

**AGENDA ITEM NO: 8/2(d)**

<b>Parish:</b>	<b>Downham Market</b>	
<b>Proposal:</b>	<b>Conversion of former offices to form three 2-bedroom residential units, alterations to coach house to form one 2-bedroom dwelling and construction of three terraced 2/3 bedroom cottages</b>	
<b>Location:</b>	<b>The Stables Bexwell Road Downham Market Norfolk</b>	
<b>Applicant:</b>	<b>Mr John Murphy</b>	
<b>Case No:</b>	<b>15/00433/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mrs N Osler Tel: 01553 616402</b>	<b>Date for Determination: 15 May 2015 Extension of Time Expiry Date: 5 June 2015</b>

**Reason for Referral to Planning Committee** – Officer recommendation is contrary to Town Council recommendation.

**Case Summary**

The proposal is for the conversion of some offices to three, single-storey dwellings; conversion of a coach house to one, 1.5-storey dwelling and the construction of a terrace of three, two-storey dwellings.

The site lies to the north of Bexwell Road, Downham Market and benefits from an implemented scheme for the conversion of the offices to two, single-storey dwellings; conversion of the coach house to one, single storey dwelling and the construction of one, detached, two-storey dwelling.

As such the proposed development would result in an increase of 3 dwellings over and above the consented and implemented scheme.

The site lies within a Conservation Area and within Flood Zone 1.

**Key Issues**

Principle of Development;  
Form and Character and Impact on the Conservation Area;  
Highway Safety;  
Residential Amenity; and  
Other Material Considerations

**Recommendation:**

**APPROVE**

## THE APPLICATION

The application site has been subject to a number of planning applications (see 'History' section below). The 2002 application resulted in permission to convert the offices to two dwellings, the coach house to one dwelling and to construct a further single dwelling. The 2002 permission has been confirmed by the Local Planning Authority (LPA) as having commenced and the permission has therefore been implemented and can be completed at any time.

The site comprises c.0.2ha of former garden land to The Rosary (a large, late Victorian detached house situated to the southwest of the site whose curtilage extends to the west of the site).

The site contains a linear building running north-south along the eastern boundary (historically stables, but most recently offices), a former coach house (located in the north-eastern corner of the site) and an area of walled garden to the west (the location of the consented detached dwelling). Along the western boundary wall of the site are three small lean-to outbuildings - it is proposed to repair and retain these as outbuildings to the proposed terrace of three.

The northern boundary of the site comprises iron 'estate' fencing and fronts the existing private access road serving The Orchard (a small development of houses). The eastern boundary consists of a carrstone wall that separates the site from Rabbit Lane (an unadopted and unmade track serving a number of dwellings). Rabbit Lane is also a pedestrian Public Right of Way.

The current application is for the conversion of the offices to three, single-storey dwellings, conversion of the coach house to one, 1.5-storey dwelling and the construction of a terrace of three, two-storey dwellings - an increase in three dwellings from the consented and implemented scheme.

## SUPPORTING CASE

The DAS that accompanied the application states: *'Consideration has been given to form, scale and appearance to ensure that the proposal is in keeping with the character and appearance of the conservation area, respects local amenity, ensures safe highway conditions and retains existing trees where possible.'*

*'It is asserted that the proposal provides a more appropriate use of the land than the existing permission in terms of design and layout and optimising the use of previously developed land. The design and use of materials and finishes to the development will ensure that the proposal will make a positive contribution to the designated conservation area and the wider area more generally. The site will make provision for smaller residential units suitable for starter homes and / or young families, set within a mature landscaped setting.'*

*'It is considered that the proposal would accord with the provisions of Policies 4/21 and 8/1 of the Local Plan, Policies CS1, 2, 4, 8, 9 and 12 of the Core Strategy, emerging Development Management Policies DM1, 2, 15 and 17, and the requirements of the National Planning Policy Framework.'*

## PLANNING HISTORY

Permission was granted in July 2002 for the conversion of offices to two dwellings, the conversion of the coach house to one dwelling and the construction of one, two-storey detached dwelling under reference 2/02/0566/CU.

In 2007 an application was made to convert the offices to five dwellings (rather than the two originally permitted). This application (07/01601/F) was refused and dismissed at appeal (APP/V2635/A/08/2070922). The reason for refusal of the LPA was: *'The proposal to convert the former office building to 5 dwelling unit represents an over intensive form of development with limited private amenity space and would result in significant congestion and increased activity in the locality which is considered to be detrimental to the character and appearance of the area'*. The Inspector did not concur with the LPA in relation to form and character, dismissing the appeal due to substandard living conditions; concluding that the proposal *'would fail to provide satisfactory living conditions for future occupiers [of the proposed units], with regard to the provision of private external amenity space and access and parking arrangements'*. The Inspector also concluded that highway safety was not a reason for refusal.

## RESPONSE TO CONSULTATION

**Parish Council:** Members were generally supportive of the scheme particularly in regard to the conversion of the former offices and the coach house but recommended refusal stating the proposed construction of three terraced cottages and the resultant loss of existing trees was an overdevelopment of the site. Members did comment that they would like to see a revised application for two dwellings that created more amenity space and allowed the trees to be retained as natural screening.

**Highways Authority:** The point of access would be of an acceptable width, it is surfaced over the highway (footway) and visibility splays would accord with the recommended standards without the need for alteration. I note that the parking numbers are a little short of the recommended standard where they have been indicated but it is evident that there is additional land available around the development where more cars could be accommodated if needed. As a result I would not seek to restrict the grant of permission.

**Environmental Health & Housing – Environmental Quality:** **NO OBJECTION** subject to conditions relating to asbestos and its safe removal

**Arboricultural Officer:** I can confirm that I have **NO OBJECTION** to the proposals – please condition it is carried out in strict accordance with the submitted report and plans.

**Norfolk Constabulary:** **NO OBJECTION** – information sent to applicant / agent in relation to Secured by Design

**Historic England:** The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again on this application.

**Conservation Officer:** Recommend **APPROVAL** with conditions requiring sample panels of materials and joinery details.

The Tithe Map of Norfolk and the First Edition OS map of 1886 indicate that the two buildings on this site were built between 1840 and 1886 and it seems likely that they were built as stables and coach house to The Rosary which was also considerably enlarged during the same period. They are within the conservation area (CA) and are marked on the CA map as being "important but unlisted buildings" or undesignated heritage assets.

The long low stable block serves to enclose the site and the back carriage is a strong character feature of Rabbit Lane. Both buildings have been altered, particularly The Stables with the addition of modern horizontal windows installed to facilitate its use as offices, but they both appear to be structurally sound in spite of standing empty in recent years and this scheme which largely preserves them in their present form is to be welcomed.

New build on the site will be a departure from what has previously existed but the land is not used and its neglected appearance does not enhance the area. The cottages are modest in size and low key but with good detailing and choice of materials making them more appropriate than large modern houses which have been mooted previously. Developing the whole site as a small group of dwellings will ensure the future of the historic buildings and is merely a continuation of the development which has slowly crept along Rabbit Lane over the years - since in fact the Stables and Coach House themselves were built in the 1880s.

The proposal therefore accords with the NPPF which identifies protection and enhancement of the historic environment as an important element of sustainable development and establishes a presumption in favour of sustainable development within the planning system. The NPPF also states that conservation of historic assets is a core principle of the planning system.

## REPRESENTATIONS

**NINE** letters of **OBJECTION** have been received. The issues raised are:

- Overdevelopment of the site;
- Does not take into account the historic nature of the site and the tree reduction is too severe;
- Highway safety;
- Sewage provision is inadequate;
- Increase in noise of detriment to neighbour amenity;
- Not in keeping with surrounding development;
- Overlooking leading to loss of privacy;
- All the reasons cited for the dismissal of the previous appeal exist and some are worse;
- Impact on protected species;
- Impact on Rabbit Lane if scaffolding were erected on it;
- Refuse storage – where will the bins be located?
- Overbearing;
- Asbestos removal;
- There is a legal covenant on the site limiting any development to one, three-bedroom dwelling not overlooking The Rosary;
- There is a discrepancy on the north-east boundary of the site;
- None of the assurances relating to screening that the applicant made at the Downham meeting have been incorporated into the plans; and
- The sewage and foul water drain from the four houses in The Orchards pass through the site; and a wayleave for the drain to continue should be a condition of any permission granted.

## **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

**CS03** - King's Lynn Area

**CS08** - Sustainable Development

**CS09** - Housing Distribution

**CS11** - Transport

**CS12** - Environmental Assets

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

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

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

## **OTHER GUIDANCE**

Downham Market by Design

## **PLANNING CONSIDERATIONS**

The key issues for consideration in relation to the determination of this application are:

- Principle of Development;
- Form and Character and Impact on the Conservation Area;
- Highway Safety;
- Residential Amenity; and
- Other Material Considerations.

### **Principle of Development**

The National Planning Policy Framework (NPPF), 2012 states, at paragraph 49, that: 'Housing applications should be considered in the context of the presumption in favour of sustainable development'.

Downham Market is one of the borough's main towns. Furthermore the application site falls within Built Environment Type C as identified in the King's Lynn & West Norfolk Local Plan, 1998. Within this area the principle of new residential development is generally considered to be acceptable under Policies CS02, CS04 and CS09 of the Core Strategy, Policy 4/21 of the Local Plan and emerging Development Plan Policies DM1 and DM2. Development must however have regard for and be in harmony with the building characteristics of the locality and comply with all other relevant policies.

In addition, the site also lies within a Conservation Area, and development must, at the very least therefore, preserve the qualities and characteristics of the designation as set out in planning law, the NPPF (Chapter 12) and the Core Strategy (Policy CS12).

Furthermore, permission has been granted in the past for residential development of the site (albeit on a smaller scale). As such it is considered that the principle of development is acceptable.

### **Form and Character and Impact on the Conservation Area**

Whilst the predominant characteristic of the locality of the site is linear development fronting the main road (whether it is Bexwell Road or other main roads in the locality of the site) there are also numerous examples of comprehensive developments served off both large and small private accesses. Indeed The Orchards and other developments off Rabbit Lane are key examples. In this regard the proposed development is considered to respect the built characteristics of the locality and preserve the characteristics of the Conservation Area. Furthermore the conversion of the existing stables and coach house, in a fashion considered to preserve the fabric of these buildings, would be an enhancement of the area (however, it is a material consideration that these building could be preserved / enhanced under the implemented scheme).

The proposed new build (the terrace of three) is of a scale, mass and appearance (cottage proportions with vernacular materials) that relate adequately to the site and the wider locality (the latter of which contains dwellings of all manner of sizes, scales, ages and character).

The previously refused and dismissed appeal related to the conversion of the existing stable building into five units. It is considered that the lesser conversion to three (as proposed under this application) is appropriate and offers an appropriate degree of amenity space for each unit. It is therefore considered that the proposed development addresses the reasons for refusal.

In relation to the wider site, it is considered that it is of a size that can accommodate the proposed development without resulting in a cramped form of development, and each unit is considered to have an appropriate amount of amenity space. As such it is not considered that the proposed development could be considered as overdevelopment.

Trees in Conservation Areas are protected. Additionally there are four trees that benefit from Tree Preservation Orders. However, and notwithstanding the concerns / objections of third party representatives, the Local Authority's Arboricultural Officer has no objection to the loss of those trees shown to be felled. This conclusion would have been reached by full consideration of the health and amenity value of each tree.

In summary, it is considered that the proposed development is appropriate for the site and its surroundings. It would not appear overly dominant or out of keeping in the locality and would not have any detrimental impact on the established character or appearance of the Conservation Area. The Conservation Officer has no objection to the proposed development.

### **Highway Safety**

The Local Highway Authority (LHA) has no objection to the proposed development on highway safety grounds. Whilst the LHA does not wish to restrict the grant of planning permission (on the grounds that there is sufficient space for an appropriate degree of parking and turning (in accordance with parking standards)), the LPA considers it is necessary, for the avoidance of doubt and in the interests of proper planning, that these areas are clearly laid out. As such, if permission is granted it is recommended that a suitable condition is appended.

### **Residential Amenity**

Occupiers of the proposed development are considered to have appropriate amenity space including adequate space for bin provision, washing lines, etc. There is not considered to be any overshadowing, overbearing or overlooking issues that are of a degree to suggest that the inter-development relationships are not acceptable.

In relation to the impact of the proposed development on occupiers of existing dwellings, each element of the proposed development shall be considered in turn.

#### *Conversion of Stables / Offices*

It is a material consideration that these could be converted in accordance with the 2002 permission. The separation distances (c.30m between the closest part of the building with both Bexwell House (to the southeast) and The Rosary (to the southwest)) and means of separation Rabbit Lane (to the southeast) and significant trees (to the southwest) are considered sufficient to suggest that there would be no material overlooking impacts.

#### *Conversion of the Coach House*

As with the stables / offices, it is a material consideration that this could be converted in accordance with the 2002 permission. The separation distances (c.19m) between the closest part of the building with both Kingfisher House and Cedar House to the north, together with the means of separation (private access), and the angles involved from first floor windows, are considered sufficient to suggest that there would be no material overlooking impacts.

### *Construction of New Terrace*

A significant element of the garden of The Rosary sits to the rear (west) of the proposed terrace. However, a site visit confirmed that this was not their main private amenity area. Additionally, the garden of The Rosary remains extensive and large parts of it would remain private and unaffected by the proposed development. It is therefore considered that the impact on The Rosary from this element of the development would not be sufficient enough to warrant refusal.

The only other dwellings that could realistically be impacted from this element of the development are the dwellings to their north. However, these dwellings are separated from the site by the private access serving them and their front gardens. Additionally there are no first floor windows proposed on the northern elevation of the terraces. It is therefore considered that the impact on the dwellings to the north of the site (Kingfisher House and Cedar House) from this element of the development would not be sufficient enough to warrant refusal.

### **Crime and Disorder**

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

### **Other Material Considerations**

Whilst the application form states that surface water drainage will be via soakaway, because of known issues in this particular area, it is considered necessary and reasonable to append a condition to any permission granted requiring full details.

The safe removal and disposal of asbestos can be suitably conditioned.

Protected species – development relating to the coach house and stables /offices can continue at any time. Given this, and the fact that protected species are covered by other legislation, it is not considered necessary to condition these works in relation to the impact on protected species.

In relation to third party comments not covered in the main body of the report, the LPA comments as follows:

- Increase in noise of detriment to neighbour amenity – neither the noise associated with construction or the resultant development is considered to be sufficient enough to warrant either refusal or a condition restricted hours [construction];
- All the reasons cited for the dismissal of the previous appeal exists and some are worse – covered in the main body of the report;
- Impact on Rabbit Lane if scaffolding was erected on it – this is a civil matter;
- There is a legal covenant on the site limiting any development to one, three-bedroom dwelling not overlooking The Rosary – this is a civil matter;
- There is a discrepancy on the north-east boundary of the site – the location plan is for the purposes of identification of the site. It is not considered that any part of the development extends outside of land in the ownership of the applicant;
- None of the assurances, relating to screening that the applicant made at the Downham meeting, have been incorporated into the plans – the LPA is not privy to this information. Notwithstanding this, the proposal is considered adequate in terms of screening; and
- The sewage and foul water drain from the four houses in the Orchards pass through the site; and a wayleave for the drain to continue should be a condition of any permission granted – this is a civil matter.



## CONCLUSION

Overall it is considered that the proposed development is appropriate for the site and its surroundings and would not have any detrimental impact on the established character or appearance of the conservation area. The proposed development would not result in any material harm to residential amenity or highway safety. As such there are no material considerations that suggest the proposed development should not be approved as it accords with the Development Plan and the National Planning Policy Framework.

## RECOMMENDATION:

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

- 1 Condition 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 nos: 1264.1; 1264.3.A; 1264.S and RO/MH/1 received on 20 March 2015 and 1264.2 and 1264.3.B received on 5 May 2015.
- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition No development shall commence on site until full details of the surface water drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.
- 3 Reason To ensure that there is a satisfactory means of drainage in accordance with the NPPF.

This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.

- 4 Condition Prior to the occupation of any unit of the development hereby permitted, full details (in the form of scaled plans and / or written specifications) shall be submitted to and approved in writing by the Local Planning Authority to illustrate the following: -
  - i) Parking provision in accordance with adopted standard, and
  - ii) Turning areas.

The development shall be carried out in accordance with the approved details prior to the occupation of any of the units hereby approved and shall be retained thereafter available for that specific use.

- 4 Reason To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.
- 5 Condition The development hereby permitted shall be carried out in accordance with the Tree Survey that accompanied the application (dated 17 March 2015 and carried out by Mike Houldsworth).

- 5 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.
- 6 Condition Prior to the commencement of the development hereby approved, a survey specifying the location and nature of asbestos containing materials and an action plan detailing treatment or safe removal and disposal of asbestos containing materials shall be submitted to and approved by the local planning authority. The details in the approved action plan shall be fully implemented and evidence shall be kept and made available for inspection at the local planning authority's request.
- 6 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of land after remediation.
- 7 Condition Prior to first occupation of the development hereby approved evidence of the treatment or safe removal and disposal of the asbestos containing materials at a suitably licensed waste disposal site shall be submitted to and approved by the local planning authority.
- 7 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of land after remediation.
- 8 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.
- 8 Reason To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 9 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.
- 9 Reason To ensure that the design and appearance of the development is appropriate in accordance with the principles of the NPPF.