

Parish:	Southery	
Proposal:	Erection of 4 bedroom dwelling including new access drive, garage, landscaping and retaining wall	
Location:	The Old Rectory 3 Churchgate Street Southery Downham Market	
Applicant:	Mr Jason Poole	
Case No:	20/02130/F (Full Application)	
Case Officer:	Lucy Smith	Date for Determination: 16 March 2021

Reason for Referral to Planning Committee – Officer recommendation is contrary to the views of the Parish

Neighbourhood Plan: No

Case Summary

The proposal is for the construction of a new dwelling on land to the east of The Old Rectory, 3 Churchgate Street, Southery. The application site is located opposite St Marys Church on land that is within the development boundary as outlined in inset map G85 of the SADMPP (2016).

Key Issues

- Principle of Development
- Design and Impact on Heritage Assets
- Impact on Neighbours
- Highway Safety
- Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

The proposal is for the construction of a new dwelling on land to the east of The Old Rectory, 3 Churchgate Street, Southery. The application site is located opposite Grade II Listed St Marys Church on land that is within the development boundary as shown on inset map G85 of the SADMPP (2016).

The site has been granted planning permission for the construction of a dwelling several times since 2004. The current proposal is effectively the resubmission of plans originally

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submitted under ref 10/00578/F, and permission has since been granted for the same development in 2015 and most recently in 2018 under application ref 17/02333/F. The most recent consent on site expired on 2nd March 2021 without being implemented.

SUPPORTING CASE

None received at time of writing

PLANNING HISTORY

17/02333/F: Application Permitted: 02/03/18 - Construction of a detached 4 bedroom house, garage, new access drive and landscaping - The Old Rectory

15/00072/F: Application Permitted: 13/03/15 - 1 detached 4 bedroom house, garage, new access drive, hedging & trees and retaining wall - The Old Rectory

13/00322/EXF: Application Permitted: 15/04/13 - EXTENSION FOR TIME FOR THE IMPLEMENTATION OF A PLANNING PERMISSION REFERENCE 10/00578/F: construction of detached dwelling and garage with new access - The Old Rectory

13/00011/F: Application Permitted: 28/02/13 - Two storey residential extension to side and erection of open store to rear - 5 Churchgate Street

10/00578/F: Application Permitted: 01/06/10 - Construction of detached dwelling and garage with new access - The Old Rectory
3 Churchgate Street

09/01373/F: Application Withdrawn: 04/01/10 - Construction of four bedroom house with garage, new access and retention of wall - The Old Rectory

07/00750/F: Application Permitted: 25/06/07 - Variation of Condition 7 of planning permission reference number 05/00417/O to provide visibility splays to a reduced standard achievable within the site frontage and public highway - Land Adjoining Former Rectory

05/00417/O: Application Permitted: 09/05/05 - Outline application: Construction of one dwelling - Land Adjoining Former Rectory
Churchgate Street

04/01902/O: Application Permitted: 16/12/04 - Outline Application: Construction of dwelling - Land Adjoining Former Rectory
Churchgate Street

2/02/0346/O: Application Refused: 22/04/02 - Site for construction of dwelling - Land Fronting Churchgate Street

2/95/1307/O: Application Permitted: 20/11/95 - Demolition of existing house and site for construction of dwellinghouse and garage - 5 Churchgate Street

RESPONSE TO CONSULTATION

Parish Council: OBJECTION on the following grounds (summarised):

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- Highway Safety - the site's access is on a corner and directly onto a well used route and may lead to conflict with pedestrians and vehicles parked on the road
- Loss of Trees and impact on nature conservation and drainage - there is a visual impact associated with any loss of trees and the Parish Council are concerned about the impact on nature conservation and drainage in the vicinity associated with the loss of trees

Highways Authority: NO OBJECTION on the basis of previous granting of consents on site, subject to conditions relating to the laying out of the access and retention of visibility splays.

Conservation Officer: NO OBJECTION - The proposal will not cause harm to the two nearby listed buildings. Whilst the Rectory and outbuilding are not listed, they are buildings of some quality and could be regarded as non-designated heritage assets. Likewise, this application will not cause harm to the non-designated heritage assets.

Historic Environment Service: NO OBJECTION subject to conditions relating to archeological mitigatory works.

Arboricultural Officer: NO OBJECTION - recommended conditions relating to implementation in accordance with Arboricultural Report and landscaping/tree replacement details to be agreed.

REPRESENTATIONS

None received at time of writing

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

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

NATIONAL GUIDANCE

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

PLANNING CONSIDERATIONS

The key issues are:

- Principle of Development
- Design and Impact on Heritage Assets
- Impact on Neighbours
- Highway Safety
- Other Material Considerations

Principle of Development

The proposal seeks consent for the construction of a chalet bungalow with a small basement store on land to the east of The Old Rectory in Southery.

The application site is within the development boundary for Southery as outlined within the SADMPP (2016) and the principle of development is therefore considered acceptable.

At the time of submission of this application, the site had extant consent for the construction of a dwelling under planning reference 17/02333/F. The time limit for implementation of this previous consent expired on 2nd March 2021. The proposal seeks consent for the construction of a dwelling with no changes proposed to the previously approved scheme (see 17/02333/F).

Design and Impact on Heritage Assets

The proposed dwelling a modest L-shaped chalet bungalow, with small basement area below and brick detailing in the form of parapets along gable ends, contrasting bricks above windows, and an off-centred chimney. The proposed dwelling is set towards the rear of the site. As a result of the sloping site, the dwelling is set into the hill to the rear, allowing a small basement below the front facing gable on site. Roof lights are proposed to serve the bedrooms at first floor, and the window proposed at first floor on the east side elevation will be obscure glazed.

Proposed materials include the majority of the dwelling clad in smooth render with a brick plinth and detailing. The front facing gable, which is the most prominent part of the dwelling in terms of its visibility in the street scene is proposed in red facing bricks. Full details of these materials will be conditions.

The design is in line with the previous approval on site. The dwelling is proposed set back within the site away from the Churchgate Street and will have no adverse impact on the overall street scene. Trees to the front of the site are proposed to be retained to further shield the property from view from the street frontage.

A garage is proposed towards the east boundary of the site, as a single storey structure with a low pitch roof and given that this structure remains set back behind mature trees to the south, this part of the proposal is considered unlikely to pose a significant impact on the amenity of the locality.

Access to the site is proposed to the south and will include the removal of the existing brick wall along the front boundary. The removal of this wall has previously been considered

acceptable by the LPA and it is considered that a suitable replacement can be built with limited impact on the surrounding street scene or designated heritage assets.

The donor dwelling, located to the west of the site is not listed however is of some significant age and character. Whilst within the existing garden land of the donor dwelling, the application site has a degree of separation from the main house as a result of existing vegetation and boundary treatments on site which divide the curtilage. The proposed dwelling is sufficiently distanced from the donor dwelling and shielded from view by mature trees that are proposed to be retained post-development. The proposal is therefore not considered to pose a significant impact on the non-designated heritage asset and is not considered to lead to harm to the Grade II Listed St Mary's Church which is located to the south of the site.

The proposed development lies adjacent to the ruins of the medieval church of St Mary. There is therefore potential that heritage assets with archaeological interest may be present at the site and that their significance will be affected by the proposed development. Conditions are recommended to ensure satisfactory archaeological investigations take place prior to the commencement of works.

Overall, the design is therefore considered to accord with paragraphs 127, 193 and 197 of the NPPF (2019), Policies CS08 and CS12 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).

Impact on Neighbours

Windows are proposed at first floor facing both east and west. The east facing window is shown to be obscure glazed on the approved plan which will minimise any impact on the rear curtilage of No. 5 Churchgate Street to the east of the application site.

To the west, the bedroom window is considered to be sufficiently distanced from the nearest dwelling (No. 14A Upgate Street) to limit any significant impact on this property, whose rear elevation faces towards the proposed dwelling.

The dwelling is considered to be suitably designed and sufficiently distanced to minimise the potential for any adverse levels of overbearing or overshadowing of neighbouring dwellings.

No neighbour objections were received. Overall, the proposal is not considered likely to lead to a significant impact on surrounding dwellings and the development therefore complies with Policies CS08 and DM15 of the Local Plan.

Highway Safety

Access is proposed to the south of the site in close proximity to the bend in Churchgate Street as it heads towards Mill Lane to the north east. The Local Highway Authority responded with no objection to the scheme, and the previous applications on site were considered acceptable on highway safety grounds.

The removal of the existing front boundary wall and a small group of trees from the front of the site will improve the visibility splays achieved for the site's access.

Conditions are recommended to control the laying out of the access track, including conditions to ensure the permanent availability of visibility splays to mitigate any adverse impact on highway safety. Overall, the proposal is considered acceptable in terms of

highway safety and is considered to comply with policies CS08, CS11 and DM15 of the Local Plan.

Other Material Impacts

The Parish Council raised concern over the impact of loss of trees on site. An updated Arboricultural Impact Assessment has been provided as part of this application. This has not drawn objections from the Arboricultural Officer. Tree protection measures and compliance with the arb report will be conditioned in line with the Arboricultural Officer's recommendations.

The arboricultural report indicates a number of trees are proposed to be removed, this includes three trees to the front of the site (a cherry tree, ornamental apple tree and a yew tree) that are required to be removed to provide an acceptable access and visibility splays.

A small group of trees towards the rear of the site, primarily comprising laburnum and sycamore trees, which are not currently a prominent part of the street scene are also proposed to be removed as a result of the proposed layout of the site. Whilst the Parish Council's comments regarding the loss of trees are noted, the trees proposed to be removed are not subject to tree preservation orders and replacement planting can be conditioned as part of the consent. It is considered that conditions requiring accordance with the Arboricultural Report alongside soft landscaping details are adequate to minimise any significant impact on the immediate locality.

Crime and Disorder There are no known crime and disorder impacts in relation to this proposal.

CONCLUSION

The application site is within the development boundary for Southery and the principle of development is therefore considered acceptable in accordance with Policy DM2 of the SADMPP (2016). The proposed access and visibility splays have not received objections from the Local Highway Authority and the proposal is therefore considered acceptable on highway safety grounds subject to conditions.

The application site has previously been granted consent for the same development. The proposal is not considered to pose an adverse impact on nearby designated or non-designated heritage assets and is positioned appropriately in the street scene to minimise any impact on surrounding properties.

The proposal is considered to comply with the NPFF, Policies CS08, CS11 and CS12 of the Core Strategy (2011) and Policies DM2 and DM15 of the SADMPP (2016) and the application is therefore recommended for approval.

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.

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- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans:
- * T333/3 Rev C - Elevations and Roof Plan
 - * T333/4 Rev D - Floor Plans, Block Plan and Sections
 - * T333/5 Rev A - Proposed Garage Elevations and Floor Plan
 - * T333/7 Rev B - Proposed site sections
 - * Proposed Location Plan, received 22 December 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 access crossing 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 in accordance with the principles of the NPPF and Policies CS11 and DM15 of the Local Plan
- 4 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.
- 4 Reason: In the interests of highway safety in accordance with the principles of the NPPF and Policies CS11 and DM15 of the Local Plan
- 5 Condition: Prior to the first occupation of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan. 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 and Policies CS11 and DM15 of the Local Plan
- 6 Condition: Prior to the first occupation of the development hereby permitted the proposed access / on-site car parking area shall be laid out, levelled, surfaced and drained at a minimum in accordance with the approved plan and retained thereafter available for that specific use.
- 6 Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety in accordance with the principles of the NPPF and Policies CS11 and DM15 of the Local Plan.
- 7 Condition: 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.

- 7 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 8 Condition: No 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 archaeological 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: The development hereby permitted shall be carried out in accordance with the recommendations proposed within section 3 of the submitted Arboricultural Impact Assessment and Tree Protection plans produced by Ravenscroft Tree Services Ltd Revision A dated 07/01/21.
- 10 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 11 Condition: Prior to the first use/occupation of the development hereby permitted, full details of proposed hard and soft landscape works, including a scheme detailing replacement trees shall be submitted to and approved in writing by the Local Planning Authority. These details shall include finished levels or contours and hard surface materials. Soft landscape works shall include planting plans, including a scheme of replacement trees, written specifications (including cultivation and other operations associated with plant and grass 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 in accordance with the NPPF.
- 12 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.
- 12 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.

- 13 Condition: No development shall take place on any external surface of the development hereby permitted until details of the type, colour and texture of all materials to be used for 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.
- 13 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 14 Condition: Before the first occupation of the building hereby permitted the first floor eastern flank elevation window shown on dwg No T333/3 Rev C shall be fitted with obscured glazing and any part of the window(s) that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The window(s) shall be permanently retained in that condition thereafter.
- 14 Reason: To protect the residential amenities of the occupiers of nearby property.
- 15 Condition: Notwithstanding the details shown on the approved plan, prior to first occupation/use of the development hereby permitted, a plan shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, heights, design, materials and type of boundary treatment to be erected along the front (south east) boundary of the site. The boundary treatment shall be completed before the occupation/use hereby permitted is commenced or before the building(s) are occupied or in accordance with a timetable to be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 15 Reason: To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.