



Planning Committee
Monday, 6th February, 2017 at 9.00 am
in the Committee Suite, King's Court, Chapel Street,
King's Lynn

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

1. **Receipt of Late Correspondence on Applications (Pages 2 - 10)**

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

Contact

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PLANNING COMMITTEE
6th February 2017

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

Item Number 8/1 (a) **Page Number** 9

Agent: Makes the following comments (summarised):

- Considers that paragraph 55 of the NPPF applies equally to the recently approved unrestricted dwelling (conversion of the former cattery building approved under 15/01316/F) and to the current proposal to remove the occupancy condition.
- Considers that there is a need for someone to be resident at the cattery, in accordance with Paragraph 55, for security and welfare purposes. States that there was no such assessment when the 15/01316/F was considered.
- Considers that the number of dwellings on the site is of little relevance or weight to the assessment of the application.
- Considers that tying the main farmhouse to the cattery is unreasonable and inappropriate and does not meet the six tests for conditions and is too large and too great a value to be supported by the worker at the cattery. Tying the cattery to any dwelling on site results in opportunity to dispose of the cattery business (as and when) being unreasonably and unnecessarily fettered.
- Although planning permission has been granted for the conversion of the former cattery to a dwelling, it has not been implemented and there is no other residential unit on the site other than the annexe (benefitting from a Certificate of Lawfulness for use as a dwelling) and the farmhouse. The permission for the former cattery may not be implemented for some time due to its condition and may not be implemented at all. Further the conversion is too far removed from the new cattery to be effective for security and welfare purposes.
- In light of the above, considers the only reasonable solution is to allow for a small amount of the new cattery building to be given over to ancillary residential accommodation to be occupied by the owner/manager or member of staff and their families and recommends a suitable worded condition.
- Considers that the report is incorrect in that it states that as a result of the remote location, dwellings would not be approved unless for exceptional reasons such as the essential need linked to a rural enterprise. However, planning permission has been granted for the conversion of the former cattery to a dwelling. Considers that Paragraph 55 has been inconsistently applied and thus is unreasonable and unjustified.
- Considers that the personal circumstances of the applicant's partner, Mr Rolph are a material consideration. Considers that as a result of Mr Rolph's serious medical condition, he cannot continue living in the annex (two storey accommodation) and that creating ancillary living accommodation in the ground floor of the new cattery would be acceptable and would not compromise any policy. If Members do not consider this acceptable, requests that a temporary permission be granted, personal to Mr Rolph and the Applicant, for 2 years to enable him to overcome his health issues.

Assistant Director comments:

The comments raised in late correspondence are considered to be covered within the main report. Members will need to consider whether a two year temporary consent is justified, but officers do not feel that it is.

Historic England – Listing team update on the World War 2 (WW2) Tett Turrets – the initial assessment has been completed by Historic England and the proposal is at a consultation stage of the process it has not yet been determined whether the WW2 Tett Turrets will be listed or registered as a Scheduled Ancient Monument.

Correction: There are amendments to Condition 19 and 20 in relation to the timing and implementation of the Archaeological works. As such conditions 19 and 20 should be amended to read:

19. Condition Prior to the submission of a reserved matters application pursuant to this outline planning permission, and notwithstanding details received in relation to archaeological works that were submitted as part of this application, a scheme for archaeological investigation and mitigation work shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of:

1) initial trial trenching, the specific programme for which will be submitted to and approved in writing by the local planning authority, with the results used to inform:

i) site investigation during the course of the development

ii) the need for any further archaeological mitigation

iii) the layout of the development submitted as part of any subsequent reserved matters application

2) the programme and methodology of site investigation during the course of the development

3) the appointment of a competent person or persons/organization to undertake the works set out within the approved scheme of investigation

4) proposals for analysis of the site investigation, including proposals for the recording, removal and/or preservation in situ through the layout of the site of any significant archaeological features

5) proposals for publication and dissemination of the analysis and records of the site investigation

6) proposals for archive deposition of the analysis and records of the site investigation

19. Reason To safeguard archaeological interests in accordance with the principles of the NPPF. This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.

20. Condition The scheme for archaeological investigation and mitigation works approved under condition 19, above, shall be implemented in full as approved.

20. Reason To safeguard archaeological interests in accordance with the principles of the NPPF.

Correction: There is an amendment in Condition 26 in relation to the management and maintenance of any landscaped area. The amendment relates to the length of time that the area will need to be managed and maintained. As such the condition should be amended to read:

26. Condition Prior to the occupation of 25% of the dwellings comprised in the development hereby approved, a landscape management and maintenance plan including long-term design objectives, management and maintenance responsibilities (including the timings of and details relating to any transfer of the landscaped areas to any such body responsible for its management and maintenance in perpetuity), management and maintenance schedules for all landscape areas except for small privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority. The landscape management and maintenance plan shall be carried out as approved.

26. Reason To ensure that the landscaping is properly managed and maintained in accordance with the NPPF.

Item Number 8/2 (b) **Page Number** 42

Agent: The Agent has submitted an amended SUDS drainage scheme submitted to reflect the latest layout has been received. The revisions have resulted in the raising of the finished floor levels to plots 31-34 by 0.55m this has been amended on the proposed site plan. Consultation with the Environment Agency has been sought but not received at time of late correspondence.

Correction: There is an error in the order of comments received in regards to the latest set of plans.

Page 47 (para 13) “comments in regards to latest set of plans” under Anglian Water comments – relate to the latest comments from Historic Environment Service. No further comments have been received from Anglian Water.

Correction: There is an error on Condition 2 in relation to the approved plans and the need to update the approved plan condition in respect to finished floor levels. As such Condition 2 should be amended to read:

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

- * Proposed Site Plan drawing no. 16-GFB-03 Rev H dated 2nd February 2017
- * Proposed Residential Development of 15 New build houses & 2 Barn Conversions - Plots 25 and 25a 16-GFB-25 dated May 2015
- * Proposed Residential Development - Floor Plans, Elevations and Section Plot 26/26a drawing no. 16-GFB-26 dated May 2015
- * Proposed Elevations and Floor Plans drawing no. 16-GFB-38 plots 26b/26c dated 21st July 2016
- * Floor Plans, Elevations and Section drawing no. 16-GFB-27 plot 27/28 dated May 2015
- * Floor Plans, Elevations and Section drawing no. 16-GFB-29 plot 29 dated May 2015
- * Floor Plans, Elevations and Section drawing no. 16-GFB-30 plot 30 dated May 2015
- * Floor Plans, Elevations and Section drawing no. 16-GFB-31B Plot 31 dated May 2015
- * Ground Floor Plans, Elevations Plot 32, 33 and 34 drawing no. 16-GFB-32C dated 28th November 2016

- * First Floor Plans, Elevations Plot 32, 33 and 34 drawing no. 16-GFB-33 C dated 28th November 2016
- * Proposed Plans and Elevations Plot 35 and 36 drawing no. 16-GFB-36A dated 28th November 2016
- * Floor Plans, Elevations and Section Plot 37 drawing no. 16-GFB-37A dated 27th November 2016
- * Proposed Garages drawing no. 16-GFB-39B dated 28th November 2016
- * Boundary treatment drawing no.16-GFB-50 D dated 28th November 2016
- * Landscape drawing no. 16-GFB-60C dated 28th November 2016
- * Bins Store Plans and Elevations drawing no. 16-GFB-70

2. Reason To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

Item Number 8/2 (d) **Page Number** 76

Agent: Provided information relating to hours of opening as follows:

Mon-Fri: 6.00a.m. – 7.00p.m. No deliveries into Tamar until 7.30 a.m. or after 5 p.m. Please note it is sometimes necessary for our lorries to leave the nursery at about 4 a.m. to meet a timed delivery. Sat. 7.30a.m. – 2.00p.m. (No deliveries on Saturdays). Sun. Production & Offices closed.

Currently the business does not operate on a Sunday due to John's personal convictions, however he does accept that it would not be in the nursery's best interest to be so restricted and so has accepted my suggestion of the facility of 8.30 to 4.30 opening hours for the retail element of the nursery on Sundays.

The early movement of a delivery lorry is not a frequent occurrence, and is only necessary in respect of deliveries to London development sites which have been allocated time-slots.

Third Party:

ONE letter of **SUPPORT** regarding:

- Wishes to register support for the new nursery as it is likely that my first step into horticultural industry will come as a result it being established;
- Hopes the Council will consider employment chances for young people when making their decision.

ONE letter of **OBJECTION** regarding:

- Concerned about the increase in traffic as result of the combination of the proposed development and the egg farm on West Drove South;
- Concern that traffic speed along this stretch of road making it dangerous to exit driveways.

Councillor Roy Groom: Councillor Groom's comments are set out within the application on the existing nursery site but should also be repeated in this report, as they also relate to the relocation of the business. Cllr Groom states:

"As Ward Councillor I wish to record my support for the application, principally to assist in the further progress and expansion of the company as a local employer, in the provision of

homes within a high quality environment, the return of a village store and the removal of an intensely operated commercial unit from a well-developed residential area. In pursuit of the last point I also would like to record my support for application 16/00812/FM for the relocation of the business”.

Assistant Director’s comments:

Officers do not consider that is necessary to restrict hours in this case given the site’s location adjacent to the A47 and the consequent background noise levels. Members will need to consider this issue when determining the application.

Item Number 8/2(e) **Page Number** 89

Third Party: Requests that the application be deferred to allow further consideration of the Applicant’s proposals to gift land to residents of Orchard Drive.

Assistant Director’s comments: Any such proposals are a civil matter between the Applicant and third parties and should be pursued outside the planning process. The matter is covered in the report on p 101.

Item Number 8/3(a) **Page Number** Late report

Third Party: Two letters from the same third party **OBJECTING** (summarised) regarding:-

- A 17ft high structure within 2 yards from our boundary which restricts light into our kitchen this should be moved further from the boundary, relocated to gravel area and reduced to single storey in height
- Noise, disruption and dust for months during the summer months and during the period of construction
- Likely to become a residential facility
- A modest three bedroom property originally will become a six bedroom mansion
- The loss of services has turned this village into a ghost community
- The floor area will increase to close to 50%
- The report does not make clear that all our trees to the northern border are situated on the Annelea site and emittance of an earth bank to the north and east of Annalea on which the privet hedge is situated, so increasing the height of the visual barrier from Stocking/Cross Lane.
- The snooker room could turn into a 5th bedroom
- A loss of ambient light into an eastern kitchen window from the garage development.
- The garage should be moved to the gravelled area which is further away than the Branodunum ditch which runs down Stocking Lane.
- No room for construction vehicles and delivery of machinery to the site
- Why does the garage have an upper floor? Why casement windows? Why in this position? Why not replace the existing garage in its current place?
- The fence height referred to in the report is not 2m in height, rather more its 1.78m in height
- Third party representations and the Parish Council’s comments are seen as an afterthought.
- The proposal could be converted to an annex making 6 bedrooms which would be contrary to the neighbourhood plan

Item Number 8/3(d) **Page Number** 124

Agent: Comments that the paragraph referring to possible breach of condition upon the original planning application reference 2/94/1815/D, which requires that the height of the hedges should not be reduced below a height of 3m without the written consent of the authority. The hedges relate to the condition that are positioned beyond the application site boundary and beyond the applicant's area of land ownership and have not been altered in anyway by the applicant.

The applicant has cleared shrubbery and some trees from within their own area of land ownership but these trees and shrubs do not form part of the hedgerow mentioned in the original planning condition and therefore no breach of condition has occurred.

Item Number 8/3 (e) **Page Number** 131

Environmental Health and Housing – Environmental Quality – No Objection subject to a condition in regards to an asbestos survey being conducted in regards to the buildings to demolished and a condition evidencing the safe removal of asbestos from the site.

Additional Conditions

4 Condition Prior to the commencement of the development hereby approved, a survey specifying the location and nature of asbestos containing materials and an action plan detailing treatment or safe removal and disposal of asbestos containing materials shall be submitted to and approved by the local planning authority. The details in the approved action plan shall be fully implemented and evidence shall be kept and made available for inspection at the local planning authority's request.

4 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of land after remediation.

This also needs to be a pre-commencement condition given the fundamental details linked to asbestos containing materials which need to be planned for at the earliest stage in the development.

5 Condition Prior to first occupation of the development hereby approved evidence of the treatment or safe removal and disposal of the asbestos containing materials at a suitably licensed waste disposal site shall be submitted to and approved by the local planning authority.

5 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of land after remediation.

Item Number 8/3(i) **Page Number** 164

Third Party: ONE letter of **OBJECTION** regarding:

- Owns land fronting the river bank, a 30ft mooring, extending to and including a section of the flood bank.
- Has a right of way to cross the land from Greatmans Way recorded on deeds and is

- concerned about how the development would affect the mooring.
- It is a known flood plan and not even allowed to erect a shed on property.
- Land is waterlogged every year and does not seem a sensible idea.

Assistant Director's comments: The right of way is a civil matter between the Applicant and Third Party. In principle issues as well as flood risk are considered in the report.

Item Number 8/3(j) **Page Number** 176

Agent: Submitted comments from retained Ecologist which raises concerns about the wording of Condition 7 and the potential conflict with the eventual Newt licence (from Natural England). The issue is that the Council is requiring everything under the licence to be being carried out exactly as per the EclA report (submitted with application). The eventual EPSL mitigation strategy (including phasing etc) will likely differ from the exact wording in the report. This is because NE will require more detail and specifics than is provided in an EclA. This could then put us in a Catch 22 situation where the Council are asking us to do one thing but Natural England requires another to grant the licence. Therefore suggest a revised condition which is taken from BSI Guidance (BS42020:2013) – Biodiversity- code of practice for planning and development.

Assistant Director's comments: In light of the above, it is considered reasonable to amend Condition 7 as follows:

Revised Condition

7 Condition The development hereby approved which includes site clearance, demolition and redevelopment as identified in plan 3264.06RevB shall not in any circumstances commence unless the local planning authority has been provided with either:

- A licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead; or
- A statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence.

7 Reason The Habitats Directive requires a system of 'strict protection' for certain protected species. It is a criminal offence to consciously harm European protected species without a licence, which would only be issued if the statutory licensing body is satisfied that the derogation criteria are met. However, the risk of criminal prosecution might not prevent harm from taking place. This condition therefore helps to ensure that a developer will apply for an EPS licence and, if they do not, can be prevented in advance from undertaking the activities that might jeopardise the protected species, before the species is harmed. This condition can be enforced by a temporary stop notice or by injunction. This condition ensures that the Local Planning Authority is complying with its statutory obligations with respect to the Habitats Regulations and in accordance with the principles of the NPPF.

Item Number 8/3(k) **Page Number** 189

Agent: Submitted comments from retained Ecologist which raises concerns about the wording of Condition 7 and the potential conflict with the eventual Newt licence (from Natural England). The issue is that the Council is requiring everything under the licence to be being carried out exactly as per the EclA report (submitted with application). The eventual EPSL mitigation strategy (including phasing etc.) will likely differ from the exact wording in the report. This is because NE will require more detail and specifics than is provided in an EclA. This could then put us in a Catch 22 situation where the council are

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Item Number 8/3(n) **Page Number** 210

Applicant: (summarised) has commented that two of the market dwellings will be subject of a restriction to a "principle residence only". This results in 5 of the 8 dwellings having an occupancy condition of some kind. Applicant's further correspondence details that Thornham is suffering from high house prices and stock of larger accommodation which offers little to those wanting to stay in the village in the long term. The village as identified as having a sufficient level of facilities to accommodate a small level of growth (approximately 5 new homes based on allocation method) and regrettably the chosen site in Thornham (not this site) was removed at the last moment on landscape concerns, leaving the village without an allocation of new homes or indeed any affordable ones. This application provides 8 small dwellings in the following format – 1 x affordable rent, 2 x shared equity homes, 2 x dwellings with occupancy restriction to principal residence only and 3 dwelling without restriction. This has gone through rigorous planning process and the proposal avoids; the conversion of the barn for development of two large dwellings, promotion of the land using the written ministerial statement (10 dwelling and 1000m2) and NPPG to avoid affordable housing. The barns are unviable, the adjoining land will be the subject of a covenant preventing the erection of barns in the future, despite these not being required for the type of farming activity now carried out on the farm.

In summary the proposal is said to deliver the following:-

- A market mix more relevant to price and affordability (predominance of two bedroom homes)

- Dwellings (including valuable affordable housing) provided now, not 5-10 years time
- Three affordable homes is a mixed of shared equity and rented homes. This represents 3 times the number of affordable homes the village would ordinarily receive from just one allocation
- Open Space
- Removal of two uncharacteristically large, ugly asbestos barns that blight the landscape and the building of small scale new dwellings in the village that desperately wants housing, without an impact on the AONB. Indeed this would have a positive impact on the AONB
- Has NO Objections (with support from Historic England, CAAP and the Conservation Officer)
- Removal of vermin and a use of incongruous with the immediately surrounding residential buildings
- New footpath link to the village
- Community Infrastructure Levy
- Offers 2 dwellings to address some of the issues associated with second home ownership. The imposition of a covenant requiring a purchaser to only occupy as a principal residence and that it be incapable of being sold or occupied as a holiday let
- Delivers the allocation the village wants

The scheme will not set a precedent for unacceptable development elsewhere as each potential development site should be considered on its merits.

Thornham Parish Council: comments that the removal of the two barns is a visual bonus. The replacements properties are not large intimidating mass, which dwarf many older properties of the village. One is designated for social ownership the others would be more affordable than all recent developments in the village. The village is losing its population and the homes are becoming second homes or “lets”, which affects the effective community organisation of village activities. The smaller properties which are more affordable, with one in social ownership, give some chance of attracting younger families and permanent residents to the village. All communities need a balance within their population and housing policy can directly impact on this and help to maintain healthy vibrant communities. The design is sympathetic to its situation. In terms of scale and mass it sits happy alongside Manor Farm and does not overwhelm or dwarf the existing built environment. No overlooking or shading of adjacent properties. Landscaping seemed sympathetic to the environment. A councillor was concerned about drainage but a new ditch is to be provided.

The Council is happy to support this development and would prove of general benefit to the village.

Third Party: One letter in **SUPPORT** (no additional comments)