

AGENDA ITEM NO: 8/3(I)

Parish:	Terrington St Clement	
Proposal:	Construction of new private dwelling following demolition of former hair dressing salon	
Location:	73 Sutton Road Terrington St Clement Norfolk PE34 4PJ	
Applicant:	Mr Trey Spark	
Case No:	16/02096/F (Full Application)	
Case Officer:	Mr K Wilkinson	Date for Determination: 26 January 2017 Extension of Time Expiry Date: 10 February 2017

Reasons for Referral to Planning Committee – The views of the Parish Council are contrary to the Officer recommendation.

Case Summary

The application seeks full planning permission for the erection of a single dwelling house following the demolition of the former hair dressing salon at 73 Sutton Road, Terrington St Clement.

The site lies within the development boundary of Terrington St Clement, is on previously developed land (brownfield) and surrounded by residential development.

Key Issues

Principle of development
Impact on amenity
Access

Recommendation

APPROVE

THE APPLICATION

The application seeks full planning permission (resubmission) for the erection of a new private 4 bedroomed dwelling, following demolition of the former hairdressing salon at 73 Sutton Road, Terrington St. Clement.

Access to the site is off Sutton Road via a private drive which serves three new houses to the rear/south and two dwellings to the west.

SUPPORTING CASE

The Agent offers the following statement in support of the proposal:

“Following the withdrawal of Application Ref: 16/01617/F in order to address the concerns raised by the neighbours of the site, the Parish Council and Mr Keith Wilkinson of the Planning Authority. It is disappointing that the revised plan, despite now meeting with the approval of the widely experienced Senior Planning Officer, Mr Wilkinson, has attracted just as much (largely unjustified) objection as the previous application.

I can fully understand that the people living off the same access will be 'tired' of the ongoing disruption from construction works within the site, but it is a fact that such disruption is true of any and all development and should not in itself prejudice any particular application. It is not the fault of the current applicant that the previous and ongoing development has been fragmented and somewhat protracted and it is still very much the case that the development of a single final dwelling, in place of the currently disused Hairdressing Salon, is the only logical conclusion to the development of this particular area. I find it hard to believe that this will not have been in the minds of those responsible for giving approval to the building which has already taken place. It surely cannot be the most desirable outcome for the empty Salon to remain as it is if permission to replace with a dwelling is not forthcoming.

The proposed dwelling has been considerably amended to reduce the size and be brought forward to be in line at the rear of its neighbour to reduce further any issues of unreasonable overlooking. This also gives a more generous rear garden whilst allowing for sufficient off road parking to be retained and not cause any access issues to anyone further along the driveway. The scale and style of the dwelling has been dictated by both the pre-existing dwelling (alongside which it will sit) and that of the new homes built immediately behind. An even smaller dwelling would not look right here, as because of the Perceived Flood Risk, the ground floor has had to be raised out of the ground considerably. The expansive 'L' shape of the current footprint and split level floor and roof effectively negate the effect of the house resembling a 'tower' as would be the case if a simpler/smaller design were to be employed.

Comment received which makes claim to the drawings being in any way misrepresentative of the site or the status of the ownership, are entirely misleading. Every effort has been made to accurately represent the extent of the site boundaries, within which the applicant assures me he has sole ownership whilst granting a 'right of way' to those who access their properties over his land”.

PLANNING HISTORY

16/01617/F: Application Withdrawn: 08/11/16 - Construction of new dwelling following demolition of former hairdressing salon

Reference is also made to the recent planning history on the site to the rear which shares the access:

06/02461/O: Application Permitted: 07/02/07 - Outline Application: residential development of land - 2 plots

12/00199/F: Application Permitted: 16/08/12 - Erection of three dwellings and associated works following the demolition of the existing bungalow

12/00199/NMA_1: Application Permitted: 22/04/14 - NON-MATERIAL AMENDMENT TO PLANNING CONSENT 12/00199/F: Erection of three dwellings and associated works following the demolition of the existing bungalow

15/01120/F: Application Permitted: 14/09/15 - Variation of Condition 2 attached to planning permission 12/00199/F to allow each plot a double garage

RESPONSE TO CONSULTATION

Parish Council: OBJECT – The council still object to the development of this site. They request that the drainage board requirements are referred to and the requirements in their report should be satisfied.

The council feel it is over development of the site and the access goes over private land and the owner of this land has not given permission for wayleave over the land. The access is on a dangerous part of a busy road and will cause an additional hazard.

Local Highway Authority: NO OBJECTION subject to conditions in relation to provision of access and turning.

King's Lynn Drainage Board: NO OBJECTION but refers to the need to address byelaw requirements.

Environmental Health & Housing – Environmental Quality: NO OBJECTION subject to conditions relating to contamination and asbestos removal.

District Emergency Planning Officer: NO OBJECTION subject to conditions relating to signing up to Floodline and an evacuation plan. These requirements fail to pass the tests applied to conditions regarding enforceability however may be covered by an informative note applied to any permission.

Environment Agency: NO OBJECTION subject to condition relating to finished floor level (on previous application now withdrawn)

REPRESENTATIONS

FOUR letters of **OBJECTION** have been received on the following grounds:

- Overdevelopment
- Conflict with parking and access
- Impact on residential amenity
- Overshadowing
- Overlooking
- Noise and disturbance (particularly during construction)
- Misleading plans

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

CS11 - Transport

CS10 - The Economy

CS01 - Spatial Strategy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM2 – Development Boundaries

DM1 – Presumption in Favour of Sustainable Development

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

PLANNING CONSIDERATIONS

The main issues in relation to the consideration of application are as follows:

- Principle of development
- Impact on amenity; and
- Access

Principle of development

The site lies within the village development boundary of Terrington St Clement, which is identified in the development plan as a Key Rural Service Centre and an appropriate location for limited growth to secure the sustainability of the settlement. The nature of this development is further controlled through Core Strategy policies CS06, CS08 & CS11 of the LDF and Policy DM15 of the SADMPP.

The existing single storey salon building is of no historical or architectural merit and the re-development of this site would result in the removal of an eyesore. The unit has been vacant for several years, has deteriorated from neglect and the asbestos roof has recently been removed. There is no prospect of it being re-used for commercial purposes and its loss would not detract from the range of facilities within the village. It is considered to be compatible to the provisions of Core Strategy Policy CS10 of the LDF.

It is considered that in principle the site is an appropriate location for a single dwelling, having regard to the strategic policies of the development plan.

Impact on amenity

The physical and visual impact of developments are largely addressed within Policies CS08 and DM15, which seek to ensure that new development is sustainable and attractive whilst not adversely impacting on residential amenity or wider visual amenity.

The proposal is a resubmission of an application made in 2016, which was subsequently withdrawn. The previous submission was significantly larger than this revised scheme and was considered to adversely impact on visual and residential amenity.

The current application is for a 4 bedroomed 2 storey family home with the principal element measuring 9.9m by 6.6m with a subservient front projecting wing measuring 5.2m by 5.62m containing an integral garage at ground floor and master bedroom above served by an east-facing dormer window. Eaves are at 6m and ridge 8.5m above existing general ground level (4.6m and 7.6m respectively to the forward projection). It is noted that the Flood Risk Assessment requires Finished Floor Level to be 1m above general ground level as part of resilience measures.

The dwelling is sited in line with the rear of the adjoining house No.75 and the front projection does not infringe upon the access track serving Nos. 75 & 77. Given the siting and orientation of the proposed new house, there would be no overshadowing or overbearing implications in relation to adjoining properties.

The scale and design of the dwelling is now considered to be acceptable, having regard to its context and the requirements of Policy DM15. The facing materials have been identified and match those used on the dwellings to the rear of the site.

Given the proposed elevated floor level, the decking indicated to the rear of the dwelling has the potential to enable overlooking into the rear garden of the adjacent property No.75. The plans however show provision of a 1.8m screen along the western edge of the decking to negate this potential problem. The provision and retention of a screen may be secured via condition.

Concerns have been raised regarding overlooking from a window in the western elevation, however this relates to a stairwell and not a habitable room. There are no windows to habitable rooms in the eastern elevation of No.75 only a w.c and an en-suite. This relationship is considered to be acceptable.

Access

The site is shown to share access with 2 established homes to the immediate west of the application site and 3 new properties that have recently been approved on land to the rear.

The provision of an improved access onto Sutton Road required as part of the approval for the 3 dwellings to the rear is currently subject to ongoing enforcement action for non-compliance with agreed details; however that is not directly material to this application.

It is noted that one of the objectors has raised an issue in respect to questioning the right of access of the plot across the access and junction with Sutton Road. This is clearly a civil rather than a planning matter and not one that is material to the consideration of this submission.

Given the historic use of the site and the trip generation that the hair salon would have attracted, it is considered that the use as a dwelling will not materially increase trip generation over the access from this plot. The Local Highway Authority has not raised an objection to the proposal and as such it is considered to be acceptable.

There is an integral garage and two parking spaces indicated within the site which meets County Council standards for a dwelling of this size. There is potential for an additional space alongside the eastern gable of the house should the need arise.

Other material considerations

All other matters of planning importance may be secured via condition – contamination, finished floor levels, approved plans etc.

Byelaw issues relating to IDB land drains will need to be addressed separately – the agent and applicant are aware of this requirement.

CONCLUSION

Notwithstanding the concerns of the Parish Council and local residents, it is considered that the proposed development accords with the provisions of the Development Plan and would make a positive enhancement to the locality. Rights of way and byelaw issues will need to be addressed separately but are not affected by the granting of planning permission.

The proposal is therefore duly recommended for approval subject to certain conditions indicated 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 858-02C and 03C.
- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition Prior to the first occupation of the development hereby permitted the proposed access, on-site car parking and turning area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 3 Reason To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.

- 4 Condition Prior to the first occupation of the development hereby permitted, a vehicular crossing over the ditch/watercourse to the north of the site shall be constructed in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority.
- 4 Reason To ensure construction of a satisfactory access and in the interests of highway safety in accordance with the provisions of the NPPF.
- 5 Condition Prior to the first occupation of the development hereby permitted, the vehicular access shall be provided and thereafter retained at the position shown on the approved plan (858-3C) in accordance with the Highways Authority specification (Dwg. No. TRAD 2). Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- 5 Reason To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with the provisions of the NPPF.
- 6 Condition The development permitted by this planning permission shall be carried out in accordance with the approved revised Flood Risk Assessment GCB/NORFOLK ARCHITECTURAL DESIGN (dated September 2016) and the following mitigation measures detailed within the FRA:
 - Finished floor levels will be set at a minimum of 3.90m above Ordnance Datum (AOD).
 - Flood resistant construction to be incorporated into the building up to a level of 4.2m above Ordnance Datum (AOD).
- 6 Reason To reduce the impact of flooding on the proposed development and future occupants in accordance with the provisions of the NPPF.