

Parish:	Stoke Ferry	
Proposal:	OUTLINE APPLICATION ALL MATTERS RESERVED: Proposed semi-detached houses	
Location:	Land Between 11 And 12 Either Side of Footpath Buckenham Drive Stoke Ferry King's Lynn	
Applicant:	BCKLWN	
Case No:	20/01985/O (Outline Application)	
Case Officer:	Mrs C Dorgan	Date for Determination: 25 March 2021 Extension of Time Expiry Date: 16 April 2021

Reason for Referral to Planning Committee – Application called in by Cllr Sampson, Parish Council contrary to officer recommendation and application site is owned by the Borough Council.

Neighbourhood Plan: No

Case Summary

The application site is situated on the southern side of Buckenham Drive, Stoke Ferry between Nos.11 and 12. It comprises a vacant parcel of land currently used as an informal parking area. The land is owned by the Borough Council and there is currently access to an existing footpath (not a public right of way) at the rear of the site.

The application site lies within the development boundary for Stoke Ferry as defined on Inset Map G88 of the Site Allocations and Development Management Policies Plan 2016 (SADMPP).

The application seeks outline planning permission for proposed residential development of the land with all matters reserved.

Key Issues

The key issues identified in the consideration of this application are as follows:

- Principle of development;
- Form and character;
- Neighbour amenity;
- Highways impact; and
- Other material considerations.

Recommendation

APPROVE.

THE APPLICATION

The application seeks outline planning permission with all matters reserved for proposed residential development on the land. The plans include an indicative layout which shows a pair of semi-detached houses with car parking situated to the rear and access retained for No.11 Buckenham Drive. The indicative scheme also includes pedestrian access to the footpath at the rear of the site.

Attention is drawn to previous applications on the site; 14/01454/O and 17/01951/RM, an outline application and reserved matters application for an identical scheme as that currently under consideration. These planning consents have now lapsed and the applicant is thus seeking a new outline consent.

SUPPORTING CASE

Provided by the planning agent - I write in regard application reference 20/01985/O and start by addressing the comments made at the Parish Council meeting on 03.02.2021.

The first comment refers to Highway Safety & Road Access; space for four cars manoeuvring, I quote "There would not be enough space for four cars belonging to the proposed new houses to manoeuvre in the proposed location due to the current lack of parking in the area and space". I can confirm that there is sufficient space for four vehicles to manoeuvre and park as shown on the proposed site plan drawing reference 20-L65-PL001A. The proposal has achieved a minimum of 6m to the rear of every parking space which is required as per NCC Highways.

Comment 2 again refers to Highway Safety & Road Access I quote "There would not be enough parking space for four cars belonging to the proposed new houses to manoeuvre in this location due to it being a route that children walk to school and sometimes unattended". I would like to highlight that the proposal comprises a designated footpath for all members of the local community which I would suggest is safer than the current situation; children walking through this area that is often parked in by several local residents which doesn't have a designated footpath. I would also like to reiterate the point made above; the proposal has achieved a minimum of 6m to the rear of every parking space which is required as per NCC Highways.

The third comment I quote "There is currently not enough space for emergency services to access Buckenham Drive properties currently due to the restricted amount of parking and space to manoeuvre in this area. There are already many cars parked on the highway due to lack of parking. This can be evidenced by locals to that area". In reference to emergency services, this is a very serious comment. I would like to state that the vast majority of residents of Buckenham Drive already have drop kerbs installed and adequate space (off-road) for parking. Also, there is several turning spaces for emergency services down Buckenham Drive.

The fourth comment again refers to Highway Safety & Road Access I quote "there is a path leading to the garage behind the proposed location and a pathway used by children to go to school which would make it more unsafe to include more properties and driveways". The proposal comprises of designated access for the garage discussed as well as a zebra crossing for the safety of footpath users. The driveway and parking provision has been separated by 1m high bollards.

The last comment refers to highway safety, I quote "if the houses are built in the proposed space the footpath and streetlight will be affected by reduced visibility making it unsafe for all

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residents especially children". I can confirm that there are only two streetlights on Buckenham Drive in relation to this site, one of which is east of the northern boundary and is proposed to be relocated approximately 3m further east. This will have little or no impact at all on the footpath and existing streetlight provision.

I would now like to move on the objection made by no. 11 Buckenham Drive. I would firstly like to highlight that it states children are walking through a carpark to get to school, the provision that we have proposed surely increases the safety of anyone walking this route as we have indicated a footpath with 1m high bollards. There is also a comment regarding the dwellings overlooking into no. 11's garden, the proposed dwellings are west of this residential property with a distance of approximately 9.9m in between. The proposed dwellings will not overlook no. 11's rear garden any more than no. 10 as no. 10 & 11 are semi-detached dwellings. Regarding the comment about the house being close to no.11's fence, again I wish to reiterate that the proposed dwellings are not near the fence and have a distance of approximately 9.9m in between. I have noticed in the objection that no.11 uses this land owned by the council to park on (as well as other residents apparently), and the access to the garage in the rear garden. I wish to state that no.11 does have space at the front of their property for vehicles and a drop kerb is already present. It is indicated on the conveyance plan dated 1995 that this land is not within the red line of no.11's property & states vehicular access and shared pedestrian access only, not parking space. Provision for no.11 to access their garage has been provided.

There are a further 11 comments of the same concerns regarding decreased provision of off-road parking, emergency vehicle access, refuse vehicle access, existing walkway etc. Again, I wish to highlight that the majority of the residential dwellings of Buckenham Drive have adequate space for off-road parking at the front of their properties, including drop kerbs, why is this space not already being used? This leads on to access for emergency vehicles and refuse vehicles being a hazard, if this is a priority and of genuine concern, should cars not already be parked off-road, on residential land as there is adequate space, rather than on the road or on the site in question. The current use of this land is not decided by the residents and if this is a valid point, could the land east of the site on the northern side of the highway be used instead? As stated before, the proposed footpath is in a better location and of better standard than the existing walkway and there is not an alleyway in the proposal. The Arboricultural Officer and Highway Officer have not objected.

PLANNING HISTORY

17/01951/RM: Application Permitted – Committee decision: 06/02/18 - Reserved Matters Application: construction of two dwellings - Land Between 11 And 12 Buckenham Drive

14/01454/O: Application Permitted – Committee decision: 02/12/14 - Proposed residential development - Land Between 11 And 12 Buckenham Drive

14/01420/O: Application Withdrawn: 07/10/14 - Outline application: Proposed residential building - 11 Buckenham Drive

RESPONSE TO CONSULTATION

Parish Council: OBJECT

The Stoke Ferry Parish Council wish to object to this application 20/01985/O based on the following material reasons:

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*'Highway Safety' and 'Road Access' as a material consideration - There would not be enough space for four cars belonging to the proposed new houses to manoeuvre in the proposed location due to the current lack of parking in the area and space.

*'Highway Safety' and 'Road Access' as a material consideration - There would not be enough parking space for four cars belonging to the proposed new houses to manoeuvre in this location due to this being a route that children to walk to school and sometimes unattended.

*'Highway Safety' and 'Road Access' material consideration- There is currently not enough space for emergency services to access Buckenham Drive properties currently due to the restricted amount of parking and space to manoeuvre in this area. There are already many parked cars on the highway due to lack of parking. This can be evidenced by locals to that area.

*'Highway Safety' and 'Road Access' as a material consideration – There is a path leading to the garage behind this proposed location and a pathway used by children to go to school which would make it unsafe to include more properties and driveways.

*'Highway Safety' - If the houses are built in the proposed space the footpath and the streetlight will be affected by reduced visibility making it unsafe for all residents especially children.

Highways Authority: NO OBJECTION

Having reviewed the information submitted the access, parking and turning could in principle be provided to accord with the adopted standards and a footpath link introduced for the wider pedestrian benefit. No objection to the principle of development at this all matters reserved stage. However, the applicant would need to provide an appropriate design at a reserved matters stage to address the following points in accordance with the adopted standards:

- i) Visibility splays.
- ii) Access
- iii) Parking provision in accordance with adopted standard.
- iv) Turning
- v) Continued footpath provision across the site

Environmental Quality: NO OBJECTION subject to condition.

Contaminated Land - Due to the presence of a factory, located to the north east, it is plausible that sources of contamination may be present at the site. Therefore, it is recommended a condition is attached to cover the reporting of unexpected contamination.

IDB: NO OBJECTION subject to standard guidance.

Conservation Officer: NO OBJECTION

Although this site is located on the outside boundary of the conservation area, it is unlikely to affect the setting or character of the area.

Arboricultural Officer: NO OBJECTION

REPRESENTATIONS: 13 letters of **OBJECTION** received to the planning application. The issues raised can be summarised as below-

- Residents use this for off road parking which eases congestion in the locality.
- The development would result in more on street parking which would be hazardous for emergency vehicles, refuse collection etc.
- This is part of a footpath used by children to get to school, the development would create an alleyway making this route dangerous.
- Proposed access will have poor visibility and will be dangerous with the footpath alongside.
- Loss of light and privacy to neighbouring dwellings.
- Increased noise for neighbouring dwellings.
- Not in keeping with the character of the locality.
- Loss of tree.
- There are bats in this locality.
- There is a manhole within the site which is used by Anglia Water to access sewerage system; can this infrastructure be developed upon?
- Note the right of access for no.11 to their garage to the rear.

LDF CORE STRATEGY POLICIES

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS09 - Housing Distribution

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2019

PLANNING CONSIDERATIONS

The key issues identified in the consideration of this application are as follows:

- Principle of development;
- Form and character;
- Neighbour amenity;
- Highways Impact; and
- Other material considerations.

Principle of Development

The application site lies within the development boundary for Stoke Ferry as defined on Inset Map G88 of the Site Allocations and Development Management Policies Plan (SADMPP). Within this location the principle of new residential development is generally considered to be acceptable under saved Policy DM2 of the SADMPP (2016) provided that it is in harmony with the building characteristics of the area.

Stoke Ferry is defined as a Key Rural Service Centre under Policy CS02 of the Council's Core Strategy (2011) as it provides a range of services that can meet basic day to day needs and a level of public transport that can enable access to and from the settlement. The location of the proposal therefore accords with the core principles of the NPPF which requires proposals to be in sustainable locations.

Outline planning permission and reserved matters have previously been granted for the same development in 2014 and 2018 respectively and both applications were considered by Planning Committee. This planning permission has expired.

The principle of residential development on the site is therefore generally considered to be acceptable provided that it would be in keeping with the established character of the area and not result in any material harm to residential amenity or highway safety. The scheme accords with the NPPF, Policies CS02 and CS08 (Core Strategy 2011) and Policy DM2 (SADMPP 2016).

Form and Character

The area in which the site is situated is predominantly characterised by two storey semi-detached properties. Whilst this application seeks outline planning permission only with all matters reserved, an indicative site layout plan has been submitted which demonstrates that a pair of semi-detached dwellings and 4 no. car parking spaces could be satisfactorily accommodated on the site without harming the established form and character of the area. Furthermore, the indicative site plan also illustrates that existing pedestrian access to the footpath at the rear of the site will be maintained along with access to the rear garage of No.11 Buckenham Drive.

The proposal therefore complies with the NPPF, Policy CS08 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).

Neighbour Amenity

Although the application seeks outline planning permission only with all matters reserved the indicative site plan shows that a pair of semi-detached houses can be satisfactorily accommodated on the site without having any material detrimental impact on either neighbouring property (Nos. 11 and 12 Buckenham Drive) in terms of either overshadowing / loss of light, loss of privacy or overbearing impact.

Concerns have specifically been raised by occupiers of the neighbouring properties that the proposed dwellings would result in loss of light to their flank elevation kitchen windows but given the indicative site plan shows a sufficient separation distance on both sides it is not considered that any loss of light would be material. Therefore the proposal is in accordance with Policy DM15 of the SADMPP (2016).

Highway Impact

The Local Highway Authority has not objected to the scheme. The indicative site plan clearly illustrates that 2 no. on-site car parking spaces per dwelling can be provided and that a segregated footpath can be incorporated in order to provide access to the existing footpath at the rear of the site.

The Parish Council has raised a number of concerns regarding the highway impact of the proposed development. Firstly it is their view that there is insufficient space for parking and turning facilities for the two dwellings; there is also conflict between the vehicular access and the pedestrian use of the public footpath; and in addition that the development would affect the footpath and streetlight which would result in this pedestrian route becoming darker and unsafe. These matters raised are detailed considerations for the reserved matters application on the site, however the Local Highway Authority are of the view there is sufficient space to secure the necessary standards and requirements.

Both the Parish Council and a number of neighbouring objections refer to the continued need for the land for parking, as this eases congestion of on street parking on Buckenham Drive. Concerns are raised that without this there would be issues with emergency vehicles and refuse collection vehicles gaining access. However, the land is used informally as a parking area for the locality the Council's property team have confirmed that no-one using the area for parking has any licence of lease to use it.

Furthermore, a significant number of properties in the area now have their own driveways. This is not considered a reason to warrant a refusal of the application given there is no objection from the Local Highway Authority.

The proposed development is in line with the NPPF, Core Strategy Policies CS08 and CS11, and DM15 and DM17 from the SADMPP.

Other Material Considerations

Drainage - Concerns have been raised regarding a main sewer being sited on the land in addition to an electricity cable. However, in previous applications it was confirmed by way of Anglian Water maps that there is no sewer on the land. Consideration has also been given to the route of the electrical cable and this area has now been shown as footpath / access drive on the indicative site plan giving necessary easements to the service.

Protection of tree - While the proposal does result in the loss of an existing tree on the site, the site is not within the Conservation Area and the tree is not worthy of a Tree Preservation Order. The Arboricultural Officer has no objections to the scheme and on balance the loss of the tree does not warrant the refusal of the planning application on this basis.

Ecology - An objection received from a neighbouring resident states that there are bats within the locality of the site. However given the nature and form of the tree to be removed, alongside the fact that this is an individual tree within a residential estate, it is unlikely that the tree to be removed is a habitat for roosting bats. There is no other history of bats on the site to date. Therefore, based on the information available, it is considered that a bat survey is not required as part of this planning application.

Conservation Area – The application site is adjacent to the Stoke Ferry Conservation Area boundary, however it is not considered that the scheme will affect the setting or character of the Conservation Area given the form and character along Buckenham Drive.

Environmental Quality – Due to the proximity of the commercial buildings to the north east, sources of contamination may be present at the site. Therefore, a condition is recommended which covers the reporting of unexpected contamination.

CONCLUSION

The principle of a pair of semi-detached dwellings, associated gardens and parking and the retention of the informal footpath is acceptable and it is considered that the proposal would not result in any material harm to the established form and character of the area, residential amenity or highway safety. The site has benefitted from planning permission very recently in 2014 (outline) and 2018 (reserved matters) and both applications were determined by Planning Committee. There has been no material change in circumstances on the site. As a result the proposal has been found to comply with the provisions of the National Planning Policy Framework, Policies CS02, CS06, CS08 and CS11 of the adopted Core Strategy (2011) and Policies DM2, DM15 and DM17 of the Site Specific Allocations and Development Management Policies Plan (2016). As such it is recommended that outline planning permission be approved subject to the conditions outlined below.

RECOMMENDATION:

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

- 1 Condition: Approval of the details of the means of access, 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: The details required in accordance with Condition 1 shall include:
 - provision of a pedestrian footpath from the existing footpath to the south of the site to Buckenham Drive, and

- provision for a vehicular access to the rear of no.11 Buckenham Drive.
- 5 Reason: To ensure satisfactory development of the site in accordance with the NPPF and Core Strategy Policy CS11.
 - 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.
 - 7 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.
 - 7 Reason: To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.
 - 8 Condition: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with current best practice, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

- 8 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.