

AGENDA ITEM NO: 8/1(e)

Parish:	Downham Market	
Proposal:	Residential development of 4 no. units, including demolition of a detached garage	
Location:	Land Rear of 37 High Street Church Road Downham Market Norfolk	
Applicant:	Mr A Graham	
Case No:	15/00142/F (Full Application)	
Case Officer:	Mrs H Morris Tel: 01553 616481	Date for Determination: 7 April 2015 Extension of Time Expiry Date: 3 July 2015

Reason for Referral to Planning Committee – The Officer recommendation is at variance with the views of the Parish Council

Case Summary

The application site comprises land to the rear of No.37-39 High Street, Downham Market (National Westminster Bank and Dental Surgery) which fronts onto the western side of Church Road. The site is predominantly laid to grass but there is an existing detached garage towards the front which is accessed from Church Road and at the rear there is an existing modest single storey building known as 'Mouse Cottage'. Church Road is situated at a higher level to High Street therefore the site slopes down to the rear of No.37.

The site lies within Built Environment Type 'C', the Defined Area of Town and the Downham Market Conservation Area as defined by the King's Lynn & West Norfolk Local Plan (1998) Proposals Map. No. 37-39 High Street is a three-storey Grade II listed building. Nos.33, 35, 45 and 47 are also listed and lie in close proximity to the site.

The application seeks full planning permission for a residential development of 4 no. units (2 x 3-bedroom, 1 x 2-bedroom and 1 x 1-bedroom flat), including demolition of a detached garage. Several revisions have been made to the scheme since the application was originally submitted. This has included a reduction in the number of proposed units from 5 to 4.

Key Issues

The Principle of Development;
Form and Character / Impact on Heritage Assets;
Residential Amenity;
Highways Impact; and
Other considerations

Recommendation

APPROVE

THE APPLICATION

The application seeks full planning permission for a residential development of 4 no. units (2 x 3-bedroom, 1 x 2-bedroom and 1 x 1-bedroom flat), including demolition of a detached garage. Several revisions have been made to the scheme since the application was originally submitted. This has included a reduction in the number of proposed units from 5 to 4. The latest amendments received on 6th July 2015 include the provision of chimneys on the frontage units along with bin storage for the 1-bedroom flat.

The application site comprises land to the rear of No.37-39 High Street, Downham Market (National Westminster Bank and Dental Surgery) which fronts onto the western side of Church Road. The site is predominantly laid to grass but there is an existing detached garage towards the front which is accessed from Church Road and at the rear there is an existing modest single storey building known as 'Mouse Cottage'. Church Road is situated at a higher level to High Street therefore the site slopes down to the rear of No.37-39. Only the first and second (attic) floors of No.37-39 are visible from the application site.

The site lies within Built Environment Type 'C', the Defined Area of Town and the Downham Market Conservation Area as defined by the King's Lynn & West Norfolk Local Plan (1998) Proposals Map. No. 37-39 High Street is a three-storey Grade II listed building. Nos.33, 35, 45 and 47 are also listed and lie in close proximity to the site.

SUPPORTING CASE

A Design and Access Statement (DAS) and Heritage Impact Statement have been submitted in support of the application which can be summarised as follows.

The DAS advises that vehicular access to the site will be from Church Road via an undercroft located in the ground floor of Plots 1-3. The access will be in approximately the same position as the existing dropped kerb serving the garage. A 2.4m x 43m visibility splay is achieved and is shown on the proposed site plan. A total of 7 no. on-site car parking spaces are to be provided, 2 spaces for each of the houses and 1 space for the 1-bedroom flat.

In their response to the pre-application enquiry Norfolk Constabulary advised that gates should be provided to the vehicular access to prevent the undercroft from becoming a hub for anti-social behaviour. Metal gates have therefore been provided as part of the proposals. The gates will have an automatic opening mechanism operated via remote control.

The DAS further advises that Plots 1 to 3 are designed as a terrace and each unit has a small front garden area to provide defensible space between the units and the footpath. Plots 1, 3 and 4 which are houses all have private rear gardens which have rear access.

The configuration of the housing will provide a courtyard feel to the development with the communal access road and car parking being overlooked by all of the houses, providing resident surveillance and guardianship of the space.

The existing boundary walls to the site will be retained. There is a modern retaining wall to the rear of the site that effectively separates the buildings on High Street from the site to the rear. The steps leading down to the High Street level will be removed.

Both the Bank and Dentist have first floor fire escapes that exit onto the site. These fire escapes will be retained and the tenants will have a right of access over the site in the event of an emergency.

Plots 1-3 are arranged as a terrace fronting onto Church Road. The terrace has been designed to tie in with other historic and more modern infill residential properties in the surrounding area. This type of housing can be seen on Church Road, Lynn Road and Bexwell Road.

The proposal is for a two storey building. The eaves and ridge height will be lower than the former cinema building to the north of the site.

It is proposed that the front elevation will be faced in local carrstone with buff coloured brick ashlar around openings and at building corners. Windows and doors will have shallow brick arches over. The side and rear elevations will be constructed in buff coloured brickwork with brick arches over windows and doors. The roofs will be weathered red pantiles.

Plot 4 comprises the renovation and conversion of Mouse Cottage. This is a vacant outbuilding and its condition is deteriorating. Incorporating Mouse Cottage into the development will enable the renovation of the property and provide it with a viable future use.

The renovation of Mouse Cottage will include external repair, re-using existing materials where possible and supplementing with reclaimed materials as necessary. It is proposed that the existing window and door will be replaced with timber framed double glazed units to match the existing. The extension will be constructed in buff multi bricks to match the existing and will be laid in English bond. The roof will be covered with red pantiles and a lead roofed box bay window will be added at the junction of the existing building and the extension.

PLANNING HISTORY

There is no relevant planning history for the site.

RESPONSE TO CONSULTATION

Town Council: OBJECT for the following reasons:

- The modifications show no improvement whatsoever.
- It is considered that this proposal would create a cramped form of development with the property representing an over-intensive use of the site. PPS1 and PPS3 require new development to be that of a high standard, which respects the characteristics of the locality.
- It is considered that a cramped form of development and the subsequent loss of amenity space would be unsympathetic to, and out of character with, the adjacent developments.
- The building characteristics are not in harmony with the locality. The dwelling, by virtue of its scale, bulk and general layout is inappropriate in this location.
- Members have concerns about emergency vehicle accessibility and indeed all vehicular accessibility due to the entrance / exit to the development being on a hill on Church Road.

Norfolk County Highways: NO OBJECTION subject to specified conditions relating to access, visibility and parking / turning.

I refer to the revised plans which have reduced the number of dwellings to be considered down to 4 in number and have additionally increased the level of parking.

I note from the revised plans that turning on the site has been provided so that vehicles can both enter and exit in a forward gear and the level of parking now accords with the adopted parking standards for Norfolk.

Where I have some concern is with the gate that is located close to the entrance, this is located in such a position that car would obstruct the footway while being opened and closed and would also in my view lead to detrimental waiting on Church Road, which is busy, while gates are being opened and closed by a number of residents. It is my view that the gates are inappropriate for the shared use in this location and should therefore be removed entirely in the interest of highway safety and efficiency. However, given that all other elements of the proposal would accord with the recommended standards I recommend the imposition of highway conditions relating to access, car parking / turning and no gates, bollards etc.

Historic England: NO OBJECTION. As I have indicated before it is regrettable that the listed building has become separated from its historic curtilage by changes in ownership, but the proposed development could make it less likely that it might be restored in future. However, the outbuilding to be converted already exists on site and the revised plans layout would give a greater degree of visual connection between the rear of the listed property and the larger site. I would recommend consideration is given to erecting railings rather than a solid fence on the existing retaining wall to maintain this effect, but can confirm that we would not wish to object formally to the application on the basis of this revised plan. A high quality of materials and detailing will be necessary if the new building is to enhance the conservation area and setting of the listed building, but I am content for that to be matter of condition discharged by the Council.

Norfolk Historic Environment Service: NO OBJECTION subject to imposition of archaeology conditions.

Stoke Ferry Internal Drainage Board: NO OBJECTION.

Environmental Health & Housing – Environmental Quality: NO OBJECTION.

Environmental Health & Housing – Community Safety and Neighbourhood Nuisance: NO OBJECTION subject to imposition of conditions relating to foul and surface water drainage, road traffic noise attenuation and lighting scheme.

Norfolk Constabulary: NO OBJECTION – ‘Designing out Crime’ leaflet sent to applicant / agent.

BCKLWN Conservation Officer: NO OBJECTION.

BCKLWN Tree Officer: NO OBJECTION.

Anglian Water: As this application is for less than 10 dwellings they have confirmed they will not be making comment.

REPRESENTATIONS

SIX letters of representation have been received from **FOUR** local residents raising **OBJECTIONS** to the proposal on the following grounds:

- This is overdevelopment of a small, sloping site. Access not adequate onto a busy road. It already looks messy with the new hole punched through the existing wall.
- This is overdevelopment of a small site.

- The restricted vision exiting the site onto a busy main road will cause a hazard.
- The only mains drainage we can see is the drain in the alleyway on our property.
- This would be wholly inadequate to take the extra sewage that would be produced going into the drain causing blockages.
- The dividing border wall between the rear of 35 High Street and 37 High Street must be retained and kept in good condition.
- We are concerned that the development must be contained in the upper part of the site and entrance and exit for vehicles and people must be onto Church Road at all times.
- Despite the agent speaking of the units reducing in number, this remains a very cramped proposed redevelopment, out of scale for the size of plot.
- This does not promote building of the highest quality, in accordance with the requirements and aspirations of residential development.
- There is very little amenity space within the proposed redevelopment.
- Still feel this is cramped development and am concerned with the number of cars being parked overnight in an enclosed area. In the event of a fire the only exit seems a bottleneck and there is also very limited access for emergency vehicles.
- Seven parking places are shown on the plan however in practice there will be a problem with utilising 1, 2 and 3.
- There is no specific mention as to the size and design of the proposed railings which are to be fitted to the top of the retaining wall.

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

PLANNING POLICIES

The King's Lynn and West Norfolk Local Plan (1998) contains the following saved policies that are relevant to the proposal:

4/21 - indicates that in built-up areas of towns or villages identified on the Proposals Map as Built Environment Type C or D development will be permitted where it is in character with the locality.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS04 - Downham Market

CS08 - Sustainable Development

CS11 - Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

OTHER GUIDANCE

Downham Market by Design

PLANNING CONSIDERATIONS

The key issues identified in the consideration of this application are as follows:

- The Principle of Development;
- Form and Character / Impact on Heritage Assets;
- Residential Amenity;
- Highways Impact; and
- Other considerations.

The Principle of Development

The application site lies within Built Environment Type 'C' and the Defined Area of Town as identified by the King's Lynn and West Norfolk Local Plan (1998) Inset Map for Downham Market. Within this defined area the principle of new residential development is generally considered to be acceptable under saved Policy 4/21 of the Local Plan, provided that the proposal has regard for and is in harmony with the building characteristics of the area and it complies with all other relevant policies.

Furthermore, given that the Council does not currently have a five-year supply of deliverable housing sites, housing applications such as this should be considered in the context of the National Planning Policy Framework's (NPPF's) presumption in favour of sustainable development because local policies relating to the supply of housing are no longer considered up-to-date (para 49). Paragraph 14 of the NPPF states that where relevant local policies are out-of-date planning permission should be granted unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.

In this case the application site lies within Downham Market town centre which is a sustainable location. As a result there is a presumption in favour of development in this area.

Form & Character / Impact on Heritage Assets

The proposed development seeks the provision of 2 x 3-bedroom houses (Plots 1 and 4), 1 x 2-bedroom house (Plot 3) and 1 x 1-bedroom flat (Plot 2). Plots 1-3 have the appearance of a terrace fronting onto Church Road with undercroft vehicular and pedestrian access through to the parking area and Plot 4 at the rear of the site.

Originally 5 no. units were proposed but several revisions have been made during the application process, including a reduction of the number of units to 4, in light of Officer and Norfolk County Highways concerns.

The application site lies within the heart of Downham Conservation Area and there are numerous listed buildings adjacent to and in close proximity of the site including No.37-39 which comprises National Westminster Bank, residential flat and Dental Surgery.

Historic England and the Conservation Area Advisory Panel have been consulted on the proposed development. Whilst Historic England raised an objection to the original submission, they have confirmed they have no objection to the revised scheme subject to materials / detailing being dealt with by condition.

Historically there would have been frontage development along the western side of Church Road therefore re-instatement of a terrace style development fronting onto the street is to be encouraged. Plots 1-3 would be set back from the footway and their overall height has been reduced to two storeys in order to provide better integration in the streetscene and allow more private frontages for each unit. The front elevation would be faced in local carrstone with buff coloured brick ashlar around openings and at building corners. Windows and doors will also have shallow brick arches over and chimneys have also been included in the revised scheme.

At the rear of the site, Plot 4 would be created by renovating and extending an existing outbuilding known as 'Mouse Cottage'. Given this is already part of the established built environment and would have been linked to the adjacent listed building (No.37-39) it is considered preferable to retain, renovate and extend this existing building in order to enable a viable use rather than see it be left to deteriorate further. The revised drawings also show a private garden area immediately in front of Plot 4 which is considered by Historic England to be a benefit of the scheme as leaving this area more open helps give a greater degree of visual connection between the rear of the listed property and the larger site.

Concerns have been raised by local residents and the Town Council that the proposal is cramped and overdeveloped but the provision of 4 no. units is not considered excessive for the site, particularly given its town centre location and the fact that Plot 4 would make good re-use of an existing outbuilding.

It is therefore considered overall that the revised proposals are acceptable for the site and its surroundings, would provide an enhancement to the Church Road streetscene and would help preserve the historic character and appearance of the Downham Conservation Area. The proposed development is also considered to be acceptable in terms of its impact on the setting of the adjacent listed buildings.

Residential Amenity

The nearest neighbouring residential properties are Flats 1, 3 and 3 within No.35 High Street which adjoins the site to the south. Plot 4 (Mouse Cottage) abuts the shared boundary with No.35 but no windows are proposed in the southern elevation. As a result there would be no overlooking or loss of privacy to any neighbouring residential occupiers.

Furthermore, although the existing outbuilding would be extended at two storey level it is not considered that it would result in any significant loss of light / overshadowing or overbearing impact to neighbouring occupiers. Particularly given that there had previously been a number of mature trees on the site in close proximity to the shared boundary which were at a considerable height. Their removal has since been authorised under tree application ref: 14/00128/TREECA.

It is not considered that Plots 1-3 would have any material impact on the amenities of residential occupiers of No.35 High Street because even though there is a significant change in levels between the rear of properties on the High Street and the Church Road frontage, there would be a separation distance of at least 23 metres. Plot 1 includes provision of a first floor flank elevation window but this would only overlook the shared parking area for No.35 High Street and given it relates to a bathroom it can be conditioned to be obscure glazed.

The proposed development would not have any material impact on the existing residential flat at No.37A High Street (or the two flats proposed under application ref: 15/00694/F) as this is within the front section of the first and second floors fronting onto High Street only.

In terms of the living environment to be provided for future occupiers, each of the proposed houses would have their own rear garden area with rear access, bin and cycle storage. Dedicated bin storage for the proposed 1-bedroom flat would also be provided to the rear of the proposed turning area. Although the garden area for Plot 4 would inevitably be overlooked by existing windows within the rear elevation of No.37 and the southern elevation of No.39, these properties are occupied by National Westminster Bank and a Dental Surgery and it is not considered that the amenity of future occupiers of Plot 4 would be materially compromised.

Highways Impact

The proposed development includes provision of 2 car parking spaces per two-bedroom and three-bedroom unit and 1 space per 1-bedroom unit which accords with adopted standards. The proposal also includes provision of satisfactory access and visibility onto Church Road therefore Norfolk County Highways have raised no objection on highway safety grounds subject to the imposition of conditions relating to access, parking and turning.

However, they have raised a concern regarding the provision of access gates close to the site entrance as vehicles may obstruct the footway while they are being opened and closed by a number of residents. The details submitted in support of the application advise that the gates would be automatic and operated by remote control. Taking this into account along with the size of development proposed it is not considered likely that numerous vehicles would be turning into the site at the same time. Therefore instead of the imposition of a condition restricting the installation of any gates, bollards etc. across the proposed access it is recommended that a condition is imposed requiring the submission and approval of details of the gates prior to any installation. This will allow them to be set back further into the site if necessary or alternatively, allow the developer to choose whether to omit them from the scheme.

Other Considerations

CSNN have raised no objection subject to conditions relating to foul and surface water drainage, road noise attenuation for the units fronting Church Road and external lighting.

The IDB have raised no objection.

A local resident has queried in their representation the size and design of the proposed railings which are to be fitted to the top of the retaining wall at the rear of the site. This would be addressed by the imposition of the recommended boundary treatment condition.

CONCLUSION

The application proposal would make use of an existing outbuilding on the site and re-instate frontage development along the western side of Church Road therefore the provision of 4 no. units is not considered excessive for the site. The design of the scheme is considered acceptable for the site and its surroundings and would not have any material impact on the Downham Market Conservation Area or the setting of adjacent listed buildings. Furthermore, the proposal would not have any detrimental impact on residential amenity or highway safety.

As a result it is considered that the proposal complies with the provisions of the National Planning Policy Framework (2012), Policies CS01, CS04, CS08, CS11 and CS12 of the Council's adopted Core Strategy (2011), saved Policy 4/21 of the King's Lynn and West Norfolk Local Plan (1998) and draft Policies DM15 and DM17 of the Site Allocations and Development Management Policies Pre-submission Document (2015).

It is therefore recommended that planning permission be approved subject to the conditions outlined below.

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. 3643.01 rev L; 3643.03 rev G; and 3643.05 rev E received by the local planning authority on 6th July 2015 and 3643.06 rev D received on 16th June 2015.
- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition No development shall commence on any external surface of the development until a sample panel of the materials to be used for the external surfaces of the building(s) and/or extension(s) hereby permitted has been erected on the site for the inspection and written approval of the Local Planning Authority. The sample panel shall measure at least 1 metre x 1 metre using the proposed materials, mortar type, bond and pointing technique. The development shall be constructed in accordance with the approved details.
- 3 Reason To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 4 Condition No development shall commence until full details of the foul and surface water drainage arrangements for the site have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.
- 4 Reason To ensure that there is a satisfactory means of drainage in accordance with the NPPF.

- 5 Condition No development above foundation level shall take place on site until a scheme to protect the dwellings from road traffic noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved before any of the dwellings are occupied.
- 5 Reason To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.
- 6 Condition Prior to the first occupation of the development hereby approved, a detailed outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lighting columns, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site. The scheme shall be implemented in accordance with approved scheme and thereafter maintained and retained as agreed.
- 6 Reason In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.
- 7 Condition No development shall take place until a Written Scheme of Investigation for a programme of archaeological works has been submitted to and approved by the local planning authority in writing. The scheme shall include:
1. An assessment of the significance of heritage assets present
 2. The programme and methodology of site investigation and recording
 3. The programme for post investigation assessment of recovered material
 4. Provision to be made for analysis of the site investigation and recording
 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 6. Provision to be made for archive deposition of the analysis and records of the site investigation
 7. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- 7 Reason To safeguard archaeological interests in accordance with the principles of the NPPF. This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.
- 8 Condition No demolition or development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 7.
- 8 Reason To safeguard archaeological interests in accordance with the principles of the NPPF. This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.
- 9 Condition The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 7 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 9 Reason To safeguard archaeological interests in accordance with the principles of the NPPF.

- 10 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 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.
- 10 Reason To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.
- 11 Condition Before the first occupation of the dwellings hereby permitted the first floor flank (SW) elevation window of Plot 1 shall be fitted with obscured glazing and any part of the window(s) that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The window(s) shall be permanently retained in that condition thereafter.
- 11 Reason To protect the residential amenities of the occupiers of nearby property.
- 12 Condition Prior to the first occupation of the development hereby permitted the vehicular access (indicated for improvement on drawing No. 3643.01L) shall be upgraded/ widened in accordance with the Norfolk County Council residential access construction specification. 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.
- 12 Reason In the interest of highway safety and traffic movement.
- 13 Condition Notwithstanding the approved plans, prior to the installation of any gates across the site access full details of the type, design, position and operation of the gates shall be submitted to and approved in writing by the local planning authority. The gates shall be implemented and maintained in accordance with the approved details.
- 13 Reason In the interests of visual amenity and highway safety to accord with the provisions of the NPPF.
- 14 Condition Prior to the first occupation of the development hereby permitted the proposed access / on-site car and cycle parking / turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 14 Reason To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.