

AGENDA ITEM NO: 8/2(h)

Parish:	Outwell	
Proposal:	Outline application with some matters reserved for site for construction of bungalow and garage	
Location:	Plot 4 Abbots Court Off Isle Bridge Road Outwell	
Applicant:	Mr D Cuckow	
Case No:	19/00857/O (Outline Application)	
Case Officer:	Lucy Smith	Date for Determination: 8 July 2019 Extension of Time Expiry Date: 2 August 2019

Reason for Referral to Planning Committee – The council's recommendation is contrary to the views of the Parish Council.

Neighbourhood Plan: No

Case Summary

The application is for outline permission with all matters reserved apart from access at a site directly adjacent to Wood Hall, Outwell, a Grade II Listed Building. The site fronts Abbots Court (which is to the south of Wood Hall), approximately 100m north of the access with Isle Bridge Road.

Key Issues

Principle of Development
 Planning History
 Impact on Listed Building
 Other Issues

Recommendation

REFUSE

THE APPLICATION

The land is situated to the north of existing dwellings fronting Abbots Court, off Isle Bridge Road, Outwell.

The site comprises part of the residential curtilage of Wood Hall, a Grade II Listed Building which is located directly north of the application site. Other un-associated residential properties and their gardens are located to both the east and west of the application site.

The application seeks outline permission with all matters reserved apart from access for the construction of one dwelling.

SUPPORTING CASE:

Abbots Court consists of 3 newly built bungalows to the south of Woodhall, a Grade II listed building.

In July 2009 Outline Planning Permission was granted for the construction of 5 bungalows under ref.08/01751/O. This was not implemented.

In February 2016 Outline Planning Permission was granted for the construction of 3 dwellings. Plot 1 has been completed and sold. Plots 2 and 3 are under construction.

The land to the north of plot 3 is vacant land and is the subject of this application. It is hoped to construct a modest, low pitched bungalow which would have a minimal impact on Woodhall.

As concern was raised by your Conservation Support Officer we intend to move the boundary line between the site and Woodhall back to where it was originally approved.

This will still leave sufficient space for a bungalow and complete the estate known as Abbots Court.

RELEVANT PLANNING HISTORY:

07/02051/O: Application Refused: 03/12/07 - Outline Planning Application for 5No. Bungalows with attached single garages – Delegated Decision

08/01751/O: Application Permitted: 17/07/09 - Outline Application: 5 detached bungalows with attached single garages – Committee Decision (Overturn)

2/93/0570/O: Application Refused: 06/07/93 - Site for construction of six dwellinghouses – Committee Decision

2/94/0061/O: Application Refused: 22/03/94 - Site for construction of six dwellinghouses – Delegated Decision

14/01385/F: Application Permitted: 14/11/14 - Build a detached double garage with study over – Delegated Decision

13/01574/F: Application Permitted: 23/12/13 - Change of use and extension of barn – Delegated Decision

13/01575/LB: Application Permitted: 23/12/13 - LISTED BUILDING CONSENT: Change of use and extension of barn – Delegated Decision

15/01968/O: Application Permitted: 17/02/16 - Outline application for site for construction of 3 dwellings – Delegated Decision

16/01450/RM: Application Permitted: 30/11/16 - RESERVED MATTERS: Construction of 3 dwellings and garages – Delegated Decision

CONSULTATIONS:

Parish Council: SUPPORTS. Outwell Parish Council accept this application on the lines that the other three properties on this site have been accepted.

Issues were raised to do with drainage. The Parish Council consider that the drainage board should have their say in the matter.

Local Highway Authority: NO OBJECTION.

Natural England: NO COMMENTS.

Environmental Quality: NO OBJECTION, recommended conditions relating to site characterisation, remediation scheme and unexpected contamination.

Historic Environment Service: NO OBJECTION, recommended conditions as detailed below.

The proposed development site lies on, or close to, the site of a medieval moat shown on the 1841 Tithe map. In addition, the adjacent Wood Hall is an early 17th century timber hall enclosing the surviving wall of a possible 14th century medieval aisled or raised aisled hall. Consequently there is potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance will be adversely affected by the proposed development.

If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigatory work in accordance with National Planning Policy Framework para. 199. We suggest that the following conditions are imposed:-

A) No development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation and 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.

B) No development shall take place other than in accordance with the written scheme of investigation approved under condition (A).

C) 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 archaeological written scheme of investigation approved under condition (A) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Conservation Officer: Recommends REFUSAL.

This application, together with the previously approved application for change of use to the adjacent barn (13/01575/LB) and the proposed building plot shown of the plan 19/5/2120 to the west of Woodhall, would completely destroy the setting of this listed building.

Whilst I understand that an application has been previously approved to build 5 bungalows to the south of Woodhall in 2008, this application site encroaches further onto the garden area and the proposed plot adjacent to Woodhall was not featured at that time.

It is expected that a large dwelling such as Woodhall would have a large garden area, but with all the proposed development surrounding this historic building, it would cause harm to the setting as set out in the NPPF paras 190, 193, 194, 195 and 196.

REPRESENTATIONS:

One neutral letter

- Concern over 16th century moat on site
- Potential for surface water flooding and adequate drainage in vicinity

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

NATIONAL GUIDANCE

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

OFFICER ASSESSMENT:

The key issues are:

Principle of Development
Planning History
Impact on Listed Building
Other issues

Principle of Development:

The application is for outline permission with all matters reserved apart from access for the construction of one new dwelling, located within the development boundary for Outwell as outlined in the Site Allocations and Development Management Policies Plan (2016). The site is also within the curtilage of Wood Hall, a Grade II listed building which is protected through separate policies as detailed below.

Planning History:

A number of previous consents have been approved on the site. An outline application was submitted in 2008 for the construction of 5 houses and approved following an overturn at Committee, however a reserved matters scheme was never submitted and thus not built out.

A barn conversion to the west of Wood Hall was approved in 2013, with plans indicating the original extent of the barn was to remain. The retention of the majority of the existing form of the barn limited the impact of the barn conversion on the adjacent listed building and the application was approved on this basis. At this point, a significant area of land around the listed building and the adjacent barn remained.

An application for 3 bungalows to the south of Wood Hall was subsequently submitted and approved in 2015, with the closest dwelling proposed approximately 38m from rear of Wood Hall. The topography and layout of the site, with these properties proposed downhill from the heritage asset further limited the proposal's impact on the listed building.

Impact on Listed Building:

The proposal site is located within the established curtilage of Wood Hall, a Grade II Listed Building to the north of the site. In line with paragraph 192 of the NPPF (2019) and the Planning (Listed Buildings and Conservation Areas) Act (1990), there is a legal duty to protect listed buildings and their setting. S.66 of the Planning (Listed Buildings and Conservation Areas) Act (1990) states: 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority should have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historical interest which it possesses.'

The setting of a heritage asset is defined in the glossary of the NPPF (2019) as 'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.'

The NPPF makes it clear that the extent of the setting of a heritage asset is not fixed and may change as the asset and its surroundings evolve. Guidance published by Historic England in 2011 outlines the planning considerations relating to the conservation of listed buildings and their setting, with specific detail provided as to the potential impact of cumulative changes, stating:

'Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset'

Wood Hall is a late 17/early 18th century farmhouse with access via Robbs Chase, which runs to the north of the site. Whilst the existing bungalows to the south have had an impact on the setting of the Grade II listed building, proposed plans show the site positioned approximately 13m south of Wood Hall, significantly closer than the application approved in 2015 (38m) and taking up an important area of the property's garden, the extent of which has already been reduced as a result of previous applications as discussed above.

The importance of spaces around historic buildings and areas is well established within conservation policy and guidance. The immediate context around listed buildings can provide their lifeblood, identity and contribute to their significance. Proposed plans show the site positioned approximately 13m south of Wood Hall, significantly closer than the application approved in 2015 (38m), and taking up a important area of the property's garden, the extent of which has already been reduced as a result of previous applications as discussed above.

It is expected that a large dwelling such as Wood Hall would have a substantial garden area, however as a result of the cumulative impact of development in the immediate vicinity, including the barn conversion approved in 2013, and the previous application in 2015, the application would result in further loss of this curtilage and harm to the setting of the listed building and its curtilage and the application is therefore considered contrary to paragraphs 190, 193, 194, 195 and 196 of the NPPF, Policy CS08 and CS12 of the Core Strategy 2011, and Policy DM15 of the Site Allocations and Development Management Policies Plan (2016).

Other issues:

The Parish Council supported the application, however raised concerns surrounding drainage issues on the site. The site is located in Flood Zone 1 of the Borough Council's SFRA and a flood risk assessment is therefore not required to be submitted as part of this application. However, if the application were to be approved, drainage conditions would be added to the decision notice to ensure a satisfactory drainage strategy is in place prior to construction.

The Local Highway Authority states no objection to the application based on the existing site conditions. No highway conditions were recommended.

Conditions were suggested by the Environmental Quality team to ensure site characterisation and remediation schemes are submitted and implemented as detailed.

The supporting case stated an intention to submit amended plans to reduce the extent of the red line. At the time of writing this report, no amended plans have been submitted and detailed consideration of the potential revised proposal has therefore not taken place. Whilst reducing the extent of the red line would move the proposal slightly further away from the listed building, the size of the plot would be reduced, and there is the potential for this to lead to an overly cramped design and overdevelopment of the site.

Conclusion:

In conclusion, it is considered that by virtue of the proposed siting, in close proximity to the Grade II Listed Wood Hall, the development would cause harm to the setting of a designated heritage asset. Paragraph 193 of the NPPF states that when assessing the impact of a proposal on the significance of a heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 goes on to state that any harm to the significance of a designated heritage asset (from its alteration or

destruction, or from development in its setting), should require clear and convincing justification. In accordance with paragraph 196 of the NPPF, the limited public benefits provided by the proposed scheme through the provision of a single dwelling are not considered to outweigh the harm to the significance of the heritage asset in this case.

The proposal therefore fails to accord with the provisions of paragraphs 190, 193, 194 & 196 of the NPPF, Core Strategy Policies CS06, CS08 and CS12 of the LDF, and Policies DM2 and DM15 of the SADMP (2016). It is recommended that members refuse the application for the reasons discussed above and detailed below.

RECOMMENDATION:

REFUSE for the following reason:

- 1 The proposed new dwelling, by virtue of its siting in close proximity to the Grade II Listed Building known as Wood Hall would cause harm to the setting and character of the designated heritage asset. Therefore, the proposed development is considered contrary to paragraphs 190, 193, 194 & 196 of the National Planning Policy Framework 2018, Policies CS06, CS08 and CS12 of the KLWNBC Core Strategy 2011, and Policy DM15 of the Site Allocations and Development Management Policies Plan 2016.