

Parish:	Terrington St Clement	
Proposal:	Reserved Matters Application for Plot 1 only	
Location:	Plot 1 Adj 40 Marshland Street Terrington St Clement PE34 4NE KINGS LYNN	
Applicant:	Warnes & Edwards	
Case No:	22/01307/RM (Reserved Matters Application)	
Case Officer:	Mr K Wilkinson	Date for Determination: 20 September 2022 Extension of Time Expiry Date: 25 November 2022

Reason for Referral to Planning Committee – At the discretion of the Assistant Director given the planning history of the site.

Neighbourhood Plan: No

Case Summary

The site comprises part of 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 initially considered at Planning Committee in September 2021 and was refused permission on the grounds of impact of the outbuildings (detached garage and summer house) to Plot 1 on the neighbouring property (No.48 Marshland Street). Subsequently a further application for the dwelling on Plot 1 was submitted and refused by committee under ref: 22/00266/RM once again in relation to the proposed detached garage and the neighbouring house. Plots 2 & 3 were approved in the interim and are currently under construction.

This application seeks to resolve issues raised insofar as Plot 1 only. Reserved matters are sought for solely a chalet with no outbuildings.

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 overall 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. This application however relates solely to Plot 1 of three previously approved under application ref: 19/01788/O.

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 No.48 Marshland Street. A subsequent reserved matters application (ref: 22/00266/RM) was also refused by the Planning Committee at its meeting in June 2022 for a similar proposal but with a detached garage on similar grounds as earlier.

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 and are under construction.

SUPPORTING CASE

The applicants' agent has submitted the following statement in support of this application:

"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 as already approved under the earlier reserved matters approval for plots 2 and 3.

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 to revisions to the scheme and draws on the comments from the planning committee to the earlier application which concerns were raised over the detached garage, so this has been removed from this proposal. The revisions carried out to the layout has led to the scheme being supported by your officers.

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)

22/00266/RM: Application Refused: 21/06/22 - RESERVED MATTERS: Proposed new dwelling and garage and associated works (Committee)

RESPONSE TO CONSULTATION

Parish Council: Initial submission: NO OBJECTION with the following comment:

The Council ask if the entrance to the development are clearly marked to highlight to pedestrians that there is a concealed entrance. Marshland Street is the main street in the village and the bus route, The road is busy with many older people using the road for access to the local shops and bus top. It may also be of benefit to widen the access to more than the width of a single vehicle to help prevent hold ups if there are vehicles leaving/accessing the development. Otherwise they have no other comments.

Amended scheme: Reiterate concerns regarding the access and lack of room for vehicle manoeuvring on site prior to exit onto a busy footpath. No concerns regarding Plot 1.

Local Highway Authority: Initial scheme: COMMENTS: Observe that the internal driveway is narrow and the private access to the spaces are without any splays. I therefore suggest that it may not be possible to access these spaces without driving over part of the garden and would need to be splayed accordingly.

I do however also have concern that the spaces are proposed close to the boundary and therefore the highway and vehicles entering and existing these private spaces would obstruct the path of vehicles waiting to turn for plots 2 and 3 which in turn would need to wait and obstruct the highway. My preference is therefore that the dwelling and the parking spaces be handed and that parking is essentially accessed from the internal turning head.

Planning Committee
18 November 2022

I therefore recommend that the applicant be asked to revise their plans accordingly.

Amended scheme: I observe that the revised plan PP1005 rev K now includes a splay for the access to the parking spaces of plot 1 but these are still located in close proximity to the main site access. I continue to recommend that the parking is accessed from the turning head, away from the main access, as I am mindful that the access drive for the development is only 4.2m and that turning in this area will occupy the entire access.

Natural England: NO COMMENTS

Conservation Officer: NO OBJECTIONS

REPRESENTATIONS

A total of **2** items of correspondence raising **OBJECTION**; the comments are summarised as follows:

- Overlooking and overshadowing impacts
- Prefer a bungalow facing the road - better view from Conservation Area and visual step up to houses on Plots 2 & 3
- Large dwelling on small plot
- Previous refusal (22/00226/RM) may be the subject of an appeal
- Change to parking layout as per NCC request could have adverse effect upon neighbouring property

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

Principle of Development:

The principle of developing this overall site, including Plot 1, 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 two refusals under application refs: 20/01559/RM and 22/00266/RM. Both previous applications were refused for similar reasons – the latter being:

“Impact of the garage on the neighbouring property and their amenity caused by the height and position of the garage, causing undue disamenity contrary to the NPPF and policy DM15 of the SADMPP.”

The current proposal shows just the dwelling with two parking spaces adjoining the NW gable and there are no garages or outbuildings.

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

The principle of this site/plot accommodating a dwelling has therefore already been established.

Character and Appearance:

The proposed dwelling would once again be chalet style with 3 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. Indeed these are being used to construct the chalets on Plots 2 & 3.

Planning Committee
18 November 2022

The dwelling would measure 8.1m in height to ridge and 4.2m to eaves, 11.2m in width and 9.2m in depth and would comprise one and a half storeys with dormer windows in the front elevation serving bedrooms. The rear of the property would contain a kitchen window, back door leading off a utility room and a pair of double doors serving the living room and with 5 no. roof lights serving the first floor rooms. The side elevations do not contain any windows to avoid overlooking issues, however, the NW side would incorporate 3 no. 'dummy' windows to visually break up the otherwise blank elevation.

The property will be set further forward than the approved neighbouring Plot 2 by 5.3m and will be enclosed between the front and rear elevations by a short section of 2.8m high close boarded fencing to negate overlooking implications. The remainder of the common boundary with Plot 2 to the rear is a 2m close boarded fence with 0.4m trellis on top. There is a section of 2m high fencing plus personnel gate at the head of the driveway enclosing the rear garden area.

The proposed dwelling is considered to be comparable to the 4 bedroomed units already approved on Plots 2 & 3. It has 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 once again has no objections to the current proposal.

Concerns were raised on an earlier refused application from the Conservation Areas Advisory Panel regarding blank gables which was addressed by adding 'dummy windows' to the NW elevation. This design feature has also been included on the current submission.

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 therefore complies with the provisions of the NPPF and Policies CS06, CS08 & CS12 of the Core Strategy.

Impact on Residential Amenity:

Whilst the principle 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 the 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 it is 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 for the proposed new dwelling via condition to prevent the insertion of dormers and additional rooflights. Permitted development rights may also be restricted to prevent the creation of new buildings incidental to the main dwelling such as garages, sheds or summerhouses.

The site will be enclosed to the north, north-west and south-west with existing established hedging and fencing, with the south-east of the site enclosed by 2m high close boarded fencing with a 0.4m trellis on top rising to a 2.8m close boarded fence as indicated above. This boundary treatment between Plot 1 and Plot 2 would negate overlooking implications. 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.

The hedgeline to the north of the plot is in the ownership of No.48 so its retention, maintenance and height is effectively controlled by those neighbours.

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.

An objection highlights concerns relating to the potential loss of light as a result of the proposed dwelling 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 plot. Its principal 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.

The internal layout and fenestration at ground floor level have been altered since the earlier application. French doors serving the kitchen have been replaced by a window, hence removing the platform and steps down into the garden area. There is now just the back door and French doors leading off the lounge. The platforms are relatively small and would not accommodate practical space for chairs, tables etc. and would be some 12.7 – 14.2m away from the rear boundary respectively.

The garage has now been removed from the equation and only the chalet is proposed. This lies some 10.5m away from the common boundary at its nearest point. The orientation and separation distance involved would not create adverse overshadowing or overbearing implications to No.48 such as to warrant grounds for refusal.

The inter-relationship between the proposed dwelling and No.40 Marshland Street to the south-west has once again received objection. The position of the dwelling is the same as per the previously submitted scheme, which was considered to be acceptable by Members having visited the site and continues to be the case.

Overall, given the removal of the garage and alterations to the internal layout and rear elevation, the proposed dwelling is considered acceptable and overcomes the previous reasons for refusal. The proposed development complies with Policy CS08 of the Core Strategy and Policy DM15 of the SADMPP.

Other Material Considerations:

The Local Highway Authority has now raised concerns relating to the position of the parking spaces and reversing/manoeuvring close to the access point off Marshland Street. This layout is identical to the two previous reserved matters applications on this site. Whilst the splays have now been included by amended plans, the parking spaces are consistent with earlier submissions which did not attract concerns from the LHA. They are therefore being inconsistent and the private driveway at 4.5m wide is appropriate to serve the three dwellings.

There is ample parking and turning space allocated within the site to serve the proposed dwelling/s. Its provision prior to occupancy and retention can be secured via condition.

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

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 overall site with three dwellings has already been established – two of which are presently under construction. 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 Plots 2 and 3 which were permitted under 21/01846/RM. The offensive garage has now been removed from the proposed development and the dwelling is only pursued.

The inter-relationships between both existing and proposed new dwellings are now 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

Planning Committee
18 November 2022

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:

Drawing Nos. PP1005 Revision L & PP110 Revision D.

- 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, 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: 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 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.
- 5 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.
- 6 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

Planning Committee
18 November 2022

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.

- 6 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.