

**AGENDA ITEM NO: 8/1(b)**

<b>Parish:</b>	<b>Burnham Market</b>	
<b>Proposal:</b>	<b>Demolition of existing dwelling and construction of two link-detached dwellings and two semi-detached dwellings</b>	
<b>Location:</b>	<b>Locksley Cottage North Street Burnham Market King's Lynn</b>	
<b>Applicant:</b>	<b>Prime Territory Ltd</b>	
<b>Case No:</b>	<b>15/00887/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mrs K Lawty Tel: 01553 616403</b>	<b>Date for Determination: 4 August 2015</b>

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

**Case Summary**

The application site comprises a single, detached, residential dwelling and associated garden land on the north side of North Street within the centre of Burnham Market. The immediate surrounding area is mixed residential and commercial in character, with a variety of predominately retail uses focussed around 'The Green' to the west.

The application site lies within an area defined as Built Environment Type C and is partly within the Conservation Area and Area of Outstanding Natural Beauty, according to Local Plan Proposals Maps for Burnham Market.

Planning consent was granted in 2013 for a village car park and residential estate on land to the rear of this site known as Foundry Field. This is currently under construction. The car park would be immediately adjacent to the northern part of this application site.

Members will recall a recent application for 4 dwellings on the site, 14/01571/F which was refused on the proposal being an overdevelopment of the site and for its poor design.

This application seeks to overcome these issues and seeks consent to demolish the two storey dwelling and the construction of four new dwellings; two link-detached dwellings and two semi-detached dwellings.

**Key Issues**

Principle of Development  
Impact upon the Conservation Area  
Impact upon Neighbour Amenities  
Highway Safety  
Other Material Considerations

**Recommendation**

**REFUSE**

## THE APPLICATION

The application site lies within an area defined as Built Environment Type C and is partly within the Conservation Area and Area of Outstanding Natural Beauty according to Local Plan Proposals Maps for Burnham Market. The southern part of the site (south of the northern side of the Cottage) is within the Burnham Market Conservation Area.

The application site comprises a single detached residential dwelling set back in the site on the north side of North Street within the centre of Burnham Market. The immediate surrounding area is mixed residential and commercial in character with a variety of predominately retail uses focussed around 'The Green' to the west.

Planning consent was granted in 2013 for a village car park and residential estate on land to the rear of this site on Foundry Field. This is currently under construction. The car park would be immediately adjacent to the northern part of the site.

Members will recall that the site has been the subject of a recent application for 4 dwellings, 14/01571/F. A pair of link-detached dwellings was proposed at the front of the site and a pair of semi-detached dwellings proposed to the rear. A central courtyard provided parking and turning to all for 4 properties. The application was refused by members for 2 reasons. First, the number of units on the site and its layout was considered to be an overdevelopment of the site, particular by reason of the small amount of amenity space and poor parking and turning facilities. Secondly, the design and scale of the development was considered to have a harmful impact on the streetscene, failing to either preserve or enhance the character of the Conservation Area.

The current application still seeks consent to demolish the existing property to construct 4 dwellings with two link-detached dwellings proposed to the front of the site and two semi-detached dwellings to the rear. However, the design and scale of the dwellings has been revised in an attempt to better reflect the existing and emerging development around the site in response to the refusal of the previous application.

## SUPPORTING CASE

The application has been supported by a Design and Access Statement which concludes:

- The present house does not enhance the Conservation Area, and neither does it make efficient and effective use of urban land, in a settlement where there is a demand for housing.
- Locksley Cottage is not well-built or well-planned accommodation for an occupier, and its surroundings are about to be drastically changed by the construction of public car parking on the rising ground immediately to the north.
- There are many forms of 'courtyard' developments in the centre of this village,
- There will be no detrimental to neighbours' amenity and will positively enhance the Conservation Area.
- There are specific technical and safety benefits achieved from reconstructing the highway frontage.
- The depth of plot is one-third deeper than elsewhere along North Street.
- Both the adjoining properties have development in depth – to the west there is a double plot due to the telephone exchange behind 'Foundry House' and the Wine Shop, and to the east are 'The Foundry' house with the separate 'Foundry Stables' house behind.

- At present Locksley Cottage is set back from the road by 7 metres, but is made even more recessive by its low 'cottage' profile – which is completely at odds with the street and the nearest buildings.

The development criteria for this site are considered to be the following:-

1. The street alignment is continued by the tall walling from the Wine Shop at the back edge of a new footway, with an improved exit view for 'The Foundry' parking;
2. The houses will relate to the height of those adjacent;
3. The houses will complement the early C19 styles which predominate in the village centre;
4. Each house has maximum access to a 'sunnyside' private garden;
5. The view into or through the site is enclosed by houses in the courtyard (minimising the view of future parking on the land to the north);
6. The view of the site from the north (future public parking) also maintains a high standard;
7. County Highways has set stipulations about providing pedestrian safety on this frontage, and the road width is to be regulated at a consistent 5.5 metres width; this enables the footway to be created with a formal kerb line – albeit a flat or shallow 'bump over' kerb, which enables joint use also by vehicles if necessary to pass another.

These factors have strongly influenced the design concept, and have been discussed at the Conservation Areas Advisory Panel in detail. In response:-

- The houses are set back from the street line; in a position comparable to the present cottage and the north side of the road generally this will ensure that their height is not considered dominant towards either pedestrians in the street or the homes on 'The Foundry' site adjacent to the east.
- The siting of the houses enable private, walled, south-side gardens, for all four plots, enabling the use of the outside space. All vehicle movements are focused around the internal courtyard / turning head.
- The 'Design and Access and Heritage Statement: Key Points' makes the following additional points:-
- Planning Officers, Conservation Officer, Conservation Area Advisory Panel and Highways previously recommended a larger application on the site for approval.
- Planning and Conservation requested link houses with archway and barn style houses at the back
- The square footage is 11% less for plot 1 and 20% less for plot 2. The back two have also been reduced in scale.
- The original house covers a large proportion of the site and is not suitable for future generations due to very poor construction, damp, poor layout and design.
- The site will have a sense of openness in the street scene with the new dwellings set further back than the existing house to lessen its impact a similar example is set in Polstede Place in North Street.
- Highways benefits are in the form of a centralised access for best sight lines and a strip of land given over to highways for a pedestrian footpath
- The front two houses are now 3 bedroomed as opposed to 5 bedroomed; now two storey, and all front dormer windows removed. They are lower in height than the adjacent wine store and well below the 3 storey houses opposite.
- Amenity space has now increased by 27% for Plot 1 and 18% for Plot 2. The amenity spaces benefit from southern sun set behind a courtyard setting. [The proposal is of a] Similar density to plot 33 at the Foundry Field development site.
- The tandem parking arrangement has been removed from the scheme.

An Arboricultural Impact Assessment has also been submitted in support of the application.

## **PLANNING HISTORY**

14/01571/F – Demolition of existing dwelling and construction of two link-detached dwellings and two semi-detached dwellings – Locksley Cottage, North Street, Burnham Market – REFUSED – Planning Committee – 1st May 2015

## **RESPONSE TO CONSULTATION**

**Parish Council: NO OBJECTION**

**Conservation Officer: COMMENTS** to be forwarded on in late correspondence

**Conservation Areas Advisory Panel: COMMENTS** the panel considered that the design of the front was acceptable but felt that a reduction in the number of units on the site was necessary. The panel also considered that a complete reassessment of the scheme could be beneficial.

**Environment Agency: NO OBJECTION**

**Highways Authority: NO OBJECTION** subject to conditions.

**Environmental Health & Housing - Environmental Quality: NO OBJECTION** subject to conditions.

**Arboricultural Officer: NO OBJECTION** subject to condition.

**Historic Environment Service: NO OBJECTION** subject to conditions.

**Police Architectural Liaison Officer: NO OBJECTION**

**Environmental Health and Housing – Community Safety Neighbourhood and Nuisance: NO OBJECTION** subject to conditions

## **REPRESENTATIONS**

**TWO** letters in support of the application on the following grounds:-

- The present house is of poor construction and does not fit into the character of the village.
- The new houses will fit in better
- Frees the centre from cars being parked up.
- 4 houses on the site is appropriate
- New entrance better positioned
- Wider footpath is of benefit

## **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

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS09** - Housing Distribution

**CS11** – Transport

**CS12** - Environmental Assets

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT**

**DM1** – Presumption in Favour of Sustainable Development

**DM15** – Environment, Design and Amenity

## **PLANNING CONSIDERATIONS**

The main planning considerations in regards to this application are:-

- Principle of Development
- Impact upon the Conservation Area
- Impact upon Neighbour Amenity
- Highway Safety
- Other Material Considerations

## **Principle of Development and Planning History**

The application site is located within Built Environment Type C, the Conservation Area of Burnham Market and an Area of Outstanding Natural Beauty (AONB) as defined by the King's Lynn and West Norfolk Local Plan 1998.

Local Plan policy 4/21 supports the principle of development in an area defined as Built Environment Type C provided it is in harmony with the building characteristics of the area.

Core Strategy Policies CS01, CS02, CS06 and CS08 are relevant. CS01 promotes sustainable patterns of development to ensure strong, diverse economic activity whilst maintaining local character and a high quality environment.

Burnham Market is a 'Key Rural Service Centre' as defined by CS02 where limited growth of a scale and nature appropriate to secure the sustainability of each settlement will be supported within the development limits in accordance with Policy CS06.

The construction of new dwellings on the site is acceptable in principle provided it is of a good design, is in harmony with the building characteristics of the locality and does not have a detrimental impact on the heritage assets or the AONB.

Members will recall a recent application on the site for 4 dwellings, 2 link-detached and 2 semi-detached properties that was dismissed by the Planning Committee at April's Committee. The application was dismissed for 2 reasons:-

1. The proposed development, by reason of the number of units on the site and the layout, would be overdevelopment of the site resulting in cramped form of development which is highlighted by the small levels of amenity space and poor parking and turning arrangement for vehicles.

2. The proposed development would by reason of its design and scale, have a harmful impact on the streetscene and neither preserve nor enhance the character of the Conservation Area, contrary to the provisions of paragraphs 17, 131, 132 and 56-60 of the NPPF, Policy 4/21 of the Local Plan 1998, Policies CS08 and CS12 of the Core Strategy July 2011 and Development Management Policy DM 15.

This application seeks to overcome these two reasons for refusal as discussed below.

In addition, since the previous planning application was refused, a High Court Ruling has found that the Local Planning Authority (LPA) cannot demonstrate a five-year supply of deliverable housing sites. In such circumstances housing supply policies should not be considered up-to-date (para. 49 NPPF). Paragraph 14 of the NPPF states: At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking...For decision-taking this means...where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted'.

### **Impact upon Designated Heritage Assets**

North Street contains a mix of residential and commercial properties which are mostly located on the back of the footpath. Further along this side of North Street to the east properties are set back with short front gardens, but at this part of North Street the traditional, long, linear frontage is the key characteristic, with a mix of building types and ages following this pattern of built form. The old Satchell's building lies to the west across a garden and is Grade II Listed.

On the southern side of the road are terraced properties of brick and flint. Directly opposite the site is a brick fronted property which is significantly taller than other properties at three

storeys high. This property, Northfield House, is Grade II Listed as is the adjacent NatWest Bank building, which is a single-storey building, finished in flint cobbles.

The application site comprises an existing, detached, modern property with accommodation at 1st floor in the roof and garaging behind. The house presents cat-slide dormer windows in a steeply pitched roof fronting the street. The site widens out to the north so that the rear boundary is approximately 6m wider than the front.

Nationally, the NPPF seeks a high standard of design, and design that takes the opportunity to improve an area. Some of the key objectives referred to in the NPPF are for development which responds to local context and creates or reinforces local distinctiveness, are visually attractive as a result of good architecture and appropriate landscaping.

The National Planning Policy Framework (NPPF), specifically paragraphs 131 and 132, state that: "When determining planning applications, local authorities should take account of: the desirability of new development making a positive contribution to local character and distinctiveness and the desirability of sustaining and enhancing heritage assets. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting".

The National Planning Policy Guidance states that: "the setting of a heritage asset is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The extent and importance of setting is often expressed by reference to visual considerations."

The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places statutory duties upon Local Planning Authorities. In determining applications that affect a Listed Building or its setting Section 66(1) states that the Local Planning Authority: "shall have special regard to the desirability of preserving the building or its setting". Section 72 requires the LPA to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area when determining applications affecting buildings or land within the Conservation Area or its setting.

Furthermore, Policy CS12 of the Core Strategy states that "The historic and built environment play a crucial role in delivering environmental quality and well-being. Therefore the Council will preserve and where appropriate enhance its qualities and characteristics.

The Burnham Market Conservation Area Character Statement states:

"From the corner of The Green the first few yards of North Street are similar in character with colour washed, and then chalk bloc cottages on the southern side. Then the scale and character suddenly change with a series of Taller, early 19th Century industrial and institutional buildings lining both sides of the road. On the south side a tall, narrow brick warehouse still with its hoist, is followed, after a short gap by the diminutive bank... and then the more severe red brick workhouse with good late Georgian door cases and central carriage entrance. Opposite the formal chapel, Satchells and the wine merchant's house behind are an impressive group, all in gault brick and slate, together with the boundary wall. Its copings and finials were, like other cast iron details in this part of the street, made by the foundry a little further along. This group of buildings, now carefully converted to other commercial uses, together with the foundry master's house conclude this remarkably complete collection of buildings".

The proposal involves the demolition of the existing property and associated buildings and its replacement with four dwellings; two at the front and two set towards the back of the site. A single access road is shown to the middle of the site. External materials proposed are red brick, slate roofs and timber doors and windows. A new 1.8m high brick and flint wall is shown to the main boundary along North Street.

No objection was made to the loss of Locksley Cottage in the previous application, as the property is relatively modern and has no great merit in terms of design, but the proposed replacement development was considered overdevelopment and too much for the site.

Accordingly this revised application has been submitted in an attempt to address the reasons for refusing the last application.

### *Cramped form of Development*

The current proposal does not reduce the number of units on the site; instead the applicant seeks to overcome the first reason for refusing the 14/01571/F application by reducing the footprint of the properties on the site and revising the layout.

The applicant's document 'Design and Access Statement: Key Points Statement' refers to plot 1's footprint being reduced by 11% and Plot 2's by 20% resulting in an increase to the amenity spaces of plots 1 and 2 by 27% and 18% respectively. The southernmost element of the private amenity spaces to plots 1 and 2 are to be enclosed by a 1.8m high wall. Additionally, both of these properties are now 3 bedroomed properties as opposed to 5 bedroomed properties.

The document also refers to plots 3 and 4 having a reduced footprint. However, measuring off the plans reveals that there in fact is no change in the footprint of plots 3 and 4.

The layout of the site has been altered to provide 2 parking spaces side-by-side to plots 3 and 4 whereas previously parking to these plots was proposed in tandem form. Other alterations to the layout include the minor reorientation of all plots. The parking provision for plot 2 has been pushed back towards the eastern boundary of the site to allow more room on the site for cars to turn and leave in forward gear from plots 3 and 4.

In terms of the amenity space available to the units, whilst the 'Design and Access: Key Points Statement' refers to Plots 1 and 2 having had their footprints reduced by 11% and 20% respectively, this is incorrect. Plot 1 has a reduced footprint of 7.2m<sup>2</sup> which is a reduction of 5.5% (including garage area) and Plot 2 has been reduced by 16.45m<sup>2</sup> which is a reduction of 14%. The additional amenity space afforded to Plots 1 and 2 is stated to be increased from 86m<sup>2</sup> to 144m<sup>2</sup> for plot 1 and from 187.3 to 121m<sup>2</sup> for plot 2. However, the additional amenity space that has been created is mainly to the side of the properties and in practice would be used for servicing and to provide access to the private amenity spaces at the front and is of little practical use.

### *Design*

The application has tried to overcome the second reason for refusing the previous application by re-designing plots 1 and 2. In respect of Plot 1; whilst the ridge height is unaltered, the removal of the dormer windows and the parapet wall detailing on the front elevation lessens its vertical massing. Adding dental coursing above the first floor windows adds some interest to the front elevation of plot 1. In respect of plot 2, this no longer has the appearance of being stepped down from plot 1 by virtue of the re-designed plot 1. The ridge height and eaves height is the same as previously but by removing the dormer windows its design has been improved, giving the property more of a horizontal emphasis as opposed to



a vertical emphasis. The properties do not exceed the eaves height of the adjacent buildings of the Wine Shop (Satchell's) building to the west of the site and are of similar eaves height only slightly higher than the building to the east. The properties are set back in the street and their presence would not dominate the streetscene.

The dwellings cannot be brought forward to the back edge of the footpath as the development needs to be set back to achieve highways visibility splays for a safe vehicular access into the site and also to respect existing trees on the western boundary. A 1.8 m wall along the southern boundary will provide some form of enclosure.

Plots 3 and 4 have not been re-designed.

Whilst the Conservation Area Advisory panel considers that a reduction in the number of units is necessary, they have no objection to the design of the front properties.

It is considered that the design changes to plots 1 and 2 are acceptable, but the first reason for refusing the scheme remains outstanding.

### **Impact upon the Area of Outstanding Natural Beauty.**

The site is also within an Area of Outstanding Natural Beauty (AONB).

The NPPF, specifically paragraph 115, states that: "Great weight should be given to conserving landscape and scenic beauty in National Parks, the Boards and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

Given the scale and nature of the proposal, and its location within the village, however, it is considered that the integrity of the AONB will be retained.

### **Impact upon Neighbour Amenity**

The National Planning Policy Framework, specifically paragraph 17, states that, in respect to neighbour amenity: "Planning should provide a good standard of amenity for all existing and future occupants of land and buildings".

Policy DM 15 of the Draft Development Management Policies Pre-submission Document states that, in respect to neighbour amenity: "Proposals will be assessed against a number of factors including: Overlooking, overbearing and overshadowing... Development that has a significant adverse impact on amenity of others ... will be refused".

The relationship between the proposed works and neighbouring properties has been examined and the impact upon the amenity of the occupants of these properties has been assessed. Consideration has been given to overlooking, overshadowing and whether or not the proposed new dwelling and outbuildings would be overbearing.

Due to the position of existing windows, separation distances and spacing between the properties it is not considered there will be a significantly detrimental impact upon the amenity of the occupants of the adjoining properties in terms of overlooking, being overshadowed or the dwellings being over bearing.

### **Highway Safety**

The proposal shows a central access road with provision for vehicles and parking for each property in line with Policy DM17 of the Draft Development Management Plan. Additionally

the proposal provides an extended footpath, which links into and widens the existing footpath which terminates to the east of the site. The Highways Authority raises no objection to the proposal subject to the imposition of appropriate highways conditions.

### **Other Material Considerations**

The Environmental Health Officer has no objection to the proposal in terms of contamination subject to the imposition of suitable planning conditions.

Notwithstanding details received on plan 1868-27 dated June 2015, the Environmental Health and Housing – Community Safety Neighbourhood and Nuisance team request conditions in regards surface water as the capacity of the soakaways need further investigation. Additionally the CSNN team request a condition in regards to a construction management plan.

The site is within Flood Zone 1, low risk. The Environment Agency has no objections and there are no outstanding flood risk issues.

The Historic Environment Service has no objection to the proposal in terms of archaeology, subject to the imposition of suitable planning conditions.

Section 17 of the Crime and Disorder Act 1998 requires Local Authorities to consider the implications for crime and disorder in the carrying out of their duties. The application has been examined by Norfolk Constabulary and they raise no issues in terms of Secured by Design. The application will not have a material impact upon crime and disorder.

The site lies within 2km of a SSSI. However, the proposed development would not have a significant adverse effect on the features on which the SSSI is designated.

### **CONCLUSION**

Members will need to consider whether the application overcomes the 2 reasons for refusing the 14/01571/F application for 4 dwellings on the site. The first reason for refusal related to the proposed development being an overdevelopment of the site. By virtue of the number of units and the layout proposed, it was considered that the previous scheme was an overdevelopment of the site resulting in a cramped form of development, which was highlighted by the small levels of amenity space and poor parking and turning arrangements for the properties. The second reason for refusal related to the development, by reason of its design and scale, would have a harmful impact on the streetscene and neither preserved or enhanced the Conservation Area. The decision on this earlier application is capable of being a material consideration in the determination of this application.

In light of this earlier decision, whilst the parking and turning issues have been improved, especially for plots 3 and 4 and the design and scale of plots 1 and 2 being altered to fit better in the North Street street scene, the proposal would still result in a cramped form of development. The reduction in the footprint of plots 1 and 2 has provided little more amenity space and can be said to be of poor quality. The additional amenity space that has been created is in the main to the side of plots 1 and 2 and provides access only to the useable space at the front of the properties which has at best only increased the depth of the amenity space to plots 1 and 2 by around 1m.

However, the lack of a 5 year supply of land for housing introduces a new element in to the mix, namely the presumption in favour of sustainable development in paragraph 14 of the NPPF carries more weight than the Council's policies for housing delivery. Notwithstanding this, there is still a statutory duty to preserve or enhance the character of the Conservation

Area and this proposal fails to do this for the reasons outlined above. In this case, the adverse impacts of allowing a development that would have an adverse impact upon the character of the Conservation Area significantly and demonstrably outweigh the benefits of the proposal that would result in a net gain of 3 houses. On this basis it is considered that the proposal is not sustainable development as it fails to comply with paragraphs 17, 56-60, 131 and 132 of the NPPF and policy 4/21 of the King's Lynn and West Norfolk Local Plan 1998, Policies CS08 and 12 of the Core Strategy and Policy DM15 of the Draft Management Plan Document.

**RECOMMENDATION:**

**REFUSE** for the following reason(s):

- 1 The proposed development, by reason of the number of units on the site and the layout, would be an overdevelopment of the site resulting in a cramped form of development which is highlighted by the small levels of amenity space. The proposal would therefore be contrary to the provisions of paragraphs 17, 131, 132 and 56-60 of the NPPF, Policy 4/21 of the Local Plan 1998, Policies CS08 and CS12 of the Core Strategy July 2011 and Draft Development Management Policy DM15.