

AGENDA ITEM NO: 8/3(b)

Parish:	Downham Market	
Proposal:	OUTLINE APPLICATION SOME MATTERS RESERVED: Residential Development	
Location:	Land Adjacent To 24 Lancaster Crescent Downham Market Norfolk PE38 9QL	
Applicant:	BCKLWN	
Case No:	16/00588/O (Outline Application)	
Case Officer:	Mr Bryan Meredith	Date for Determination: 30 May 2016

Reason for Referral to Planning Committee – the application is submitted on behalf of the Borough Council for its own development and objections have been received. Also the Town Council's view is at variance with the officer recommendation.

CASE SUMMARY:

The application proposes the residential development on land adjacent to 24 Lancaster Crescent, Downham Market. Downham Market is defined as a Main Town in the settlement hierarchy contained in the Core Strategy of the Local Development Framework. The site (red line) amounts to 0.03ha of land.

The site is located on land designated as Built Environment Type D in the 1998 Local Plan within the settlement boundary of Downham Market which is also the case as is set out in Policy DM2 of the emerging Site Allocations & Development Management Policies plan. The site does border a residential property to the west with the north and eastern boundaries of the site adjacent the estate's road network. To the south of the site, a Public Right of Way runs along the rear boundaries of the dwellings on Lancaster Avenue.

The site lies in Flood Zone 1 of the Strategic Flood Risk Assessment.

KEY ISSUES:

The principle of development
Form and character
Neighbour amenity
Highway safety
Other considerations

RECOMMENDATION:

APPROVE

THE APPLICATION:

The application seeks outline planning permission for a proposed residential development with the matters of access only to be considered at this stage on a site which is measured at 16/00588/O

approximately 0.03ha to the eastern boundary of 24, Lancaster Crescent, Downham Market. An indicative plan, reference 16/604 (GA) 1000 Revision B; shows a single plot on the site.

Downham Market is defined as a Main Town under the settlement hierarchy of Policy CS02 of the Council's adopted Core Strategy (2011).

Relevant Planning History:

2/93/1460/O: Application Permitted: 17/01/94 - Site for construction of 9 low cost dwellings with access road and construction of car park (renewal) - Land off Lancaster Close, Downham Market, Norfolk, PE38 9QJ;

CONSULTATIONS:

Parish Council: Downham Market Town Council's Members recommended REFUSAL citing residents perceive there is a problem with parking on the estate, it is currently an open space and development will detract from the community and will cause a loss of amenity space.

Local Highway Authority: Having visited the site and examined the information submitted with the application. In terms of highway considerations, the Highways Officer has NO OBJECTION to the principle of the development and recommends conditions be attached.

IDB: Stoke Ferry IDB have no comment to make as the proposed development will not adversely affect drainage operations within the District.

Environmental Quality: Based on the information supplied and held within this section, the Environmental Quality Officer has no comments to make for this proposal regarding contaminated land or air quality issues.

REPRESENTATIONS:

Eight representations were received objecting to the application stating concerns on the issues set out below:

- Loss of an area designated as green space from original estate development
- Loss of an open site area which pedestrians and members of the public use at different times for school drop off and collection
- Safety concerns with the highway bordering the application site
- Concerns with the loss of car parking facilities
- Noise concerns with possible construction on site
- Concerns with the potential loss of privacy

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

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

DM22 - Protection of Local Open Space

OTHER GUIDANCE

Downham Market by Design 2007

PLANNING CONSIDERATIONS

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

- The Principle of Development
- Form and Character
- Impact on Neighbourhood Amenity
- Highways Impact
- Other Considerations

Principle of Development

The application site lies to the north-east of the settlement of Downham Market which is defined as a Main Town in the settlement hierarchy set out under Policy CS02 of the Council's adopted Core Strategy (2011).

In this case the application site lies within the existing settlement boundary for Downham Market in an area designated as Built Environment Type D and also within the development boundary in the emerging policy DM2- Development Boundaries of the Site Allocations &

Development Management Policies document. Development of the site will result in infill of an existing open area in the estate. As a result it is deemed that the proposal would provide a dwelling, similar to the existing form and character present at Lancaster Crescent, although the loss of the open space will need to be considered.

This application is outline with matters of access only to be considered at this stage.

Form and Character

The application site compromises an open space at the end of existing dwellings and up to Lancaster Crescent itself. The site contains a line of existing 1 metre concrete pillars, with a footpath along the northern and eastern boundaries of the site with a mixture of 1.8 metre and 1 metre timber cladded fencing along the western boundary. The southern boundary has no boundary features and opens onto the Public Right of Way to the south of the site which lines the rear of the existing dwellings at Lancaster Crescent.

The application is supported by a plan setting out the site layout plan, an indicative front elevation and indicative ground floor plan layout. The site layout plan sets out the proposed dwelling and the location of entrance to the site. The matter to be considered at this stage is the means of access to the site only. All other matters are reserved at this stage. The development of the site would sit on a similar plot size to those adjacent to it, with the proposal forming a continuation of the form of development already in existence.

It is clear from the representations made from Downham Market Town Council and representations received from members of the public that there are concerns regarding the development of a green area. Taking these considerations into account, the Borough Council requested amended plans be made to the proposed plans, altering the eastern and southern boundary to provide a permanent boundary treatment and realigned to provide a continuation of the relationship between open space areas neighbouring the application site. Amended Location and Indicative Site Layouts were resubmitted in the form of drawing number (16/604 (GA) 1000 Revision B.

Impact on Neighbourhood Amenity

Whilst appearance, landscaping, layout and scale are reserved matters, it is considered that issues of overlooking, overbearing and overshadowing impacts can be designed out at reserved matters stage, given the likely separation distances between the site and adjoining dwellings at 24 Lancaster Crescent.

The proposal would result in the removal of an open space which, as representations state, is of value to local neighbouring residents. The applicant has sought to partially address those concerns with the amended plans submitted indicating a realigned site boundary which provides a green edge to the east of the site which aims to continue the existing element of connectivity between those neighbouring green areas which the locality enjoys at present.

Highways Impact

Norfolk County Council, as the Highways Authority, has been consulted on the application and has no objection to the principle of development on the site subject to conditions and an informative being attached to a decision notice should the application be approved.

The area was likely originally planned as an open area on the estate, although part of it is clearly used as an informal overflow parking area. Some of the area is bollarded to prevent this but some parking still occurs.

The Town Council, in their comments recommended refusal of the application with concerns regarding parking being an issue. However, as is noted above, the Highway Authority does not have an objection, and the loss of this small area which was never originally planned for parking, is considered to be acceptable in this case.

Other Considerations

The site lies in Flood Zone 1 of the Council-adopted SFRA.

The proposal does not raise any land contamination or air quality issues and there are no Crime and Disorder issues raised by this proposal.

CONCLUSION

The site lies within the development boundary of a Main Town, on an area designated as Build Environment D as identified by the Local Plan (1998) proposals maps, where in principle residential development of an appropriate scale can be supported.

The proposal seeks outline planning permission with only access determined at this stage. The Highways Officer does not have objections to the proposal with works to be conditioned.

The indicative layout demonstrates that a dwelling could likely fit within the site without having a detrimental impact in respect of form and character or neighbour amenity. The details of scale and appearance are matters reserved for future consideration. The loss of this open area, mainly used as an informal parking area, at the end of a row of properties is considered acceptable on balance, and will not be unduly detrimental to the visual amenities of the area.

It is therefore considered that the proposal generally accords with the provisions of the NPPF, NPPG, the Core Strategy (2011) and with the emerging Site Allocations & Development management Policies document and should be approved subject to the following conditions.

RECOMMENDATION:

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

- 1 Condition Approval of the details of the means of layout, scale, appearance and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority before any development is commenced.
- 1 Reason To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted to the Local Planning Authority in writing and shall be carried out as approved.
- 2 Reason To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

- 3 Condition Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 Reason To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 4 Condition The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the latest such matter to be approved.
- 4 Reason To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 5 Condition Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan (drawing number ((GA 1000 Rev A) in accordance with the highway specification (Dwg. No. TRAD 1) attached. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- 5 Reason To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.
- 6 Condition Notwithstanding the provision of Class A of Schedule 2, Part 2 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 or 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.
- 6 Reason In the interests of highway safety.
- 7 Condition Prior to the first occupation of the development hereby permitted a 2.4 metre wide parallel visibility splay (as measured back from the near edge of the adjacent highway carriageway) shall be provided across the whole of the site's roadside frontage. The parallel visibility splay shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.
- 7 Reason In the interests of highway safety.
- 8 Condition Prior to the commencement 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 in consultation with the Highway Authority to illustrate the following:
 - i) Parking provision in accordance with adopted standard.
- 8 Reason In the interests of highway safety.
- 9 Condition Prior to first occupation/use of the development 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. The boundary treatment shall be completed before the occupation/use hereby permitted is commenced or before the building is 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 No development shall commence until full details of the foul and surface water drainage arrangements for the site 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.
- 10 Reason To ensure that there is a satisfactory means of drainage in accordance with the NPPF.
- 11 Condition In relation to access only, the development hereby permitted shall be carried out in accordance with the approved plan, Drawing No. 16/604 (GA) 1000 Revision B, titled Detailed Location and Indicative Site Plan layouts, Indicative House Type insofar as access only.
- 11 Reason For avoidance of doubt and in the interests of proper planning.