

## AGENDA ITEM NO 8/1(d)

<b>Parish:</b>	<b>Pentney</b>	
<b>Proposal:</b>	<b>Reserved matters application for construction of 3 dwelling houses following demolition of existing dwelling</b>	
<b>Location:</b>	<b>Kairouan Back Road Pentney KINGS LYNN</b>	
<b>Applicant:</b>	<b>AMR Electrical Services Ltd</b>	
<b>Case No:</b>	<b>20/02015/RM (Reserved Matters Application)</b>	
<b>Case Officer:</b>	<b>Clare Harpham</b>	<b>Date for Determination: 17 September 2021</b>

**Reason for Referral to Planning Committee** – The officer recommendation is at variance with the Parish Council who object to the proposal and is referred to the Planning Committee at the request of the Sifting Panel.

**Neighbourhood Plan:** No

### **Case Summary**

The application is the reserved matters to outline planning application 18/00828/O which grants consent to construct three detached dwellings following the demolition of the existing bungalow on site. The outline application was approved at Planning Committee on 30th July 2018. 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**

Design and Scale  
Impact on the Heritage Asset  
Impact on Amenity  
Highways Issues  
Impact upon Trees  
Other material considerations

### **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

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

Outline planning permission was granted in July 2018 for the construction of three dwelling houses following the demolition of the existing dwelling. This application seeks approval of the reserved matters.

## **SUPPORTING CASE**

The proposal before you is a reserved matters application which has been submitted following the grant of outline permission made by RCF. Waite Architects in July 2018. The site has remained vacant, unmaintained, and derelict until this time, and we now seek to undertake the sympathetic redevelopment of this potentially difficult site due to the proximity of a Grade 1 listed flint constructed church.

Extensive negotiations have taken place with both the planning and conservation officers during a period of eight months, and whilst initial proposals have required several amendments we now feel the correct design and site layout has been achieved based on 3 two-storey properties as shown in indicative outline proposals previously approved. Indeed, the vast majority of all statutory consultees have now provided recommendations for approval or no detrimental comments including Natural England who confirmed in correspondence "Natural England has no comments to make on this application" and "The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal."

Whilst we understand that late objections have been raised only by the Parish Council following amendments to improve the design, their original submission based on larger more dominant designs dated 5th January 2021 stated "Council have concerns about the need for such large houses within Pentney and the fact that it is on a narrow lane. However, the referred matters seem to be adequately provided for and have No Objections to the application."

We feel the proposed designs for approval now better reflect the site and its surroundings and provide a natural infill to the Western end of Back Lane beyond which no further development can take place. The use of native flint facing material has also been carefully considered to reflect the construction of the church and other properties within the village and surrounding area examples of which are also detailed within the Parish Council's own Heritage & Character Appraisal dated 08/05/19 and which forms part of their emerging Neighbourhood Plan.

### **Conclusion**

The planning application proposal before you, is in its entirety, proportionate in terms of scale and massing to the existing two-storey properties at St Mary's Crescent opposite the site, and has been designed specifically following many months of discussion with the Planning Officer, to fully take into account the flint constructed Grade 1 listed church of St Mary Magdalene which lies approximately 50m South-West of the site. It is respectfully submitted that the development complies fully with the requirements of all National and Local Planning Policy.

It is respectfully requested that planning permission be granted in line with the planning and conservation officer recommendations for approval.

## PLANNING HISTORY

18/00828/O: Application Permitted: 31/07/18 - Construction of 3 dwelling houses following demolition of existing dwelling. – Kairouan Back Road Pentney King's Lynn (Committee decision)

## RESPONSE TO CONSULTATION

**Parish Council: OBJECT** The village has carrstone, brick and rubble buildings and stating flint facing does not go far enough as flint can come in different shapes, sizes and colours. As the application affects a Grade I Listed building we feel the plans should be more specific.

The buildings should be one and half storey to avoid visually dominating the church. Object on the grounds of design and scale of architecture.

Parish Council original comments dated 5th January 2021:  
Council have concerns about the need for such large houses within Pentney and the fact that it is on a narrow lane. However, the referred matters seem to be adequately provided for and have No Objections to the application.

**Conservation Team: NO OBJECTION** following the submission of amended plans. The amendments made to this application over time have made considerable improvements to the impact upon the nearby listed church. In particular the relocation further back within the plot of the proposed house to Plot 1; retention of more trees and the loss of forward positioned garages to Plots 2 and 3. These amendments have all reduced the harm caused to the setting of the church.

Improvements to the elevation design have also helped, and the cumulative impact of these changes ensure no further conservation objections. Conditions should include material samples including sample panel and joinery details.

**Highways Authority: NO OBJECTION** following amended plans which shows the relocation of the passing bay (at the request of the highways officer) to an improved location which would provide benefit for both directions of travel and mitigate the development. Conditions are recommended regarding access construction, withdrawing permitted development for gates, provision of visibility splay, parking and turning and details/provision of the off-site highway improvement works (passing bay).

**Arboricultural Officer: NO OBJECTION** please condition in accordance with the arboricultural report and plans by Tree Work & Surveys Ltd.

**Public Rights of Way (NCC): NO OBJECTION** on Public Rights of Way grounds as although Pentney Footpath is in the vicinity, it does not appear to be affected by the proposals.

**Natural England:** No comments to make on this application. Standing advice is available which can be used to assess impacts on protected species.

## **REPRESENTATIONS**

**THREE LETTERS OF SUPPORT** covering the following:-

- Surprised to see late objection from Parish Council, the houses opposite are modern brick.
- Some trees which blocked a good deal of light have been removed.
- Size of site facilitates the proposal.
- The dwellings position in the plots does not detract from the lovely church.
- Flint is in keeping and an expensive material which blends far more with the church which has flint than cheaper carrstone, and this should be commended.
- All parties have endeavoured to achieve a nice addition to village.

**ONE NEUTRAL LETTER** covering the following:-

- There is a green burial site adjacent to the site. This is very open and whilst the native hedgerow on the burial site offers some screening (more open in winter) the proposed hedging is also native which would not screen the site in winter. Could the yew tree be extended?
- In addition, could the builders stop work whilst services are taking place if they are given prior notification?

## **LDF CORE STRATEGY POLICIES**

**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

**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 principle of development was established under outline application 18/00828/O (all matters reserved) and this application is for the approval of the reserved matters.

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

- Design and Scale
- Impact on the Heritage Asset
- Impact on Amenity
- Highways Issues
- Impact upon Trees
- Other material considerations

### **Design and Scale**

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 within St Mary's Meadow. To the immediate south-east of the application site is the Grade I Listed Church of St Mary Magdalene.

The application site is 0.37 hectares in size making the density of the housing the equivalent of 8.1 dwellings per hectare which is a low density development. Notwithstanding this, given the characteristics of the locality, the irregular shape of the plot, as well as the proximity of the listed church, this was considered appropriate when outline consent was granted and the shape of the site naturally gives plot 1 a larger site area.

The original plans have been amended in order to simplify the design of the dwellings and push them further back into the site so that they do not compete for attention with the listed building to the south-east. The Parish Council did not object to the original proposal which were of a similar size and utilised the same materials. The original plans had garages projecting to the front of two of the dwellings, Plot 1 sat significantly further forward within its plot giving it undue prominence and the dwellings had a mix of hipped and gable roofs. In combination all of these factors were considered to detract from the setting of the adjacent church.

Following discussions amended plans were submitted which simplified the design of all the dwellings and continued to utilise flint within the front elevations, as well as Vandersanden Old Farmhouse red-multi facing brickwork and Marley modern smooth anthracite tiles.

The dwellings are large in scale measuring as follows:

Plot 1 - 9.03m in height, 13.82m in width with a subservient garage to the side measuring 6.7 in width. The gable ends measure 7.55m with a rear projection protruding 9.94m to the rear. Plots 2 and 3 - 8.52m in height, 11.0m in width with a subservient garage to the side measuring 3.39m in width. The gable ends measure 7.69m and the rear projection measures 7.96m.

Whilst large in scale the dwellings are of a traditional appearance and are set back from the road, with plot 1 in particular being screened to some degree by the existing embankment, some retained trees and some new planting.

The Parish Council object stating that flint is not characteristic of Pentney, however the site is immediately adjacent to the Parish church which has flint within the building as well as its boundary wall. The Parish also state that the dwellings should be no more than one and half storeys so that they do not detract from the church (this was not stated within the original consultation response and is not a condition of the outline), however it is considered that given the size of the application site, in combination with the dwellings (particularly plot 1) being set back and of a simpler design, that the design and scale is acceptable and does not detract from the church.

The proposal is in accordance with Section 12 of the NPPF, Policies CS06 and CS08 of the Core Strategy 2011 and Policy DM15 of the Site Allocations and Development Management Policies Plan (SADMPP) 2016.

### **Impact on the Heritage Asset**

Immediately adjacent to the site is the Grade I Listed Church of St Mary Magdalene and its associated churchyard.

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.

Following an amended design the Conservation Team withdrew their original objection which was due to the prominent position and design, particularly of plot 1 and the design with projecting garages of plots 1 and 2. The amended design is considered a marked improvement, in particular the relocation further back within the plot of the proposed house within Plot 1; the retention of more trees and the loss of the forward positioned garages to Plots 2 and 3. Improvements to the design of the dwellings with simpler elevations has also helped reduce the impact on the setting of the church.

The Parish Council has expressed concern regarding the detail on the plans showing flint within the front elevation. This material is considered acceptable however due to the sensitive location of the site next to the church samples of the proposed materials will be conditioned as well as a sample panel and window details.

Overall, the amended design and position of the three dwellings is considered to preserve the setting of the historical asset and would not be out of character with the other dwellings in the locality. The proposal therefore complies with Sections 12 and 16 of the NPPF, Policies CS06, CS08 and CS12 of the Core Strategy 2011 and Policy DM15 of the SADMPP 2016.

### **Impact on Amenity**

The impact on neighbour amenity has been assessed. The nearest dwelling, Church Farm Cottage, is located to the east of the application site. This dwelling is located 9.7m from the boundary and the two storey element of Plot 3 will be located 12.5m, at its closest point, to the south-west of this dwelling (the single storey projection will be located closer at 11.4m). Whilst to the south-west of this dwelling, which may have some impact with regard to light in the mid-afternoon during the winter months, the proposal is at a distance and orientation that it would not have a material impact with regard to light nor would it be overbearing. Plot 3 is angled away from Church Farm Cottage and parallel to the boundary and therefore the first floor windows in the rear elevation would not cause any material overlooking of private amenity space, nor would there be an adverse window to window relationship.

There are no other dwellings in the locality which would be impacted by the proposed dwellings due to their distance and orientation.

There would be no adverse impact with regard to amenity between the plots due to their orientation and there are no proposed upper floor side windows, except within the rear projection to plot 1. These side windows have been raised so that they are located 1.7m above floor level and so these will not cause material overlooking towards plot 2.

Given the relatively verdant and open nature of this part of Back Road and the proximity to the church, permitted development rights will be withdrawn for the erection of walls and fencing at the front of the site in order to retain the existing character.

Consequently, the proposal complies with Policy CS08 and Policy DM15 of the SADMPP 2016.

### **Highways Issues**

Back Road is narrow and a passing bay has been agreed to the west of the site (as shown on the site plan 612-SP01RevF) to enable any impact of increasing the number of vehicular movements at the site to be mitigated by enabling road widening which will also benefit the other users of Back Road. There are no objections from the Highways Officer who recommends conditions. The recommended conditions relating to the off-site highway improvement works are not necessary on this reserved matters application as they form conditions 13 and 14 of the outline consent (18/00828/O).

The proposal would comply with para 110 of the NPPF, Policy CS11 of the Core Strategy 2011 and Policy DM17 of the SADMPP 2016.

### **Impact upon Trees**

There are a number of trees on site and a condition of the outline application (condition 10) was that an Arboricultural Implication Assessment (AIA) be submitted at reserved matters stage, as well as details of any replacement planting of trees and hedging (condition 11).

An AIA was submitted with this reserved matters application in addition to details of new planting; where it is proposed to plant a new yew hedge to the western boundary to the front of plot 1 and to supplement the existing hedge to the side and rear of plot 1 along this same western boundary with native species. To the rear of each plot it is proposed to plant two native species tree per plot. Within the AIA and to the front of the site, it is proposed to retain a large sycamore tree (T2) and it was initially also proposed to retain a cedar tree (T8). There were no objections to this from the Arboricultural Officer.

The cedar tree (T8) located within plot 1 which was originally proposed to be retained is now to be removed, as it was considered important to relocate the proposed dwelling further back within the plot to protect the setting of the listed church. Therefore, it is now proposed to remove this cedar (T8) but retain the sycamore (T6) and fir (T5) to the front and also plant a further four new trees on the existing bank to the front of plot 1. At the time of writing this report an updated AIA was being prepared and comments from the Arboricultural Officer are to follow in late representations.

### **Other material considerations**

Comments have been received from a third party regarding the green burial ground to the east of the site (east of plot 1) and whilst they did not object to the proposal they requested that building works cease during any burial which may take place (approximately 2 per year).

This is not something that can be conditioned given the scale of the development as it would not meet the tests of conditions as laid out within paragraphs 56 and 57 of the NPPF. This does not however preclude them contacting the developer directly to discuss the issue as a civil matter.

The same commenter also asked if the new yew hedge could be extended along the whole east boundary to provide more privacy during winter to the burial site (as the native hedge is deciduous). This may well mean removing an established boundary and it is considered better to enhance this existing boundary with additional planting of a native species.

There are no objections from the Public Rights of Way Officer as the proposed development would not impact upon Pentney Footpath 10.

Natural England did not wish to make comment with regard to the application and made a referral to their Standing Advice. No ecology details were requested given the site conditions when a site visit was undertaken.

The Pentney Neighbourhood area was designated on 19th January 2018 but the draft plan has yet to be submitted, nor has this progressed to the plan being examined and adopted and therefore this has no weight in the determination of this planning application.

### **Crime and Disorder**

There are no issues related to crime and disorder which arise due to this application.

### **CONCLUSION**

The siting, design and scale of the proposed dwellings are not considered to harm the setting of the Grade I Listed Church St Mary Magdalene and are considered to be in keeping with the surrounding development. The proposal would not have a material impact upon neighbour amenity and off-site highway improvement works will benefit the proposal as well as other users of Back Road. The proposal therefore complies with the principles of the NPPF, Policies CS06, CS08, CS11 and CS12 of the Core Strategy 2011 and Policies DM2, DM3, DM15 and DM17 of the SADMPP 2016 and is therefore recommended for approval.

### **RECOMMENDATION:**

**APPROVE** subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans:-
  - 612-SP01RevF 'Site Plan as Proposed'
  - 612-PL01RevE 'Plot 1 - Plans as Proposed'
  - 612-PL02RevE 'Plot 1 – Elevations as Proposed'
  - 612-PL03RevD 'Plot 2 – Plans and Elevations as Proposed'
  - 612-PL04RevD 'Plot 3 – Plans and Elevations as Proposed'
  - 612-EX01RevE 'Site Plan as Existing showing levels'
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: Prior to the first occupation of the development hereby permitted the accesses over the verge shall be constructed in accordance with the highways specification TRAD 5 and thereafter retained at the position shown on the approved

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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.

- 2 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.
- 3 Condition: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order (2015), (or any Order revoking, amending or re-enacting that Order) no gates / bollard / chain / other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.
- 3 Reason: In the interests of highway safety.
- 4 Condition: Prior to the first occupation/use 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 roadside frontage. 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.
- 4 Reason: In the interests of highway safety in accordance with the principles of the NPPF.
- 5 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.
- 5 Reason: To ensure the permanent availability of the parking / manoeuvring areas, in the interests of satisfactory development and highway safety.
- 6 Condition: Notwithstanding the details submitted relating to materials, no development shall take place on any external surface of the development hereby permitted until samples of the materials to be used in the construction of 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.
- 6 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 7 Condition: No development shall commence on any external surface of the development until a sample panel of the materials to be used for the external surfaces of the buildings hereby permitted has been erected on the site for the inspection and written approval of the Local Planning Authority. The sample panel shall measure at least 1 metre x 1 metre using the proposed materials, mortar type, bond and pointing technique. The development shall be constructed 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 over or above foundations shall take place on site until full details of the window style, reveal, sill and header treatment has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 8 Reason: To ensure that the design and appearance of the development is appropriate in accordance with the principles of the NPPF.
- 9 Condition: The development hereby approved shall be carried out in accordance with the Arboricultural Impact Assessment Tree Protection Scheme by Dan Yeomans Tree Work and Surveys Ltd.
- 9 Reason: To ensure that existing trees and hedgerows are properly protected and the development landscaped in the interests of visual amenity and in accordance with the NPPF.
- 10 Condition: Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no fence, gate, wall or other means of enclosure shall be erected within the curtilage of any of the dwelling houses hereby approved that fronts onto the highway (Back Road).
- 10 Reason: In order that the Local Planning Authority may retain control of development which might be detrimental to the amenities of the locality if otherwise allowed by the mentioned Order.
- 11 Condition: All soft landscape works (replacement planting) shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants 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.
- 11 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.