

Parish:	Terrington St Clement	
Proposal:	RESERVED MATTERS: Proposed new dwelling and garage and associated works	
Location:	Plot 1 Adj 40 Marshland Street Terrington St Clement KINGS LYNN	
Applicant:	Warnes & Edwards	
Case No:	22/00266/RM (Reserved Matters Application)	
Case Officer:	Olivia Luckhurst	Date for Determination: 5 May 2022 Extension of Time Expiry Date: 15 June 2022

Reason for Referral to Planning Committee – At the discretion of the Assistant Director

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 boundary for the village as shown on inset map G93 of the SAMDPP. The site is bound on all sides by residential development and is immediately adjacent to the Conservation Area boundary which runs along the front of the site.

This application seeks reserved matters approval for plot 1 following outline permission being granted under ref: 19/01788/O. An application for reserved matters for three plots was considered at Planning Committee in September 2021 and was refused permission on the grounds of impact of the outbuildings to Plot 1 on the neighbouring property. The current application seeks to resolve issues raised insofar as plot 1 only.

Key Issues

Principle of development and Planning History
 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 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 shown on inset map G93 of the SADMPP and is adjacent to 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 the layout, scale, appearance and landscaping of the development for plot 1 only – access was agreed at the outline stage. An application for reserved matters for three plots was considered at Planning Committee in September 2021 and was refused permission on the grounds of impact of the outbuildings to Plot 1 on the neighbouring property. The current application seeks to resolve issues raised insofar as plot 1 .

Plots 2 and 3 have been recently permitted under reference 21/01846/RM.

SUPPORTING CASE

This Statement supports the Reserved Matters Planning Application for a residential dwelling at land Adj. 40 Marshland Street, Terrington St Clement involving the erection of a dwelling 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 dwelling together with the required amenity space, parking and turning, whilst also respecting the neighbouring dwellings and dwellings under construction.

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 conversations with the Planning Officer which has led us to a scheme which is supported by them.

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)
20/01559/RM – Application Refused: 15/09/21 - Reserved matters application for three dwellings (Committee)
21/01846/RM – Application Permitted: 21/11/21 - Reserved Matters Application for Plots 2 and 3 only (Delegated)

RESPONSE TO CONSULTATION

Parish Council: NO OBJECTION with the following comment:

There are no objections to the development but there are some concerns regarding the access which crosses a busy footpath but the council have been informed that the developer has been advised regarding the splay to the access by highways.

Highways Authority: NO OBJECTION subject to a condition relating to parking layout.

Water Management Alliance: NO OBJECTION in principle, subject to The Board's Byelaws being complied with.

Environment Agency: NO COMMENT

Emergency Planning Officer: NO OBJECTION with the following comments:

I have no further comments to make at this stage as all flooding matters were dealt with at outline application stage.

Environmental Quality: NO OBJECTION IN PRINCIPLE with the following comments:

The application refers to outline - 19/01788/O which contains conditions 13, 14, 15, 16 referring to contaminated land which will require discharge. The reserved matters relate to appearance layout & scale and landscaping and we have no further comment regarding contaminated land.

Natural England: NO OBJECTION

Conservation Officer: NO OBJECTION (Verbal) – the proposal is not considered likely to lead to harm to the Conservation Area.

REPRESENTATIONS

SIX letters of **OBJECTION**, the comments summarised as follows:

- References made to previous refusal in 2021 and previously reasons for refusal
- Detrimental impact on surrounding properties
- Neighbour request that the application be called in
- Squeezed in/Cramped layout
- Overlooking/Loss of privacy, specifically from rear windows and veranda
- Query over positioning of Conservation Area and impact on the Conservation Area as a whole
- Query over ownership/position of shared boundary
- Proximity of garage building to shared boundary and private sewer and potential adverse impacts on amenity in relation to size of structure adjacent to boundary

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- Concern over driveway layout and interface to the highway
- Noise and disturbance associated with position of parking/turning area

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NATIONAL GUIDANCE

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

Principle of Development:

The principle of developing this site was established by the granting of outline planning permission granted 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.

The proposal for plot 1 has been amended following a recent refusal under application 20/01559/RM. This previous application was refused for the following reason(s):

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The proposed garage/summer house on Plot 1 by virtue of its height and siting in close proximity to the neighbouring property (No.48 Marshland Street), would create an unacceptable loss of amenity to that property, contrary to the provisions of Paragraph 130 of the NPPF and Policy DM15 of the SADMPP (2016).

The current proposal shows the dwelling reduced in width following the removal of a two-storey side extension. The garage has also been significantly reduced with the ridge height reduced from 4.4m to 3.7 (0.7m reduction in total) and the summer house has been removed entirely from the scheme.

Plots 2 and 3 were permitted under reference 21/01846/RM.

Character and Appearance:

The proposed dwelling would be 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.

The dwelling would measure 7.6m in height, 11.5m in width and 9.1m in depth and would comprise of one and a half storeys with dormer windows positioned on the front elevations serving bedrooms. The rear of the property would be host to two sets of double doors serving the living room and kitchen with roof light serving the first floor rooms. The side elevations do not incorporate any windows to avoid overlooking however, the side would incorporate 3no. 'dummy' windows to break up the blank elevation.

The garage would measure 3.7m in height (0.7m less than before), 4.1m in width and 7.7m and will provide a parking space for 1no. car. This is positioned with ridge running parallel to the neighbour's garden and the road, with gable end facing towards the neighbouring dwelling (No. 48 Marshland Street).

The property will be set further forward than the approved neighbouring plot 2 and will be enclosed by close boarded fencing with a trellis on top for the majority of this boundary. The close boarded fencing is proposed to increase in height adjacent to the side elevation of the property, providing additional screening between this dwelling and the front windows of Plot 2.

Overall, the proposed dwelling and garage are considered to be of an acceptable and appropriate scale, design and form which incorporate materials that are in keeping with the surrounding properties and reflect the character of the area.

The proposal complies with Policies CS06 and CS08 of the Core Strategy 2011 and DM15 of the SADMPP 2016.

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 visited the site and confirmed no objections to the current proposal.

Concerns were raised on the previously refused application from CAAP regarding blank gables which was addressed by adding 'dummy windows' to the south elevation. This design feature has also been included on the current submission which is again welcomed and no further concerns relating to this issue has been raised.

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 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 on Residential Amenity:

Whilst the principal of development has already been established via the outline approval, it is still important to ensure that the new dwelling does not have a detrimental impact on residential amenity of residents of existing surrounding properties and the new dwellings on the site.

As the dwelling will need to be elevated by 1m for flood defence purposes its even more crucial to make sure the proposal does not lead to an unacceptable amount of overlooking or loss of light as well as ensuring the occupiers of plot 1 are not impacted upon from existing surrounding properties.

To maintain this, permitted development rights can be restricted via condition to prevent the insertion of dormers and additional rooflights. Permitted development rights will also be restricted to prevent the creation of new buildings incidental to the main dwelling such as sheds or summerhouses.

The site will be enclosed to the north and south with existing trees and hedging with the east of the site enclosed by 2m high close boarded fencing with a 0.4m trellis on top with. A 2.8m fence with extend down the eastern boundary of the site between the plot 1 and plot 2 to prevent any overlooking from plot 2's dormer windows into the application site. The proposed fencing and retention of existing vegetation is considered to sufficiently screen the site preventing overlooking and loss of privacy from both in and out of the plot.

Additional mitigation in the form of side screen panels can also be used to the rear door platforms of steps of Plot 1 – details of which may be secured via condition along with implementation and maintenance in that form.

Representations of objection highlight concerns relating to the potential loss of light as a result of the proposed garage to the neighbouring property of No.48 Marshland Street. This property 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.

Following the reduction in height of the proposed garage by 0.7m, the proposed eaves measure 2.7m and with a ridge to 3.7m. Considering the orientation of this element of the proposal, with gable end facing No. 48 to the North East, the proposed outbuilding is considered unlikely to lead to any significant impact on the amenity of adjoining properties. The garage is approximately 2.7m from this shared boundary which comprises hedging which would further limit any impact.

Overall, given the orientation of the plot and scale of the garage following the recent amendment, the proposal is considered acceptable and overcomes the previous reason for refusal relating to Plot 1. The proposed development complies with Policy CS08 of the Core Strategy and Policy DM15 of the SADMPP.

Other Material Considerations:

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.

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, plot 1 relates well to the neighbouring properties plot 2 and 3 which were permitted under 21/01846/RM. The proposed garage is considered to have been sufficiently reduced in scale with a minimal ridge height. Also taking into consideration the fall-back position provided by permitted development right for the garage and separation distance to No.48 Marshland Street, this inter-relationship 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:

SE-1458 PP1005 H SITE AND LOCATION PLANS Received 28.04.2022
View document details Revised Drawing 28 Apr 2022 SE-1458 PP1110 B
PLOT 1 PLANS AND ELEVATIONS Received 28.04.2022

- 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 / turning demarcated, 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/manoeuvring areas, in the interests of satisfactory development and highway safety.
- 3 Condition: Prior to occupation, details of side screens to the rear door platforms of steps of plot 1, 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.
- 6 Condition: Notwithstanding the provisions of Schedule 2, Part 1, Class E 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 provision

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within the curtilage of the dwelling house of any building or enclosure, swimming or other pool shall not be allowed without the granting of specific planning permission.

- 6 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.