

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

<b>Parish:</b>	<b>South Wootton</b>	
<b>Proposal:</b>	<b>New dwelling</b>	
<b>Location:</b>	<b>Old Rectory Hall Lane South Wootton King's Lynn</b>	
<b>Applicant:</b>	<b>Mr Azam Gabbair</b>	
<b>Case No:</b>	<b>20/00346/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Helena Su</b>	<b>Date for Determination: 7 May 2020 Extension of Time Expiry Date: 11 December 2020</b>

### **Reason for Referral to Planning Committee –**

The Officer recommendation is at variance with the views of the Parish Council and it has been referred by Planning Sifting Panel.

**Neighbourhood Plan:** Yes

### **Case Summary**

The application relates to the construction of a new dwelling on garden land to the north of The Old Rectory, Hall Lane, South Wootton. The application site falls within the development boundary and within the South Wootton Neighbourhood Plan Area. Outline permission for a new dwelling has been granted three times in the past, including as recently as 2016. The 2016 application was determined after the adoption of the South Wootton Neighbourhood Plan (2015).

The application site is situated on the east side of Hall Lane and the application seeks full planning permission for a new two-storey dwelling.

The site is covered by a group Tree Preservation Order (TPO). The proposal involves the removal of 28 trees together; 14 trees to the front of the site to gain independent access to the site, and 14 trees in the centre and to the rear (east) boundary.

Members will recall at the 9th September Committee meeting, this application was deferred to enable further clarification to be obtained regarding the proposed trees to be removed.

### **Key Issues**

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

- Principle of development;
- Impact on the Form and Character of the Area;
- Impact on Neighbour Amenity;
- Impact on Trees;
- Highway impact; and
- Other considerations.

## Recommendation

**APPROVE**

### THE APPLICATION

The application involves the construction of a new dwelling on garden land to the north of The Old Rectory, Hall Lane, South Wootton. The application site falls within the development boundary and within the South Wootton Neighbourhood Plan Area. To the front of the site is a group of large trees, which are covered by a group Tree Preservation Order.

Hall Lane is characterised by two-storey detached dwellings, set back from the road within comfortable plots. The surrounding dwellings are constructed from a variety of different materials including carrstone and brick. The donor dwelling, which is constructed from carrstone and brick, is larger than the other dwellings in the lane and appears to be older.

The proposed dwelling would be constructed from brick and would be roofed with slate tiles. It would provide four bedrooms, as well as off-street parking, and would sit in line between the donor dwelling and the dwelling to the north of the site. A new access would be provided at the front of the site, which would require the removal of 14 trees to the front of the site (28 trees altogether). The application is also proposing the removal of a few trees to the rear of the site, including a large Eucalyptus tree that is in a state of decay.

**SUPPORTING CASE,** A supporting statement has not been submitted.

### PLANNING HISTORY

18/00626/F: Application Permitted: 19/06/18 - Extension and porch

15/01994/O: Application Permitted: 09/02/16 - New dwelling (Determined after the adoption of the South Wootton Neighbourhood Plan)

14/00696/F: Application Permitted: 27/06/14 - Retention of porch extension to dwelling

13/00004/TPO: TPO Work Approved: 31/01/13 - 2/TPO/00036: Mature Oak Tree overhanging Hall Lane on the left hand- Application is for the removal of the tree.

12/01768/O: Application Permitted: 21/12/12 - Construction of new dwelling

09/00736/O: Application Permitted: 07/07/09 - Outline Application: construction of dwelling

### RESPONSE TO CONSULTATION

#### Parish Council: OBJECTION:

"The infill of the application site, due to its size and proximity to the donor dwelling, would result in a cramped form of development emphasized by the limited amenity space available. This would appear incongruous in the street scene and be harmful to the established form and character of the area. Contrary to NPPF Policies and South Wootton Neighbourhood Plan Policies H2, H3 and H4.

The new amended Plans are larger in scale than the previous proposals. By virtue of the position and orientation of the donor dwelling, The Old Hall, together with the cramped layout of the new dwelling, the proposed development would present a poor relationship between properties which would adversely impact on the amenities of future residents and would not create a high-quality environment. This relationship with the alterations, now larger than before, would still lead to a degree of overlooking between both properties and overlooking of the existing dwelling at number 24 The Boltons. Contrary to South Wootton Neighbourhood Plan Policies H2 and H3.

The Parish Council are concerned that a new proposed access has been formed to the site, this will mean that there will be three access points within a very short space on an already busy stretch of road. This area of road can be very busy and dangerous due to the amount of school traffic in the area.

Within the Heritage Tree Specialists Report it states that the Eucalyptus Tree T10 is a mature tree in good condition, it also states that this tree is recommended for removal. The Parish Council does not think this mature tree in good condition should be removed and this is not in line with South Wootton Neighbourhood Plan Policy E1. The Parish Council understands that there is also a group TPO on trees within this site, trees should be protected as per the South Wootton Neighbourhood Plan Policy E1."

Note: Planning Applications should conform to the Policies laid out in the South Wootton Neighbourhood Plan."

**Highways Officer: NO OBJECTION** subject to condition relating to access, on-site parking and turning.

**Environmental Quality Officer: NO OBJECTION**

**Natural England: NO COMMENT**

**Arboricultural Officer: NO OBJECTION** subject to a condition requiring the development to be in accordance with the arboricultural report and plans.

Following September Committee, the Arboricultural Officer commented that:

"I've re-read the arb report for the above; a total of 28 trees require removal - 23 are 'c' category trees (not normally retained), 3 are 'u' category trees (dead/dying/has something terminally wrong with it) & 2 'B' category trees (would usually retain). One of the 'B' category trees had a separate health & safety survey carried out on it and it was found to have several aggressive decay pathogens and it was advised to remove on health & safety grounds.

The majority of the trees removed have little or no amenity value, and the better-quality trees, of which there is only one, could be mitigated by the planting of some new trees."

Following the submission of the Arboricultural Implication and Tree Protection plan which showed the up-to-date footprint of the proposed dwellinghouse of this application (sent to the Planning Officer on 09 November 2020), the Arboricultural Officer commented that his comments were the same as the abovementioned.

## **REPRESENTATIONS**

7 objections were received. The reasons for objection are summarised as the following:

- Three individual comments made by separate parties that they did not object to the 'in-filling principal'. However, the overall consensus was that the scheme put forward was too large in size and volume and would not be in keeping with the donor dwelling or street scene;
  - Concern about the implications on the volume of traffic on Hall Lane and highway safety;
  - Concern about the loss of trees which would impact landscaping, characteristic, street scene and biodiversity; and
  - Concern about residential amenity of surrounding neighbours in terms of overlooking and privacy.
- One comment was received in objection after the resubmission of amended plans on 15 July 2020, summarised as the following:
- concern about the footprint of the proposal which seems to have increased;
  - concern about the size, elevation and design which is inappropriate for the plot size and does not compliment the surrounding and donor dwelling; and
  - concern about the impact of the proposal on the trees and wildlife.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**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

**DM17** - Parking Provision in New Development

## **NEIGHBOURHOOD PLAN POLICIES**

**Policy H2** - Encouraging High Quality Design

**Policy H3** - Infill Developments

**Policy H4** - Local Character

## **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;
- Impact on the Form and Character of the Area;
- Impact on Neighbour Amenity;
- Impact on Trees;
- Highway Impact; and
- Other considerations.

### **The Principle of Development**

The application site comprises garden land within the development boundary, therefore the principle of a new dwelling in this location is generally considered acceptable provided the proposal complies with all relevant planning policies.

It is also important to note that outline planning permission for a new dwelling on the site has previously been granted three times in the past, including as recently as 2016 under planning permission 15/01994/O which expired on 9th February 2019.

### **Impact on the Form and Character of the Area**

Hall Lane is characterised by two-storey detached dwellings, set back from the road within comfortable plots. The surrounding dwellings are constructed from a variety of different materials including carrstone and brick. Large trees on boundaries are common, which adds to the character of the area.

Amended plans were submitted on 15th July 2020 in order to address the Officer's concerns and provide a reduced, less grand and imposing design. The proposed dwelling will consist of a main two-storey element and a two-storey front projection. It will be constructed of brick and will be roofed with slate tiles. The dwelling will be smaller in scale than the donor dwelling and will benefit from space either side to the boundaries.

The front projection will break up the bulk of the building, and the combination of form and materials will reduce its prominence in the street-scene. The garden area is sufficiently large and; given the dwelling to plot ratio and the extent of the garden area, the proposal is not considered to be a cramped form of development or overdevelopment of the plot. The overall impact in the street-scene is also considered to be acceptable.

The donor dwelling will still benefit from a considerable area of outdoor space and there will be sufficient separation between the proposed dwelling. The reduced scale and simple form of the proposed dwelling, together with the separation distance between the two properties, will mean the proposal won't appear incongruous in the street scene or result in significant harm to the established form and character of the area.

Trees are proposed to be removed as part of the proposal. However, the majority of trees to be retained on the site will be focused to the west of the site, adjacent to Hall Lane. Therefore, remaining in keeping with a key characteristic of Hall Lane.

The proposal is therefore considered to comply with the policies set out within the South Wootton Neighbourhood Plan.

### **Impact of Neighbour Amenity**

The proposed dwelling will be a sufficient distance from the adjoining neighbour's dwellings being approximately 17.8m from no. 25; 25.4m from no. 24; 35.9m from no. 23; and 10.1m from the donor dwelling, Old Rectory. Based on the orientation and distance between the proposed dwelling and its adjoining neighbours, it will not be overbearing or overshadow the neighbours and their private amenity spaces.

The site currently benefits from a 1.8m closed boarded fence along the north and east boundary and established trees behind a fence and brick plinth ranging from 1.6m to 2m, along the south and west boundary. The windows on the ground floor of the proposed dwelling will be screened by the boundary treatments and not have an overlooking impact.

The first-floor window on the north elevation, serving the en-suite, will be obscure glazed and the first-floor windows on the west elevation will look on to public domain. The first-floor windows on the east elevation, will largely be screened by the proposed trees along the east boundary. Moreover, any overlooking impact is mitigated by the distance between the rear elevation of the proposed dwelling and the neighbour's dwellings and private amenity spaces. As there are no first-floor windows along the south elevation, the proposed dwelling will not overlook the amenity space of the Old Rectory.

The proposal therefore complies with Policy H2 of South Wootton's Neighbourhood Plan, Policy CS08 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).

### **Impact on Trees**

To the west of the site, there is an area of trees covered by a Tree Protection Order (TPO) (under reference 2/TPO/00036). Paragraph 5.1.2 of the Arboricultural Report carried out 13 March 2020, stated that "[t]he proposed development requires the removal of 17 trees and we recommend the removal of an additional 10 trees on the site which have been assessed as hazardous or in the interests of sound tree management". A total of 28 trees of the 39 trees currently on site will be removed.

While the Arboricultural Report listed a number of trees in fair condition, the Tree Decay Report, conducted on 18 March 2020, found that a number of those trees were experiencing decay. The Eucalyptus tree (T10), which the Parish mentioned in their correspondence, was found to be 18% - 32% decayed, with the possibility of decay fungi greater below the scan level. For good tree management, and in line with the recommendation of the Arboricultural Report, this tree is proposed to be removed.

The Arboricultural Officer has clarified that "a total of 28 trees require removal - 23 are 'c' category trees (not normally retained), 3 are 'u' category trees (dead/dying/has something terminally wrong with it) & 2 'B' category trees (would usually retain). One of the 'B' category trees had a separate health & safety survey carried out on it and it was found to have several aggressive decay pathogens and it was advised to remove on health & safety grounds." The Arboricultural Officer recommended that a replanting condition be attached to mitigate the impact of losing one 'better quality tree'.

The proposed trees to be removed are 9 Lawson Cypress, 2 Beech, 8 Holly, 1 Eucalyptus, 4 Ash, 1 Robinia, 1 Yew and 1 Plum. Of the different species of trees proposed to be removed, Holly and Yew, are common for birds to nest in. Trees such as Oak, Beech and Ash are favoured by bats. The proposal will see 2 Oak, 3 Yew, and 2 Holly trees retained, as well as other species such as Lawson Cypress and Robinia trees retained too, which would mitigate the impact on wildlife and biodiversity. Moreover, despite the loss of trees on the site, according to Natural England's Standing Advice, it is not necessary on a site such as this to request an ecological study. Natural England have no comment to make in relation to the application.

An updated Arboricultural Implications and Tree Protection plan was provided by the planning agent via email on 9 November 2020 which showed the up-to-date footprint of the proposed dwelling and proposed trees to be removed. The number of trees proposed to be removed remained the same as that indicated in the tree report submitted in March 2020. The Arboricultural Officer commented on 10 November 2020 that his comments were the same of that expressed on 18 September 2020.

In summary, the Arboricultural Officer has no objections to the removal and protection of trees on the site to accommodate the proposed dwelling, subject to the conditioning of the Arboricultural Report.

In accordance with Policy E1 of South Wootton's Neighbourhood Plan, while the trees on site are not shown on the proposal maps, the Arboricultural Officer has suggested replacement tree planting to mitigate the impact of the trees proposed to be removed. A condition requiring submission and approval of a replacement tree planting scheme is therefore recommended.

The proposal is therefore considered to comply with Policies CS08 and CS12 of the Core Strategy (2011), Policy DM15 of the SADMP (2016) and Policy E.1 of the South Wootton Neighbourhood Plan (2015).

### **Highway Impact**

The proposed access into the site is approximately 47m north from the Hall Lane and Low Road (east)/Edward Benefer Way (west) junction; 15.1m north of the access to the Old Rectory; and 59m to the south of Hall Lane and The Bolton intersection. Moreover, South Wootton Junior School is approximately 81m to the north of the access, along the west side of Hall Lane. Although Hall Lane experiences increase flow of traffic associated to the school, it is restricted to certain times in the day. The addition of one dwelling would not significantly impact and increase the flow of traffic. Moreover, the Highway Authority have no objections to the proposal on highway safety grounds, subject to conditions.

The proposal therefore complies with the Norfolk's Parking Standards (2007), Policy CS08 of the Core Strategy (2011) and Policies DM15 and DM17 of the SADMP (2016).

### **Other Considerations**

Contrary to the comments made by the Parish and public, the proposed dwelling is not thought to be a cramped form of development. The proposed dwelling has been reduced in size from 17.9m x 15.5m x 10.2m (length, width, height) to a modest 14.3m x 12.9m x 9.2m (length, width, height). Furthermore, the proposed dwelling is well positioned in comparison to the donor dwelling, allowing both properties to have space either side of the boundary and appropriate size gardens.

Aforementioned, the proposed access of the new dwelling does not pose highway concerns. It is the access for one proposed dwelling and offers three on-site parking spaces. Therefore, the flow of traffic on Hall Lane will not be adversely impacted by on-street parking, especially during the times when there may be heavy school-related traffic.

## **CONCLUSION**

The principle of development is acceptable, and the proposed dwelling would not cause significant harm to the form and character of the area or to neighbour amenity or highway safety.

The proposal therefore complies with Policies CS01, CS02, CS08 and CS12 of the Borough Council of King's Lynn and West Norfolk's Core Strategy (2011), Policies DM15 and DM17 of the Site Allocations and Development Management Policies Plan (2016), the provisions of the National Planning Policy Framework (2019), and the policies within the South Wootton Neighbourhood Plan (2015). It is therefore recommended that planning permission be approved subject to the conditions outlined 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:
  - Dwg no. 1259-06d. Site Plan. Received 15 July 2020.
  - Dwg no. 1259-07b. Proposed New Dwelling (Elevation and Floor Plan). Received 27 August 2020.
- 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 vehicular / pedestrian access over the footway shall be constructed in accordance with the highways specification TRAD 1 and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.
- 3 Reason To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety.
- 4 Condition Any access gates / bollard / chain / other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 5 metres from the near channel edge of the adjacent carriageway. Any sidewalls / fences / hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the outside gateposts to the front boundary of the site.



- 4 Reason In the interests of highway safety enabling vehicles to safely draw off the highway before the gates/obstruction is opened.
- 5 Condition Prior to the first occupation of the development hereby permitted 2.4 metre wide parallel visibility splay (as measured back from the near edge of the adjacent highway carriageway) shall be provided across the whole of the site's Hall Lane roadside frontage and additionally along the flank frontage of the adjacent property as outlined in blue on the submitted details. The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway
- 5 Reason In the interests of highway safety in accordance with the principles of the NPPF.
- 6 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.
- 6 Reason To ensure the permanent availability of the parking/maneuvering areas, in the interests of satisfactory development and highway safety.
- 7 Condition Before the first occupation of the extension hereby permitted the windows at the north elevation, serving the en-suite, and east elevation, serving the bathroom, shall be fitted with obscured glazing and any part of the windows that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.
- 7 Reason To protect the residential amenities of the occupiers of nearby property.
- 8 Condition The development hereby approved shall be constructed in strict accordance with the recommendations of the Tree Survey in accordance of BS 5837:2012 prepared by Heritage Tree Specialists LTD, carried out on 13 March 2020, and the Arboricultural Implications and Tree Protection plan, submitted 09 November 2020.
- 8 Reason To ensure that the existing trees are properly protected in accordance with the NPPF.
- 9 Condition Prior to the first occupation of the development hereby permitted, a scheme for replacement trees shall be submitted to and agreed in writing by the Local Planning Authority. The trees shall be planted in the next planting season after the occupation of the dwelling hereby approved. Any trees that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 9 Reason To ensure that the development is properly landscaped in the interests of the visual amenities of the locality and carried out within a reasonable period in accordance with the NPPF.