

AGENDA ITEM NO: 8/3(b)

Parish:	Congham	
Proposal:	Reserved Matters Application: Three detached dwellings	
Location:	Land Adjacent To Deerwood St Andrews Lane Congham Norfolk	
Applicant:	JJ Sandberg Construction Ltd	
Case No:	16/00910/RM (Reserved Matters Application)	
Case Officer:	Mrs Jade Calton	Date for Determination: 7 July 2016 Extension of Time Expiry Date: 12 September 2016

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

Case Summary

The application site comprises a rectangular parcel of land measuring approximately 2592 square metres and was historically a paddock. The site is located on the northern side of St. Andrews Lane, Congham. To the west and east of the site are residential properties, to the south and north is farmland.

The site lies within the countryside. Congham is classified as a Smaller Village and Hamlet within the Settlement Hierarchy of the Core Strategy.

The application seeks Reserved Matters consent for the construction of three detached dwellings. All matters were reserved at the outline stage.

Key Issues

Principle of development;
Form and character;
Neighbour amenity;
Highway safety; and
Other material considerations

Recommendation

APPROVE

THE APPLICATION

The application site is located on the northern side of St. Andrews Lane, Congham. The site is currently part of a larger field in the same ownership and is slightly elevated to the adjacent highway. The larger field extends further north of the application site; the northern boundary of the application site is currently open.

The southern boundary, to St Andrew's Lane, comprises a post and wire fence. To the west and east of the site are residential properties to the south is farmland.

The application seeks planning (reserved matters) consent for the construction of three detached four-bedroom dwellings with garages. All matters were reserved at the outline stage.

Plots one and three propose the same style and size properties, T-shape with a two storey rear projection. The front elevation is almost traditional in appearance with small and balanced fenestration with header, cill and quoin detail. It is proposed to locate the detached double garages to the front of both sites gable-end onto the road.

Plot two is slightly different in style being 'L-shape', again with a two storey rear projection. The fenestration to the front is larger, including a fully glazed middle section. It is proposed to construct an attached double garage to the western elevation of plot two.

It is proposed to use traditional materials in the construction of all three dwellings, including flint to the front elevations, old farmhouse red facing brick and clay pantiles.

SUPPORTING CASE

There is no supporting case accompanying the application.

PLANNING HISTORY

15/01242/O: Application Permitted (Committee): 03/11/15 - Outline Application: Three detached dwellings - Land Adjacent to Deerwood, St Andrews Lane, Congham.

15/01242/DISC_A: Discharge of Condition final letter: 29/06/16 - Discharge of conditions 1, 2, 3, 5, 6 and 12 of planning permission 15/01242/O: Outline Application: Three detached dwellings - Land Adjacent to Deerwood, St Andrews Lane, Congham.

RESPONSE TO CONSULTATION

Parish Council: OBJECT to the original scheme (prior to amendments) on the following grounds:-

- The scale of these buildings is completely out of character with the remainder of this small village which are predominately cottages bungalows and chalet bungalows;
- The application lacks detailed information; it does not show overall height of the buildings;
- These are very large three storey houses;
- These homes would generate a significant additional traffic from these properties on the narrow St Andrews Lane and close to the junction of Broadgate Lane;
- There is a lack of clarity re the Blue Area. Additional Land has been acquired behind the site which has been included in the application. The Parish Council would like more information re this addition. Surely this additional land should be within the Site plan. Will this application qualify for S106/CILL recommendation.

Highways Authority: NO OBJECTION conditionally.

REPRESENTATIONS

ONE representation received from a local resident **OBJECTING** to the original scheme for the following reasons:-

- One of the houses is too big;
- Out of keeping with the village;
- Excessive scale of dwellings next to a bungalow; and
- Increased traffic noise.

ONE representation received from a local resident **OBJECTING** to the revised scheme for the following reasons:-

- The scale of the proposal will be dominant and overbearing on the street scene as it sits between a bungalow and two storey house with reduced eaves height;
- The proposal will have a dominant and overbearing impact when the village is approached from the west along St Andrews Lane;
- Congham is characterised by 'mean' floor to floor heights and reduced eaves with raised collar roofs and recent consent 14/00988/F is an example of this approach as are older consents 08/01258/F and 2/03/1984/D whereas the proposal utilises generous 2.4m floor to ceiling heights with no lower eaves;
- The proposal has been designed in such a manner with attic trusses to allow easy conversion of the roof space with rear dormers under permitted development rights;
- Finally with reference to refusal 15/01283/F if this proposal is approved in its current form there would appear to be an inconsistency in the authorities application of section 7 of the NPPF, Core Strategy Policy CS08 and emerging Development Plan Policy DM15;
- Congham will come under increased pressure for development and I note that the PC does not currently have a Neighbourhood Development Plan as allowed for under the Localism Act 2011 and now is probably a good time for one to be prepared so the full community can be involved in how the village should move forward.

The revised plans were still under consultation at the time of writing the report; this period ends on the 29th August. Any representations received after the agenda is published will be reported within Late Correspondence.

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

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS06 - Development in Rural Areas

CS02 - The Settlement Hierarchy

CS08 - Sustainable Development

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT

DM1 – Presumption in Favour of Sustainable Development

DM3 - Infill development in the Smaller Villages and Hamlets

DM15 – Environment, Design and Amenity

PLANNING CONSIDERATIONS

The main considerations in the determination of this application are:

- Principle of development;
- Form and character;
- Neighbour amenity;
- Highway safety; and
- Other material considerations

Principle of Development

The application site is located within the village of Congham which has been identified within the King's Lynn Settlement Hierarchy (Policy CS02 of the King's Lynn & West Norfolk Adopted Core Strategy 2011) as a 'smaller village or hamlet' where it would be inappropriate to seek further development.

Core Strategy Policy CS02 states that development within Smaller Villages or Hamlets will be limited to specific identified needs only in accordance with Policy CS06 'Development in Rural Areas', as these villages have little or no services and it would be inappropriate to seek further development in these places.

With regard to residential development Policy CS06 states that 'in such locations, more modest levels of development, as detailed in Policy CS09, will be permitted to meet local needs and maintain the vitality of these communities...'.

Policy CS09 (Housing Distribution) makes it clear that no new housing is proposed in the tier beneath Rural Villages.

Notwithstanding the above, since the adoption of the Core Strategy in 2011 national planning policy has been modified so that housing policies should no longer place blanket bans on development in certain types of settlement. This is reflected by the inclusion of a policy on in-fill development in Smaller Villages and Hamlets in the proposed Site Allocations and Development Management Policies Development Plan Document. In practice, the Council has already used the change in national policy to approve in-fill development in this category of settlement.

The principle of development for the construction of three dwellings was established through the granting of outline consent (ref: 15/01242/0). It was concluded that in the absence of a five year housing land supply the benefit of three additional dwellings in this location would not be significantly or demonstrably outweighed by any harm caused to the form and character of the area or highway safety.

Form and Character

St Andrews Lane comprises ribbon development of varying scale and style. The proposed dwellings will continue this frontage pattern of development but with slightly longer front gardens to aid the transition into the wider countryside.

Following the submission of amended plans, reducing the footprint, removing the second storey of the proposed dwellings and reducing the scale of the proposed garages, they now relate to the size of the plots in which they will sit and relate adequately to the development along St Andrews Lane to the east.

Whilst the Outline application reserved all matters, indicative plans were submitted which included a block plan, floor plans and elevations. The plans demonstrated how three detached dwellings could be accommodated on the site and they were considered acceptable in principle at that stage. The amended plans on the current application are now more in-line with the indicative details shown at the outline stage.

Neighbour Amenity

The dwelling directly to the west of the application site is a bungalow. There is a window to the eastern elevation of the bungalow facing the application site and the existing boundary treatment comprises low level hedging. The proposed dwelling on Plot One will be sited approximately 9m away from the neighbouring bungalow and will be set back from the front of the neighbouring dwelling, thus reducing any impact in terms of loss of light or overbearing effects. Additional boundary treatment can be erected by the neighbour if they wish for more screening.

There is one small first floor bedroom window proposed to the western elevation of the rear projection on Plot One. This is a secondary bedroom window so it would be reasonable to impose a condition for it to be obscurely glazed and non-opening to protect the privacy of the neighbouring residents to the west.

A Juliet balcony is proposed at first floor level to the rear elevation to serve the master bedroom. This will cause no material overlooking to neighbouring residents as it is flush to the wall and the angle of outlook would be too acute to overlook the neighbouring property.

There are some first floor bedroom windows on Plots Two and Three which may cause some loss of privacy between the new properties but these are secondary windows and can therefore be conditioned to be obscurely glazed and non-opening.

The neighbouring dwelling directly to the east of the application site is a two storey dwelling and is well screened by mature trees. There is one small first floor window proposed to the eastern elevation of Plot Three which serves a bathroom and can therefore be conditioned to be obscurely glazed.

Given the distance between the proposed development and the neighbouring dwelling together with the direction of the sun, there will be no material overshadowing or overbearing impact caused.

Highway Safety

At the time of writing the report, the Local Highway Authority raised no objection to the original scheme. There have been no comments received to date based on the amended plans but these will be reported within Late Correspondence, should comments be received.

It is unlikely that Highways would object to the revised proposal as the changes mostly affect the size of the proposed dwelling and not the highway or the parking and turning areas.

However, NCC originally commented on the restricted size of the garage on Plot Two in that the internal measurements would not accommodate two vehicles notwithstanding the fact it's classed as a double garage. Given that the proposed properties are four bedrooms they require a total of three parking spaces each. It was therefore recommended that two vehicles should be accommodated within the driveway but as this is currently constrained a revised plan is required. NCC recommended conditions following receipt of an amended plan.

The internal measurements for the proposed garage on Plot Two have not changed within the amended scheme and neither has the parking and turning provision within the driveway. Therefore NCC are likely to repeat their previous comments within the re-consultation.

That said, it is clear from the proposed amended block plan that there is sufficient space within the driveway of Plot Two to adequately accommodate parking provision for two vehicles.

Plots One and Three meet the requirements for parking and turning for four bedroom properties.

The Outline application conditioned details of three passing bays along St Andrews Lane to be submitted prior to any works commencing on-site. These details have been submitted by way of a Discharge of Condition application and were subsequently approved in June of this year.

Other Material Considerations

Crime and Disorder:

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 before the Committee will not have a material impact upon crime and disorder.

Parish Council Comments:

The concerns raised over the scale of the proposed development have been resolved by way of reducing the footprint and the height of the dwellings, as shown on the amended plans.

With regards to the highway safety concerns, NCC has raised no objection to the proposal. Adequate on-site parking and turning provision is proposed and the details for the Passing Bays along St Andrews Lane have been discharged and can be implemented under the original outline application.

To clarify, the blue land directly to the north of the site is land in ownership of the applicant. The outline application included a slightly larger area of blue land but this does not affect the application site (the red line) or how the proposed development will be considered. The red line is the same as the outline approval.

Under the current Development Plan, and given the fact that the Borough now has a five year housing land supply, the Council would not look favourably on further housing

development to the north or north-east of the application as this would be contrary to countryside policies and out of keeping with the form and character of the area.

Outline consent was granted on the site due to the lack of a land supply at the time of making the decision.

Third Party Comments:

The concerns raised by local residents with regards to the scale of the proposed dwellings, the impact on the character of the area and highway safety have been addressed above in the report.

The reference made to the refusal further to the east of St Andrews Lane (15/01283/F) is not comparable to the current application. Planning permission was sought for the construction of a detached dwelling and garaging and was refused on two grounds;

- 1) Isolated and unsustainable site within the open countryside (notwithstanding the shortfall in housing land supply); and
- 2) Scale and design.

The site referred to by the third party is very different from the current application site in that it is situated well into the open countryside, some distance away from the developed part of St Andrews Lane to the west. A new dwelling on this parcel of land was considered to cause significant and demonstrable harm to the character of the area.

A previous application on the site referred to (15/00417/F) for the same proposal was refused for the same reasons and was appealed. The Planning Inspector dismissed the appeal in Jan of this year as it was felt that "the scheme would be further sporadic development in the open countryside around this small settlement where a substantial new house and garaging would have a significantly harmful impact upon the attractive, undeveloped rural landscape".

The Planning Inspector did not agree with the appellant that the proposal was 'infill development' as it is not sited between other developments and uses.

In conclusion, it was considered that the site was isolated, away from the main built up part of Congham, unsustainable and the design was not sufficiently sensitive to provide a proposal that would either reflect the traditional architectural vernacular or preserve the attractive rural character of this location.

The site subject of this application before the Committee already benefits from outline consent for three detached dwellings and detached garages. Whilst layout and scale were reserved matters, the indicative footprints were considered acceptable at the outline stage and the revised proposal is in line with those details.

Although the principle of development was established due to the lack of housing land supply, the site meets the definition of infill development in accordance with emerging Development Management Policy DM3 (Infill development in the Smaller Villages and Hamlets). It is not an isolated site. Now that the proposed dwellings have been reduced in scale together with the fact that there is separation between the dwellings and the highway allows them to fit in with their surroundings without having a detrimental impact upon the street scene or the character of the surrounding area. It is considered that their vernacular and proportions are in keeping with other dwellings within the vicinity.

Furthermore, there are a number of larger properties to the east of the application site, within the built up part of St Andrews Lane, past the Anvil Inn; between Holly Lodge and Thistledown. The proposal is therefore not contrary to Section 7 of the NPPF, Policy CS08 or DM15.

Drainage:

St Andrews Lane is not connected to any mains drains and as the proposal seeks consent for three four-bedroom properties and there are no drainage details within the application, a condition requesting full details of foul and surface water drainage will be imposed.

CONCLUSION

It is the officer's opinion that the proposed development, following the submission of amended plans, relates adequately to the site, in terms of its scale, mass, design and appearance and has regard for the character and appearance of the area.

There will be no highway safety issues as a result of the proposed development.

The proposal will have no material impact on the amenities of the neighbouring residents in terms of overshadowing, overlooking and overbearing.

As such, it is considered that proposed development accords with the provisions of the NPPF, specifically section 7, Core Strategy Policies CS06 and CS08 and emerging Development Management Policies DM1, DM3 and DM15.

In light of national and local planning policy and guidance and other material considerations it is recommended that this application be approved subject to the following conditions.

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 as amended; 16/592/GA1000 Rev. B, 16/592/GA1010 Rev. C, 16/592/GA1020 Rev. B and 16/592/GA1030 Rev. B.
- 1 Reason For the avoidance of doubt and in the interests of proper planning.
- 2 Condition No development shall take place on any external surface of the development hereby permitted until details of the type, colour and texture of all materials to be used for the external surfaces of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 2 Reason To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 3 Condition Prior to the first occupation of the development hereby permitted the proposed accesses / on-site car parking and turning areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

- 3 Reason To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.
- 4 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(s) are occupied or in accordance with a timetable to be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4 Reason To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.
- 5 Condition The following windows shall be obscurely glazed and retained thereafter as such:-

Plot One:

- First floor master bedroom window to the western elevation; and
- First floor en-suite window to the eastern elevation.

Plot Two:

- First floor en-suite window to the western elevation; and
- The two first floor master bedroom windows to the eastern elevation.

Plot Three:

- First floor master bedroom window to the western elevation; and
- First floor en-suite window to the eastern elevation.

The abovementioned bedroom windows shall also be non-opening and retained thereafter as such.

- 5 Reason To safeguard the amenities of neighbouring residents and future occupants of the new development, in accordance with the NPPF.
- 6 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.
- 6 Reason To ensure that there is a satisfactory means of drainage in accordance with the NPPF.