

## AGENDA ITEM NO: 8/2(b)

<b>Parish:</b>	<b>Downham Market</b>	
<b>Proposal:</b>	<b>Proposed Three Dwellings</b>	
<b>Location:</b>	<b>Land At 34 - 38 London Road Downham Market Norfolk</b>	
<b>Applicant:</b>	<b>PKS Construction</b>	
<b>Case No:</b>	<b>18/00199/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mrs N Osler</b>	<b>Date for Determination:</b> <b>4 April 2018</b> <b>Extension of Time Expiry Date:</b> <b>3 August 2018</b>

**Reason for Referral to Planning Committee** – The views of the Town Council are contrary to the Officer recommendation.

**Neighbourhood Plan:** No

### **Case Summary**

Full planning permission is sought for the erection of three dwellinghouses on vacant land with access from London Road, Downham Market.

### **Key Issues**

Principle of Development  
Form and Character  
Highway Safety  
Residential Amenity

### **Recommendation**

**REFUSE**

## **THE APPLICATION**

The application is for three detached dwelling, one with a garage and the other two with covered parking near the gated access with London Road. All dwellings have three parking spaces in triple tandem formation including the garage / covered parking area. Other than Plot 2, the parking areas are not within the curtilages of the proposed dwellings.

The site lies within the development boundary for Downham Market and is not in an area of flood risk.

## **SUPPORTING CASE**

Dwellings are centred around a shared driveway, each facing inwards to give a sense of place and community. Parking spaces, including covered parking and on site turning facilities will be provided in excess of the minimum standards.

Located close on the edge of the town centre, there will be less reliance on car use, less need for car ownership and less vehicle movements than average dwellings.

The dwellings will serve to enhance the environment with minimal impact on neighbouring properties and their occupants. Providing less nuisance than the previous commercial use.

### *Visibility:*

Whilst visibility to the entrance is less than the requested standard, the visibility has been improved considerably with reduction in height of the boundary wall to the south. Giving 2.4 x 43m visibility 1.0m from the carriageway edge.

Traffic is generally slow in the vicinity due to the nature of the street and therefore reduced visibility is considered acceptable in accordance with Department for Transport Manual for Streets.

The site was formerly a local distribution dairy, where milk floats operated to serve the town and surrounding villages. As such, vehicle movements will be dramatically reduced from those previous, and HGV's will not need to enter the site on a daily basis. Whilst the dairy has been closed for some time, the site is considered to retain a commercial use.

### *Scale:*

The density of development is appropriate to the edge of town centre site, making good, economic use of a brownfield site, with dwellings of similar scale to those in the vicinity.

### *Layout:*

Covered parking and entrance wall will provide a sense of enclosure to the development.

The principle private garden areas will be located to the rear of each dwelling, enclosed on all sides by fence or existing boundary walling.

The proposed dwellings will be sufficient distance from neighbouring dwellings so as not to create any adverse impact, nuisance or over-looking.

A shadow diagram illustrates no significant over shadowing of existing adjacent cottage by plot 3. Further the existing courtyard garden will only have limited shading in the late afternoon / evening due to the position of plot 3 to the north west of the courtyard garden.

Plot 1 will not over-look the existing house to the south east, its closest 1st floor front window being at an acute angle to the boundary, at 45 degrees from this window it has very limited view to the rear of the adjacent dwelling and there are no principle windows to the northern end of existing dwelling.

### *National Planning Policy Framework (NPPF)*

The proposal accords with core principles of sustainable development, utilising a brown field site within the town centre. Being an effective use of previously developed land.

## PLANNING HISTORY

2/96/0607/F – Construction of dwelling and garage – Permitted

2/01/0733/F – Construction of dwelling and garage (renewal) – Permitted

## RESPONSE TO CONSULTATION

**Town Council:** The Town Council recommends approval noting it is a good use of a derelict site that meets the aims of the current Local Development Framework in offering small gated developments within the town

**Highways Authority: OBJECT** - Given your consideration of the nil use of the site, and that the applicant has not demonstrated access visibility splays to accord with the adopted standards for the considered 85th percentile traffic speed, I would recommend the application is refused

**Internal Drainage Board: NO OBJECTION** from a drainage point of view

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

**Conservation Officer:** This site is adjacent to but not within the conservation area. The proposed new dwellings are set back and as such will have little or no impact on the setting of the conservation area from London Road and none from the Tesco Car Park. The modern gate will be an interesting addition to the streetscene.

**Historic England:** Does not wish to comment

**Arboricultural Officer: NO OBJECTION**

## REPRESENTATIONS

**Two** letters of objection have been received. The reasons for objection can be summarised as:

- Overshadowing
- Overbearing
- Overlooking
- Drainage
- Not in keeping with style of existing dwellings
- Overdevelopment of the site
- Highway safety, access and parking

## LDF CORE STRATEGY POLICIES

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS04** - Downham Market

**CS08** - Sustainable Development

**CS09** - Housing Distribution

**CS10** - The Economy

**CS11** - Transport

## **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)

## **PLANNING CONSIDERATIONS**

The main issues for consideration in the determination of this application are:

- Principle of Development
- Form and Character
- Highway Safety
- Neighbour Amenity
- Crime and Disorder
- Other Material Considerations

### **Principle of Development**

The site lies within the development boundary for Downham Market; a highly sustainable location where residential development that accords with other relevant planning policy and guidance is sought.

The applicant suggests the site has an existing commercial use (dairy distribution yard). However your officers would argue that the site has not been used for commercial activity for a considerable period of time (application 2/96/0607/F, dated 16 May 1996, states the present use of the site to be 'vacant' with its previous using being 'Dairy').

This is not an issue that would prevent development of the site for residential use (due to its location within the development boundary), but it is pertinent when considering the vehicular activity associated with the current and proposed uses of the site.

## Highway Safety

The Local Highway Authority objects to the proposed development on the grounds that it would increase vehicular activity of a substandard access.

Whilst the LHA does not object to the proposed parking, your officers suggest that triple parking one behind the other is far from perfect in this instance due to the limited amount of turning space available to reverse two cars out of the way of a third car.

Further a considerable amount of space is laid to parking and turning, and apart from Plot 2, the parking and turning associated with the dwellings is not within their own residential curtilage. The parking seems contrived and is not considered to be user friendly. As such one would have to suggest the layout is of poor design that would not function well.

On the flip side of the whole parking / highway safety argument is whether or not parking should be sought in such a central location within one of the borough's main towns. Also to be considered however, is that these are not flats within a town centre development, where parking is not always expected; these are family dwellings where one would reasonably expect to be able to park within the curtilage. Indeed such dwellings may well be undesirable without parking. In relation to this point, the LPA comments as follows: *"National advice suggests that development should be provided with parking provision commensurate to the type and scale of development. These dwellings are of a size where families are likely to take occupancy and car ownership is therefore extremely likely. These cars would need to park somewhere and if no off-street provision is provided they will park on London Road. Habitual parking on London Road in such numbers in the locality of the site would not in my view be in the interest of highway safety."*

## Neighbour Amenity

The proximity of Plot 3 to the rear of No.38 is considered to be too close. The applicant has submitted a shadow diagram that shows the only area of the garden that would not be overshadowed by Plot 3 is the area to the south. However, this area is largely occupied by an outbuilding. The occupiers of No.38 object to the proposed development on the grounds of overshadowing and your officers share this view.

Overlooking from Plot 1 to the rear garden of No.40 has been addressed by amended plans replacing the southern facing first floor dormer serving the rear bedroom with a high level rooflight. It is unlikely that any material overlooking could occur from the front south easterly dormer serving one of the frontage bedrooms to the rear elevation of No.40 due to the angles involved. However, and even given the change in levels (the site being lower than the adjacent properties), the proximity of Plot 1 to the boundary of No.40 London Road is unneighbourly and overbearing.

## Summary

The above issues when taken as a whole clearly suggest that the proposal represents an overdevelopment of the site. This is in line with advice given during pre-application discussions where it was considered that the site could accommodate two dwellings without being of detriment to existing neighbour amenity.

It is still the opinion of your officers that the site could accommodate two dwellings with appropriate and functional on-site parking and turning together with the ability to create suitable separation distances between existing and proposed dwellings. There is however no guarantee that a reduction in the number of units would address the highway safety issue.

## **Crime and Disorder**

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

## **Other Material Considerations**

Whilst it is true that the dwellings are not of a traditional style, does not necessarily mean that they would be of detriment to the visual amenity of the locality, and the Conservation Officer has no objection to the development in relation to its impact on the setting of the adjacent Conservation Area.

## **CONCLUSION**

The contrived layout, functionally lacking parking / turning provision and proximity to existing residential dwellings suggests that the development constitutes over development of the site that would result in unacceptable loss of amenity to occupiers of both the proposed and existing properties.

Furthermore, the lack of evidence to suggest there is an existing commercial use of the site suggests that the proposed development would increase the vehicular activity of a substandard access that could have highway safety implications.

It is therefore recommended that this application be refused for the following reasons.

## **RECOMMENDATION:**

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

- 1 The proposed development represents undesirable and unneighbourly development that would be detrimental to the amenities of occupiers of adjoining residential properties particularly by reason of overshadowing and being overbearing. As such the proposed development is considered to be of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions and if approved would be contrary to paragraphs 17 and 64 of the NPPF and Development Plan Policies CS08 and DM15.
- 2 The proposed layout of the dwellings and their associated parking areas is considered to represent poor design that would not function well and is therefore contrary to paragraphs 17 and 64 of the NPPF and Development Plan Policies CS08 and DM15.
- 3 The applicant does not appear to control sufficient land to provide adequate visibility at the site access. The proposed development would therefore be detrimental to highway safety contrary to the NPPF and Development Plan Policy CS11.