

AGENDA ITEM NO 8/1(f)

Parish:	Terrington St Clement	
Proposal:	Reserved matters application for three dwellings	
Location:	Adj. 40 Marshland Street Terrington St Clement King's Lynn	
Applicant:	Warnes & Edwards	
Case No:	20/01559/RM (Reserved Matters Application)	
Case Officer:	Mr K Wilkinson	Date for Determination: 24 May 2021 Extension of Time Expiry Date: 17 September 2021

Reason for Referral to Planning Committee – Called in by Cllr Sandra Squire

Neighbourhood Plan: No

Case Summary

The site comprises a former retail nursery (PJ Brown Nurseries) on 0.23Ha of land to the rear of the south-eastern frontage of Marshland Street and western side of Churchgate Way within the heart of Terrington St Clement (designated a Key Rural Service Centre). It lies within the development area of the village and mostly adjoins the Conservation Area along Marshland Street, with only the existing point of access falling within it. The site is therefore mainly enclosed by residential properties.

This application seeks reserved matters approval for three dwellings following outline permission being granted under ref: 19/01788/O.

Key Issues

Principle of development
Character and Appearance
Impact upon setting of Conservation Area
Impact upon adjoining properties
Other material considerations

Recommendation

APPROVE

THE APPLICATION

The site comprises a former retail nursery (PJ Brown Nurseries) on 0.23Ha of land to the rear of the south-eastern frontage of Marshland Street and western side of Churchgate Way

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within the heart of Terrington St Clement (designated a Key Rural Service Centre). It formerly contained polytunnels and greenhouses, but these have been cleared to enable archaeological investigations.

The site lies within the development area of the village and mostly adjoins the Conservation Area along Marshland Street, with only the existing point of access falling within it. The site is therefore mainly enclosed by residential properties.

This application seeks reserved matters approval for three dwellings following outline permission being granted under ref: 19/01788/O. The access remains in the same position but is to be upgraded and improved to meet highway requirements. The density of this development amounts to 13 dph.

The site is irregular in shape and the layout of the properties is similar to that indicated at the outline stage, with the three dwellings fronting onto a private driveway and back gardens adjoining those of dwellings on Marshland Street and Churchgate Way.

This application seeks reserved matters approval for the layout, scale, appearance and landscaping of the development – access was agreed at the outline stage.

SUPPORTING CASE

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

“This Statement supports the Reserved Matters Planning Application for a residential development at land Adj. 40 Marshland Street, Terrington St Clement involving the erection of three dwellings following the outline approval under reference 19/01788/O, approved 28th January 2020.

This scheme is consistent with earlier outline approval in terms of numbers and general layout, utilising the existing access on to site, and upgrading it.

The proposal has been designed to be sympathetic with the nature of this site and reflect a more traditional solution for the site which abuts the conservation area for Terrington St Clement. The submitted drawings demonstrate that the site can comfortably accommodate the dwellings together with the required amenity space, parking and turning, whilst also respecting the neighbouring dwellings.

The proposed level of accommodation along with the proposed form and massing are conveyed on the drawings provided. This level of redevelopment is considered to provide a high-quality scheme that enhances the current use of the site. It reflects the central village location of the site and previous outline approval to create a more sustainable, higher quality scheme.

The proposed scheme follows meetings and conversations with both the Planning Officer and Conservation Officer which has led us to a scheme which is supported by both.

Particular attention has been made to safeguard the privacy of both the proposed and existing properties especially given the need to lift the dwellings out of the ground as dictated by the requirements of the Environment Agency.

The application comes with the support of the Parish Council and all other statutory consultees.”

PLANNING HISTORY

05/00425/F: Application Permitted: 12/04/05 - Construction of polytunnel (Delegated)

19/01788/O: Application Permitted: 28/01/20 - Outline Application: 3no. new dwellings and associated works (Delegated)

CONSULTATION:

Parish Council: There are **NO OBJECTIONS** to this application. Comment only that it is outside of the planning boundary. [Officer note: This site is clearly within the village development area.]

Local Highway Authority: NO OBJECTION subject to condition

Conservation Officer: NO OBJECTION - I visited the site immediately after Conservation Areas Advisory Panel (CAAP), and also walked around the surrounding roads, checking the views into the site and the impact upon the development. Meeting the architect also provided a chance to raise CAAP's views. I agreed with CAAP about the blank gables and am pleased to see more detail introduced. However, in other respects, I had no objections to the proposal given the complexities of the site and its former use. Both the height and form were acceptable, and the area is characterised by a number of different roof materials and shapes, and the development continues this pattern.

In conclusion, I would advise that this development is an improvement upon the previous use, and from a conservation perspective, I would raise no conservation objections

Conservation Areas Advisory Panel: The Panel felt that any harm caused to the Conservation Area was limited but the proposal did not enhance the Conservation Area. The Panel also felt that there was a missed opportunity in relation into the street view with the two blank walls. The Panel also expressed concern in relation to the form of the development and suggested that a L-shaped terrace would be more in keeping. One member of the Panel also expressed concern in relation to the height of the proposal. The Panel considered that an improved scheme was required.

REPRESENTATIONS:

Original submission: **SIX** items of correspondence received **OBJECTING** on the following grounds:

- Over development
- Noise
- Residential amenity – overlooking/overbearing relationships
- Not sympathetic to the Conservation Area
- Drainage issues – collapsed drain in Marshland Street
- Access and highway issues
- Prefer single storey dwellings

Amended scheme: **TWO** further items of correspondence received **OBJECTING** on the following grounds:

- Earlier concerns raised have not been addressed by the amended plans

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Cllr Sandra Squire: Requests that the application be called before the Planning Committee for decision.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

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

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

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

National Design Guide 2019

PLANNING CONSIDERATIONS

The key issues in assessing this proposal are considered to be as follows:

Principle of development
Character and Appearance
Impact upon setting of Conservation Area
Impact upon adjoining properties
Other material considerations

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Principle of development

The principle of developing this site has already been established by the granting of outline planning permission under ref: 19/01788/O.

Conditions attached to that permission relate to reserved matters, access specifications, foul, surface water and land drainage, flood risk mitigation measures, archaeological investigations, contamination investigation and remediation, construction management plan and no more than 3 dwellings of single storey construction with roof accommodation.

Certain parameters have therefore already been set by the outline permission.

Character and Appearance

The three dwellings proposed are similar in appearance - chalet style with bedrooms in the roofspace, in a choice of facing materials (red multi bricks, grey double pantiles and cream uPVC windows and joinery) which are considered to be compatible to the palette in this locality.

Plot 1 nearest to Marshland Street is a 3 bedroomed unit with a simple dual pitched main structure with a subservient wing. There are three dormer windows and a rooflight to the front and 8 no. high-level rooflights to the rear. The front and rear doorways are served by steps given the flood risk mitigation requirement elevating Finished Floor Levels (FFLs) by 1m above existing ground levels. Eaves are at 3.5m and ridge at 7.5m. The front has a pitched roofed porch defining the entrance point.

Plots 2 & 3 are similar with the subservient wings being larger and containing integral double garages and having 4 No. bedrooms in the roofspace. Entrances to the garages are at existing ground level. Eaves and ridge heights are 8m and 4m respectively and wings 3.4m and 7m.

Plot 2 has two dormers over the garage opening, but no openings in the rear roof plane of that element. Plot 3 has a high-level rooflight to the front and a single dormer to the rear respectively.

Plot 1 has an L-shaped detached single storey outbuilding containing a single garage and sun lounge, parallel to the common boundary with No. 48 Marshland Street which comprises a coniferous hedge. This structure is 2.7m to eaves and 4.3m to ridge.

The site is bounded by a mix of houses and bungalows to the east on Churchgate Way, two storey houses and terraces on Marshland Street and a low-pitched chalet to the south-west (No.40) and houses beyond.

The eave and ridge heights of the dwellings compare favourably with the existing two storey houses adjoining the application site and beyond.

Given this mixture of house types, the proposed new dwellings are considered to be acceptable in terms of scale and appearance in this locality. Bungalows would not be acceptable (as preferred by third party objectors) given the need for refuge from flooding above ground floor level, and full two storey houses with the 1m step up would be incongruous and create significant overlooking problems.

The proposal complies with Policies CS06, CS08 and CS12 of the Core Strategy.

Impact upon setting of Conservation Area

Paragraph 130 of the NPPF states any new development should be “sympathetic to the local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).” The paragraph goes on to say new development “should establish or maintain a strong sense of place using the arrangement of streets, spaces building types and materials to create attractive, welcoming and distinctive places to live, work and visit”. Paragraph 202 of the NPPF highlights that where less than substantial harm is caused to a heritage asset, this has to be balanced against the public benefits. Chapter 12 reinforces the importance of the need to achieve ‘well-designed places.’

Policy CS08 of the Core Strategy states that all new development should be of high quality design. New development will be required to demonstrate its ability to: protect and enhance the historic environment...and respond to the context and character of places in West Norfolk by ensuring that the scale, density, layout and access will enhance the quality of the environment...’ Policy CS12 goes on to say that development should seek to avoid, mitigate or compensate for any adverse impacts on...heritage. That the design of new development should be sensitive to the surrounding area and not detract from the inherent quality of the environment.

The Council has a duty under the Planning (Listed Buildings & Conservation Areas) Act 1990 to assess the effects of a proposed development upon the setting of the Conservation Area. Whilst the site adjoins the Conservation Area for the village (only the access lies within it), the removal of the polytunnels and temporary structures has already greatly improved its setting.

It will be noted from the Consultations section above, that our Conservation Officer has been on site and played a part in negotiating amendments to the scheme. He states:

“I visited the site immediately after CAAP, and also walked around the surrounding roads, checking the views into the site and the impact upon the development. Meeting the architect also provided a chance to raise CAAP’s views. I agreed with CAAP about the blank gables and am pleased to see more detail introduced. However, in other respects, I had no objections to the proposal given the complexities of the site and its former use. Both the height and form were acceptable, and the area is characterised by a number of different roof materials and shapes, and the development continues this pattern.

In conclusion, I would advise that this development is an improvement upon the previous use, and from a conservation perspective, I would raise no conservation objections.”

The gable of Plot 1 now has ‘dummy’ windows introduced to give visual interest to the streetscene along Marshland Street. Plot 2 is set further back and public views are more restricted.

There are other examples of development in depth in the village and adjoining the Conservation Area (e.g. off Chapel Road and rear of King William PH), however these have not had the challenge of more recent flood risk implications. The preferences of the CAAP to create a frontage onto Marshland Street is not feasible given the strip of garden land associated to No.48 running parallel to the road and a dwelling facing north-west would severely overlook this private space.

In light of the above considerations, it is concluded that the proposed development would have less than substantial harm to the Conservation Area and the benefits of developing

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new housing in this Key Rural Service Centre would outweigh any concerns. The proposal complies with the provisions of the NPPF and Policies CS06, CS08 & CS12 of the Core Strategy.

Impact upon adjoining properties

The inter-relationship between existing and proposed dwellings has been carefully considered and changes negotiated during the processing of this application. The challenge here has been to negate direct overlooking to existing dwellings and negate overlooking of the new properties from existing houses.

It is accepted that this will be contentious given the need to elevate the accommodation by 1m. The site is presently bounded by a mix of 1.8 – 2m high panel and close-boarded timber fencing and established hedging ranging from 2 – 3m in height. Active garden space is located at the existing ground level for the three chalets. The new dwellings are inward facing onto the cul-de-sac/private driveway with rear elevations mostly served by high-level rooflights. The orientation of the new units, angles of view from active rooms and separation distances involved (Plot 2 rear to principal rear distance of approx. 20m to No.52 Marshland Street, 30m to No.66, 13-19m to No.29 Churchgate Way; Plot 3 – 15m to No.27, 24m to No.25, and 12m to No.40 Marshland Street) result in acceptable relationships. This will be clear when viewing the site layout plan.

To maintain this, permitted development rights can be restricted via condition to prevent the insertion of dormers and additional rooflights.

Additional mitigation in the form of side screen panels can also be used to the rear door platforms of steps of these units – details of which may be secured via condition along with implementation and maintenance in that form.

Arguably the most contentious relationship involves Plot 1. Nos.48 (side and rear gables) & 50 Marshland Street (SW flank) have first floor windows overlooking this part of the site. In order to negate this, a single storey garage and sun lounge building has been introduced alongside the common boundary with No.48. This currently comprises a coniferous hedge approx. 2 – 2.3m in height. The proposed outbuilding is 2.7m to eave and 4.3m to ridge, the angle of pitch being consistent with the chalet and sloping up away from the neighbouring property.

The owners have objected on the grounds of overbearing and overshadowing impact. No.48 has been extended to the rear with the passage of time, resulting in a relatively small and irregular shaped back yard of limited practical use, already bounded by hedging and fencing and to the north of the proposed outbuilding. Its primary garden/amenity area therefore lies parallel to the road and in between the pavement and the application site. It is bounded by the aforementioned established hedging and wall plus fencing on the roadside.

An indication of what is generally considered to be acceptable in terms of proportions and positioning of outbuildings, is contained within the General Permitted Development Order 2015 (i.e. not requiring planning permission). The proposed garage/sun lounge is marginally (200mm eave and 300mm ridge) above what could be built under permitted development rights.

In terms of form and character outbuildings are a common feature to the rear and adjoining dwellings in this part of the village.

With regards to concerns relating to overshadowing, the outbuilding lies to the south of No.48 and the roofline slopes away from the common boundary, so the impact whilst over

and above that created by the existing hedge, is not considered so significantly detrimental as to warrant refusal.

The structure creates an effective screen negating overlooking implications for both existing and proposed dwellings.

The chalet on Plot 1 is adequate distance away from the main garden area as to not overshadow it to a degree that would once again warrant refusal.

The proposed development complies with Policy CS08 of the Core Strategy and Policy DM15 of the SADMPP.

Other material considerations

Most of the other concerns raised by third parties were addressed at the outline stage when the principle of developing this site for residential purposes was established.

The access has been designed to meet the requirements of the Local Highway Authority and there is ample parking and turning space allocated within the site to serve the proposed dwellings. Its provision prior to occupancy and retention can be secured via condition.

All other matters of planning importance are to be addressed via conditions attached to the outline permission including: foul water and surface water (including land drainage); contamination and archaeology; and a construction management plan as requested by CSNN.

A collapsed drain in Marshland Street is once again reported, however this is off-site and appears to be the responsibility of the LHA.

CONCLUSION

The principle of developing this site with three dwellings has already been established. It is a particularly difficult site in that there are constraints in the form of flood risk mitigation measures raising FFLs by 1m above existing ground level and the site being effectively surrounded by existing residential properties; plus respecting the adjoining Conservation Area.

As outlined in the report above, the positioning of the dwellings and inter-relationships between existing and proposed dwellings has been considered carefully to negate serious detrimental effects upon residential amenity. Whilst it is recognised that the proposed outbuilding on Plot 1 is close to the boundary with No.48 Marshland Street, given the constraints of the site, main garden to that neighbour being to the north-west, already limited yard to the north, minimal ridge height, on balance this inter-relationship is considered to be acceptable.

There are other examples of development in depth in the village and adjoining the Conservation Area, however these have not had the challenge of more recent flood risk implications. The preferences of the CAAP to create a frontage onto Marshland Street is not feasible given the strip of garden land associated to No.48 running parallel to the road and a dwelling facing north-west would severely overlook this private space.

The proposal has been the subject of on-site negotiation and amendment with both the case officer and Conservation Officer and the resultant scheme is considered to be acceptable.

The proposal is therefore considered to meet the requirements of the NPPF and NPPG, Policies CS01, CS02, CS06, CS08, CS11 & CS12 of the Core Strategy (2011) and Policies DM1, DM2, DM15 & DM17 of the SADMPP (2016). It is recommended for approval subject to certain conditions stated below.

RECOMMENDATION:

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

- 1 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans: PP 1005 Revision B, PP 1105 Revision A & PP 1106.
- 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 proposed access / on-site car parking and turning areas shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 2 Reason: To ensure the permanent availability of the parking area, in the interests of highway safety.
- 3 Condition: Prior to occupation, details of side screens to the rear door platforms of steps of the associated dwelling adjacent to side boundaries, shall be submitted to, and agreed in writing by, the Local Planning Authority. The screens shall be implemented as agreed prior to occupation and shall be maintained in that condition thereafter.
- 3 Reason: In the interests of residential amenity and to accord with the provisions of the NPPF and Policy DM15 of the SADMPP (2016).
- 4 Condition: Notwithstanding the provisions of Schedule 2, Part 1, Classes B & C 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), the enlargement of the dwelling house consisting of an addition or alterations to its roof shall not be allowed without the granting of specific planning permission.
- 4 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.
- 5 Condition: All hard and soft landscape works 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.
- 5 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.