

AGENDA ITEM NO: 8/2(f)

Parish:	Tilney All Saints	
Proposal:	Reserved Matters Application for construction of 5 dwellings	
Location:	Land To The West of Medina Lynn Road Tilney All Saints Norfolk	
Applicant:	Mr Taylor	
Case No:	18/01627/RM (Reserved Matters Application)	
Case Officer:	Mrs C Dorgan	Date for Determination: 14 November 2018 Extension of Time Expiry Date: 7 June 2019

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

Neighbourhood Plan: No

Case Summary

This application is a reserved matters application for 5 dwellings which front onto School Road. There are three detached and a pair of semi-detached dwellings with gardens to the front and rear. Parking is proposed to the rear of the dwellings from a single vehicular access off Lynn Road.

The site measures approximately 0.26ha on the corner of School Road and Lynn Road, Tilney All Saints. The site is allocated for housing in the Site Allocations and Development Management Policies DPD, 2016 (SADMP) and Policy G97.1 relates specifically to development of this allocation. There is an extant outline planning consent for up to 5 dwellings, planning reference 17/00027/O.

The scheme has been amended since the original submission.

Key Issues

Principle of Development
Form and Character
Highway Safety
Neighbour Amenities
Flood Risk
Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

This application is a reserved matters application for 5 dwellings which front onto School Road. There are three detached and a pair of semi-detached dwellings with gardens to the front and rear. Parking is proposed to the rear of the dwellings from a single vehicular access off Lynn Road.

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SUPPORTING CASE

This statement has been prepared by Trundley Design Services in support of our client's application to erect 5no Residential dwellings at Land West of Medina, Lynn Road, Tilney All Saints, King's Lynn, (Planning Reference: 18/01627/RM).

The existing site is an uncultivated scrubland. The site is overgrown, and the boundary ditches need improvement works undertaking (works have started to allow for drainage surveys). The site already has outline planning approval for 5no dwellings with pre-commencement conditions which relate to the drainage of the site and the proposed dwellings. A drainage design has been provided from a specialist drainage company which is currently in the process of obtaining IDB consent to discharge into the ditch. Within the design it has included existing drainage surveys of the existing surrounding ditches which discovered that the existing ditches and culverts were over-grown and blocked which has subsequently caused the flooding in the surrounding gardens in the past. These have now been cleared by our client and the drainage design includes for further upgrades and a maintenance company will be appointed to maintain the drainage yearly to prevent any future flooding.

The proposed site comprises of 2no detached two storey dwellings, 1no chalet bungalow and 1no semidetached two storey dwellings. Facing Brickwork or render has been used to stay in-keeping with the surround properties. The site layout / dwellings (plot 5 being a chalet bungalow) have been designed to reduce as much overshadowing to the neighbouring properties during the winter months caused by the low sun and almost no overshadowing during the summer months due to the high sun, all of which is indicated on the shadowing reports which were submitted as part of this application. Obscured / Opaque screening has been installed to the raised patio of plot 5 to reduce over-looking to the northern neighbour.

The front of the properties ground level has been raised (between 0 – 300mm above school road) to allow for level access to the properties and easier access from Lynn Road via foot. The rear gardens level remains as existing to reduce over-looking to the surrounding neighbours. The site has adequate access via foot and via vehicle without disturbing the existing vegetation along the southern boundary too much.

The proposed site is located within the centre of Tilney All Saints. The Village itself comprises of a Primary school, Local businesses, such as a golf course, a Restaurant, and a public house. It also has a village church and Village hall. The bus stop located on Lynn road just south of the site also has the main A47 bus route with companies such as First Group running the X1 running from Lowestoft to Peterborough via Norwich and King's. This allows for residents to access local towns / villages without having to drive.

PLANNING HISTORY

17/00027/O: Application Permitted: 06/02/18 - Outline Application: Construction of 5 dwellings and associated external works. - Land to the West of Medina, Lynn Road
2/99/1503/O: Application Refused: 25/01/00 - Site for construction of 2 dwellings - Land south of 6 School Road. Tilney All Saints Appeal Dismissed 12/09/00;

RESPONSE TO CONSULTATION

Parish Council: OBJECT

The main concerns and issues with the culvert and drainage and overshadowing and overlooking of existing neighbouring properties have not been fully addressed or resolved. Also it was felt the form and character of the properties were not in keeping with the surrounding area. There were concerns the land was to be built up 4ft higher than the neighbouring properties in School Road and would slope down towards the existing properties.

Reasons for the objections were as detailed in the Parish Council's previous Objections and summarised here:

Drainage and Flood Risk: The specific and complex drainage issues and flood risks surrounding the land (Tidal Flood Zone 2) have not been fully addressed. Neighbouring properties, which are bungalows and below the site level, already suffer from surface water flooding. Water will find its own level and flow downhill. The comments of the King's Lynn Drainage Board letters dated 7th January 2019 and 26th February 2019 do not appear to have been taken into consideration. The Parish Council have previously requested that all the drainage issues be clearly resolved in full before any planning permission be granted.

Overlooking and Loss of Sunlight: The elevation plans/street scene, which are to scale, clearly demonstrate the neighbouring properties, which are bungalows and sit below the development site, being dominated by the proposed new development with the properties being overlooked with a loss of privacy and over shadowed with a loss of sunlight. The Shadowing Report shows the loss of sunlight caused by Plot 5 on the neighbouring property, which has solar panels installed. Windows and raised patio on Plot 5 will look straight into the windows of 6 School Road, which run floor to ceiling.

Bus Shelter: If the existing bus stop and shelter are to be re-located the Parish Council request it be clearly stated and detailed that the developer is responsible for all and any costs and arrangements associated with this, for any damages caused to the bus shelter during the relocation process and all costs be paid directly by the developer.

Local Highway Authority: NO OBJECTION

The most recent site plan reference 18-P50-PL002N is acceptable, subject to conditions.

Water Management Alliance IDB: Recommended that the viability of proposed drainage strategy is evidenced. Separate IDB consent is required.

We note that the applicant intends to dispose of surface water via infiltration; however I cannot see that the viability of the proposed drainage strategy has been evidenced. The proposed strategy should be supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater. If on-site material is considered favourable then infiltration testing in line with BRE 365 should be undertaken to determine its

efficiency. If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

We note that the applicant has not indicated how treated foul water from their site will be disposed of. Please note that consent would be required from the Board where treated foul water is discharged to a watercourse.

We note the presence of a riparian owned/maintained watercourse adjacent to the Western site boundary, however access is proposed along the Southern edge of the site. If the applicant's proposals change to include works to alter this watercourse, consent will be required under the Land Drainage Act 1991 (and byelaw 4).

Whilst the consenting process as set out under the Land Drainage Act 1991 and the aforementioned Byelaws are separate from planning, the ability to implement a planning permission may be dependent on the granting of these consents. As such we strongly recommend that the required consents are sought prior to determination of the planning application.

Correspondence received on 20 May 2019 stating that the Board have received two applications for Land Drainage Consent to discharge both surface water and treated foul water, in line with the Board's byelaws (specifically byelaw 3). These applications are currently being processed by the Board's officers.

CSNN: Recommended conditions and informative relating to the following:

- *air source heat pump further details
- *site hours
- *shared private surface water drainage informative
- *environmental protection act 1990 informative
- *noise, dust and smoke from clearing and construction work

Further to my comments dated 31 October 2018, I confirm we have the following comments to make on the re-consultation. Clearly the revised drainage for both foul and surface water, due to the proposed discharge to the surrounding water course, lies within the remit of the KLIDB. I note and concur with their comments. It does concern me, however, that the surface water swale handling water from all five plots is contained wholly within one private garden. Guarantees would be needed to ensure that any future maintenance issues did not fall purely to the responsibility of the occupiers of that plot.

REPRESENTATIONS

THREE letters of **OBJECTION** have been received, 2 from the neighbouring dwelling no.6 School Road.

- Existing situation of poor drainage has caused flooding previously. Concerned at surface water run-off from elevated site.
- Acknowledge works have been done to clear the dyke, drainage channel and culvert.
- Remain concerned regarding the maintenance of the drainage systems longer term.
- The new development will be overbearing (plot 5).
- The difference in levels and the heights of the proposed dwellings will enable overlooking.
- Concerned at overlooking from the patio area proposed for plot 5.
- Also the proposed fence heights will limit the views from no. 6 School Road.

LDF CORE STRATEGY POLICIES

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS09 - Housing Distribution

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

G97.1 Tilney All Saints - Land between School Road and Lynn Road

NATIONAL GUIDANCE

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

PLANNING CONSIDERATIONS

Principle of Development

The application site was allocated for housing in the adopted Local Plan, specifically policy G97.1. This policy states the requirement for a Flood Risk Assessment, details regarding the sustainable drainage measures and if required, an affordable housing contribution.

Outline planning consent has been granted for the site (17/00027/O), for the construction of five dwellings, with all matters reserved. The principle of development is clearly established.

Form and Character

The proposed scheme is for five dwellings fronting onto School Road, with parking to the rear of the dwellings. Objections received to the application refer to the height of the proposed dwellings in relation to the locality. However due to the flood risk constraints on the site, the dwellings need to be at a finished floor level 300mm above the adjacent School Road level, and have two storey accommodation.

Boundary treatments on the site are largely native hedgerows fronting the highway, with close board fencing set behind this hedgerow on the southern boundary. To the east the boundary proposed is a close boarded fence however this boundary will be visible on the main route through the village and therefore it is proposed a condition is attached to request full details of this boundary treatment to be submitted and agreed.

The scheme has been amended since the original submission. The proposed dwelling at plot 5 is a chalet-style bungalow, which gives the appearance of the development stepping down towards the existing single storey dwelling next door at no.6 School Road. The orientation, siting and design of the units, alongside the landscaping scheme proposed, attempts to reduce the impact of these on the street scene, while still delivering the five dwellings on the

site. In terms of the style of the dwellings proposed and the materials to be used, the scheme is considered to be acceptable.

Highway Safety

The dwellings have a separate pedestrian access from Lynn Road to the front of the dwellings, and a single vehicular access off Lynn Road serving all five dwellings. Due to the positioning of the new access the scheme does require the relocation of the bus stop further east on Lynn Road, which will be provided by the developer.

The Local Highways Authority does not raise any objections to the scheme subject to the specified conditions being attached to the planning consent.

Neighbour Amenity

The difference in levels on this site and the land surrounding gives rise to concerns regarding overlooking and a loss of privacy from plot 5 to no.6 School Road, and the potential for a loss of light.

The proposed dwellings have been amended during the application process, and specifically plot 5 has been reduced from a two storey dwelling to a one and a half storey dwelling. Given the site is a housing allocation in the Local Plan and that the site is constrained by flood risk and drainage issues, the applicant considers that the current scheme is the best potential solution. While the houses are required to have a finished floor level 300mm above the adjacent School Road level, the amenity space for the dwellings will not be increased in height. There is 12 metres in distance at the closest point between the dwelling at plot 5 and the neighbouring dwelling no.6 School Road. There are no windows proposed on the north elevation of plot 5 and the patio area to the rear of the dwelling will be screened and secured via condition.

In terms of the development having an overbearing impact on the neighbouring dwelling or resulting in the loss of light, as stated above there is sufficient separation between the dwelling at plot 5 and the existing neighbouring dwelling. The redesign of plot 5 has reduced the impact further. The orientation of the site is that the proposed dwelling is situated slightly forward of the existing dwelling, and to the south west. The applicant has supplied shadowing reports to identify that the development proposed would not cause undue overshadowing so as to impact on neighbour amenity.

There are no neighbours to the east of the site, and those south and west are sufficiently separated that there would not be a detrimental impact on their amenity. The boundary treatment proposed to the north of the site is a post and rail fence and hedge, with a 1m wide easement strip alongside the dyke (for maintenance purposes), which is sufficient to protect private amenity space for plot 5 and the neighbouring dwelling.

Flood Risk and Drainage

Policy G97.1 requires a flood risk assessment is provided, and planning consent 17/00027/O conditions that any development should be carried out in accordance with the flood risk assessment. This reserved matters application is in line with the requirements as set out in this document.

Policy G97.1 and the outline planning consent recognise the existing drainage issues in this locality. A drainage strategy was produced as part of the outline application and the IDB requested conditions 10 and 11 to address this, and made the point that it may not be possible to overcome the issues with the site. In this regard if the conditions cannot be

discharged (because the site cannot be suitably drained) then the permission cannot be implemented. In response to this current application the IDB raise a number of issues regarding the drainage strategy provided. The applicant is working with the IDB to resolve these issues and an application to gain the relevant consents is currently with the IDB for consideration.

The Parish Council objects to the scheme as they feel that the drainage issues have not been adequately addressed, and the neighbouring dwelling shares these concerns. Both the Parish Council and the IDB request that planning consent is not granted until the drainage issues are fully resolved. As stated above the drainage has been addressed as part of the outline planning consent and is suitably controlled by condition. However it does influence the site layout proposed, and therefore is relevant to this reserved matters application.

Comments received from CSNN, refer to concerns around the siting of the surface water swale within one private garden. This swale has been removed in subsequent versions of the strategy and plans, and an alternative solution put forward.

Other Material Considerations

The possibility of Great Crested Newts on the application site was identified in the previous outline application, and this was adequately addressed by conditions 12, 13 and 14 of the outline planning consent.

CONCLUSION

In summary, the principle of development for 5 dwellings has been established on the site, and this application deals with the reserved matters only. Drainage, flood risk and ecology were all considered and conditioned in accordance with the outline planning consent. While there are outstanding objections to the drainage issues on site, these are being addressed directly with the IDB, and in planning terms will be controlled through conditions on the outline permission. The site layout, scale and design of the dwellings are considered to be acceptable given the measures taken to limit the impact on the locality, particularly on no.6 School Road. With this in mind, the proposal is recommended for approval.

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. 18-P50-PL001, 18-P50-002P, 18-P50-003G, 18-P50-004G, 18-P50-005G, and 18-P50-006A).
- 1 Reason For the avoidance of doubt and in the interests of proper planning.
- 2 Condition Prior to the installation of any air source heat pump(s) a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the make, model and sound power levels of the proposed unit(s), the siting of the units and the distances from the proposed units to the boundaries with neighbouring dwellings, and provide details of anti-vibration mounts and noise attenuation measures. The scheme shall be implemented as approved and thereafter maintained as such.

- 2 Reason In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- 3 Condition Prior to the first occupation of the development hereby permitted the vehicular access crossing over the verge and bus stop shall be constructed in accordance with the highways specification TRAD 2 and thereafter retained at the position shown on the approved plan (Drawing No. 18-P50-PL002P). Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.
- 3 Reason To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety.
- 4 Condition Notwithstanding the provision 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/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.
- 5 Condition Prior to the first occupation of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.3 metres above the level of the adjacent highway carriageway.
- 5 Reason In the interests of highway safety in accordance with the principles of the NPPF.
- 6 Condition Prior to the first occupation of the development hereby permitted the proposed access / on-site car parking / turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 6 Reason To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.
- 7 Condition Prior to the first occupation of the development hereby permitted the relocated bus stop/shelter shall be constructed in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority.
- 7 Reason To ensure construction of a satisfactory bus stop in the interests of highway safety.
- 8 Condition Notwithstanding details that accompanied the application, prior to the occupation of the dwelling hereby permitted, precise details of a privacy screen to the north side elevation of the patio area to the rear of the dwelling on plot 5 shall be submitted to and approved in writing by the local planning authority. The screen shall be implemented in accordance with the approved details prior to the occupation of the dwelling and shall thereafter be retained in that condition.
- 8 Reason To protect the residential amenities of the occupiers of nearby property.

- 9 Condition Notwithstanding the approved plans, prior to first occupation hereby permitted, a plan shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, heights, design, materials and type of boundary treatment to be erected on the northern and eastern boundaries of the site. The boundary treatment shall be completed before the buildings are occupied or in accordance with a timetable to be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 9 Reason To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.
- 10 Condition All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 10 Reason To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 11 Condition No development or other operations shall commence on site until the existing trees and/or hedgerows to be retained have been protected in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the erection of fencing for the protection of any retained tree or hedge before any equipment, machinery, or materials are brought on to the site for the purposes of development or other operations. The fencing shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.
- 11 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.