

KING'S LYNN AND WEST NORFOLK BOROUGH COUNCIL PLANNING OFFICER REPORT

Parish: Nordelph
Proposal: Construction of five detached dwellings and garage/bat roost following demolition of church
Location: Holy Trinity Church High Street Nordelph Downham Market Norfolk
Applicant: The Ely Diocesan Board Of Finance
Application Type: Full Application
Registration Date: 12th July 2007
Target Date: 6th September 2007

THE SITE AND APPLICATION

The application site is located on the southern side of High Street approximately 250 metres to the east of Nordelph Bridge and the junction with Silt Road.

The site is presently occupied by an unlisted church and roadside wall, and the land is generally unkempt and overgrown.

To the east and west of the site is residential development. To the east, this comprises larger detached houses set back from the road. To the west there are two storey terraced cottages fronting the road and opposite is the Old School House, a two storey property with attached single storey outbuilding.

The site occupies a prominent position with the conservation area.

The application seeks permission for the redevelopment of the site for five detached two storey houses with integral garages and parking to the road frontage.

An access road is proposed at the eastern side of the site to serve a detached garage, which is proposed to serve as an alternative bat roost to the church.

The High Street is an unclassified road used by local residents and farm traffic.

There are significant trees along the eastern boundary of the site.

NATIONAL GUIDANCE

PPS1 - Delivering Sustainable Development

PPS3 - Housing

PPS9 - Biodiversity and Geological Conservation

PPG15 - Planning and the historic environment

PLANNING POLICIES

The Norfolk Structure Plan (1999) contains the following policies that are relevant to this application:

- ENV.12 - requires a high standard of design for all new development reflecting, where appropriate, local styles, character and materials.
- ENV.13 - aims to maintain the local distinctiveness of the historic urban and rural built environment by protecting Listed Buildings, historic landscapes, sites of archaeological importance and by resisting proposals in Conservation Areas that do not preserve or enhance their character.
- H.7 - indicates that in villages planning permission may only be granted for individual and small groups of dwellings which enhance the form and character of the settlement.

The King's Lynn and West Norfolk Local Plan (1998) contains the following policies that are relevant to the proposal:

- 4/7 - aims to protect and enhance important landscape features such as trees and woodlands.
- 4/12 - requires that in Conservation Areas new development be of a good standard of design to preserve or enhance the character or appearance of the area.
- 4/13 - states that consent will not be granted for the demolition of buildings which contribute to the character or appearance of a Conservation Area.
- 4/21 - indicates that in built-up areas of towns or villages identified on the Proposals Map as Built Environment Type C or D development will be permitted where it is in character with the locality.
- 8/1 - indicates that individual and small groups of dwellings will be permitted in settled or built-up areas of villages defined as Built Environment Types C and D.
- 9/29 - aims to promote good standards of design that respect visual and residential amenities.

PLANNING HISTORY

4.12.00 Application for conservation area consent for demolition of Church withdrawn 2/00/1043/CA

3.6.96 Conservation area consent granted for demolition of south porch 2/96/0529/CA

CONSULTATIONS

Parish Council: OBJECT – No permission given for the demolition of the church. Development is over-intensive and not in keeping with the Conservation Area. Loss of roadside church wall is not acceptable. New accesses on narrow part of road would be unsafe. Foul water drainage not considered – No mains sewerage. Scale of house is not considered to be acceptable. Construction traffic including heavy vehicles is a concern.

Local Highway Authority (NCC):

Environment Agency: NO OBJECTION subject to condition relating to floor levels for the development to mitigate flood risk

Natural England: OBJECT – Insufficient survey information provided to demonstrate whether or not the development would have an adverse effect on legally protected species

Environmental Health & Housing – CSNN: NO OBJECTION subject to conditions relating to the provision of details relating to foul and surface water drainage, and a road noise report

Landscape Officer: OBJECT – In the absence of an arboricultural implication assessment, there is concern that the proximity of the house and garage on Plot 1 and the new access driveway would result in the potential loss of the trees on the eastern boundary.

Conservation Section: OBJECT - The proposed redevelopment does not relate to other development in the locality and fails to enhance the character and appearance of the conservation area.

Middle Level Commissioners: No comment; Commissioners advise that requirements under Land Drainage Act apply.

Conservation Areas Advisory Panel: OBJECT – Loss of church is a material consideration and is regrettable. The design of the five new houses is not in keeping with the village style of housing and should be more in keeping. As such the development would fail to preserve or enhance the character and appearance of the conservation area.

Norfolk Landscape Archaeology: No comments received

Environmental Health & Housing – Environmental Quality: NO OBJECTION subject to precautionary condition relating to land contamination and informatives

Norfolk Constabulary: Advisory note

REPRESENTATIONS

SEVENTEEN letters have been received, objecting on the following grounds:-

- * Design and scale inappropriate to conservation area
- * Parking is inadequate in scale and there are no turning areas for vehicles
- * Road is 4.2 metres in width in front of the site. Inadequate space for deliveries and construction traffic and will result in congestion and risk to highway safety
- * Loss of church is unacceptable – Makes a significant contribution to the conservation area. Should be refurbished and brought back into use.
- * Application should be refused or deferred pending further discussions locally
- * Demolition of church could result in damage, dust and noise to neighbouring property
- * No bat survey undertaken; loss of habitat
- * Lack of affordable housing provision
- * If housing must be approved, it should comprise a modest terrace whilst retaining the front wall to the site
- * Foul and surface water drainage is a concern
- * Unsustainable location for development

PLANNING CONSIDERATIONS

The main considerations in respect of this application are:-

- * the impact of the development on the character and appearance of the conservation area

- * justification for the loss of an important (albeit unlisted) and prominent building in the street scene and wider views
- * potential adverse effects on protected species (bats)
- * potential damage to and loss of prominent trees
- * highway issues
- * other material consideration

The impact of the development on the character and appearance of the conservation area

The site occupies a prominent position within the conservation area.

The application proposes the construction of five detached dwellings of a design which is considered to fail to reflect local traditional design.

Given the constraining factor of the width of the site, the new dwellings would incorporate relatively narrow frontages but, in order to accommodate four bedrooms in each, would be of significant depth.

Overall, it is not considered that the development of the form proposed would preserve or enhance the character and appearance of the conservation area, but would instead result in a disharmonious, cramped form of development which would detract from the character and appearance of the conservation area.

Loss of the church and roadside wall

The church appears to have been last in use in 2002, being disused ever since.

It is set side elevation on to the road and is constructed of red multi brick with a natural slate roof.

It incorporates dentils to the eaves and traditional arched windows with stone cills and feature gable windows. There is a spirelet in the centre of the roof and cross finials to the roof parapets at either end of the building.

To the roadside frontage there is a 1.2 metre high wall, broken only by two pedestrian accesses to the site at its' eastern and western end.

Whilst there is ecclesiastical exemption from the applicant needing to apply for conservation area consent for the demolition of the church, its' loss can still be a planning consideration.

The building presently on the site does not appear to have been maintained or protected since its' use ceased, and there is a sign warning against access onto the site. However, no structural survey accompanies the application to prove, beyond reasonable doubt, that the building is incapable of retention and refurbishment, either for re-use as a church or alternative purposes.

The building and wall represent distinctive features in the street scene and the roof of the church can be seen further afield. The loss of the church and wall without clear evidence of irreversible structural failure should be resisted.

Potential effect on protected species

The application proposes the construction of a garage building to the rear, eastern side of the site.

This is proposed to provide an alternative bat roost prior to the demolition of the church which presently provides the roosts.

However, no protected species survey has been submitted and Natural England has objected to the proposal on the lack of survey information and whether the alternative bat roost is adequate or affords appropriate mitigation.

Accordingly, it is considered that the proposal should be resisted as potential harm to the species or their habitats would result, unless the need for, and benefits of, the development clearly outweigh that harm.

In this instance, it is not considered that the benefits of the development proposed outweigh that harm.

Potential damage to and loss of trees

Construction is proposed close to the eastern boundary of the site where there are significant trees which contribute to the street scene and the character of the conservation area.

It is considered that, as it presently stands, the trees would be put at unacceptable risk in the event that the proposed development takes place. The loss or damage to the trees would significantly impair the visual amenities of this part of the conservation area.

Accordingly, the application should be resisted on this basis as no arboricultural implication assessment has been submitted to address these concerns.

Highway issues

The Highway Authority has not objected to the proposal but has requested changes to the submitted scheme to incorporate a 4.8 metre carriageway to the front of the site and a 2 metre wide footway, and the swapping of Plots 4 and 5 to improve visibility.

Given other unacceptable issues relating to this development proposal, no such amended plans have been requested. However, the Highway Authority has indicated that it does not wish to raise objection on the basis of the submitted plans.

Other material considerations

With regard to other issues arising from the consultation process, objections on the basis of disturbance and noise and dust during the construction period would not justify refusal of the application. Any inconvenience would be for a temporary period and it would be unreasonable to withhold consent for this reason.

Regarding drainage issues, these could be addressed through the use of appropriate conditions in the event that permission is granted.

Regarding sustainability, the development plan makes provision for the construction of individual or small groups of dwellings within the villages where they have regard for and are in harmony with the building characteristics of the locality.

The Interim policy would only apply to larger developments than this, in which sustainability and access to local services are considerations. Whilst PPS1 is relevant, it is not considered that the sustainability issue is so significant as to warrant refusal in its' own right.

Whilst the highway concerns are noted and considered relevant, the Highway Authority has declined to object on this basis. Any future application would be required to include provisions as requested in the course of this application.

Overall, it is considered that the proposal would fail to accord with PPS1, PPS3, PPS9 and PPG15 at National level, Policies ENV.12, ENV.13 and H.7 of the Structure Plan, and Policies 4/7, 4/12, 4/13, 4/21, 8/1 and 9/29 of the Local Plan.

In light of National policy, the development plan and all other material considerations, permission should be refused.

RECOMMENDATION

REFUSE for the following reason(s):

- 1 The development plan requires new development to have regard for, and to be in harmony with, the building characteristics of the locality. Furthermore, within conservation areas, proposal should preserve or enhance the character and appearance of the area. It is considered that the proposal, by virtue of its' scale and design, in a prominent location, fails to have regard for, and would result in a disharmonious and cramped form of development, thereby detracting from the character and appearance of the conservation area. Accordingly, the proposal would fail to comply with PPS1, PPS3 and PPG15 at National level, Policies ENV.12, ENV.13 and H.7 of the Norfolk structure Plan 1999, and Policies 4/12, 4/21, 8/1 and 9/29 of the King's Lynn and west Norfolk Local Plan 1998.
- 2 PPG15 and the development plan seek to maintain the distinctiveness of the historic urban built environment and to resist the demolition of buildings which contribute to the character and appearance of conservation areas. The loss of an attractive and historical church building and wall without clear evidence of irresistible structural defectiveness and inability for retention and refurbishment would be contrary to those policies and would undermine the character and appearance of the conservation area. Consequently, the proposal would be contrary to PPG15 at National level, Policy ENV.13 of the Norfolk Structure Plan 1999 and Policy 4/13 of the Local Plan 1998.
- 3 PPS9 seeks to resist development where the benefits of that development proposed do not outweigh the potential harm to legally protected animal species or their habitats which would result. The application contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species. Accordingly, the proposal would fail to comply with PPS9 at National level and the duty imposed under the Natural Environment and Rural Communities Act 2006.
- 4 The development plan seeks to protect natural landscape features from inappropriate development. The development proposed would take place in close proximity to a row of significant tree which positively contribute to the street scene and the conservation area. As a result of the development, and in the absence of an arboricultural implication assessment to indicate otherwise, it is considered that the wellbeing of these trees would be put at serious risk by the proposed development. Accordingly, the proposal would be contrary to the advice contained in PPG15, Policy ENV.13 of the Norfolk Structure Plan 1999 and Policies 4/7, 4/12 and 9/29 of the King's Lynn and West Norfolk Local Plan 1998.

BACKGROUND PAPERS

Application file reference: 07/01210/F
Norfolk Structure Plan (1999)
King's Lynn and West Norfolk Local Plan (1998)

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Is town/parish council at variance with the recommendation on planning grounds?
Are there unresolved representations from statutory consultees?
If YES has a letter been prepared for the town/parish council or statutory consultee?
Are there unresolved representations from contributors?
Does the case need to be referred to Planning Mgr or Chair/Vice Chair?

YES/NO
YES/NO
YES/NO
YES/NO
YES/NO ?

Signature: Case Officer Date: 6/9/07
Recommendation Agreed

Signature(s): Principal Planning Officer Date: 6/9/07
Planning Control Manager Date:

Agreed by Chair / Vice Chair (if applicable) YES/NO

Signature(s): Date:

Signature(s): Date: