

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

|                      |  |   |
|----------------------|--|---|
| <b>Parish:</b>       | <b>Burnham Market</b>  |   |
| <b>Proposal:</b>     | <b>Proposed shop</b>   |   |
| <b>Location:</b>     | <b>Land Adj Hamilton Antiques 21 North Street Burnham Market Norfolk</b> |   |
| <b>Applicant:</b>    | <b>B &amp; L Properties Ltd</b>  |   |
| <b>Case No:</b>      | <b>15/00185/F (Full Application)</b>                                     |   |
| <b>Case Officer:</b> | <b>Mrs K Lawty<br/>Tel: 01553 616403</b>                                 | <b>Date for Determination:<br/>6 April 2015</b> |

**Reason for Referral to Planning Committee** – The views of Burnham Market Parish Council is contrary to the Officer recommendation.

### Case Summary

The application site comprises an open parcel of land on the southern side of North Street within the centre of Burnham Market. It is flanked by two commercial premises; one is a former Warehouse now a retail unit and one is a traditional flint cottage used for retail purposes.

The immediate surrounding area is mixed residential and commercial in character, with a variety of predominately retail uses focussed around 'The Green' to the west.

The application site lies within an area defined as Built Environment Type C and is within the Conservation Area and Area of Outstanding Natural Beauty, according to Local Plan Proposals Maps for Burnham Market.

This application, as amended, seeks consent for the construction of a new shop unit. Amended plans have been received as the proposal has evolved.

### Key Issues

Principle of Development  
Impact upon Designated Heritage Assets  
Impact upon Neighbour Amenity  
Highway Safety  
Other Material Considerations

### Recommendation

**APPROVE**

## THE APPLICATION

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## **SUPPORTING CASE**

The application (as amended) has been supported by a Design and Access Statement which refers:

History:

A pre-application enquiry was submitted (Ref: 14/00041/PREAPP) for a standalone proposal comprising a dwelling. Following a meeting with the planning officer and their comments and meeting with the client the design has been amended to a shop and a two storey flat above due to the high demand for retail space in Burnham Market.

A full planning application was submitted (Ref: 14/01079/F) for a ground floor shop and two storey flat. Following the consultation period the application was withdrawn due to issues with overlooking from the residential unit.

A full planning application was submitted (Ref: 14/01627/F) for a three storey shop only.

Following the consultation period the application was withdrawn following a meeting with the planning officer due to issues with the design and its proximity and overbearing nature to the surrounding properties.

The design has since been amended following a meeting with the planning officer to reduce the building size which allows for a 1m wide side and rear passageway to create separation from the adjacent party wall and boundary wall.

Amount:

The new build creates a retail space which has an internal floor area of:

Ground Floor 70.5m<sup>2</sup>

First Floor 70.5m<sup>2</sup>

Attic Space 23.5m<sup>2</sup>

Total Internal Floor Space 164.5m<sup>2</sup>

Scale:

The proposal is of a traditional design. The eaves height is in between the adjacent properties which is 4.65m. The ridge height for the new element is 8.11m.

#### Layout:

The new shop is accessed off North Street and consists of an open plan shop floor with a central staircase leading to a matching open plan space at first floor. A contained staircase then leads to the second floor attic space. The layout on plan is indicative for when the property is let and a shop fitter will do the internal fit out to their own specification and needs.

#### Landscaping:

The site will not need a landscaping scheme, the side passageways between the adjacent property and the boundary wall will consist of paving slabs.

#### Appearance:

The proposed facing brickwork and roof tiles are to match the adjacent properties. The joinery is to be white painted timber and flint work to the front and side elevations

#### Access:

The site is located in the centre of the village of Burnham Market and has public transport links to the major towns in the local area.

The development will not have any parking spaces but due to its central position in the village it is easy to access the amenities and transport. If parking is required the proposal is opposite to the recently approved development and large car park.

#### Inclusive Access:

A disabled threshold with floor levels being similar inside to the outside will be provided at of the entrance doors.

The external entrance door and all ground floor internal doors will be at least 838mm wide to allow good access for disabled persons throughout the ground floor space.

#### Secured By Design:

Our client intends to enter into discussions with the local constabulary regards ensuring the property meets the 'Secured by Design' standards.

#### Flood Risk:

The Site is identified on the Environment Agency indicative flood risk map as being located within Flood Zone 2, i.e. the site has less than 0.5% of flooding each year from rivers or the sea, shared i.e. less than 1 in 200 or less year chance. Please see the accompany email from the Environment Agency stating that a full Flood Risk Assessment is not required.

### **PLANNING HISTORY**

14/01627/F: Application Withdrawn: 12/01/15 - Proposed shop

14/01079/F: Application Withdrawn: 10/10/14 - Proposed shop and flat -

## RESPONSE TO CONSULTATION

**Parish Council: OBJECT** - Burnham Market Parish Council would recommend that the planning application be refused. The Parish Council feels that the construction of the proposed building would be overbearing.

The proposed building would be in very close proximity to the neighbouring building and would occupy near on the entire footprint of the plot, making the proposals out of proportion to the location and to the site itself. The Parish Council would also comment that there is nothing included within the application to show the visual impact the property would have on the street scene, which the Council believes would be significant. The proposals for the three storey development would be intrusive and totally alter the characteristics of North Street.

The Parish Council also has concerns about the safety of pedestrians stepping out in to North Street. Once the car park is fully operational there will be an increased flow in traffic along this stretch, therefore the development may significantly impact upon road safety.

**Conservation Areas Advisory Panel: OBJECT** – The Panel considered that the land adjacent to Hamilton Antiques should not be developed.

**Environment Agency: NO OBJECTION** – but made comments

**Highways Authority: NO OBJECTION** – conditionally

**Environmental Health & Housing - Environmental Quality: NO OBJECTION** – conditionally

**Arboricultural Officer: NO OBJECTION** – conditionally

**Historic Environment Service: NO OBJECTION** – conditionally

**Police Architectural Liaison Officer: NO OBJECTION**

## REPRESENTATIONS

To the original scheme:-

**Two** letters received objecting to the application on the following grounds:-

- Overdevelopment /Overbearing Nature of the Building: Generally, the size and scale of the proposed building, in the context of the relatively small size of the site, would be such that it would radically and negatively affect its immediate surroundings, and would constitute overdevelopment
- Overshadowing: given its design, and in particular its height and location within the site, the proposed building will very significantly overshadow our property (just as that in the November proposal would have done, and indeed significantly more than the July proposal would have done).
- Overlooking: the proposed building has windows both at first floor and at second floor level. These will overlook our garden. (NB the November application only had south-facing windows at first floor level; the current proposal is therefore significantly worse than that from this point of view.)
- Out Of Character: the proposed building would have a significant impact (both from the point of view of proportionality and from the point of view of conservation) upon

the immediate locality, and would indeed affect some of its prettiest features including in particular the west wall of the Warehouse.

- The car parking situation is unsatisfactory; there does not seem to be room for any vehicles apart from in areas which currently service the Hamilton Antiques shop next door. There are also significant numbers of trees on the site
- We are pleased that the developers have now taken into consideration our beautiful wall; however it will still be almost completely obscured by this potential development. The slight alterations to the application will not alleviate the need for a party wall agreement. We are very concerned that our footings will move if a trench is dug only 1 metre away from our wall. We have been informed that our footings will not be very deep as there is no cellar and our architect has implied that this could be a serious issue. If there was a problem in this regard, the potential business interruption might be devastating to the company which in turn would seriously impact employment.
- There are a great many architecturally important buildings in North Street - perhaps some of the most interesting and important ones in the village. Therefore any development would need to be very sensitive in terms of scale and building materials used to be in keeping with the surroundings. We believe that the size and scale of the proposed development are excessive and will not only block light from the street but will appear over-bearing to the character of the street and village.

## **NATIONAL GUIDANCE**

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 POLICIES**

The King's Lynn and West Norfolk Local Plan (1998) contains the following saved policies that are relevant to the proposal:

**4/21** - indicates that in built-up areas of towns or villages identified on the Proposals Map as Built Environment Type C or D development will be permitted where it is in character with the locality.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS10** - The Economy

**CS11** – Transport

**CS12** - Environmental Assets

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT**

**DM1** – Presumption in Favour of Sustainable Development

**DM15** – Environment, Design and Amenity

### **OTHER GUIDANCE**

Burnham Market Conservation Area Character Statement

### **PLANNING CONSIDERATIONS**

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

- Principle of Development
- Impact upon Designated Heritage Assets
- Impact upon Neighbour Amenity
- Highway Safety
- Other Material Considerations

#### **Principle of Development**

The application site is located within Built Environment Type C, the Conservation Area of Burnham Market and an Area of Outstanding Natural Beauty (AONB) as defined by the King's Lynn and West Norfolk Local Plan 1998.

Nationally, the NPPF seeks a high standard of design, and design that takes the opportunity to improve an area. Some of the key objectives referred to in the NPPF are for development which responds to local context and creates or reinforces local distinctiveness, are visually attractive as a result of good architecture and appropriate landscaping.

Local Plan policy 4/21 supports the principle of development in an area defined as Built Environment Type C provided it is in harmony with the building characteristics of the area.

Core Strategy Policies CS01, CS02, CS06 and CS08 are relevant. CS01 promotes sustainable patterns of development to ensure strong, diverse economic activity whilst maintaining local character and a high quality environment.

Burnham Market is a 'Key Rural Service Centre' as defined by CS02 where limited growth of a scale and nature appropriate to secure the sustainability of each settlement will be supported within the development limits in accordance with Policy CS06.

The construction of new shop unit on the site is acceptable in principle provided it is of a good design, is in harmony with the building characteristics of the locality and does not have a detrimental impact on the heritage assets or the AONB.

#### **Impact upon Designated Heritage Assets**

The site is within the Conservation Area.

North Street contains a mix of residential and commercial properties which are mostly located on the back of the footpath. These are a mixture of ages and designs, constructed

of a variety of materials including colour washing, chalk block, random chalk, red brick, gault brick, random flint and flint cobble. Some of the properties along this section of North Street are listed but those either side of the site are not.

The National Planning Policy Framework (NPPF), specifically paragraphs 131 and 132, state that: "When determining planning applications, local authorities should take account of: the desirability of new development making a positive contribution to local character and distinctiveness and the desirability of sustaining and enhancing heritage assets. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting".

The National Planning Practice Guidance states that: "the setting of a heritage asset is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The extent and importance of setting is often expressed by reference to visual considerations."

The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places statutory duties upon Local Planning Authorities. In determining applications that affect a Listed Building or its setting Section 66(1) states that the Local Planning Authority: "shall have special regard to the desirability of preserving the building or its setting". Section 72 requires the LPA to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area when determining applications affecting buildings or land within the Conservation Area or its setting.

Furthermore, Policy CS12 of the Core Strategy states that "The historic and built environment play a crucial role in delivering environmental quality and well-being. Therefore the Council will preserve and where appropriate enhance its qualities and characteristics.

The application site comprises an existing, open space within this street frontage. Walling to the front of the site indicate that there was once a building on the site, although no details regarding the history are readily available.

Prior to this application a previous application for a shop unit on this site was withdrawn (lpa ref: 14/01627/F). This current proposal has been further amended and reduced in scale so that the eaves and ridge height are significantly lower than that previously submitted. Also, in response to comments received from the earlier application, the frontage has been redesigned so that it has a more traditional shop front rather than the appearance of a converted cottage or a warehouse building which featured in earlier schemes.

The ridge height is stepped so that it is lower than that of the warehouse building to the east but is higher than that of the property to the west. The same stepped approach has been taken with the eaves heights.

The proposed building has also been moved away from the east and south boundaries to allow more spacing around the building. The rear section can now be used for the storage of bins. This means that the proposed building is detached from the warehouse building to the east and small glimpses of the brick and flint panel side wall of this property can still be seen.

The Conservation Areas Advisory Panel has objected to the proposal as they consider that no building should appear on this site. They have not commented on the details of the scheme, just the principle. The Conservation Officer concurs with this opinion.

The Parish Council has objected to the scheme due to its scale and mass which they consider would be overbearing and be out of proportion with its location in the streetscene and the site itself. They consider it would be intrusive and alter the characteristics of North Street.

Currently there is a brick and flint panel wall which runs along the front of the site with an infilled window opening. Clearly this is part of the former building on the site, the remainder of which has long since been demolished. Behind this wall the site is planted with some grass and peripheral planting which can be seen above the boundary wall. It is true to say that the site does create a gap in the built up frontage along North Street which is softened by foliage. However, it is the importance of this open space and its place within the streetscene and the character of the Conservation Area which needs to be considered.

The walling to the front of the site limits public views into the site and gives the impression that the site is enclosed and private. The site offers no public recreation facilities, either formal or informal. The proposal would, in effect, extend the height of the wall to two full storeys to be in keeping with surrounding buildings.

The proposed development would not result in the infilling of the whole of this opening in the streetscene. Space is retained to the western side of the building to retain the vehicle access for the parking to No. 21 North Street. A small gap of 1m would also remain to the eastern side of the building.

The proposal as amended does take reference from surrounding buildings and characteristics of other buildings in the vicinity and their built form. Buildings are set on the back of the footpath and this proposal continues this form.

It is considered that the proposed building would not have a harmful impact through the infilling of spacing in the street scene. The gap has been formed by the removal of most of the building previously on site and in this case it is considered that the spacing is at odds with the streetscene. Accordingly it is not considered the proposed new building would harm the character of the streetscene or any heritage assets.

The amended plans now show a building which better reflects the design elements of surrounding development. It is considered that the scheme as amended no longer dominates the plot or this part of North Street. The plans as amended now demonstrate that the proposed development can fit into the site without harm to the character of this part of the village and Conservation Area.

The success of the scheme to fit into the streetscene and Conservation Area will also be closely linked to the finish of the built form and it is recommended that planning conditions relating to materials should be imposed if permission is forthcoming.

Third party objections have been received relating to overdevelopment of the site and the proposal being out of character, but it is considered that the proposal is an efficient use of land whilst replicating the key design characteristics of this part of the village.

In summary, it is considered that the proposal is now acceptable in design terms. It is considered that the proposal as amended now reinforces the character of development along North Street and will therefore preserve and enhance the character of the Conservation Area, and the nearby listed buildings.



## **Impact upon the Area of Outstanding Natural Beauty.**

The site is also within an Area of Outstanding Natural Beauty (AONB).

The NPPF, specifically paragraph 115, states that: "Great weight should be given to conserving landscape and scenic beauty in National Parks, the Boards and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

The site is within the village settlement boundary although will be visible across the new village car park and fields beyond. The cross sections provided by the applicant demonstrate that the development will fit in amongst the existing built form and the approved development on Foundry Field without harm to the character of the area.

Given the scale and nature of the proposal, and its location within the village, however, it is considered that the integrity of the AONB will be retained.

## **Impact upon Neighbour Amenity**

The National Planning Policy Framework, specifically paragraph 17, states that, in respect to neighbour amenity: "Planning should provide a good standard of amenity for all existing and future occupants of land and buildings".

Policy DM 15 of the Draft Development Management Policies Pre-submission Document states that, in respect to neighbour amenity: "Proposals will be assessed against a number of factors including: Overlooking, overbearing and overshadowing... Development that has a significant adverse impact on amenity of others ... will be refused".

The relationship between the proposed works and neighbouring properties has been examined and the impact upon the amenity of the occupants of these properties has been assessed. Consideration has been given to overlooking, overshadowing and whether or not the proposed new dwelling and outbuildings would be overbearing.

Third party objections have been received relating to overlooking and overshadowing from the height of built form on the site boundary. The proposed building is set off 1m from the eastern and southern boundaries. There are no windows to the western elevation of the warehouse building and to the south is a garden room to a residential property with no windows facing the site. High level windows and rooflights are shown to the southern elevation. The windows serve part of the retail floor space and are set at 1.6m above floor level. The rooflights serve attic space to the retail unit.

There will be no overshadowing to the residential properties to the south due to the orientation of the site and the way that shadow is cast. Shadowing to the east and west would be largely over existing flank walls of existing buildings and not to any residential amenity space.

The rear section of the building would be just under 5m to eaves height and just over 7m to ridge set off 1m from the boundary. It would span just under 5.5m. Given the existing densities of development in the village this arrangement is not unexpected. The building is no deeper than other buildings to the west and is not as deep as the warehouse building to the east.

A parcel of land would remain between the site and the residential property to the south so that there would be no direct impact on the windows of this neighbouring property.

The proposed building would be visible from the garden land of the property to the south and the first floor windows would also look out towards the garden land of this property. However, these are high-level windows which serve commercial premises and therefore overlooking would be limited. In this case the feeling of being overlooked would be worse than the actual overlooking, and this would not warrant a refusal.

The relationships have been examined and it is considered that due to the position of existing windows, separation distances and spacing between the properties it is not considered there will be an undue detrimental impact upon the amenity of the occupants of the adjoining properties in terms of overlooking, being overshadowed or the dwellings being over bearing.

### **Highway Safety**

The proposal shows the retention of the vehicle access point which is historic. The boundary wall already limits visibility splays so in this case the wall of a building in the same location has no bearing on the visibility of this existing access. The existing parking and turning arrangements will therefore remain unchanged.

No additional parking is proposed for the retail unit but the site is within the centre of the village and works are currently underway for a new village car park in proximity to the site. Accordingly in this case the Highways Authority raises no objection.

### **Other Material Considerations**

Third party concern has been raised regarding the loss of trees on the site. However, these are garden trees and not of such significance or size that they are protected by TPO or worthy of protection through a TPO.

Third party concern has been raised regarding the impact on the footings of the warehouse building to the east from any new development. However this is a civil matter between land owners and covered by legislation outside the Town and Country Planning Acts.

The site is within Flood Zone 1, low risk. There are no outstanding flood risk issues.

Section 17 of the Crime and Disorder Act 1998 requires Local Authorities to consider the implications for crime and disorder in the carrying out of their duties. The application will not have a material impact upon crime and disorder.

The site lies within 2km of a SSSI. However, the proposed development would not have a significant adverse effect on the features on which the SSSI is designated.

### **CONCLUSION**

The design of the proposed shop unit, as amended, is now considered acceptable in the Conservation Area and will fit in with the streetscene and surrounding development. The proposed development will not have a detrimental impact upon the natural beauty of the landscape in this designated Area of Outstanding Natural Beauty. It is also considered that the loss of this gap within the streetscene will not adversely affect the character or appearance of the Conservation Area.

The plans, as amended, demonstrate that the development will not cause significant overlooking of neighbouring properties, will not be unduly overbearing and will not cause significant loss of light. There are no significant amenity issues.

The Highways Authority has no objection to the amended scheme.

The proposal complies with national policy, saved Policy 4/21 of the King's Lynn and West Norfolk Local Plan 1998 and Policies CS01, CS02, CS06, CS07, CS08 and CS12 of the King's Lynn and West Norfolk Adopted Core Strategy 2011.

Accordingly the application is recommended for approval subject to the imposition of planning conditions.

**RECOMMENDATION:**

**APPROVE** subject to the imposition of the following condition(s):

- 1 Condition The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Drawing No. 1826 – 07D, Scale 1:50, 1:200 & 1:1250, Proposed Section, Site and Location Plan
  - Drawing No. 1826 – 08I, Scale 1:100, Proposed Plans and Elevations
- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition No development shall commence on any external surface of the development until a sample panel of the materials to be used for the external surfaces of the building(s) and/or extension(s) hereby permitted has been erected on the site for the inspection and written approval of the Local Planning Authority. The sample panel shall measure at least 1 metre x 1 metre using the proposed materials, mortar type, bond and pointing technique. The development shall be constructed in accordance with the approved details.
- 3 Reason To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 4 Condition No development over or above foundations shall take place on site until full details of the window style, reveal, cill and header treatment has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4 Reason To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.