



Planning Committee
Monday, 3rd September, 2018 at 10.30 am
in the Assembly Room, Town Hall, Saturday Market
Place, King's Lynn PE30 5DQ

Reports marked to follow on the Agenda and/or Supplementary Documents

1. Receipt of Late Correspondence on Applications (Pages 2 - 12)

To receive the Schedule of Late Correspondence received since the publication of the agenda.

Contact

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PLANNING COMMITTEE
3 September 2018

**SUMMARY OF ADDITIONAL CORRESPONDENCE RECEIVED SINCE THE
PUBLICATION OF THE AGENDA AND ERRATA**

Item Number 8/1 (a) Page Number 8

Welney Parish Council: Makes the following additional comments:

Wishes to register a formal complaint that following its previous objection it was permitted only 7 days to react to a communication from the Council with regards to the review of this application, when it is well known that 7 days is a totally inadequate time to permit a parish council to react when parish councils meet monthly and are staffed on an occasional part-time basis only. This matter will be escalated.

Third Parties: FOUR further letters of objection which can be summarised as follows:

- Residents are not being taken seriously enough.
- There is no reference to concerns raised about the inadequate water pressure in the Welney area. Has Anglian Water been contacted again?
- The residents on-going concern about road safety along Main Street was agreed by the meeting Chairman. We have a serious problem with speeding vehicles and a total disregard of national speed limits along this stretch of road. Has Norfolk Constabulary been contacted for further background information?
- There is no correspondence from Highways in respect to the traffic issue, and there is no further reference for the need for a public pathway along Main Street which will provide a much improved pedestrian access to the mobile Post Office, Public House and bus stop which is a pre-requisite for new junior residents of the proposed site.
- The quantity of proposed houses on this site is not in keeping with this small village. The original site was bigger and had fewer houses planned for it.
- There remains inadequate footway provision, as children, the elderly, those with reduced mobility will be forced to cross the busy A1101 to reach the bus stop when a new footpath would alleviate this. There is no technical reason why it cannot be constructed and there is no correspondence on file to confirm if the IDB have ever been approached with a formal request for a footpath. It is understood this is a cost to the developer but the local residents are not concerned with this. It should fall to the developer to provide this now, not expect the Parish Council to fund it by other means at some point in the future.
- Access road should be constructed to adoptable standard and arrangements made that it is adopted. Surely a permeable solution can be achieved which NCC will approve.
- The outline indicated there were to be 13 dwellings on 1.25 hectares. There has been a radical amendment to 17 dwellings on 0.91 hectares. This is totally out of character with the spacious rural village of Welney.
- Is street lighting to be provided and will it be LED type?
- Planners must listen to local residents concerns particularly in relation to adoption of the site road, the footpath that will connect the site to the rest of the village, as well as the density of the development.
- There should be no compromises here. If the plan isn't right it should be rejected, even though it is on an allocated site.

Agent: We write to advise that it will not be our intention to register to speak at the September 3rd Planning Committee, although the applicant will be in attendance. We would however be

most grateful if the following points could be made available as a late representation:

It is noted that the committee report records a total of 18 objections being raised against the original submission and a further 11 objections were received following the submission of the amended scheme. An analysis of the public responses available online records the following:

- Taking multiple responses into account we record a total of 17 members of the public having made representations since the applicant was submitted in February 2018.
- Of the 17 respondents 1 person wrote to support the application, 1 wrote to remove an earlier objection and supported the application and 1 individual does not appear to have raised any specific objection to the scheme.
- Of the 17 respondents 3 are serving as elected members of the Parish Council or are serving in the capacity of Parish Clerk.

The Parish Council website records that the 2001 census indicated that Welney's population was 520. This has presumably grown marginally over the intervening 16 years. However, taking the recorded population of 520, public opposition to the scheme represents less than 3% of the population.

Furthermore, objections made by individuals serving on the Parish Council have not acknowledged their roles and have not indicated in what capacity their responses are made. Do these comments represent views of the individuals or are they a direct attempt at amplifying the objections already raised by the Parish Council? Written opposition to the scheme represents such a small percentage of the overall village population that it is suggested that the Parish Council objections perhaps do not actually reflect the majority view of the village. Irrespective of this, it is suggested that the lack of transparency shown by members of Welney Parish Council who have raised further objections as individuals have broken the seven Nolan Principles for Councillor's conduct and interests.

We would also ask members to reflect on what has changed at a Parish level since the SADMP Plan was adopted in 2016. Para G113.4 of the plan justifies the site allocation in part by "the overall level of development is relatively high in comparison to the enumerated population, in response to the specific request from Welney Parish Council to increase the number of allocations to maintain the vibrancy of the village".

We also provide a bullet point response to objections raised since the planning application was deferred in August:

- The Parish Clerk's complaint on behalf of Welney Parish Council is noted. It should however be appreciated that the Parish Council's objections have already been noted in the committee report and it is very much doubted that the minor changes made to the affordable housing provision on site were likely to result in the Parish removing their objections. It is also suggested that no material planning considerations have changed as a result of the minor alterations.
- Suggestions that the applicant is "over-anxious" and "trying to bully the Council" are offensive and unjustified. The applicant has worked pro-actively and co-operatively with the Council throughout.
- Footpath provision through the development has satisfied NCC Highways. The application has made clear that a footpath link via Main Street is not deliverable. The applicant is not obliged to provide any information in relation to consultations with the IDB but it should be accepted that the applicant has kept the Council apprised of discussions and the Council have also had a direct dialogue with the Middle Level Commissioner's engineer.
- Objectors fail to understand the principles of SUDS techniques and fail to appreciate

that the Highway Authority will not adopt road construction utilising the SUDS principles proposed as part of the drainage strategy. A refusal to adopt does not however translate automatically into a road design not being constructed to adoptable standards. We have previously confirmed that the road will be constructed to adoptable standards. Maintenance of roads and drains will fall upon the Estate Management Company, the company structure of which has been submitted to the Council. Maintenance and repair will not fall on the public purse.

- An objection refers to a previous outline application indicating a development of 13 dwellings. There have been no previous planning applications made. The site is allocated for a minimum of 13 dwellings.
- Water pressure is not a material planning consideration, but Anglian Water Pre-Development response was submitted as part of the planning application supporting material. Anglian Water have stated “the water supply to the proposed development site can be provided from the existing mains as listed below. The water main has adequate capacity for your development site”.
- In reaching a decision to allocate the site for residential development the Council had to have been satisfied that matters such as highway capacity could be safely accommodated. Again, NCC Highways have raised no objection on highway capacity grounds.
- Reference is made in one particular objection to a restrictive covenant existing on all or part of the site, preventing development. Although not a material planning consideration we are pleased to confirm that the land is being acquired with clean title and no restrictive covenants exist.

Assistant Director’s comments:

The issues raised above by third parties are already dealt with in the main report. The issues raised remain the same from the last meeting, that is whilst the concerns regarding the provision of a footpath along the Main Street frontage are noted and indeed understandable, the IDB for the area have raised maintenance issues and major practical difficulties in securing sufficient highway verge to accommodate a 2m wide footpath. The Local Highway Authority raises no objection on the basis that the alternative pedestrian route has been advanced and would be provided to Back Drove through blue land.

Further, the footpath leading to Back Drove (part of an existing network of footpaths) is required to mitigate against any potential impact from recreational/dog walking on protected sites within the vicinity of the development. There is evidence of an existing informal trodden path within the site that has been used for this purpose.

With regards the Parish Council comments, the item was deferred for a month, and there needed to be time for the applicant to make any changes following the last committee meeting. It was therefore difficult to give the Parish Council a longer consultation period. It should be noted that there is no requirement to reconsult on these amendments in planning legislation. However notwithstanding this we decided to reconsult the Parish Council, and give them the chance to make further comment should they wish.

Item Number 8/3 (a) Page Number 42

Third Parties: TWO further letters of representation have been received and can be summarised as follows:

- We are pleased that the new plan (04H) does not contain windows that overlook our property.
- We continue to believe that the turning bay alongside our property is not in keeping with

a Conservation Area and is not necessary or appropriate.

- The notes do not refer to the surface water drain at the boundary to our drive. This structure does not function and causes frequent flooding requiring us to put sandbags across our gate. We have frequently contacted Norfolk County Council about this issue since 2012. All of our surface water drains into our own soakaway but an additional hard surface is likely to add more water to the roadway.
- There is still no mention of how 45% of the site beyond the development line will be managed and maintained. We therefore consider that a site visit by the Planning Committee members would help to form their conclusions with greater awareness of the problems.
- Page 42 of the full agenda presents the plan 18/01053/F, which turned out to be somewhat contentious and which shows a turning bay to the east of the proposed property. Subsequently there have been two amended plans and revisions made by the agent. Do we assume that these new drawings and new plans which are preferred by both Cuckstool Cottage, and I believe, Lime Kiln Cottage, are the ones on which any planning decision will be made?

Assistant Director's comments:

The turning head arrangement is not considered to cause harm to the Conservation Area and is necessary for highways reasons to enable cars to easily turn around in Cuckstool Lane rather than reverse back on Bailey Gate.

The surface water drainage issue raised by the third party has been referenced in paragraph 10 on Page 54 of the Agenda.

The management and maintenance of the land outside of the application site has been secured by way of condition 9 on page 57 of the Agenda.

In regards to the incorrect map published on Page 42 of the Agenda, please see the amended map that accompanies this summary of late correspondence.

The amended, latest set of plans (dwg no. 3381.04.H) are referred to in the Officer's report and conditioned accordingly on page 55 of the agenda.

Item Number 8/3 (b) Page Number 59

Agent:- Supporting Statement for application:

History

A previous application was called in by the local ward Counsellor, the predominate reason being the overlooking of the neighbouring property at Holly House and was eventually refused mainly on these grounds as discussed directly the client and Mr White on the 16th Dec 2017. Initially the case officer was happy with the design and recommended that permission was granted with conditions.

Due to the refusal of planning permission for the extension, an appeal was filed, to which the inspector dismissed the overlooking from the side windows onto Holly House, and was more concerned with potential overbearing size and scale of the extension in relation to the opposite property namely Marian House.

"The ground floor extension would be of significant depth in relation to the existing house and as it would include a basement it would be of two storeys in height albeit that the basement would be at a low level. The basement would extend further to the rear with a fence or railing on

top. The sloping roof would extend almost up to eaves level. I find the scale of the extension to be excessive and that it would have an unacceptably dominant and overbearing effect on the neighbour at Marian House. As the extension would be immediately to the south of that property it would also be likely to overshadow its rear garden. This would add to its generally oppressive effect.” -Extract from section 4 of the Appeal decision.

Current application

Given all previous communication and taking into account the inspectors comments above, we have redesigned the extension by reducing the depth of the extension by 1m, reducing the width away from Marian House and creating a hipped roof to minimise overbearing, significantly reducing the impact on amenity presently enjoyed by the occupiers of Marian House.

For clarity we have also now shown the make-up of ground level between the extension and Marian House that will be completed once the retaining wall is built. This again addresses the concerns with the flank wall and also shows the vast improvement the works will have on Marian House.

We feel that we have covered all concerns without taking away from the overall design of the design of the extension.

Further to any design changes, the existing retaining wall needs urgent attention due to it failing and this application is to utilise the new retaining wall as part of the future of this property. Due to the amount of investigation and hard work by all involved prior to this application and the critical state of the retaining wall, we would appreciate a positive proactive approach to this application from the planning officer.

Assistant Director’s comments:

Statement noted.

Item Number 8/3 (c) Page Number 67

Anglian Water: NO OBJECTION subject to the imposition of a planning condition requiring submission and approval of a surface water management strategy.

Their additional comments can be summarised as follows:

- Anglian water has assets close to or crossing the site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991, or in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
- Heacham Water Recycling Centre will have available capacity for these flows. The sewerage system at present has available capacity for these flows via a gravity discharge only without further consultation with Anglian Water.
- The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to a sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.
- We are satisfied that the recommended surface condition applied to this site can be

discharged providing the developer is implementing SUDS techniques and that no surface water connection will be required to Anglian Water's assets. The original condition was requested as it was not clear how the surface water was being discharged in the supporting documentation.

Assistant Director's comments:

Both foul and surface water drainage details are secured under Condition 5.

Item Number 8/3 (d) Page Number 83

Agent:- new plan submitted D1.5-03001SL which annotates the lowest level adjacent to the site.

Arboricultural Officer: NO OBJECTION subject to being conditioned in accordance with the plan.

Third Party: THREE additional letters of objection from 2 local residents have been received which can be summarised as follows:

- Overlooking and loss of privacy to Eden House
- Layout and Density of building design out of character with the rest of street contrary to C2 landscape policy
- 10 vehicles can park to the front of the site including 2 visitor spaces would be out of character
- Detrimental to the Area of Outstanding Natural Beauty next to the Norfolk Coast Path.
- No disabled parking space, access routes or disabled ramps to the 4 houses. If provision is required it will reduce the number of parking spaces on the site
- References to similar developments in Thornham are not a valid material consideration.
- History of flashing flooding in Ploughman's Piece, the new development would cause a danger to the storage system on the site of Eden House
- The Planning Officer's report refers to there being an embankment of trees, there is not embankment here. The trees in the garden of Eden House have lost most of their lower branches and provide little visual barrier.
- Eden house being set within a dip is an understatement its in a gravel pit
- The additional spot height on a pavement is noted but there is still no indication of the ridge height relative to this fixed point.
- The elevation has not made clear that the new buildings would be situated further back and higher on the plot than the existing.
- Removing 0.3m of top soil across the site is a miniscule amount of land unlikely to result in a completely horizontal building site exactly level with the tarmac road.
- The existing single storey bungalow is the first and last property when entering or leaving Thornham on the Norfolk Coastal footpath via Choseley Road, as the proposal will be built much closer to the boundary and there being no reduction in roof scale units 3 and 4 will increase their visibility from the footpath, on the skyline and significantly impact an area that should be given the highest protection.
- The proposal will restrict visibility and the strong sense of openness with rural views along the footpath when approaching from the lower level north end on Choseley Road.
- The rural panoramic views from the path to the coast heading north will be compromised this causes harm and has detrimental impact on an Area of Outstanding Natural Beauty.
- The proposal is contrary to the C2 Landscape policies that seek to conserve and to protect these areas.
- The new proposed layout and density is out of character with the existing street scene of Choseley Road and Ploughman's Piece which consists of large detached properties on

large plots. Choseley Road leading to the proposal site has only detached house in large plots, which are well set back, with no impact on the Norfolk Coastal footpath. The properties in Ploughman's Piece are all detached properties single storey bungalows on large plots all with garages with ample amenity space at the front of the properties and are unique and distinct from other areas in Thornham.

- The development does not enhance the distinctive local character or add to the quality of the environment.
- The Castle, 18/00593/F which is over half a mile away from Fulney. The Castle's surroundings bear no resemblance to the houses on Choseley Road or Ploughman's Piece.
- No provision for disabled access in accordance with Building Regulations part M. All communal parking areas must have at least one parking space for people/drivers with a disability with a width of 3.3m. All 4 units should have 900mm wide access ramps further reducing the area for vehicles to manoeuvre within the site.
- Also supermarket delivery trucks are increasing common and will have to park on Ploughman's Piece.
- We believe that this is a significant overdevelopment of the site and sets a dangerous precedent. There is substantial redevelopment occurring in the village and the consequences are having a damaging effect on the village. This includes a substantial reduction / driving out of the number of permanent residents and significant increase in holiday homes, empty housing for prolonged periods over the winter and at times overcrowding and too much traffic.
- Ploughman's Piece is a residential close that still manages to be populated by permanent residents, some working and some retirees. There has been no significant overdevelopment of properties on the close to date.
- As such, there is no precedent for 4 houses on a single plot in this location, originally designed for 1 bungalow. It is out of keeping with the surrounding housing and the principles of Norfolk and Government Housing Guides that suggest housing: is well integrated with, and complements, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access; and creates, or enhances, a distinctive character that relates well to the surroundings and supports a sense of local pride and civic identity. In addition in relation to the proposed increase in parking: Their greatest value lies in protecting the environmental quality of existing residential areas rather than dictating the design parameters of new ones.
- The building plans submitted have no measurements provided, including heights or widths of any feature including the houses themselves, the garden areas, the parking spaces. This is simply unacceptable and with a CAD design, as used in this case, these are easily included. Their omission could be considered either a simple oversight or potentially deceptive. An example is the measurements of the parking spaces which are not defined and I believe may not reach the minimum of 2.4 and 4.8 m. It is very unclear what any of the measurements are in relation to changes in ground floor area usage and total area of the site.
- The prospect of a new building half again as high as previously built will lead to an overbearing and overshadowing impact / nature on neighbouring property. There are no heights actually provided and how the proposed plans may impact on our property or indeed anyone else's. Building is supposed to be sympathetic to the surrounding community. They have merely provided a sketch that shows it will reach at least as high as the highest house on the road. However, the house it is measured against, is in the middle of a plot, and so its overshadowing / overbearing nature is not comparable. The proposed development is on the border of our property and thus the impact of a house of this height is entirely negative.
- We enjoy the evening sun to the West which will undoubtedly be lost due to the raised height. No sunlight / BRE calculations have been provided. The right to evening sun especially at certain times of the year is paramount in Norfolk and Government good

planning guidelines. We therefore request that before any plans are approved that acceptable sunlight calculations are provided.

- The prospect of 8 cars and 12 sets of waste disposal bins left on the roadside every week is unacceptable and will have a significant impact on us as neighbours.
- The houses on Ploughman's Piece were built with a covenant that clearly states that the character, shape and appearance should not be altered and that no raised walls shall be built at the front of the property. There are no details as to how this covenant has been lifted and indeed why there is a precedent to allow for wholesale changes to the appearance and nature of the close.
- The design is not in keeping with the building design of the close which are all either bungalow or chalet style houses, with open gardens at the front. These are not likely to change.
- There is no precedent for a wall to be built at the front of the property and this is out of keeping with the appearances of all other housing on Ploughman's Piece and indeed the covenant we believe restricts this. The design character of the close is of open spaces and gardens at the front and as such the planning application design are once again, not in keeping with the immediate surrounding.
- The properties on the road were designed for single families / couples and therefore 2-3 cars at a maximum. According to government directives, driveways more than 6 metre long should be considered as no more than a single parking spot. In this proposal it states that the normal parking for the house is for 4 cars which is incorrect as there is a single small garage and a single drive. Therefore the proposed increase to 8 parking spaces is actually a 3-4 fold increase in the number of cars on the plot. I do not believe the proposed parking is realistic, practical and functional without overspill onto the road and verges.
- If the precedent of this development is allowed then the potential number of houses and parking on Ploughman's Piece could increase from less than 50 to over 150 cars and is damaging to the character and nature of the close.
- Increased traffic with multiple vehicles having to negotiate manoeuvring at the edge of main road turning.
- Instances of off street parking are inevitable and will be inconvenient and dangerous.
- The required access for larger vehicles including council waste disposal, the mobile library and oil tankers required for domestic heating could well be blocked.
- The wall and overcrowding may also create unsighted access to the main road and endangers, cars, cyclists and pedestrians.
- The applications states there are no adjacent trees. This is untrue as there are trees in the immediate field and present in the back garden. These are believed to provide home to wildlife including bats.
- There are believed to be bats living in the eaves of the property and surrounding trees, not mentioned in the application. Therefore an appropriate environmental inspection would be needed.
- The council require that the bins are brought to the roadside. This would mean 12 bins placed either in the road or the sidewalk for this proposal. This is excessive and would cause obstruction to pedestrians and road users. Given that this development is likely to be used for holiday lets these will not be tidied up either.
- It is unclear how the houses will be heated and how fuel will be kept on the site and how refuelling and how drainage systems will cope. All the houses on the street traditionally have oil fired heating and thus require oil tanks. If these are sunken then what is the potential environmental impact?
- Whilst there are government pressures for housing there are no requirements for this housing development in Thornham according to the Local plans.
- It would appear that these houses are being built with the sole intention of holiday homes. It is clear that they are not intended for retirees, residential living or affordable Housing. Already the residential community of Thornham is being devastated by

redevelopment of every plot of land attached to a house into further holiday lets. Over 75% of residences are owned by developers or second homeowners and the community is now overrun in the summer and dead in the winter. There is no need for this development.

- Overdevelopment of the site with little justification for the housing need of this style of 2 bedroom properties that are unsuitable for retirees or disabled access due to high stairs and difficult access through crowded car parking.
- The precedent of a complete change of character of the dwellings on Ploughmans Piece which are all chalet style / modern build. The replacement are entirely different and with a built up wall and fortress feel.
- Overdevelopment with too many cars and spill over inevitably into the street on the corner of the fast Choseley Road. Currently no cars ever park on the street.
- Overdevelopment with no provision for the collection of bins from the drive. Holiday rentals will see all 12 bins left out year round.
- The velux windows will be the first on the street and cause light pollution. The current landscape is of complete darkness enjoyed by residents.
- As a neighbour we are certain that there will be an impact of the overdevelopment in relation to the height of the builds and the noise emanating from 4 holiday rental gardens adjacent to ours as opposed to one previously. Many of these details are vague, changing and do not appear easy to evaluate.

Assistant Director's comments:

Issues in regards to the impact of the proposal on Ploughman's Piece, the Area of Outstanding Natural Beauty and neighbour amenity are covered in the officer's report and it will be up to Members to consider the merits of the application.

In regards to specific points raised by the Third Party representation, surface water drainage is covered by way of planning condition 13 on Page 96 of the report.

The Officer's stated distances to neighbours are reported on paragraphs 6 & 7 on page 92 of the Agenda. The distances of the proposal are relative to the boundary fence of Eden House and not Eden House itself. Accordingly it is not relevant that the footprint of Eden House is not reflective of what has been built. Fulney is referred as being the neighbour to North East on Page 92 of the agenda with a façade to façade separation of 23.5m. The front façade of Fulney appears not to have been extended and accordingly the footprint would be accurate. Ultimately as concluded by the Officer there is adequate separation between the residential properties not to warrant a refusal of the application.

Having spoken with NCC there is no requirement for residential communal parking areas to have disabled parking spaces. These requirements are sought for retail and commercial areas and as referenced by the Third Party Objector covered under Building Regulations Part M.

CORRECTION

Paragraph 8 on page 92 should read as follows

"There are no residential properties to the west"

AMENDED CONDITIONS

2: Condition The development hereby permitted shall be carried out in accordance with the following approved plans:-

- o Site & Location Plan – dwg. 1.5-03001-SL received 29th August 2018
 - o All Plans Elevations - dwg. 2.1-03001 received 17th July 2018
4. Condition Prior to the first occupation of the development hereby permitted the vehicular access, crossing over the footway shall be constructed in accordance with a detailed scheme to be agreed in writing by the Local Planning Authority in accordance with the highways specification (TRAD1) and thereafter retained at the position shown on the approved plan D1.5-03001-SL. 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.
5. Condition Vehicular/pedestrian/cyclist access to and egress from the adjoining highway shall be limited to the access shown on Drawing no.D1.5-03001-SL only. Any other access or egress shall be permanently closed, and the footway/highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority concurrently with the bringing into use of the new access.
8. Condition The development shall be carried out in accordance with the site and location plan D1.5-03001-SL specifically in regards to the tree protection measures stated on the plan.
11. Condition All hard and soft landscape works shall be carried out in accordance with the approved details - D1.5-03001-SL. 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.

18/01053/F

Adj Lime Kiln Cottages Cuckstool Lane Castle Acre

