

Parish:	Downham Market	
Proposal:	Construction of five dwellings and garages	
Location:	East of The Chalet Priory Chase Downham Market Norfolk	
Applicant:	PCD Builders Ltd	
Case No:	20/01792/F (Full Application)	
Case Officer:	Lucy Smith	Date for Determination: 8 January 2021

Reason for Referral to Planning Committee – Officer recommendation is contrary to the views of the Parish Council & referred to Planning Committee by Sifting Panel.

Neighbourhood Plan: No

Case Summary

The proposal is for the construction of 5 houses on land to the south of Priory Chase, a private drive which adjoins Priory Road, Downham Market. The application seeks consent for the construction of 3 detached and 2 semi-detached dwellings with associated private access road

The application site is within the development boundary shown on inset map F1 of the SADMPP and is directly adjacent to the Downham Market Conservation Area.

Key Issues

- Principle of development
- Highway safety and access
- Design and impact on the Conservation Area
- Impact on Neighbours
- Other material considerations

Recommendation

APPROVE

THE APPLICATION

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SUPPORTING CASE

The application site is located within the town's development boundary and is surrounded by residential properties on all sides including sheltered accommodation to the north and south. The site is accessed via an existing established paved entrance off Priory Road which is part of the one-way highway around the town centre. The site is within walking distance of all the town facilities including the train station to the east.

The proposed development is for five dwellings comprising a pair of three bedroom semidetached properties, a moderate sized four bedroom detached dwelling and two larger four bedroom detached properties. The scheme is designed as town house style properties with sliding sash windows to the frontages and stone sills typical of the town centre area.

Amendments have made to the scheme to overcome the planning officers concerns with regard to overlooking and planting replacement together with the addition of chimney stacks. Overall the scheme is considered to provide a mix of good quality housing in keeping with the surroundings on an unused parcel of land in the central town area.

The proposal is considered to be compliant with material planning policy at both local and national level.

The site is suitable and available to deliver a quality family home without harm to policy, landscape or amenity.

It is therefore requested that planning permission be granted.

PLANNING HISTORY

RESPONSE TO CONSULTATION

Town Council: OBJECTION based on the following grounds:

1. This development has access proposed through a privately owned estate road .
2. It fails to take in the type of dwellings adjacent to the site.
3. It overshadows adjacent dwellings.
4. There is no replacement plan for removed trees.
5. It represents overdevelopment of a site with no access.

Highways Authority: NO OBJECTION subject to conditions, stating the following comments:

Priory Chase is a private drive which has an access with the public highway that accords with standard. I also observe from the submitted plans that the parking and turning for the proposed dwellings would afford a parking level to agree with the adopted standard. In addition I observe that a type 3 turning head has been identified so that larger vehicles could access and egress in a forward gear. I am therefore of the view that in terms of highway safety only the proposals would be considered as being safe.

However, the adopted standards recommend that private drives should serve a maximum of 9 dwellings only, for which this application would exceed. Should your authority seek to approve the application in its present form I would suggest that a Maintenance agreement should be secured through a S106 legal agreement.

Recommended condition relating to laying out of parking/turning area.

Note: Following additional discussions with the Local Highway Authority regarding the ownership of a section of the Private Drive, the following additional comments were provided:

A Maintenance Agreement would be desirable so that long term there is not a dispute over who would be responsible for the maintenance of this private drive. However it is a suggested condition and therefore should your authority not feel that such is achievable or justified then we would not recommend an objection on the basis that one is not provided. The LPA may wish to consider the social and domestic issues associated with the ability or right to maintain the shared access way. As a private drive NCC would not maintain it.

Conservation Officer: NO OBJECTION stating the following comments:

The application will cause little harm to the conservation area. Although the the conservation area boundary comes right up to the application site, the immediate buildings included are all modern and almost act as a buffer within the conservation area itself. The site is contained and the impact of views in and out of the conservation area will not be harmed.

CAAP Raised concern over layout and number of dwellings, stating the following comments:

The Panel felt that some form of development would be appropriate in terms of the impact that it would have on Downham Market Conservation Area but not the number of dwellings that had been proposed. The Panel felt that fewer houses laid out in a way which allowed more green space with them

Historic England: NO OBJECTION

Environmental Health & Housing - Environmental Quality: NO COMMENT

Arboricultural Officer: NO OBJECTION subject to Arb. Report conditions

Housing Development Officer: NO OBJECTION As this application proposes 5 units in Downham Market and the site area is under 0.5ha an affordable housing contribution will not be sought.

REPRESENTATIONS

11 Letters of **OBJECTION** raising the following issues and concerns (summarised):

- *Access route and potential to cater for access during both construction and subsequent occupation of 5 dwellings
- *No footpath for pedestrians
- *Overlooking and loss of privacy of adjoining bungalows
- *Overshadowing of bungalows to the north
- *Noise pollution
- *Impact of increase in use of private road on air quality

- *Impact on existing car parking for bungalows to the north of the site
- *Overdevelopment of site
- *Loss of green space/open land
- *Existing access route to Priory Chase insufficient for emergency vehicles

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS11 – Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM2 – Development Boundaries

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 are:

Principle of development
 Design and impact on the Conservation Area
 Impact on Neighbours
 Highway safety and access
 Other material considerations

Principle of development

The application site is located within the development boundary for Downham Market shown on inset map F1 of the Site Allocation and Development Management Policies Plan (2016). Residential development on the site is therefore considered acceptable and complies with Policy DM2 of the SADMPP (2016).

Design and impact on the Conservation Area

The proposed plans indicate the construction of 5 No. two-storey dwellings, with two semi-detached and 3 detached properties.

Plots 1 and 2 are modest three bedroom semi-detached properties, with a detached garage serving plot 1 and attached garage serving plot 2. These dwellings are smaller scale than the other dwellings proposed on site and maintain traditional proportions. Detailing includes a central chimney stack, small porch overhangs and contrasting lintel detailing above windows on the front elevation.

Plots 3 and 4 are larger detached dwellings located to the south of the proposed private drive with rear elevation facing Dennis Sneezum Court. Both dwellings have four bedrooms and attached garages. Each dwelling also has brick and lintel detailing and porch overhang.

Plot 5 is proposed as a two-storey four bedroom detached property with an asymmetrical roof line with reduced eaves and dormers at the rear. An integral garage is proposed within a single storey side element and the dwelling is positioned to allow parking spaces and a turning area in front of the dwelling.

The surrounding street scene comprises a broad mix of dwellings, including bungalows to the immediate north of the site and semi-detached and terraced properties to the east. A larger detached dwelling is to the west of the site.

The boundary to the Downham Market Conservation Area runs along the north boundary of the site. With modern development bordering the application site to both the north and east, limited views are available from the wider street scene into the development site itself and the proposal is considered unlikely to lead to any harm to the setting of the Conservation Area or any listed buildings fronting Priory Road.

Overall, the proposed dwellings are considered to accord with the typical vernacular in the wider vicinity. Sufficient spacing is provided between properties to limit any adverse impact on the street scene and the proposed dwellings are considered unlikely to lead to any harm to the setting of the Downham Market Conservation Area or any of the Listed Buildings around Priory Road.

Conditions are recommended to ensure that suitable materials and hard and soft landscaping details are incorporated into the design.

Overall, the design is therefore considered to comply with policies CS08 and DM15 of the Local Plan.

Impact on Neighbours

The application site is located to the rear of a group of bungalows around Priory Chase and shares an access to the highway with these properties. The rear gardens of a row of semi-detached and terraced properties forms the east boundary, and an existing detached dwelling known as The Chalet is to the west of the site. Dennis Sneezum Court is to the south of the site. Existing close boarded fencing and brick walls form the north and south boundaries of the site, with existing sheds along the north indicated to be demolished as part of this proposal.

The private access driveway joins Priory Chase at an existing access gate in the north east corner of the site. Side elevations of the adjoining bungalows are directly adjacent to this access track and there are existing windows fronting the access towards the junction with

Priory Road. Whilst the construction of 5 additional dwellings will lead to an intensification of the use of this access track, given the existing use of this private track for access, the layout of the adjoining bungalows, and the proximity to Priory Road, the intensification of the use of this private road is considered unlikely to lead to a significant impact in terms of noise and disturbance of the surrounding properties.

Plots 1, 2 and 5 include rear elevations facing towards the existing bungalows at the north of the site. Three bungalows directly adjoining the north boundary have existing courtyard gardens facing south with existing brick walls and fencing along this shared boundary. Blank gable ends are directly adjoining the north boundary of the application site.

Windows on the south elevation of the adjoining bungalows are a minimum of approximately 18m from the first floor dormers on the rear elevation of plot 5, and 18.5m from plots 1&2. This distance, combined with the existing and proposed boundary treatments and difference in site levels as shown on the proposed site section is considered acceptable to limit any significant adverse impact on these adjoining dwellings as a result of the proposal.

Plot 5 is located approximately 6.5m east of the side elevation of The Chalet. This distance combined with the detailed design of the dwelling with lower eaves to the rear, is considered suitable to limit any overbearing or adverse overshadowing of this property.

Plots 3 and 4 are sited with rear elevations facing the side elevation of Dennis Sneezum Court. An existing boundary wall is proposed to be retained along this boundary. With approximately 18m between the rear elevations of the proposed dwelling, and considering the high level windows existing on the side elevation of this neighbouring property, the proposal is considered unlikely to lead to a significant adverse impact on the amenity of this neighbour.

To the east of site, the proposed access road is adjacent to the rear boundary of a row of properties fronting St Winnold Close. The properties are considered to be sufficiently distanced to limit the potential for any adverse impacts on these dwellings.

In regards to windows, en-suite and bathroom windows are located on the west side elevations of both plots 4 and 5. Conditions are recommended to ensure these windows are fitted with obscure glazing to minimise any loss of privacy for the adjoining dwelling.

Conditions are recommended to control construction hours and site management to restrict impacts on neighbours during construction. Overall, the impact on neighbours is therefore considered to comply with policies CS08 and DM15 of the Local Plan.

Highway Safety and Access

The proposed dwellings are shown to be accessed via a private drive which adjoins Priory Chase in the north east corner of the site. Priory Chase is an un-adopted private road which serves both the application site and a group of 7 dwellings, joining Priory Road to the north.

Each dwelling benefits from parking and turning areas to accord with the required standard and a turning head is provided which accords with the standards required for emergency vehicles. Plot 1 is shown with a detached garage along the north boundary of the site and each of the other plots (2-5) have attached or integral garages in addition to the on-site parking areas.

As a result of this proposal, with a total of 12 dwellings served off Priory Chase, the number of dwellings accessed off Priory Chase will exceed the number typically supported by the Local Highway Authority, however following discussions with the Local Highway Authority,

the county council have stated no objection to the proposal provided suitable conditions are attached to any consent.

Whilst currently in use to provide access to the application site and to the seven existing dwellings at Priory Chase, the existing section of road between the access gate and Priory Road is in unknown ownership. This portion of access track of around 25m in length is surfaced with both tarmac (at the junction) and brick weave paving (for the remaining length) and was originally approved as part of the development of the existing dwellings around Priory Chase (Application reference 2/83/3329/SU/F).

As an existing surfaced private drive which provides access to a number of existing dwellings and their parking area as well as to the application site itself, it is not considered reasonable or necessary (in terms of the tests of a condition) to further condition or otherwise control the maintenance of this part of the access track and obligate the applicants to maintain land that is not within their ownership. Furthermore, a condition should not be imposed if there is no reasonable prospect of it being complied with, as is considered to be the case here, because the applicants cannot guarantee that they can maintain the existing access going forward.

The applicant has served the correct certificates (certificate D because ownership is unknown) and it is considered, with a total of 5 new houses proposed, conditions can be used to control the maintenance of the new section of private road in perpetuity to a level that would be considered to accord with Policy DM15 of the SADMPP (2016). Whilst commenting that a maintenance agreement would be desirable, the Local Highway Authority have stated no objection to the control of the access track and have raised no highway safety objections. Any restrictions or other controls/covenants over use of the existing private drive would be civil matters.

Neighbour comments were submitted relating to the suitability of the access track to cater to increased traffic without knock on impacts on the safety of pedestrians or impacting on existing parking areas. These comments are noted however the proposal has not drawn objections from the Local Highway Authority on these grounds. The proposed plans provide sufficient area for turning of vehicles wholly within the site. The existing access is unrestricted in use and the impact of five dwellings accessed via this private road is considered unlikely to lead to any significant increase in highway safety impacts. The application is considered to comply with Policies CS08, CS11 and DM15 of the Local Plan.

Crime and Disorder There are no known crime and disorder impacts.

Other Material Considerations

A row of conifers along the west boundary of the site is proposed to be removed and replaced with close boarded fencing. These conifers are outside of the conservation area and not protected in their own right. Replacement trees are proposed to be planted to replace the trees lost across the site and the proposed plans have not drawn objections from the Arboricultural Officer. Conditions are recommended to ensure full details of proposed planting and soft landscaping are provided prior to the occupation of any dwellings.

The CAAP panel raised concern over the number of dwellings proposed on site, however the application has not drawn objections from the Conservation Officer. Whilst the comments provided by CAAP are noted, the application site is bound on all sides by modern development and therefore not immediately visible within the wider street scene. As discussed above, subject to suitable landscaping and soft boundary treatments the proposal is not considered likely to lead to harm to the significance of any designated heritage assets and accords with policy CS12.

CONCLUSION

The construction of 5 No. dwellings in this position, in a central part of Downham Market and in close proximity to the services and facilities provided in the Town Centre area is considered to accord with the policies of the Local Plan.

The application site gains access via a private track which is considered acceptable to cater for the additional traffic associated with the construction of 5 houses in this position.

The development accords with the provisions of the NPPF, Core Strategy Policies CS01, CS02, CS06, CS08, CS11 and CS12 of the LDF (2011) and Policies DM2, DM15 and DM16 of the SADMPP (2016).

It is therefore recommended that the 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 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:

975/19 - 03 C
975/19 - 04 B
975/19 - 05
975/19 - 06
975/19 - 07 B
975/19 - 09 C
975/19 - 11
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Prior to the first occupation of the development hereby permitted the proposed access / on-site car parking / turning area shall be laid out, 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 areas, in the interests of satisfactory development and highway safety.
- 4 Condition: The development hereby permitted shall be completed in accordance with the Tree Report, written by Heritage Tree Specialists Ltd and Arboricultural Implications and Tree Protection Plan dated March 2021 and submitted as part of this application.

- 4 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.
- 5 Condition: Notwithstanding the details shown on the approved plan, prior to the first use/occupation of the development hereby permitted, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include finished levels or contours, hard surface materials, refuse or other storage units, street furniture, structures and other minor artefacts. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate.
- 5 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 6 Condition: No development or other operations shall take place on site until a detailed construction management statement has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include:
- 1) the methods to be used and the measures to be undertaken to control the emission of dust, noise, and vibration from the operation of plant and machinery to be used;
 - 2) the location of any temporary buildings and compound areas;
 - 3) the location of parking areas for construction and other vehicles;
 - 4) the measures to be used to prevent the deposit of mud and other deleterious material on the public highway; and,
 - 5) a scheme for the management and signage of all construction traffic.
 - 6) The development of that phase shall be carried out in accordance with the approved construction management statement.
- 6 Reason: In order that the Local Planning Authority may retain control over the construction activities in the interests of the amenities of the locality in accordance with the NPPF.
- This also needs to be a pre-commencement condition as this issue relates to the construction phase of the development.
- 7 Condition: Notwithstanding the details shown on the approved plans, 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.
- 7 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 8 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.

- 8 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.

- 9 Condition: All ensuite, bathroom and cloakroom windows at ground and first floor level shall be obscured glazed and retained in that condition thereafter.

- 9 Reason: To protect the privacy and amenity of occupiers in accordance with Policy DM15 of the SADMP 2016.

- 10 Condition: No dwelling shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed new private drive shown on dwg No. 975/19 - 03 Rev C have been submitted to and approved in writing by the Local Planning Authority. The roads shall thereafter be maintained in accordance with the approved management and maintenance details.

- 10 Reason: To ensure safe, suitable and satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable standard; and to accord with the provisions of the NPPF and Policies CS08 & CS11 of the NPPF.