannot be seen how conflict between the passing bay and entrance going would happen. The residents manage perfectly well at the moment and the addition of one property will hardly make a discernible difference.

The only other place to provide a passing bay, separate from the access, is right at the south end of the plot. There is an electricity pole in the way in the middle of the plot which UK Power Networks has advised the applicant, cannot be moved. At that south end, the passing bay would be ineffective and rather pointless.

So, two possibilities have been offered for the passing bay, the original suggestion, north of Bell House or the current suggestion, sharing access with the property.

It is considered that either of these would provide adequate provision for passing and would offer an improvement to the current users of the lane. It is not considered that any conflict would arise between use of the access and use of the passing bay, owing to the very low usage of the lane.

The alternative, if no development takes place, is that the lane will remain as it is, with no passing place at all. The applicant's property is the only possible donor of a passing place.

## **PLANNING HISTORY**

17/00719/F: Construction of one bungalow south of The Bell House including construction of passing bay for Chapel Lane and new access - The Bell House, Chapel Lane, Fincham

2/94/0339/LB: Application Permitted: 07/04/94 - Replacement pantile roof and alterations to chimney stack and front window. - The Old Post Office, High Street

2/01/0784/F: Application Permitted: 24/07/01 - Construction of bungalow after demolition of garage - South of Australia House, Swan Lane

2/02/1645/F: Application Permitted: 08/11/02 - Construction of detached garage - Little Dove, Swan Lane

## **RESPONSE TO CONSULTATION**

### **Parish Council: SUPPORT**

### **Highways Authority:**

Letter dated 08.05.2017 - Chapel Lane is of single track width for the majority of its length and is not supported with any passing provision. The passing bay currently proposed would be small and not offer a significant benefit if positioned as shown. The bay would be better positioned away from the head of the junction and moved to the frontage of the proposed dwelling. At this position the bay could be larger, provide a passing provision to vehicles that have already committed to accessing the lane and would have better visibility in respect of its use.

Letter dated 27.06.2017 - The relocated passing bay needs to be independent from the proposed point of access so that there is no conflict between the two requirements.

Email dated 12.07.2017 - Confirms that should the access (parking and turning) position not be moved from the rear of the proposed passing bay, then the Local Highway Authority would be recommending an objection. The passing bay provision is not felt to provide acceptable mitigation to address the undesirable impact that the development would have on the narrow section of highway.

### **NCC Public Rights of Way: NO OBJECTION**

### **Internal Drainage Board: NO OBJECTION**

### **Environmental Health & Housing – Environmental Quality: No comments.**

Planning Committee  
31 July 2017

**Conservation Officer: NO OBJECTION.** It will not have any adverse impact on the Conservation Area or the setting of the Church. Suggests that materials are conditioned.

**REPRESENTATIONS** 7 letters of **SUPPORT** received. The reasons provided include the fact that the scheme will enhance the street scene and is in keeping and proportionate to the built form on Chapel Lane, and also that the passing place to be provided will be of benefit to the residents of Chapel Lane.

## **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

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM17** - Parking Provision in New Development

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

## **PLANNING CONSIDERATIONS**

The main issues for consideration are;

- Principle of Development
- Form and Character
- Neighbour Amenity
- Highways / Access

### **Principle of Development**

Fincham is defined as a rural village by Policy CS02 of the Core Strategy 2011. The site lies within the development boundary for Fincham, and so in accordance with Policy DM2 of the Site Allocations and Development Management Policies Plan, development will be permitted within development boundaries of settlements shown on the Policies Map provided it is in accordance with the other policies in the Local Plan. The principle of development is therefore acceptable.

## **Form and Character**

During the application process, the design of the scheme has been discussed and revised to better reflect the site and relationship to neighbouring dwellings. The current scheme is for a detached two bedroom bungalow with attached garage. In front of the garage is a parking and turning area and to the south of the proposed dwelling, the private garden space. The form and character along Chapel Lane is varied and the proposed scheme would not be out of character. The proposed dwelling is of simple design within a small plot, and the positioning within the site reflects the spacing between properties along Chapel Lane.

While The Bell House is adjacent to Fincham Conservation Area, the Conservation Officer is of the view that there would be no adverse impact as a result of the scheme. A condition is suggested to agree materials however these are already stated on the most recent set of plans, and are fully satisfactory.

## **Neighbour Amenity**

Amendments have been made to the scheme to ensure there is sufficient distance between the dwelling proposed and those existing to the south and west. Given it is single storey, and combined with screening, officers consider there will not be a detrimental impact.

## **Highways / Access**

The application proposes a passing place to ease traffic movement on Chapel Lane which is a narrow single width track. The support from neighbouring dwellings confirms that the passing place would be beneficial to all residents on Chapel Lane (which serves 10 properties).

The Local Highway Authority has objected to the proposed scheme on the grounds that the passing bay needs to be independent from the proposed point of access, so there is no conflict between the two requirements. The passing bay provision (as proposed) is not felt to provide acceptable mitigation to address the undesirable impact the development would have on the highway.

Officers consider however that the introduction of a passing place would represent betterment to the current traffic situation on Chapel Lane. While the passing bay is adjacent to the proposed access, the parking and turning area proposed for the new dwelling is sufficiently large that the residents would not need to use the passing place for parking. Furthermore Chapel Lane serves 10 dwellings and so the amount of traffic which would potentially use the passing place is not significant.

The application also proposes a new access to The Bell House, to the north of the dwelling. The Local Highway Authority has no objections to this.

## **Any other material considerations prior to the determination of the application**

In terms of drainage, surface water will be taken to a soakaway and the foul water will be drained to the public main sewer. The application site lies within Flood Zone 1. Therefore there are no drainage or flood risk issues for further consideration as part of the application.

There are no objections raised by the Public Rights of Way Officer, or by the Environmental Quality Officer.

## CONCLUSION

While there is an outstanding objection from the Highways Authority, on balance it is the view of the Officers that the passing place is adequate given the nature of Chapel Lane and potential level of traffic. The proposed access, and parking and turning arrangements for The Bell House and the new proposed dwelling are both considered to be acceptable.

The design and layout of the site has been amended during the application process to better reflect the form, character and spacing of the locality. These amendments have also meant there will be no detrimental impact of the proposed scheme on neighbour amenity.

There are no other stakeholder objections, and seven letters of support have been received from neighbouring dwellings.

In conclusion it is recommended that the scheme is approved for the reasons detailed above.

## 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 (Drawing Nos 12681C, 12682B and 12683C).
- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition Prior to first occupation 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 building is 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.
- 3 Reason To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.
- 4 Condition All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 4 Reason To ensure that the work is carried out within a reasonable period in accordance with the NPPF.