

AGENDA ITEM NO: 8/1(c)

Parish:	Feltwell	
Proposal:	Reserved Matters Application: Construction of 4 dwellings	
Location:	34 Nightingale Lane Feltwell Thetford Norfolk	
Applicant:	TB Construction (East Anglia) Ltd	
Case No:	19/01564/RM (Reserved Matters Application)	
Case Officer:	Mrs C Dorgan	Date for Determination: 31 October 2019 Extension of Time Expiry Date: 6 March 2020

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 seeking consent for the construction of four dwellings off a single point of access between numbers 34 and 67 Nightingale Lane, with parking and turning facilities to the front of the dwellings and private gardens to the rear.

The site is located within the built extent of the village of Feltwell and the development boundary for the village of Feltwell, which is categorised as a joint Key Rural Service Centre in the adopted Local Plan (specifically the Site Allocations and Development Management Policies Plan (SADMP)).

The applicant has outline planning consent for up to 4 dwellings with access approved (ref: 18/02061/O).

Key Issues

Principle of development
Form and Character
Neighbour Amenity
Highways/ Access
Other material considerations.

Recommendation:

APPROVE

THE APPLICATION

This application is seeking consent for the construction of four dwellings off a single point of access between numbers 34 and 67 Nightingale Lane, with parking and turning facilities to the front of the dwellings and private gardens to the rear.

The site is located within the built extent of the village of Feltwell and the development boundary for the village of Feltwell, which is categorised as a joint Key Rural Service Centre in the adopted Local Plan (specifically the Site Allocations and Development Management Policies Plan (SADMP 2016)).

The applicant has outline planning consent for up to 4 dwellings with access approved (ref: 18/02061/O).

The site is 0.18ha and the proposed scheme includes a pair of semi-detached dwellings and two detached chalet style dwellings. The materials proposed are TBS Farmhouse Antique brick and Morley Mendip Anthracite roof tiles.

The land levels fall as you move north into the site from the entrance/ access at 11.2AOD falling to 9.5AOD at the north east of the site. The dwellings proposed are 7m in height to the ridgeline, however the finished floor levels (FFL) do vary given the existing land levels. Plots 1 and 2 have a proposed FFL of 10.2 AOD and plot 3 has 10.4 AOD and plot 4, 10.6 AOD. The boundary treatments proposed are existing hedging to the north and west of the site, a brick wall to the east and 2m close boarded fencing between plots.

SUPPORTING CASE

This site has Planning Permission for 4 dwellings and there are no planning conditions restricting the development to single storey. This application is for the details of the four dwellings.

At the Outline stage, the indicative layout showed four dwellings and it was clear that these would be two storey – the size of the site would not accommodate 4 bungalows of even modest proportions. Every effort has been made in the design process to alleviate any overlooking or overshadowing of existing properties and the introduction of some design variation into this area will enhance the visual appearance.

Through negotiation with the planning officers, re-design has been carried out from the original submission. Plots 1 & 2 have been re-designed as semi-detached, thus increasing garden areas and separation distances. The units for plots 3 & 4 have been redesigned as lower, smaller buildings, reflecting the design of the barn style development to the north. This has enabled the rear garden distance to the boundary to be increased to between 10-11m. Looking at the west-east site section, it is obvious now that the amended design dwellings will not impose upon the neighbouring properties or constitute unneighbourly development.

PLANNING HISTORY

Application Site

18/02061/O: Application Permitted: 04/02/19 - Outline application with some matters reserved for the construction of up to 4 dwellings - 34 Nightingale Lane (Delegated).

Adjoining Site

13/01049/RM: Application Permitted: 17/09/13 - Reserved Matters Application: Redevelopment of land to provide 4 dwellings and garaging for the existing house - 26 Bell Street

09/01822/O: Application Refused: 11/02/10 - Outline Application: Redevelopment of land to provide 4 dwellings and garaging for the existing house - Home Farm. Appeal Allowed 22/10/10;

RESPONSE TO CONSULTATION

Parish Council: OBJECTION

14 Jan 2019 - Feltwell Parish Council has considered the amended application together with the supporting email received from Mr Barker on 7th January 2020 and do not feel that the required criteria has been met as the properties are chalet bungalows with two-storeys. Therefore, Feltwell Parish Council wishes to object to this application.

12 Nov 2019 - Feltwell Parish Council wishes to object to this application because the four proposed dwellings are not in keeping with the existing dwellings on Oakfields Estate which are all single-storey. Therefore there is concern that some residents living in the existing single-storey properties on this estate will have their privacy compromised.

10 Sept 2019 - Feltwell Parish Council objects to the above Reserved Matters Application for the construction of 4 dwellings at 34 Nightingale Lane. The dwellings are not in keeping with the existing properties on this estate which are all bungalows and the access appears to be across another resident's driveway.

Local Highway Authority: NO OBJECTION

4 Nov 2019 – Having reviewed the revised plans the LHA would not be against the principle of the alterations in relation to highway considerations and therefore continues to recommend the previous condition.

13 Sept 2019 - This application relates to the Layout of the site as the access has previously been considered under the outline application. With respect to layout; plot 2 has provision for 2 car parking spaces only but is of a scale that 3 should be provided. However the site is to the end of a private drive and unlikely to directly impact the highway. The LHA is mindful that the lack of car parking provision is likely to result in the turning head being obstructed potentially resulting in a long reverse down the drive. Recommends that an additional space be added to plot 2 and then a condition attached requiring the access and parking and turning area to be constructed in accordance with the plans prior to occupation.

IDB: NO OBJECTION

Natural England: NO OBJECTION

Natural England has previously commented on this proposal and made comments to the authority in our letter ref: 265611, dated 05 December 2018.

The advice provided in our previous response applies equally to this proposal although we made no objection to the original proposal. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

CSNN: NO OBJECTION

I have reviewed this reserved matters application and I am satisfied that the conditions suggested by Suzi Pimlott to the outline planning consent 18/02061/O will ensure there is no adverse impact on amenity for neighbouring residents. If not already subject to the site hours condition, I recommend that it be attached to this permission also.

Arboricultural Officer: NO OBJECTION

REPRESENTATIONS

11 letters of **OBJECTION** received from 4 individuals from neighbouring dwellings. The objections raise the following issues-

- Prefer single storey dwellings in keeping with area and then less impact on neighbours
- Dwellings proposed are larger than those on the estate
- Better to have 3 max. dwellings
- Access off Nightingale Lane and so should reflect this form and character not the barns to the rear.
- Overlooking / loss of privacy
- Overshadowing / loss of light to neighbouring dwellings and gardens
- The site is elevated in relation to Fair Close, exacerbating neighbour amenity issues.
- Dwellings will dominate area
- Not a need for new houses in the village
- Change nature of street, no longer cul-de-sac location as additional traffic.
- Increased noise and disturbance from passing traffic.
- Will emergency vehicles be able to access new dwellings?
- Reduce property values of neighbouring dwellings
- Insufficient parking provided for the new dwellings
- Applicant has already removed trees/ hedges at no. 34 prior to submitting the application.
- Why can access not be taken from Bell Street?
- Discussion around the indicative plans submitted with the outline application, the differences between these schemes, and the comments made from neighbours at the outline application.
- Construction has commenced on site prior to the approval of the application.
- Over-development of the site.
- Continuous ridge line will be overbearing.
- Poor design.
- Insufficient separation distances.
- Plots 3 and 4 taller than all buildings in the locality.
- Impact on outlook from neighbouring dwellings and gardens.
- If permitted, pd rights should be removed, windows on rear elevations to be obscured and non-opening, no external lighting without permission and the garages to be used for parking vehicles only.

LDF CORE STRATEGY POLICIES

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS09 - Housing Distribution

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)

National Design Guide 2019

PLANNING CONSIDERATIONS

The issues for consideration include:

- Principle of development
- Form and Character
- Neighbour Amenity
- Highways/ Access
- Other material considerations.

Principle of Development

The application site already has outline planning consent for the construction of up to four dwellings with access approved (Planning ref 18/02061/O). Therefore the principle of residential development on the site has been established. The application is in line with the NPPF and policies CS06, CS08 and CS11 of the adopted Core Strategy (2011) and Policy DM2 of the SADMP (2016). Policies DM15 and DM17 of the SADMP are particularly relevant to this reserved matters application in addition to those above, and these issues are discussed below.

Form and Character

The outline consent was for up to four dwellings, which enabled the reserved matters application to give careful consideration to the site characteristics. There have been a number of objections to the form and character of the proposed scheme both from neighbouring dwellings and also the Parish Council.

Nightingale Lane is a cul de sac of modern single storey detached bungalows of a mix of brick types and concrete roof tiles. Generally these have small front gardens with driveways/ parking and garages, with private amenity space to the rear. Access to the proposed scheme is off Nightingale Lane. To the north of the application site is a recent conversion/ build of a barn style complex of residential dwellings. The dwelling to the west is a detached contemporary style dwelling. These dwellings are accessed via Bell Street.

The applicant has aimed to design a transitional development between Nightingale Lane and the barn complex to the rear. The dwellings proposed are cottage style dwellings, with two storey semi-detached dwellings on plots 1 and 2 of a standard appearance with access via a door on the side elevations. Plots 3 and 4 consist of two small detached chalet style bungalows with an overhang front porch located centrally on the front elevation. All four dwellings have a ridge height of 7m. There have been a number of iterations to the design and layout of the scheme as the applicant has sought to address the concerns regarding the impact of the dwellings on the surrounding existing neighbours.

Objections to the scheme include; scale of dwellings proposed; two storey which does not reflect the locality; create an overbearing form of development giving rise to overshadowing; interrupted views; loss of privacy and overlooking; be overly dominant in the street scene; are of a poor design and that four dwellings represents overdevelopment with insufficient separation distances.

The dwellings are 7m to ridge height and Finished Floor Levels (FFL) at between 10.25AOD to 10.6AOD. The surrounding dwellings vary from a ridge height of approximately 4m/ 4.4m on Nightingale Lane, to the barn to the northeast at a ridge height of 7.5m, and to the west the closest part of the dwelling has a ridge height of approximately 5.8m. The dwellings proposed will be visible in the street scene and will sit slightly higher than those surrounding. However, the potential impact will be minimised due to the fact that the land falls away to the north, and the site sections drawing (no 13571) illustrates this relationship. The proposal, although not mirroring the existing bungalows on Nightingale Lane, is acceptable in design terms in this location, given the variety in form and character of the locality. The materials proposed are entirely acceptable. In general terms the dwellings do not give rise to an unacceptable form of design so as to warrant refusal of the scheme and therefore the scheme accords with policy CS08 (of the Core Strategy 2011) and DM15 (of the SADMP 2016).

Neighbour Amenity

In terms of the impact on neighbours, there is no right to a view, and this is not a material reason for the refusal of the application. The proposed dwellings on plots 1 and 2 have rear gardens of 13m and plots 3 and 4 have rear gardens of 10m from the dwelling to the boundary fence which is considered acceptable. The separation distances between the front elevations of the proposed dwellings is also considered to be acceptable given they have the access road between. Between the bungalow to the southwest (no. 67 Nightingale Lane) and plot 4 there is 8m in distance which is acceptable given the orientation of both dwellings and the fact that the land falls away to the north. To the east, the distance between the detached bungalows and the rear of the proposed dwellings on plots 1 and 2 is 18.5m at the closest point and is in line with neighbouring gardens. To the west of the application site the gable end of the dwelling (1D Newcombe Drive) is visible and there are no windows on this elevation, or at first floor of the southern elevation for this part of the dwelling closest to the application site. Contrary to the objection raised, the detached dwellings are separated and so this provides a break in the ridgeline rather than a continuous form, coupled with the fall in land levels west to east across the site, it is not considered that the dwellings will be overbearing on existing neighbouring dwellings.

In terms of overlooking plots 1 and 2 have only one first floor window on their rear elevations which serves a bathroom and will be conditioned to remain as obscured glazing. Plots 3 and 4 have rooflights proposed to serve a bathroom, landing and shower room on the rear elevation. These are at the equivalent of head height and will again be conditioned to be obscured glazing. Given the use of these rooms it is not necessary to restrict these to non-opening. It is suggested that the dwellings will not give rise to overlooking from the first floor.

At ground level the boundaries proposed are 2m close boarded fencing, hedges to be retained at a minimum of 2m and elsewhere the existing boundary fences are already in place.

Permitted development rights have also been removed for the insertion of new windows and roof alterations to prevent any future unacceptable alterations giving rise to neighbour amenity issues.

An increased level of noise and disturbance from passing traffic is also cited as a reason for concern by objectors. While the four new dwellings will generate traffic movements, given the size of the scheme proposed this traffic will not be of significant detriment to the neighbouring dwellings so as to be unreasonable. Although it is accepted that this would represent a change in the nature for those dwellings currently at the end of the cul de sac.

The hours of work on the construction site were conditioned as part of the outline decision, to minimise impact on the neighbours throughout this stage.

In summary it is considered that the scheme proposed would not give rise to an unacceptable impact on neighbour amenity and therefore is in accordance with policy CS08 (of the Core Strategy 2011) and DM15 (of the SADMP 2016).

Highways and Access

The Local Highway Authority (LHA) has no objection to the scheme in its proposed format. Objectors query whether there is sufficient parking provided, whether emergency services vehicles could gain sufficient access to the dwellings and that access should be taken from Bell Street.

Local Highway Authority does not object to the scheme and as consulted at both the outline and this reserved matters application. The LHA is satisfied that the scheme meets the requirements for access, parking and turning for the dwellings proposed and is in line with policy DM17 of the SADMP (2016).

Other Material Considerations

Drainage – Foul and surface water drainage arrangements were conditioned at outline stage and will be submitted and agreed by the discharge of this condition.

Objections –

- Not a need for new dwellings in the village – Feltwell is a Key Rural Service Centre in the adopted Local Plan and recognised as a sustainable location for growth. The outline consent accepted the principle of new residential development.
- Reduction in property values – Not a material consideration in the determination of a planning application.
- Construction of boundary wall and removal of trees hedges – The planting was not awarded any protection and so with regard to the removal of the trees this cannot be enforced against. If construction has commenced this can be investigated as an enforcement issue. To date we are only aware that works have commenced on building a boundary wall alongside number 34 Nightingale Lane, and this is permitted development up to 2m in height.

CONCLUSIONS

The principle of development has been established by the outline application; however the Parish Council and neighbour objections raise a number of objections to the proposed form and character of the scheme and neighbour amenity. The main issues raised include that the scheme constitutes the overdevelopment of the site and as a result the scale proposed is not appropriate in the locality, is of poor design and gives rise to neighbour amenity issues of overbearing and overlooking.

The report responds to the objections raised and while careful consideration has been given, on balance it is suggested that the scheme would not give rise to unacceptable neighbour amenity issues. The design, while different to the established Nightingale Lane, seeks to act as a transition between the existing development to the north and to the south, and is not of sufficient detriment to warrant refusal of the application.

There are no statutory consultee objections to the scheme. In conclusion the scheme accords with the outline planning consent on the site and is in line with the NPPF, policy CS08 of the Core Strategy (2011) and policies DM15 and DM17 of the SADMP (2016).

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-

House Type C – Elevations
13572 House Type C – Floor Plans
13577 House Type D – Elevations
13576 House Type D – Floor Plans
13571 Site Sections
13579 Rev B - Site and Location Plan
received 12 Dec 2019
- 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 proposed access / on-site car parking / turning area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 2 Reason To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.
- 3 Condition Notwithstanding the provisions of Schedule 2, Part 1, Class's B and C of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the enlargement of the dwelling house consisting of an addition or alteration to its roof and the insertion of new windows/dormer windows shall not be allowed without the granting of specific planning permission.

- 3 Reason In order that the Local Planning Authority may retain control of development which might be detrimental to the amenities of the locality if otherwise allowed by the mentioned Order.
- 4 Condition Notwithstanding the details indicated on the approved plans, prior to the first occupation of the dwellings hereby permitted the first floor windows on the rear elevation of plots 1 and 2, and the rooflights on the rear elevations of plots 3 and 4 shall be fitted with obscured glazing. The windows and rooflights shall be permanently retained in that condition thereafter.
- 4 Reason To protect the residential amenities of the occupiers of nearby property.