

AGENDA ITEM NO: 8/1(e)

Parish:	Downham Market	
Proposal:	Conversion of former offices to form three 2-bedroom residential units, alterations to coach house to form one 2-bedroom dwelling and construction of one pair of 3-bedroom semi-detached cottages	
Location:	The Stables Bexwell Road Downham Market Norfolk	
Applicant:	Mr John Murphy	
Case No:	15/00997/F (Full Application)	
Case Officer:	Mrs N Osler Tel: 01553 616402	Date for Determination: 18 August 2015 Extension of Time Expiry Date: 11 September 2015

Reason for Referral to Planning Committee – Town Council recommendation contrary to Officer recommendation

Case Summary

The proposal is for the conversion of offices to three, single-storey dwellings; conversion of an existing coach house to one, 1.5 storey dwelling and the construction of a pair of two-storey, semi-detached dwellings.

The site lies to the north of Bexwell Road, Downham Market and benefits from an implemented scheme for the conversion of the offices to two, single-storey dwellings; the conversion of the coach house to one dwelling and the construction of one, detached, two-storey dwelling.

As such the proposed development would result in an increase of 2 dwellings over and above the consented and implemented scheme.

The site lies within a Conservation Area and within Flood Zone 1.

This is a resubmission of a similar recently refused application that came before the Planning Committee at its June 2015 meeting. The previous application was the same as the current application except that instead of a pair of semi-detached dwellings there was a terrace of three dwellings, and a net increase in 3 (rather than 2) on the consented and implemented scheme.

Key Issues

Principle of Development;
Form and Character and Impact on the Conservation Area;
Highway Safety;
Residential Amenity; and
Other Material Considerations.

Recommendation

APPROVE

THE APPLICATION

The application site has been subject to a number of planning applications (see 'History' section below). The two most relevant being the recent refusal (15/00433/F) and the scheme approved under application 2/02/0566/CU. The 2002 permission has been confirmed by the Local Planning Authority (LPA) as having commenced and the permission has therefore been implemented and can be completed at any time.

The site comprises c.0.2ha of former garden land to The Rosary (a large, late Victorian detached house situated to the southwest of the site whose curtilage extends to the west of the site).

The site contains a linear building running north-south along the eastern boundary (historically stables, but most recently offices), a former coach house (located in the north-eastern corner of the site) and an area of walled garden to the west (the location of the consented detached dwelling). Along the western boundary wall of the site are three small lean-to outbuildings - it is proposed to repair and retain these as outbuildings to the proposed pair of semi-detached dwellings.

The northern boundary of the site comprises iron 'estate' fencing and fronts the existing private access road serving The Orchard (a small development of houses). The eastern boundary consists of a carrstone wall that separates the site from Rabbit Lane (an unadopted and unmade track serving a number of dwellings). Rabbit Lane is also a pedestrian Public Right of Way.

The current application is for the conversion of the offices to three, single-storey dwellings, the conversion of the coach house to one, 1.5-storey dwelling and the construction of a pair of two-storey, semi-detached dwellings - an increase in two dwellings from the consented and implemented scheme.

The application before Committee now has evolved during the application process. Originally it was resubmitted with a terrace of three, but with outside access to the rear garden of the mid-terrace property via an archway. The applicant considered that this sufficiently addressed the reason for refusal of the previous application which was: *The proposed development, by virtue of the lack of a separate access to the rear amenity space of the mid-terrace 2-storey dwelling, would not provide satisfactory living conditions for future occupants of this dwelling and is therefore considered to represent poor design that fails to contribute positively to making places better for people. The proposal is therefore contrary to the NPPF in general and specifically to Chapter 8 of the NPPF, Policy CS08 of the Core Strategy, 2011 and emerging Policy DM15 of the Site Allocation and Development Management Document, 2015.* However, the town council and other third parties considered that this was not the case. The town council recommended refusal on the grounds that 'it appears that the recommendation proposed by this Council [the Town Council] and apparently agreed by the BCKLWN was not communicated to the applicants and it remains this Council's view [the Town Council] that a pair of semi-detached cottages is preferred to the three terraced cottages option". As such the applicant reduced the terrace of three to a pair of semi-detached dwellings. Consultees and third parties were re-consulted on the amendments and it is the updated comments (where received) that are listed in the **RESPONSE TO CONSULTATION** section below.

SUPPORTING CASE

No supporting case has been submitted.

However, it is considered that the supporting case made on the previous application remains relevant: *The DAS that accompanied the application states: 'Consideration has been given to form, scale and appearance to ensure that the proposal is in keeping with the character and appearance of the conservation area, respects local amenity, ensures safe highway conditions and retains existing trees where possible.'*

'It is asserted that the proposal provides a more appropriate use of the land than the existing permission in terms of design and layout and optimising the use of previously developed land. The design and use of materials and finishes to the development will ensure that the proposal will make a positive contribution to the designated conservation area and the wider area more generally. The site will make provision for smaller residential units suitable for starter homes and / or young families, set within a mature landscaped setting.'

'It is considered that the proposal would accord with the provisions of Policies 4/21 and 8/1 of the Local Plan, Policies CS1, 2, 4, 8, 9 and 12 of the Core Strategy, emerging Development Management Policies DM1, 2, 15 and 17, and the requirements of the National Planning Policy Framework'.

RELEVANT PLANNING HISTORY

15/00433/F - Conversion of former offices to form three 2-bedroom residential units, alterations to coach house to form one 2-bedroom dwelling and construction of three terraced 2/3 bedroom cottages - Committee refusal June 2015

07/01601/F - Conversion of offices to 5 one bed dwellings - Refused October 2007; dismissed at appeal (APP/V/2635/A/08/2070922)

2/02/0566/CU - Conversion of offices to two dwellings conversion of coach house to one dwelling and construction of one dwelling (modified scheme) – Permitted July 2002

RESPONSE TO CONSULTATION

Town Council: Recommend **REFUSAL** stating that “although one less unit is proposed the lack of amenity space appears to remain the same, the footprint apparently remains the same and concern is expressed about the loss of trees. Therefore, the proposal, by reason of the number of units proposed, results in a cramped form of development and lack of amenity space, which is not in harmony with and does not enhance the form and character of the building characteristics of the locality or its setting”

Highways Authority: **NO OBJECTION** subject to condition

Stoke Ferry Internal Drainage Board: No Comment to make

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

Historic England: Does not wish to comment on this occasion

Historic Environment Service: **NO OBJECTION** the proposal does not have any implications for the historic environment.

CSNN: **NO OBJECTION** subject to conditions relating to foul and surface water drainage and the submission of a construction management plan.

REPRESENTATIONS

Letters of **OBJECTION** from **SEVEN** properties in the immediate vicinity of the site have been received. The reasons for objection are:

- Road safety;
- Overbearing;
- Out of character;
- Disturbance;
- Tree preservation;
- Asbestos removal;
- Overlooking;
- Overdevelopment;
- Damage to third party property;
- Impact on Rabbit Lane during construction;
- Inadequacy of car parking spaces; and
- Lack of amenity space.

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

CS04 - Downham Market

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

DM2 – Development Boundaries

DM1 – Presumption in Favour of Sustainable Development

DM17 - Parking Provision in New Development

OTHER GUIDANCE

Downham Market by Design

PLANNING CONSIDERATIONS

The key issues for consideration in relation to the determination of this application are:

- Principle of Development;
- Form and Character and Impact on the Conservation Area;
- Highway Safety;
- Residential Amenity; and
- Other Material Considerations.

Principle of Development

The National Planning Policy Framework (NPPF), 2012 states, at paragraph 49, that: 'Housing applications should be considered in the context of the presumption in favour of sustainable development'.

Downham Market is one of the borough's main towns. Furthermore the application site falls within Built Environment Type C as identified in the King's Lynn & West Norfolk Local Plan, 1998. Within this area the principle of new residential development is generally considered to be acceptable under Policies CS02, CS04 and CS09 of the Core Strategy, Policy 4/21 of the Local Plan and emerging Development Plan Policies DM1 and DM2. Development must however have regard for and be in harmony with the building characteristics of the locality and comply with all other relevant policies.

In addition, the site also lies within a Conservation Area, and development must, at the very least therefore, preserve the qualities and characteristics of the designation as set out in planning law, the NPPF (Chapter 12) and the Core Strategy (Policy CS12).

Furthermore, permission has been granted in the past for residential development of the site (albeit on a smaller scale). As such, and as was the case with the recently refused application, it is considered that the principle of development is acceptable.

Additionally, since the previous application came before the Committee, it has been found that the Local Authority cannot demonstrate a five-year supply of deliverable housing sites. As such this renders the Development Plan's housing policies out-of-date.

In such circumstances, the NPPF states that *permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework [the NPPG] as a whole* (see paras 49 and 14 of the NPPF).

Form and Character and Impact on the Conservation Area

Whilst the predominant characteristic of the locality of the site is linear development fronting the main road (whether it is Bexwell Road or other main roads in the locality of the site) there are also numerous examples of comprehensive developments served off both large and small private accesses. Indeed The Orchards and other developments off Rabbit Lane are key examples. In this regard the proposed development is considered to respect the built characteristics of the locality and preserve the characteristics of the Conservation Area. Furthermore the conversion of the existing stables and coach house, in a fashion considered to preserve the fabric of these buildings, would be an enhancement of the area (however, it is a material consideration that these building could be preserved / enhanced under the implemented scheme).

The proposed new build (the pair of semi-detached dwellings) is of a scale, mass and appearance (cottage proportions with vernacular materials) that relate adequately to the site and the wider locality (the latter of which contains dwellings of all manner of sizes, scales, ages and character).

In relation to the wider site, it is considered that it is of a size that can accommodate the proposed development without resulting in a cramped form of development, and each unit is considered to have an appropriate amount of amenity space. The replacement of the terrace of three dwellings with a pair of semi-detached dwellings has addressed the reason for refusal of the previous application. It is not considered that the proposed development represents overdevelopment of the site.

Trees in Conservation Areas are protected. Additionally there are four trees that benefit from Tree Preservation Orders. However, the Local Authority's Arboricultural Officer has no objection to the loss of those trees shown to be felled. This conclusion would have been reached by full consideration of the health and amenity value of each tree.

In summary, it is considered that the proposed development is appropriate for the site and its surroundings. It would not appear overly dominant or out of keeping in the locality and would not have any detrimental impact on the established character or appearance of the Conservation Area. The Conservation Officer has no objection to the proposed development.

Highway Safety

The Local Highway Authority (LHA) has no objection to the proposed development on highway safety grounds and the proposal accords with current parking standards.

Residential Amenity

The reason for refusal of the previous application was: *The proposed development, by virtue of the lack of a separate access to the rear amenity space of the mid-terrace 2-storey dwelling, would not provide satisfactory living conditions for future occupants of this dwelling and is therefore considered to represent poor design that fails to contribute positively to making places better for people.*

The proposal is therefore contrary to the NPPF in general and specifically to Chapter 8 of the NPPF, Policy CS08 of the Core Strategy, 2011 and emerging Policy DM15 of the Site Allocation and Development Management Document, 2015. The replacement of the terrace of three dwellings with a pair of semi-detached dwellings has addressed this reason for refusal.

In relation to the impact of the proposed development on occupiers of existing dwellings, each element of the proposed development shall be considered in turn.

Conversion of Stables / Offices

This relationship remains the same as the previous application to which the Committee did not object. For reference the following is taken from the previous Committee Report: *It is a material consideration that these could be converted in accordance with the 2002 permission. The separation distances (c.30m between the closest part of the building with both Bexwell House (to the southeast) and The Rosary (to the southwest)) and means of separation Rabbit Lane (to the southeast) and significant trees (to the southwest) are considered sufficient to suggest that there would be no material overlooking impacts.*

Conversion of the Coach House

This relationship remains the same as the previous application to which the Committee did not object. For reference the following is taken from the previous Committee Report: *As with the stables / offices, it is a material consideration that this could be converted in accordance with the 2002 permission. The separation distances (c.19m) between the closest part of the building with both Kingfisher House and Cedar House to the north, together with the means of separation (private access), and the angles involved from first floor windows, are considered sufficient to suggest that there would be no material overlooking impacts.*

Construction of pair of semi-detached dwellings

Whilst different by virtue of the number of dwellings proposed (two as opposed to three) scale and mass remain the same. Therefore overbearing and overshadowing would be no different to the previous proposal, which on the grounds of neighbour amenity, the Committee considered acceptable. The only difference in terms of neighbour amenity is the insertion of a first-floor window on the side (northern and southern) elevations. However, these windows are shown to serve en-suite bathrooms and can therefore be suitably conditioned to be glazed with obscure glass.

Crime and Disorder

There are no specific crime or disorder issues relating to the proposed development.

Other Material Considerations

Whilst the application form states that *surface water drainage* will be via soakaway, because of known issues in this particular area, it is considered necessary and reasonable to append a condition to any permission granted requiring full details of surface water drainage.

The *safe removal and disposal of asbestos* – whilst Environment Quality consider it necessary to append conditions this relates to elements of the scheme that can be carried out under the implemented scheme. As such it is considered neither necessary nor reasonable to append such conditions.

Protected species – development relating to the coach house and stables / offices can continue at any time. Given this, and the fact that protected species are covered by other legislation, it is not considered necessary to condition these works in relation to the impact on protected species.

In relation to *third party comments* not covered in the main body of the report, the LPA comments as follows:

- Sewage provision is inadequate – without any evidence to the contrary, particularly in relation to capacity in the network, connection to the main sewage system is the preferred option for foul drainage. Additionally such an issue is also covered by building control legislation;
- Increase in noise of detriment to neighbour amenity – your officers do not consider that either the noise associated with construction or the resultant development are sufficient to require the submission of a construction management plan; and
- Impact on Rabbit Lane during construction (if scaffolding was erected on it) – this is a civil matter.

CONCLUSION

It is considered that the proposed development is appropriate for the site and its surroundings and would not have any detrimental impact on the established character or appearance of the conservation area. The proposed development would not result in any material harm to residential amenity or highway safety and has suitably addressed the reason for refusal of application 15/00433/F. As such it is not considered that there are any significant or demonstrable reasons that outweigh the benefits of providing much needed housing in a sustainable location within one of the borough's main towns.

It is therefore recommended that this application be approved subject to the following conditions.

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: 1264.1 and 1264.2 received on 23 June 2015 and 1264.3.A/TERR, 1264.3.B/TERR and 1264.S received on 17 July 2015.
- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition No development shall commence on site until full details of the surface water drainage arrangements 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.

- 3 Reason To ensure that there is a satisfactory means of drainage in accordance with the NPPF. This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.
- 4 Condition The development hereby permitted shall be carried out in accordance with the Tree Survey that accompanied the application (dated 17 March 2015 and carried out by Mike Houldsworth).
- 4 Reason To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF. This needs to be a pre-commencement condition given the potential for damage to protected trees during the construction phase.
- 5 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.
- 5 Reason To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 6 Condition No development over or above foundations shall take place on site until full details of the window style, reveal, cill and header treatment has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 6 Reason To ensure that the design and appearance of the development is appropriate in accordance with the principles of the NPPF.
- 7 Condition Prior to the first occupation of the development hereby permitted the proposed on-site access, car parking and turning areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved details and retained thereafter available for that specific use.
- 7 Reason To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.