

## AGENDA ITEM NO: 8/2(h)

<b>Parish:</b>	Pentney	
<b>Proposal:</b>	Construction of 3 dwelling houses following demolition of existing dwelling.	
<b>Location:</b>	Kairouan Back Road Pentney King's Lynn	
<b>Applicant:</b>	Mr Beck	
<b>Case No:</b>	18/00828/O (Outline Application)	
<b>Case Officer:</b>	Clare Harpham	<b>Date for Determination:</b> 3 July 2018 <b>Extension of Time Expiry Date:</b> 7 August 2018

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

**Neighbourhood Plan:** No

### Case Summary

The application is for outline planning permission (all matters reserved) to construct three detached dwellings following the demolition of the existing bungalow on site. The proposal is immediately adjacent to St Mary Magdalene Church and associated graveyard which is a Grade I Listed Building and therefore the impact of the proposal on the setting of the Listed Church must be considered.

### Key Issues

Principle of Development  
Form and Character/ Design  
Impact on the Listed Building  
Tree Issues  
Amenity Issues  
Highways Issues  
Other material considerations  
Crime and Disorder

### Recommendation

**APPROVE**

### THE APPLICATION

The application site is an irregular shaped plot to the northern side of Back Road immediately adjacent (north-east) of St Mary Magdalene Church which is Grade I Listed. On site currently stands a large detached single storey dwelling with associated outbuildings

and outdoor swimming pool. The site is well screened by existing hedging, trees and a raised bank to the front of the site.

The application is for outline planning permission for the demolition of the existing bungalow and its replacement with three detached two storey dwellings. This application seeks outline planning permission with all matters reserved.

## **SUPPORTING CASE**

Careful consideration of this proposal has been made, following both the original pre-application enquiry and previous Outline application comments. The application proposal takes into consideration these matters and follows matters following conversations and meetings with the planning officer during the application process.

The proposals:

Development of the site, akin to the local area road frontage development, with the properties set back within the site.

The proposed dwellings have been considered in their positioning and layout and are for illustration at this outline stage but show the site ability to accommodate the scope of this development following the removal of the large existing bungalow and outbuildings.

The illustrated site, with the setting back of the proposed buildings allows for the retention of the trees to the frontage, and to allow the boundary hedging to the west to be retained and preserved. This arrangement sets the buildings back to avoid any overlooking, overbearing or overshadowing nor imposing upon the local area.

A tree/hedge boundary to the west is proposed to be protected in order to retain a screen between the site and the adjacent church land. The proposal is for the trees to be given necessary attention to enhance and prolong life and potential further/replacement tree planting to be carried out for screen retention/reinforcement, to be finally agreed at Reserved Matters application.

The Conservation Officer has considered the proposal and the intention of retention of the tree/hedge to the west is confirmed.

Highway consultation has been made and vehicular access onto Back Road is illustrated for each property and with any protection measures carried out and proposed at Reserved Matter application stage to allow retention of the healthy trees to the road frontage. The proposed passing bay location will similarly be agreed at Reserved Matter application stage.

Initial contact has been made with Norfolk Archaeology and archaeological matters can be dealt with as necessary at Reserved Matters application following a successful Outline Application.

Communication with the Planning Officer has been productive with the proposed development incorporating the comments made with the endeavour to outline a scheme suitable for approval.

## PLANNING HISTORY

17/01714/O: Application Withdrawn: 19/10/17 - Outline Application: Construction of 3 dwelling houses following demolition of existing dwelling – Kairouan Back Road Pentney

## RESPONSE TO CONSULTATION

### Parish Council: OBJECT

- The village is classified as a Hamlet and a development such as proposed is totally inappropriate for the location.
- The site is immediately adjacent to a green burial site and village church and is out of keeping for this area.
- There has already been consent given to other development along this part of Back Road and this will add to the traffic flow and change the nature of a quiet area. This will also add pressure to other surrounding village services which Pentney lacks.

**Highways Authority: NO OBJECTION** The agent has confirmed that off-site passing provision would be provided as part of the mitigation for the development. On that basis I would not be against the principle of development. I observe that at this stage the application is 'all matters reserved' and therefore I would need to see at reserved matters stage an appropriate design to address visibility splays, access, parking and turning provision which accords with adopted standards. Conditions are recommended regarding off-site highway improvement works.

**Historic England:** No comment. We suggest that you seek the views of your specialist conservation and archaeological advisers.

**Conservation Team: NO OBJECTION** This property is on the boundary with the Church and churchyard and therefore any development has to have regard for the setting of these historic assets. The submitted Heritage Statement explains how these assets would be protected and I understand the Arboricultural Officer has also asked for in-depth information regarding the trees and natural boundaries of the site.

Providing the setting of the church and the natural boundary treatment is protected, I have no objections to this outline. Should a full application be forthcoming, specific design details and materials will need to be considered.

**Historic Environment Service: NO OBJECTION** The proposed development site lies immediately adjacent to the medieval church of St Mary Magdalene, which is a designated heritage asset (Grade I listed). Any development within the immediate vicinity of the church has potential to affect the significance of this designated heritage asset by altering its setting. The proximity to the church also means that the proposed development site lies within the historic core of the settlement. A hoard of brooches of middle Anglo-Saxon date was found in the churchyard in 1978 and other artefacts and archaeological features of Anglo-Saxon and medieval date have been recorded in the vicinity.

Consequently there is a high potential that heritage assets with archaeological interest (buried archaeological remains relating to settlement activity of Anglo-Saxon and medieval date) will be present at the site and that their significance would be adversely affected by the proposed development.

If planning permission is granted, we therefore ask that this be subject to a programme of archaeological work in accordance with National Planning Policy Framework paragraph 141.

In this case the programme of archaeological mitigatory work will commence with informative trial trenching to determine the scope and extent of any further mitigatory work that may be required (e.g. an archaeological excavation or monitoring of groundworks during construction) and conditions relating to this work should be placed on any decision.

**Arboricultural Officer: NO OBJECTION** I will need to see a full tree survey, arboricultural implication assessment and arboricultural method statement to BS 5837:2012 should the application progress.

**NCC Public Rights of Way: NO OBJECTION** Pentney Footpath 10 is in the vicinity but does not appear to be affected by the proposal.

**Environmental Health & Housing - Environmental Quality: NO OBJECTION** The proposed development will include the demolition of the existing building. Given the age of the building it is considered likely that there will be asbestos containing materials within the building. Therefore an informative is recommended regarding asbestos disposal.

**Community Safety & Neighbourhood Nuisance: NO OBJECTION** conditions are recommended regarding surface and foul water drainage and hours of demolition/construction as well as informatives.

**Environment Agency:** No comment to make.

## **REPRESENTATIONS**

None received

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS09** - Housing Distribution

**CS11** - Transport

**CS12** - Environmental Assets

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM2** – Development Boundaries

**DM3** - Development in the Smaller Villages and Hamlets

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)

National Planning Policy Framework – sets out the Government's planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

## **PLANNING CONSIDERATIONS**

The main issues to consider when determining this application are as follows:

- Principle of Development
- Form and Character / Design
- Impact on the Listed Building
- Tree Issues
- Amenity Issues
- Highways Issues
- Other material considerations
- Crime and Disorder

### **Principle of Development**

The application site is located within Pentney which is identified as a Smaller Village and Hamlet within Core Strategy Policy CS02. As such it does not have a development boundary and only very limited development is considered acceptable; particularly as outlined within Policy DM3 'Development in Smaller Villages and Hamlets' of the Site Allocations and Development Management Plan 2016.

Policy DM3 states that new development in smaller villages and hamlets will be limited to that suitable in rural areas plus housing which complies with the following; 'The sensitive infilling of small gaps within an otherwise continuously built up frontage' and 'where the development is appropriate to the scale and character of the group of buildings and its surroundings; and it would not fill a gap which provides a positive contribution to the street scene.'

There is an objection to the proposal from the Parish Council on the grounds that the village is classed as a smaller village and hamlet and as such they feel that a further two dwellings in this location would be inappropriate in principle, especially given the lack of services in Pentney.

On site at the current time is a large bungalow with a low profile roof and therefore there is no gap in the otherwise built up frontage. However the proposal does propose the demolition of this large bungalow and its associated outbuildings to be replaced by three two-storey houses.

### **Form and Character / Design**

This part of Back Road is characterised by different style dwellings of different ages. To the north-east of the application site there is some new development with traditional looking two storey dwellings which emulate the immediate neighbour at Church Farm Cottage. On the opposite side of Back Road and sited behind a 'green space' are some large 'executive

style' dwellings. To the immediate south-east of the application site is the Grade I Listed Church of St Mary Magdalene.

The existing bungalow is of no particular architectural merit however it is low profile and set at a low level within the site which helps to provide an open verdant setting for the neighbouring historical asset. The indicative plans show the proposed dwellings to be of a traditional appearance; however they are two-storey and will fill the site which will affect the setting of the church.

The application is an outline application with all matters reserved and so the final detailed design and layout is unknown, however the submitted indicative plan does illustrate how three detached dwellings could be sited to create a form of development which would be in character with the locality.

### **Impact on the Listed Building**

Immediately adjacent to the site is the Grade I Listed Church of St Mary Magdalene and its associated churchyard. There is an objection to the proposal from the Parish Council as it is sited immediately adjacent to the Church and the green burial site and they therefore feel the proposal is out of keeping.

The majority of the application site is set at a lower level than the neighbouring church which is elevated above the road level and there is also a distance of 34 metres between the church building and the closest corner of the application site.

Within the site are differing levels with a bank or bund to the front of the site and with land at a higher level on the south-western side nearest the church. The indicative layout shows that the three dwellings would be sited within the existing lower area of land where the existing bungalow and outdoor swimming pool is sited and the proposal would therefore be screened to a degree by the existing bank to the front and south-west corner of the site. It should be noted at this point that the proposal indicates that a new access would be provided through this existing bank in order to serve two of the dwellings and care would have to be taken not to disturb the root protection area of the trees to be retained in fairly close proximity.

In addition there are a number of trees within the site as well as conifers which provide screening between the application site and the neighbouring church (this will be discussed below).

It is considered that with careful siting of the proposed dwellings within the lower areas of the site, retention and reinforcement of the existing landscaping on site and careful design utilising sympathetic traditional materials it would be possible to site three dwellings which would not be detrimental to the setting of the adjacent Listed Church. However it is important to note that there will be an impact due to the two-storey nature of the proposal which will be more visible in the locality than the existing low level bungalow.

There are no objections to the proposal from the Conservation Team, Historic England or the Historic Environment Service.

### **Tree Issues**

The application site has a number of trees and conifer hedging which screens the existing development and which would be important to screen any future development in order to preserve the setting of the Listed Church. At the current time the layout is only indicative and therefore an Arboricultural Impact Assessment and Method Statement would not be required at this stage as the layout may alter.

Due to the importance of retaining and reinforcing the existing screening, especially on the western side adjacent to the Church a Tree Survey was submitted in order to ascertain the condition of the existing trees. The submitted survey identified only one tree which would have to be removed due to damage (on the frontage towards the eastern side) and it also identified the fact that the conifer belt on the western side should be removed or reduced in height if it was to be retained for screening purposes. This is considered acceptable however it would be important to provide additional planting (trees and hedging) along this boundary in order to reinforce the screening.

### **Amenity Issues**

The final design of the dwellings is not known at this stage although it is considered that the three dwellings could be sited without causing amenity issues.

### **Highways Issues**

Back Road is a narrow road and whilst there are no objections to the proposal from the Highways Officer the proposal is only considered acceptable if passing provision is incorporated into the scheme in the form of passing bays and a condition has been requested by the Highways Officer. Whilst passing bays are not shown on the indicative plan the agent has indicated verbally that it is likely that they would be sited within the points of access in order to minimise the impact on the existing bank along the frontage and the root protection area of the trees to the front of the site which are growing within this bank.

There is an objection from the Parish Council regarding the fact that the proposal will increase traffic flow along Back Road which will alter the quiet nature of the area.

### **Other material considerations**

The application site is located within Flood Zone 1 of the Environment Agency Flood Risk Maps and therefore does not require a Flood Risk Assessment.

### **Crime and Disorder**

There are no issues relating to crime and disorder which have arisen due to this application.

## **CONCLUSION**

The proposed development seeks to replace the existing low level bungalow with three two-storey dwellings which would provide a linear form of development within an otherwise continuously built up frontage which complies with Policy DM3 of the SADMP.

However, due to the existing character of the locality this will inevitably have an impact upon the setting of the adjacent historical asset due to the nature of the proposal, which is a more intensive form of development and will be of greater height than the existing bungalow.

Whilst it is finely balanced, for the reasons identified in the report above it is considered that whilst the proposal will affect the setting of the listed building this need not be to its detriment. On balance the proposal is considered acceptable subject to the detailed design to be submitted at reserved matters stage and Members are asked to consider whether the application should be approved subject to the recommended conditions.

## 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 development hereby permitted shall be carried out in accordance with the following approved plan 3/015/1D.
- 5 Reason For the avoidance of doubt and in the interests of proper planning.
- 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.  
  
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.
- 7 Condition No development shall take place until a Written Scheme of Investigation for a programme of archaeological works has been submitted to and approved by the local planning authority in writing. The scheme shall include:
  1. An assessment of the significance of heritage assets present
  2. The programme and methodology of site investigation and recording
  3. The programme for post investigation assessment of recovered material
  4. Provision to be made for analysis of the site investigation and recording



5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  6. Provision to be made for archive deposition of the analysis and records of the site investigation
  7. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- 7 Reason To safeguard archaeological interests in accordance with the principles of the NPPF. This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.
  - 8 Condition No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 7.
  - 8 Reason To safeguard archaeological interests in accordance with the principles of the NPPF.
  - 9 Condition The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 7 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
  - 9 Reason To safeguard archaeological interests in accordance with the principles of the NPPF.
  - 10 Condition At reserved matters stage an Arboricultural Implication Assessment (AIA) and Arboricultural Method Statement to BS 5837:2012 shall be submitted which shall show the trees to be retained and protected. No development or other operations shall commence on site until the existing trees and/or hedgerows to be retained have been protected in accordance with the submitted scheme. The scheme shall provide for the erection of fencing for the protection of any retained tree or hedge before any equipment, machinery, or materials are brought on to the site for the purposes of development or other operations. The fencing shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.
  - 10 Reason To ensure that existing trees and hedgerows are properly protected both with regard to visual amenity and in order to protect the setting of the adjacent historical asset 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.
  - 11 Condition At reserved matters stage full details of any replacement planting (trees and hedging) shall be submitted and approved by the Local Planning Authority. These details shall include planting plans, written specifications (including cultivation and other operations associated with the plants establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate.

- 11 Reason To ensure that the development is properly landscaped in the interests of the visual amenities of the locality and the setting of the historic asset in accordance with the NPPF.
- 12 Condition No existing trees, shrubs or hedges within the site that are shown as being retained on the approved plans shall be felled, uprooted, willfully damaged or destroyed, cut back in any way or removed without the prior written approval of the Local Planning Authority. Any trees, shrubs or hedges removed without such approval or that die or become severely damaged or seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of a similar size and species in the next available planting season, unless the Local Planning Authority gives written approval to any variation.
- 12 Reason To ensure that the development is compatible with the amenities of the locality and the setting of the historical asset in accordance with the NPPF.
- 13 Condition Notwithstanding the details indicated on the submitted drawings no works shall commence on site until a detailed scheme for the off-site highway improvement works as indicated on Drawing number 3/015/1D (passing bay) have been submitted to and approved in writing by the Local Planning Authority.
- 13 Reason To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor.  
  
This also needs to be a pre-commencement condition as these fundamental details need to be properly designed at the front end of the process.
- 14 Condition Prior to the first occupation of the development hereby permitted the off-site highway improvement works referred to in Condition 13 shall be completed to the written satisfaction of the Local Planning Authority.
- 14 Reason To ensure that the highway network is adequate to cater for the development proposed.