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| <b>Parish:</b>       | <b>Stoke Ferry</b>  |  |
| <b>Proposal:</b>     | <b>Reserved Matters Application: construction of two dwellings</b>            |  |
| <b>Location:</b>     | <b>Land Between 11 And 12 Buckenham Drive Stoke Ferry King's Lynn Norfolk</b> |  |
| <b>Applicant:</b>    | <b>BCKLWN</b>   |  |
| <b>Case No:</b>      | <b>17/01951/RM (Reserved Matters Application)</b>                             |  |
| <b>Case Officer:</b> | <b>Mrs N Osler</b>  | <b>Date for Determination:<br/>18 December 2017<br/>Extension of Time Expiry Date:<br/>9 February 2018</b> |

**Reason for Referral to Planning Committee – BCKLWN application with objections**

**Neighbourhood Plan: No**

**Case Summary**

Members will recall that this application came before them at January's Committee meeting but was deferred to enable the submission of amended plans to provide for a wider footpath. Amended plans have been received that show the requested 1.8m wide footpath.

The application is for the consideration of the Reserved Matters (access, layout, scale, appearance and landscaping) associated with outline permission granted under application 14/01454/O.

The submitted Reserved Matters reflect the indicative plan that was submitted under the outline application and shows a pair of semi-detached properties with shared access and parking to the rear. An existing footpath is relocated around the southern and eastern edges of the site and access for the garage of No.11 (the existing neighbouring property to the east) is retained via the shared access.

**Key Issues**

- Form and Character
- Neighbour Amenity
- Highway Safety
- Other Material Considerations

**Recommendation**

**APPROVE**

## THE APPLICATION

The application is for the consideration of the Reserved Matters (access, layout, scale, appearance and landscaping) associated with outline permission granted under application 14/01454/O.

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## SUPPORTING CASE

Applicant / agent chose not to submit a supporting statement.

## RELEVANT PLANNING HISTORY

14/01454/O – Proposed residential development – Permitted

## RESPONSE TO CONSULTATION

**Parish Council:** Concern that even though the entrance has been revised cars will still cross the footpath which is close to the school where children walk. Concern that where the garage is proposed is currently a walkway and proposed to be a road, children may still use this and it will be a danger.

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

**REPRESENTATIONS:** Four letters of **objection** have been received. The majority of comments relate to the principle of development which has already been established. Issues relating to the current Reserved Matters application can be summarised as:

- Loss of footpath linking Buckingham Drive to Wretton Road and the school,
- Loss of light,
- Right of way to garage (No.11 Buckingham Drive),
- Noise due to relocation of footpath adjacent to boundary with No.11,
- Concern that when car is parked in front of garage or when garage doors are opened it will obstruct footpath (No.11).

## LDF CORE STRATEGY POLICIES

**CS08** - Sustainable Development

**CS11** – Transport

## SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

**DM15** – Environment, Design and Amenity

## DM17 - Parking Provision in New Development

### NATIONAL GUIDANCE

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

### PLANNING CONSIDERATIONS

The Principle of Development is already established by extant outline application 14/01454/O. As such the main issues for consideration in the determination of this application are:

Form and Character  
Neighbour Amenity  
Highway Safety  
Other Material Considerations

#### Form and Character

The scale, mass and design of the proposed development are considered to be appropriate for the site and its wider setting and form an infill between existing pairs of two-storey semi-detached housing.

#### Neighbour Amenity

The increase in width of the footpath has resulted in the pair of properties moving slightly closer to No.12 (the property to the immediate west). However, it is not considered that this would result in any material change in impact than the original proposal.

The Committee Report that was considered by Planning Committee on 8 December 2014 stated: *Although the application seeks outline planning permission only, with all matters reserved, the indicative site plan shows that a pair of semi-detached houses can be satisfactorily accommodated on the site without having any material detrimental impact on either neighbouring properties (Nos. 11 and 12 Buckingham Drive) in terms of overshadowing, overlooking or overbearing impacts.*

The plans submitted under this reserved matters application are consistent with those considered at outline stage and show, contrary to one third party comment that there would be no material overshadowing, overlooking or overbearing impacts of a degree to warrant refusal.

The occupier of No.11 suggests that the relocation of the footpath adjacent to his western boundary would cause disamenity and that he has a vehicular right of way to his garage at the rear. At the present time the land is open to anyone and there is nothing stopping people congregating along this boundary or cars parking up against it. It is therefore considered that the location of the footpath is appropriate and would not give rise to unacceptable neighbour amenity issues. The current proposal retains a vehicular right of way to the garage at the rear.

## **Highway Safety**

The Local Highway Authority has no objection to the proposed development on the grounds of highway safety. The LHA, in their consideration, must also consider pedestrian safety. The LHA raises no objection to the potential conflict in relation to the access to the garage serving No.11 and the relocated footpath. In this regard, whilst there is likely to be occasional conflict your officers do not consider that it would be any greater than the usual conflict of accesses crossing footpaths. The occupier of No.11 suggests that if his car is parked in front of the garage this would cause greater conflict. However, the area in front of the garage is not in the ownership of No.11 and therefore he would have no right to park his car in this location.

In consideration of the relationship between the proposed footpath linking Buckingham Drive and Wretton Road and the proposed shared access, it was considered reasonable to ensure, other than simply by virtue of the proposed different surfaces, that the two areas were clearly demarcated. As such amended plan were sought and the proposal now includes bollards between these two elements. In addition the footpath has been widened to 1.8m as requested by the Planning Committee thereby allowing more space for pedestrians to pass.

In relation to this footpath it is considered necessary for this to be in place prior to the commencement of development on the site to ensure pedestrian safety. This can be suitably conditioned if permission is granted.

## **Other Material Considerations**

### **Crime and Disorder**

The application raises no specific issues relating to crime and disorder.

## **CONCLUSION**

Permission is sought for access, layout, scale, appearance and landscaping to support permitted outline application 14/01454/O. In this regard the submitted plans show a scheme that would sit comfortably in the streetscene and would not raise any material highway safety or neighbour amenity issues.

The majority of concerns expressed relate to the principle of development which is not for consideration at this reserved matters stage. The remaining concerns relate to the loss of a footpath linking Buckingham Drive with Wretton Road. As stated above, this footpath is to be retained and improved (properly surfaced). Other concerns relate to the access to the garage of No.11 which again is covered in the main body of the report.

The principle of development, foul and surface water drainage, contamination and boundary treatments were all been fully considered at the outline stage of which this reserved matters application is in full accordance.

No objections have been raised on technical grounds.

It is therefore recommended that the 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 carried out in accordance with the following approved plans drawing nos: 17-L46-PL020E and 17-L46-PL021A.
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 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 (drawing number 17-L46-PL020E) in accordance with the highway specification (Dwg. No. TRAD 1). 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.
- 2 Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety in accordance with the NPPF and Development Plan.
- 3 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 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 in accordance with the NPPF and Development Plan.
- 4 Condition: Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking, amending or re-enacting that Order) no gates, bollard, chain or other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.
- 4 Reason: In the interests of highway safety in accordance with the NPPF and Development Plan.
- 5 Condition: Prior to the commencement of development the 1.8m wide footpath (including the provision of bollards) connecting Buckingham Drive to Wretton Road shall be provided in accordance with the approved plan and shall thereafter be retained in that condition.
- 5 Reason: In the interests of the safety of users of the footpath in accordance with the NPPF and Development Plan.