

Parish:	Upwell	
Proposal:	Proposed detached dwelling	
Location:	Land S of 28-29 St Peters Road Upwell Norfolk	
Applicant:	Mr And Mrs Griffin	
Case No:	24/00443/F (Full Application)	
Case Officer:	Mr K Wilkinson	Date for Determination: 16 May 2024 Extension of Time Expiry Date: 5 July 2024

Reason for Referral to Planning Committee – Cllr Vivienne Spikings has an interest in the land.

Neighbourhood Plan: Yes

Case Summary

The application seeks permission for the construction of a chalet bungalow style detached dwelling on land off Orchard Gardens, Upwell.

The existing site comprises a portion (620m²) of residential garden land associated with, and to the south/rear of, Nos. 28 &29 St Peter’s Road, with existing 1.8m high close boarded fencing along the west, east and south boundaries.

The site is located outside, but adjacent to, the Upwell Conservation Area and reads as part of Orchard Gardens, an estate allocated under Policy G104.4 of the Site Allocations and Development Management Policies Plan which is now built out.

Key Issues

- Principle of development
- Design, form and character
- Impact upon setting of Conservation Area
- Impact on neighbour amenity
- Highway issues
- Any other matters requiring consideration prior to determination of the application

Recommendation

APPROVE

THE APPLICATION

The application seeks permission for the construction of a 4 bedroomed chalet bungalow style detached dwelling on land off Orchard Gardens, Upwell.

The existing site comprises a portion (620m²) of residential garden land associated with, and to the south/rear of, Nos. 28 & 29 St Peter's Road, with existing 2m high close boarded fencing along the west, east and south boundaries. The northern boundary is proposed to be a further close boarded fenceline. That boundary is staggered to follow an existing outbuilding which is to be partially demolished to approx. half its current size.

The site is located outside, but adjacent to, the Upwell Conservation Area and reads as part of Orchard Gardens which leads off Blunt's Orchard Drive - an estate allocated under Policy G104.4 of the Site Allocations and Development Management Policies Plan which is now built out.

SUPPORTING CASE

The agent has submitted the following statement in support of this application:

"The application site is within the Development Area Boundary (DAB) of Outwell / Upwell / Three Holes and is outside of any conservation area or Sites of Scientific Nature. The site at present is set to grass and sits between two existing dwellings therefore can be defined as infill development. The Habitat Mitigation fee has been paid in respect of the application.

Residential development should be proposed is Flood Zone 1 land, this is the case for this site and as identified risk of flooding at the site is low from all sources. As such it is considered the flood risk is low, with finished floor levels a minimum of 150mm above surrounding ground levels with no resilient or resistant construction required. The exception and Sequential tests are also deemed to have been passed. We note the comments regarding drainage and can confirm that a Civil Engineer will be appointed to design an appropriate drainage scheme which is secure by the proposed condition, which we accept.

The application site is within the established settlement of Upwell and is identified as being within the Development Area Boundary (DAB) of Outwell / Upwell / Three Holes. Policy DM2 of the SADMPP states that development within the development boundaries of settlements will be permitted providing it is in accordance with other policies of the Local Plan. Given that the site is within the development boundary for Outwell/Upwell/Three Holes the principle of development is acceptable in accordance with policy DM2.

Upwell is a Key Rural Service Centre as defined in the Core Strategy. Section 6.1.11 of the Core Strategy confirms that Key Rural Service Centres help to sustain the wider rural community. This is supported by paragraph 78 of the NPPF which states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. New housing development within a Key Rural Service Centre will help to support the wider rural community thereby promoting sustainable development in accordance with section 6.1.11 of the Core Strategy and paragraph 78 of the NPPF.

Access to the site is via Blunt Orchards Drive and Orchard Gardens which are public highways with a small section of private drive providing the access to the site. The current owners of the application site also own the private drive and the appropriate notices have been served relating to the application. As such, there are no issues with access which is confirmed by the Highways department who raise no objections.

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We have worked closely with Planning Officers to achieve a scheme that has their support and have amended the proposals working with them. The size, layout and accommodation are driven by the desire to provide good quality, modern living accommodation for the occupants and users of the buildings. It is the intention to add to the existing village by forming a new dwelling which will follow the form and pattern of development already established in the area. The dwelling reflects the scale and size of neighbouring properties and is stylistically similar to dwellings along Blunt Orchards Drive and Orchard Gardens with a traditional material palette and design.

To conclude the proposal is for a single dwelling in a sustainable location that is fully compliant with policy. We have worked closely with Planning Officers to secure the positive recommendation and the scheme is in keeping with the form and character of the area. There are no technical objections to the application and the scheme has the support of the Parish Council and Officer recommendation for approval. As such, we respectfully request your support the Officer's recommendation and approve the scheme with the conditions you deem appropriate."

PLANNING HISTORY

18/01747/F: Permitted Development _App not reqd: 07/01/19 - Change of use of butchers shop and dwelling to dwelling with alterations to existing premises - 28 - 29 St Peters Road

22/00107/TREECA: Tree Application - No objection: 24/06/22 - 2/TPO/00531: T1 Willow - Remove - 28 - 29 St Peters Road

Estate development adjoining site:

15/01496/VAR1A: Application Permitted: 10/10/17 - Modification to Planning Obligation reference LC/S106/16/42 related to planning application reference 15/01496/OM - Land South of 21 To 42 St Peters Road – DELEGATED DECISION

15/01496/OM: Application Permitted: 20/06/16 - Outline application with some matters reserved for 25 dwellings consisting of 18 houses and 7 bungalows. Access, road and plot layout committed - Land South of 21 To 42 St Peters Road - COMMITTEE DECISION

19/01462/F: Application Permitted: 31/10/19 - Construction of dwelling with garage (Plot 25) – COMMITTEE DECISION

RESPONSE TO CONSULTATION

Parish Council: SUPPORT

Local Highway Authority: NO OBJECTION subject to access and parking space provision prior to occupation.

Environmental Health & Housing – Environmental Quality: NO OBJECTION subject to informative note to be added to any approval relating to disposal of asbestos-containing materials from demolition of an outbuilding.

District Emergency Planning Officer: NO OBJECTION suggests signing up to EA's flood warning service and preparation of a flood evacuation plan. [Officer note: To be covered by

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an informative note on any approval as would fail test applied to the use of conditions regarding enforceability].

Conservation Officer: NO OBJECTION on heritage grounds.

Middle Level Commissioners - Internal Drainage Board: No comments received at time of writing this report.

Housing Development Officer: NO OBJECTION

REPRESENTATIONS

Original scheme: A total of **THIRTEEN** items of correspondence raising **OBJECTION** or concerns on the following summarised grounds:

- Residential amenity – overlooking implications; noise during construction phase; piling of foundations; loss of view; TPO willow was removed and replacement tree not planted; over bearing;
- Traffic/highway safety – access via private driveway; put right any damage to brickweave; safety; obstruction to properties caused by construction vehicles;
- Sewerage concerns for an additional dwelling;
- Drainage problems;
- Habitat assessment;
- Potential conflict of interest as Mrs Spikings sits on the Planning Committee and Mr Spikings is a director of the current management company “The Hollies”; and
- No carport or garage for the proposed dwelling.

Amended scheme: **TWO** further items of correspondence reiterating earlier concerns.

LDF CORE STRATEGY POLICIES

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS11 – Transport

CS12 - Environmental Assets

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

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DM19 - Green Infrastructure/Habitats Monitoring & Mitigation

NEIGHBOURHOOD PLAN POLICIES

Housing Policy H2: Housing Mix
Housing Policy H3: Design
Policy H4: Residential Car Parking Standards

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations are as follows:

Principle of development
Design, form and character
Impact upon setting of Conservation Area
Impact on neighbour amenity
Highway issues
Any other matters requiring consideration prior to determination of the application

Principle of Development:

This application seeks full permission for the construction of a 4 bedroomed chalet bungalow style detached dwelling served off Orchard Gardens – a cul-de-sac off Blunt's Orchard Drive to the south of St Peter's Road.

The application site is located within the development area of the village as shown on Inset G104 plan for Upwell & Outwell, which are combined to create a Key Rural Service Centre. This is a sustainable location and the principle of development of the site is therefore considered acceptable and complies with Policies CS01, CS02, DM1 & DM2 of the Development Plan.

Design, Form and Character

The proposed plans show a chalet bungalow style dwelling. It is predominantly of bungalow appearance with a bedroom at ground floor plus three further bedrooms in the roof space served by rooflights. The main part of the building is orientated on a roughly north-south axis almost parallel to Orchard Gardens with single storey secondary projections to the front and rear parallel to the southern boundary.

The property fronts onto the private drive with open frontage creating 4 no. parking spaces.

The proposed facing materials (Hoskins Flemish Antique bricks and Marley Eternit Birkdale blue/black tiles) are considered suitable given the mix of materials in the area and the Design Code for the estate.

There are similar style dwellings with accommodation within the roof space approved and built on Plot 3 to the rear/west, Plot 7 to the south and Plot 25 at the head of the cul-de-sac to the north. There are two storey detached houses to the eastern side of Orchard Gardens.

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This is a 'windfall site' filling in a gap onto Orchard Gardens and the proposal is therefore compatible to the form and character of the locality and complies with Policies CS06, CS08, CS12 and DM15 of the Development Plan, plus Policies H2 & H3 of the Neighbourhood Plan.

Impact upon setting of Conservation Area

The site lies outside, but adjacent to, the Upwell Conservation Area so there is a duty to consider and minimise harm to its setting.

The Conservation Area follows the River Nene and the donor properties on St Peter's Road fall within that designated area. The northern boundary of this site lies approx. 6-8m south of the Conservation Area.

Our Conservation Officer has assessed the proposal and indicates that whilst the proposal is likely to result in the roof being visible from the conservation area, it would be seen in the context of other residential roofs and is not considered to be harmful to the character or significance of the conservation area.

The proposal therefore accords with Policies CS12 & DM15 of the Development Plan.

Impact on Neighbour Amenity:

The originally submitted plans were for a larger dwelling with a wider depth, a further front projection and only three parking spaces and created an awkward relationship with the dwelling to the immediate north of the site (Plot 25). Amended plans reduced the depth, removed the northern-most front projection and created 4 no. onsite parking spaces.

Given the proposed height of the dwelling and distance from boundaries in the amended format, the proposal is now considered unlikely to lead to overbearing or overshadowing of neighbouring properties.

The rooflights on the front/east elevation serve an en-suite, stairwell and Bedroom 4 – the latter being high-level and would not create adverse overlooking implications with the houses to the east approx. 24m away (No. 13). Rooflights in the rear/western elevation serve Bedrooms 1 & 3 plus a bathroom and once again would not create adverse overlooking implications to properties to the rear approx. 34m away.

Ground floor windows are considered unlikely to lead to overlooking given the positioning and heights of boundary treatments. The application is therefore considered unlikely to lead to adverse levels of overlooking of neighbours.

A new 1.8m high close boarded fence is proposed to the northern boundary of the site to separate it from the donor property. This is consistent with other boundary treatments in this locality.

Disturbance during the construction phase is to be expected but would be relatively short-lived. A scheme of this size would not attract a Construction Management Plan. Any undue/statutory nuisance would be covered by the Environmental Protection Act 1990 which comes under the remit of CSNN.

The spatial and inter-relationships between the proposed and existing dwellings are therefore considered to be acceptable and meet Policies CS08 and DM15 of the Development Plan.

Highway issues

The site is accessed directly onto a portion of Orchard Gardens that is private and un-adopted. Plans show enough space located to the front and side of the property to allow on-site parking for 4 no. vehicles which meets the parking standards contained within Policy H4 of the Neighbourhood Plan.

This is a private drive and one additional plot being served off it would be acceptable in highway terms, indeed the Local Highway Authority stated no objection to the application and the layout and access of the development is considered to accord with CS11 of the Core Strategy and DM15 of the SADMPP (2016).

The use of this route and any prospective congestion or blocking would be a civil rather than a planning matter.

Other matters requiring consideration prior to the determination of this application:

Flood risk – the site lies within Flood Zone 1 and a Dry Island in the Strategic Flood Risk Assessment. The District Emergency Planning Officer's recommendations above can be included as an informative to any planning permission.

Whilst this is an additional/windfall plot on the estate, it fails to meet the criteria of Policy DM8 of the SADMPP regarding delivering affordable housing on phased development. There has been no approvals issued within the past 3 years that are not implemented and the site is not within the same ownership as other plots. This has been confirmed by our Housing Development Officer.

Objections raised are mostly covered in the report above, but additional issues will be covered below:

- *Residential amenity: piling of foundations* - the ground conditions will require investigation/assessment, but this is a technical rather than a planning matter. Any damage caused to adjoining property would be covered under separate legislation.
- *Loss of view* – there is no right to a private view across third party land.
- *TPO willow was removed and replacement tree not planted* – the current land owners have confirmed in writing that this will be resolved and the replacement willow tree will be planted once the end of the garage has been removed and the ground made good as per 2/TPO/00531.
- *Traffic/highway safety: put right any damage to brickweave and obstruction to properties caused by construction vehicles* – this is a civil matter; there is a dedicated play area within the estate.
- *Sewerage and surface water drainage concerns for an additional dwelling* – the application forms indicate the use of soakaways and connection to mains sewerage – these are technical matters which can be secured via a pre-commencement condition.
- *Habitat assessment* – there is no requirement for detailed biodiversity assessment of the site. The application is accompanied by a Shadow Habitat Regulations Assessment which indicates that the proposal is not likely to have an adverse effect upon designated Habitat sites, subject to a GIRAMS payment which has already been secured.
- *Potential conflict of interest as Mrs Spikings sits on the Planning Committee and Mr Spikings is a director of the current management company "The Hollies"* – correct certificates have been served as part of the application. The application has been referred to the Planning Committee for determination in accordance with the Planning Scheme of Delegation given Mrs Spikings interest in the land; and

- *No carport or garage for the proposed dwelling* – this is not pre-requisite; there is space to the southern side of the dwelling to create access to the rear and accommodate a garage. This could potentially be undertaken as permitted development.

CONCLUSION

The proposal constitutes a windfall site within the defined development area of Upwell, which is combined with Outwell to create a Key Rural Service Centre. Whilst adjacent to the Conservation Area, it would be seen in context with the roofscape of the existing residential estate and is not considered to be harmful to the character or significance of the conservation area.

The design of the dwelling is compatible to this locality and the spatial and inter-relationships between the proposed and existing dwellings are considered to be acceptable. There is ample private amenity space plus parking to meet adopted standards.

There are no concerns raised by technical consultees and all matters of planning importance may be secured via condition.

The proposed development therefore accords with Policies CS01, CS02, CS06, CS08, CS09, CS11 & CS12 of the Core Strategy (2011), Policies DM1, DM2, DM8, DM15, DM17 & DM19 of the SADMPP (2016) plus Policies H2, H3 & H4 of the Upwell Neighbourhood Plan.

The application is therefore duly recommended for approval subject to certain conditions stated below.

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: PP1000 Revision B & PP1100 Revision B.
- 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 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/maneuvering areas, in the interests of satisfactory development and highway safety and to accord with Policy DM17 of the SADMPP (2016).
- 4 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.

- 4 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.