

Parish:	Burnham Market	
Proposal:	Outline Application: Development of three dwellings	
Location:	West Mead Docking Road Burnham Market King's Lynn	
Applicant:	Mr Shaun Salter	
Case No:	17/01700/O (Outline Application)	
Case Officer:	Mr C Fry	Date for Determination: 7 November 2017 Extension of Time Expiry Date: 15 January 2018

Reason for Referral to Planning Committee – Called in by Councillor Sam Sandell

Neighbourhood Plan: No

Case Summary

The site is located within an area designated within the development boundary of Burnham Market.

Burnham Market is a Key Rural Service Centre in accordance with Policy CS02 of the Local Development Framework Core Strategy 2011.

The site contains a detached chalet bungalow and detached garage which is to be demolished to provide 3 dwellings.

The application is in outline format with all matters reserved.

Key Issues

1. Principle of Development
2. Impact upon the AONB
3. Form and Character Issues
4. Highway Safety
5. Impact upon Neighbour Amenity
6. Arboricultural Information
7. Other Material Considerations

Recommendation

REFUSE

THE APPLICATION

The application site lies on the northern side of Docking Road, Burnham Market and contains a red brick chalet dwelling and separate garage set back behind a low level wall. The property is in a central position on the site with the garage adjacent to the eastern boundary. Existing dropped kerbs to the west of the access would suggest that the existing property once benefited from 2 vehicular access points.

The site backs onto a wooded area and to the east of the site are red brick, knapped flint low height dwellings set in a cul-de-sac arrangement. The land immediately to the east is under the ownership of 1 Woodside, Burnham Market, who are applying for a cartlodge with accommodation above and a change of use from open space to garden space on that particular site (17/02068/F) which has yet to be determined.

To the west and south of the site are agricultural fields.

The proposal is to demolish the existing chalet dwelling and seek consent for 3 dwellings on land measuring 0.13ha. All matters are reserved however an indicative layout has been provided that splits the site approximately in half to provide 1 detached dwelling and 2 further detached dwellings. The existing access will serve two dwellings and the existing dropped kerb arrangement will serve one dwelling.

SUPPORTING CASE

The agent's supporting case will be forwarded on in late correspondence.

PLANNING HISTORY

17/01275/O: Application Withdrawn: 24/07/17 - Outline application for residential development

10/00681/F: Application Permitted: 10/06/10 - Extension to dwelling

2/00/1550/CU: Application Permitted: 21/11/00 - Change of use from residential to dental surgery

RESPONSE TO CONSULTATION

Parish Council: OBJECTION The Parish Council share the highways concerns over cars reversing onto a busy dangerous corner and insufficient space for vehicles to turn. Access only suitable for one dwelling.

Highways Authority: NO OBJECTION to amended set of plans. Provided the access arrangements are as per the amended drawing then I would have no objection subject to conditions. Note: There was an objection to the original set of plans which has been withdrawn.

Environment Agency: NO OBJECTION however if a connection to the mains foul drainage is not proposed then they would wish to object.

Environmental Health – Community Safety Neighbourhood Nuisance: NO OBJECTION Foul sewer connection is within 60m of the site, located in Docking Road, and this should be the chosen method of foul water disposal. The Environment Agency have identified that a principle aquifer is located below the site and therefore no deep soakaways will be

Planning Committee
8 January 2018

permissible. I strongly recommend that, prior to any future application, percolation tests on site are carried out to determine the ground conditions, and therefore I would request that the following condition is attached to any outline approval issued:-

- Foul and surface water drainage details
- Site Hours

Informative in regards to the Environmental Protection Act:- noise, dust and smoke from clearing and construction work, a soakaways.

Environmental Health & Housing – Environmental Quality: NO OBJECTION an informative is to be attached in relation to asbestos surveys.

Natural England: NO OBJECTION based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites.

Natural England has published Standing Advice on protected species

Coastal Partnership Manager: we would like to see good design through considering adjacent properties, scale and materials. The site sits in the development boundary and as I can see this would pose no detrimental impact to the AONB

Arboricultural Officer: NO OBJECTION but would require updated arboricultural information to be provided at reserved matters stage that takes into account the final layout of the site.

REPRESENTATIONS

1 letter of **OBJECTION** in regards to the original plans.

- The document does not show the position of our house - the closest building to West Mead. All our living area, sitting room, dinning area and kitchen have windows facing West Mead. We can see only roof and side wall of the garage and some of the roof beyond.
- The proposed two buildings using the garage space and garden with windows facing West Rim would outlook our garden and living area. Docking Road is 30mph but being a straight exit to the village drivers accelerate and over-take by West Mead. All the driveways along Docking Road have become turning places for drivers missing the junction to Burnham Deepdale.

None in regards to the amended set of plans.

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 PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

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 CONSIDERATIONS

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

1. Principle of Development
2. Form and Character
3. Impact upon the AONB
4. Impact upon Neighbour Amenity
5. Highway Safety
6. Arboricultural Implications
7. Drainage
8. Protected Species
9. Other Material Considerations

Principle of Development

The proposal seeks consent for the demolition of the existing dwelling and the erection of 3 dwellings with all matters reserved.

The site is contained within the development boundary of Burnham Market and as Burnham Market is classified as a Key Rural Service Centre, development that is of limited growth of a scale and nature appropriate to secure the sustainability of each settlement, will be supported within the development limits of the Key Rural Service Centre. However, the merits of the application are subject to other material considerations, including, form and character and layout.

Form and Character

The existing dwelling is a 1950s bungalow that has undergone substantial alterations and extensions including the provision of accommodation at first floor. This property is located centrally on the plot. The bungalow is angled on the plot but still retains an active frontage to the street. A dwarf wall and hedge forms the front boundary treatment. The application site has agricultural fields to the west and a small triangular piece of land to the east. Development fronting Docking Road in this area comprises pre-dominantly of detached dwellings on wider plots with noticeable visual gaps between them. "West Rim", the neighbour to the east of the site is a detached 1 ½ storey dwelling set on a similar sized, but deeper plot than the application site. By virtue of the development in the cul-de-sac being set back behind West Rim, there is a visual gap in the street scene either side of that property.

The comprehensive cul-de-sac development of 2 storey dwellings, to the north of the application site, would appear to be a denser form of development, but this development plays little part in the street scene of Docking Road, with only the side gables of the properties being apparent.

The site forms the start of what is the built form of development on the northern side of Docking Road when heading into Burnham Market, the character of this part of Docking Road is quite verdant. The wooded copse area to the north, the hedging and fields to the south and soft landscaping features to the properties that front Docking Road are quite noticeable. The existing scale and form of development is unimposing. Development on this part of Docking Road has a spacious feel and is less dense than the development contained within the centre of Burnham Market.

Conversely when heading out of Burnham Market, denser forms of development dissipate and a sense of remoteness starts to occur heading out of the village beyond this site. The proposal involves the demolition of the existing dwelling to provide 3 dwellings and an indicative layout is submitted with this application. As shown on plan PL 02 Rev E, one half of the site will contain 1 detached dwelling and the other half of the site will provide two dwellings that appear to be side onto the road. Two vehicular accesses will serve the development, although note that access is to be determined at reserved matters stage.

In commentary to the indicative layout, the development would appear to be dominated by parking from Docking Road with parking and access to 2 of the 3 properties being particularly noticeable. An uncomfortable relationship would exist between the property that is in the south west corner and the larger detached property in terms of overlooking. The development would also appear to be intensive and would fail to retain the spacious setting between the dwellings advocated on this part of Docking Road, to the detriment of its character.

Members will need to consider whether a revised layout and form of dwelling i.e 3 frontage dwellings in either semi-detached/terraced or detached combination would be suitable. However, it is your officer's opinion that the form of dwellings would need to be 1 1/2 storey or 2 storey detached dwellings, as there is little variety in the form and scale of dwellings on Docking Road and given the size of the site (specifically its width) there would as a result be the inability to provide the spacious setting between the 3 dwellings that is an inherent character of the built form on this part of Docking Road.

Impact upon the AONB

The site is contained within an Area of Outstanding Natural Beauty. Paragraph 115 of the NPPF "Great Weight should be given to conserving landscape and scenic beauty in Areas of

Planning Committee
8 January 2018

Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty." In this regard, the site is contained within I1 of the Landscape Character Assessment – "Burnham Market": The I1 classification states that there is the need to conserve the landscape setting of Burnham Market, that being belts, copses, wooded, mature trees and patches of intact hedgerow and to conserve the generally undeveloped, rural character of the area and related strong sense of tranquillity. The wooded copse to the north is safeguarded by protection measures referenced in the Arboricultural Impact Assessment.

The Coastal Partnership Manager does not object to the principle of developing the site as it is contained within the development boundary, but draws the applicant's attention to the character of adjacent properties, scale and materials.

Impact upon Neighbour Amenity

Third party representation is concerned that the proposal would cause detrimental neighbour amenity issues. The nearest residential neighbour lives at West Rim, approximately 19m to the east of the site and accordingly would not be principally detrimentally affected by the proposal, an extent that would warrant a refusal of the application.

The land immediately to the east of the site, between the eastern boundary and West Rim is the subject of a planning application for a change of use of open space to garden land in association with no. 1 Woodside, the neighbour to the north east (17/02068/F). That application is yet to be determined; however the presence of dwellings on this site adjacent the proposed extended garden area to no.1 Woodside is not considered to have a detrimental impact upon their amenity, as no.1 Woodside's private amenity space immediately to the rear of their dwelling, with that dwelling being sited to the north east of the site.

Highways Officer

The highways officer had a principle objection to the original scheme. The highways officer, notwithstanding the dropped kerbs on Docking Road, considered that the western most access cannot be considered to be existing as the wall that runs along the site's frontage prohibits cars from entering the site and the frontage wall and vegetation restricted visibility access below national guidance.

Amended plans have been submitted and have addressed these issues and the highways officer has no objection to the application subject to conditions. It must be noted however that this application is all matters reserved and essentially highways conditions cannot be imposed at this time. The proposed drawings however have identified that the development can be served by appropriate access arrangements.

Arboricultural

The Arboricultural Officer requested an Arboricultural Impact Assessment which has now been submitted. The Arboricultural Officer's has no principle objection to the application, however the officer would require an updated arboricultural report, arboricultural method statement and plans that reflected the finalised proposals/layout.

Drainage

The site can be served by mains foul drainage in Docking Road, albeit drainage details have yet to be finalised. Surface Water is to mains or soakaway.

Given that the drainage details are yet to be finalised a condition in regards to foul and surface water drainage could be attached to the decisions notice, if members were to approve the application.

Protected Species

As the site is adjacent to a wooded copse area that could contain protected species such as bats and barn owls, a phase 1 protected species report was requested. From the submitted phase 1 protected species report, it is concluded that there are no trees on site or in the woodland that present bat or barn owl roost potential. The buildings on the site were investigated and no evidence of bats or barn owls were found. The report concludes in regards to bats that the site and woodland would not be a significant or important foraging area.

In line with Natural England Guidance, watercourses within 500m of a development need to be considered in regards to the impact of the development upon protected species that could be contained within such water courses. In this regard two ponds are located approximately 240m and 340m to the east of the site (in the area of Burnham Market Surgery), however busy roads separates the site from these pond areas and accordingly the site is unlikely to contain or be used as a transited site by Great Crested Newts.

In respect to nesting birds, there will be some shrub removal which could cause an impact on nesting birds. Accordingly the report recommends that any removal shrubs or ornamental trees on the site should be undertaken after a visual inspection or prior to the bird nesting season. Should members wish to approve the application, a restrictive time condition can be imposed on the decision notice that prohibits working during the bird nesting season, with the flexibility to submit a bird nesting survey should the applicant wish to carry out works during such season.

In regards to reptiles, a precautionous approach is recommended in regards to the removal of grass.

There were no signs of badgers and there are no suitable habitats for otter or water vole.

Hedgehogs are a species of principal importance rather than a protected species under European law. From the report it was said that the access for hedgehogs is not good as they would be disturbed from transiting across the site by a chain and link fence.

Fundamentally, there is no requirement for an EPS License for the works on site and conditions in respect to the protection of nesting birds and reptiles could be imposed.

Other Material Consideration

The existing building is likely to contain asbestos materials and an informative is attached in this regard.

The Environmental Health Officer has requested a condition that restricts the construction hours of the development, however given the scale of this development it is not considered reasonable to impose such a condition.

CONCLUSION

Members need to consider whether this site is capable of accommodating 3 dwellings in such a way that the form and character of development on this part of Docking Road, Burnham Market can be sustained.

Development fronting Docking Road, in this locality, comprises of detached dwellings on ample sized plots with visual gaps between the dwellings being particularly noticeable. Notwithstanding that all matters are reserved for later considerations; it is your officer's opinion that in order to meet the established the form and character on Docking Road, that 3 detached dwellings fronting Docking Road with substantial gaps between the properties cannot be achieved on this site, and subsequently harm the character of Docking Road to a degree that would warrant a refusal of the application. However members may wish to consider that a different form of dwelling could be achieved on this site and thus the proposal could be supported in principle.

The proposal, in line with officer recommendation, is therefore recommended to be refused for being contrary to the provisions of paragraphs 17,56,58 and 64 of the National Planning Policy Framework; the National Planning Policy Guidance and Policies CS06 and 08 of the Local Development Framework; Policy DM15 of the Site Allocation and Development Management Policy Plan.

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 The character of the development comprises detached dwellings set within a spacious setting and albeit layout is a matter reserved for later consideration the principle of 3 dwellings on the application site is considered to advocate a cramped form of development that is contrary to the spacious character of development in the locality. The proposal is therefore contrary to paragraphs 17,56,58 and 64 of the NPPF; Policies CS06 and 08 of the Local Development Framework Core Strategy 2011, Policy DM15 of the Site Allocation and Development Policies Plan 2016.