



**Planning Committee**  
**Monday, 2nd October, 2017 at 9.30 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**

- a) Decisions on Applications (Pages 2 - 10)

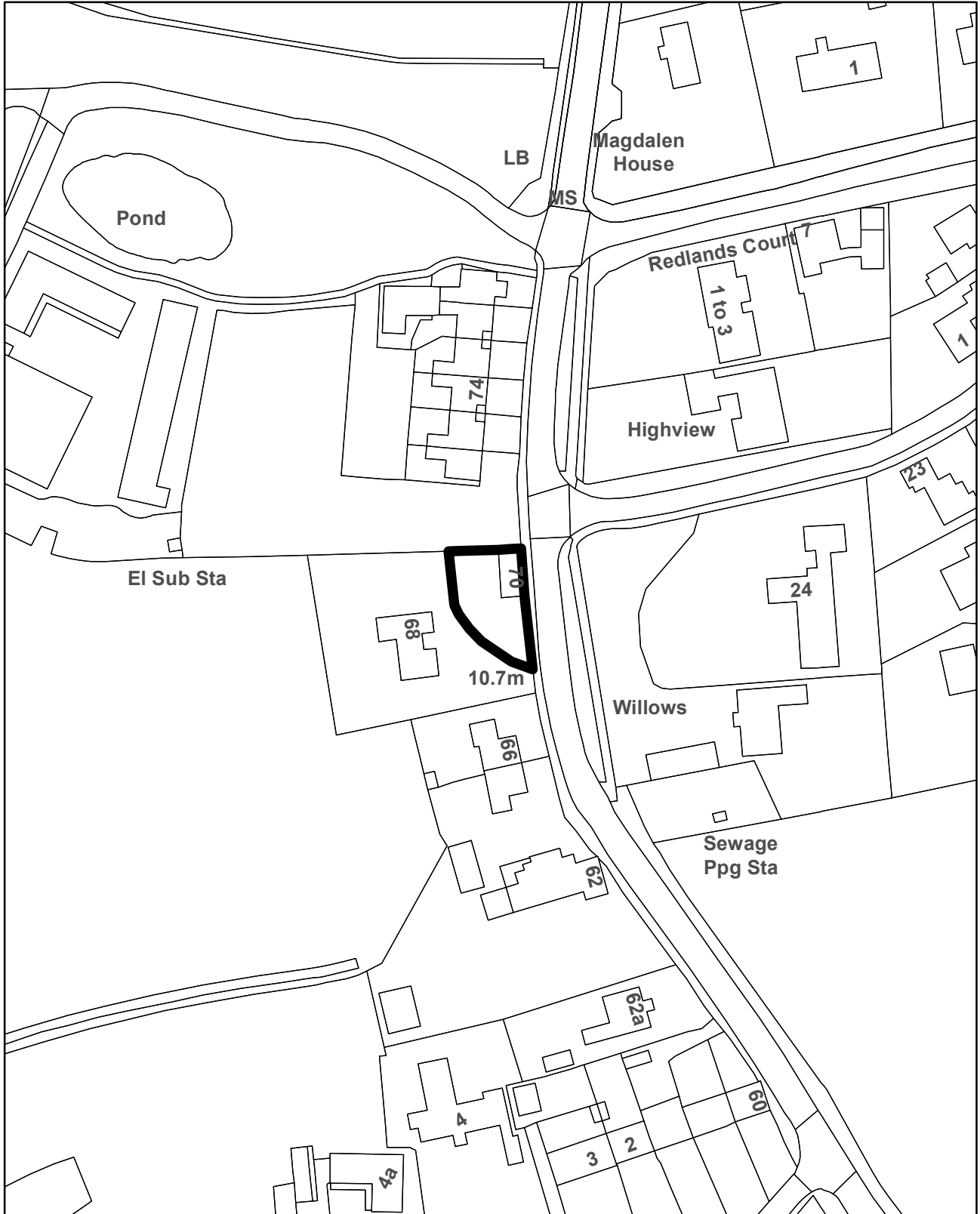
To consider and determine the attached Schedule of Planning Applications submitted by the Executive Director.

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# 17/01424/F

Matai Cottage 70 Hunstanton Road Heacham



## AGENDA ITEM NO: 8/3(e)

<b>Parish:</b>	Heacham	
<b>Proposal:</b>	Residential annexe to be used as a residential dwelling	
<b>Location:</b>	Matai Cottage 70 Hunstanton Road Heacham Norfolk	
<b>Applicant:</b>	Mr & Mrs Henderson	
<b>Case No:</b>	17/01424/F (Full Application)	
<b>Case Officer:</b>	Mr M Broughton	<b>Date for Determination:</b> 19 September 2017 <b>Extension of Time Expiry Date:</b> 6 October 2017

**Reasons for Referral to Planning Committee** – The views of Heacham Parish Council are contrary to the Officer recommendation.

### Case Summary

The land is situated on the western side of Hunstanton Road, Heacham, approximately 35m south of the junction with Robin Hill and within the settlement boundary for the village.

The application seeks a change of use of an annex (Matai Cottage) to a residential dwelling at 70, Hunstanton Road, Heacham.

The National Planning Policy Framework 2012, the King's Lynn and West Norfolk Borough Council Core Strategy 2011 and the King's Lynn and West Norfolk Borough Council Site Allocations and Development Management Policies Plan (SADMP) 2016 are relevant to this application

### Key Issues

Principle of development  
Form and character of the locality  
Section 106 agreement attached to 97/1394/CU  
Other considerations

### Recommendation

**APPROVE**

### THE APPLICATION

The land is situated on the western side of Hunstanton Road, Heacham, approximately 35m south of the junction with Robin Hill and within the settlement boundary for the village.

The application seeks a change of use of an annex (Matai Cottage) to create an independent residential dwelling. The annex is situated in the grounds of Matai House (formerly 'Woodlands') at 68-70, Hunstanton Road, Heacham.

Matai Cottage annex is a 1 ½ storey detached building, formerly a garage to Matai House, situated on the north-east corner of the greater site and constructed in traditional carstone with red brick detailing, brown concrete tiles and brown up openings.

The building was converted to an annex in 1997 with accommodation at first floor level and two west facing dormer windows. The overall layout comprises two bedrooms, storage and a bathroom on the first floor, with kitchen, storage, hall, toilet and a lounge/ diner on the ground floor.

The annex has a raised patio and section of open garden leading off the western elevation and shared use of the communal access and parking area on the south side of the building.

The existing access that has served both Matai House and the annex is to remain and the existing parking and turning area is to be sub-divided with a 1.2m internal picket fence, creating individual and adequate parking and turning areas within that existing to serve both the annex and Matai House.

It is proposed to retain the roadside wall (east) which abuts the south east corner of the annex building, save modifications in the access area, to ensure the appropriate level of visibility splay is attained.

#### **SUPPORTING CASE** Agent comments:

The site (335sqm) is located 35m south of Robin Hill and is within the Development Boundary according to the Site Allocations and Development Management Policies Adopted September 2016 (Insert Map G47 Heacham). In such locations residential development, of an appropriate scale, is to be supported subject to compliance with other relevant planning policies and guidance.

Pre-application advice indicated that an application was likely to be approved with access amendments.

The proposed dwelling is of traditional masonry and stone construction and was the former garage for the site, converted to an annex in 1997 with bedroom accommodation at first floor level.

The proposal is to change the use of the existing annex into a residential dwelling with minor amendments to the access to achieve the visibility splays required.

The existing access has served both the main dwelling and the annexe and is to remain as such. The existing large parking and turning area is to be sub-divided with a 1.2m picket fence to create two parking and turning areas. Visibility splays 2.4m x 43m from the existing access are to be created by removing or lowering (to below 1.0m high) small sections of wall to the south and north.

The existing garden space is currently marked out with a chain link fence on the western boundary and is to be replaced with a 1.8m closed boarded fence, thus creating an area of privacy. The existing lawn and raised patio area is to remain and provides a total of 123m<sup>2</sup> (11.0m x 10.9m) 'rear' amenity space.

There are no Flood Risk issues with this site.

## **PLANNING HISTORY**

97/1394/CU: Planning Committee: Approved 3/02/98: Alterations to domestic garage to create self-contained residential unit to be used as an annex to the existing dwelling 'Woodlands' – Matai Cottage Hunstanton Road Heacham

97/0751/CU: Withdrawn 21/07/97: Alterations to domestic garage to create self-contained residential unit to be used as annex to the existing dwelling Woodlands - Matai Cottage Hunstanton Road Heacham

## **RESPONSE TO CONSULTATION**

### **Parish Council: OBJECT**

- This is an example of an annexe becoming a residence which previously had a Section 106 agreement applied to prevent this.

### **Local Highway Authority (NCC): NO OBJECTION**

- Amended scheme identifies an acceptable layout and an achievable visibility splay – conditions and informal advice applies

**REPRESENTATIONS** None

## **NATIONAL GUIDANCE**

National Planning Policy Framework – sets out the Government's planning policies for England and how these are expected to be applied.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**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

**DM7** - Residential Annexes

**DM15** – Environment, Design and Amenity

## PLANNING CONSIDERATIONS

Key issues:

- Principle of development
- Form and character of the locality
- Section 106 agreement (97/1394/CU)
- Other considerations

### Principle of development:

The site falls within the development boundary for Heacham. The application seeks a change of use from a residential annex to an independent residential dwelling.

The King's Lynn and West Norfolk Borough Council Site Allocations and Development Management Policies Plan (SADMP) 2016 are relevant to this application and advice:

- Policies DM 1 and DM2 – Presumption in favour of sustainable development:

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Planning applications that accord with the Policies in the Local Plan will be approved unless material considerations indicate otherwise.

- Policy DM7 – Residential Annexes:

Whilst not wholly relevant to the current application, the criteria of DM7 is of note. It advises that residential annexes will be approved only subject to the following being secured by way of condition or planning agreement:

1. It remains in the same ownership as, and is occupied in conjunction with the principal dwelling and does not appear tantamount to a new dwelling
2. It is ancillary and subordinate in scale to the principal dwelling
3. Its occupants share the existing access, garden and parking to the main dwelling
4. Occupation of the annex is subsidiary to that of the main dwelling and
5. Not capable of sub-division

Development of residential annexes outside the development boundaries of settlements will also be judged against the criteria in Policy DM5 (enlargement / replacement of dwellings in the countryside)

It is of note that the use of this building as an annex was approved in 1998. There is no information to suggest it was or has been used otherwise than in accordance with the original approval or the current criteria outlined in the SADMP 2016 Policy DM7.

- Policy DM 15 – Environment, Design and Amenity:

Development must protect and enhance the amenity of the wider environment including its heritage and cultural value. Proposals will be assessed against their impact on neighbouring uses and their occupants as well as the amenity of any future occupiers of the proposed development.

Furthermore, Policy DM15 advises that: Proposals will be assessed against a number of factors – relevant in this particular case are overlooking, visual impact and access arrangements.

In principle the application is considered acceptable, subject to other material considerations

### **Form and character of the locality:**

The site is within an enclave of the village development boundary, to the north of the central hub of the village, with a mix of dwellings (age, scale and design) in the locality.

It is possible the annex building had connections with a former farm site on the northern boundary as construction materials are more in keeping with the materials of the barns to the north and older houses to the south. Thus its origins exceed the age of the relatively modern, 2 storey, detached Matai House (formerly Woodlands), which is set back centrally into the greater site, with a covered swimming pool on its rear west elevation.

Policy DM15 advises that: Proposals will be assessed against a number of factors – relevant in this particular case are overlooking, visual impact and access arrangements

- Overlooking and visual impact:

Notwithstanding the greater site layout, there is no direct overlooking from the annex to Matai House or its rear amenity space. There are no material alterations to the annex building nor the way it functions. The appliance of a rear garden fence (west) and internal fence divide is unlikely to impact on the character and appearance of this locality and thus in terms of any visual impact, the street scene is unaltered.

- Access arrangements:

Development proposals should demonstrate that safe access can be provided and adequate parking facilities are available.

The minor access and visibility splay amendments conform to Highway requirements as detailed in the 'Manual of Streets' and are considered acceptable to the NCC Highway Authority.

Overall, taking into account the facilities provided in the existing self-contained annex, including proposed site layout, parking, turning and amenity space, it is considered that the application provides an adequate standard for permanent residential accommodation in a sustainable location, fit to accommodate new residents.

### **Section 106 agreement attached to 97/1394/CU:**

Application 97/1394/CU in the name of Mr E Evans was referred to the planning committee on 27/10/97, in which it was resolved to grant permission for the change of use of a garage building to create an annex, subject to the imposition of a Section 106 agreement (as per The Town and Country Planning Act 1990) restricting the use to overspill accommodation or secondary holiday letting held with the main dwelling (Woodlands at that time) and not to be used as a separate unit of residential accommodation.

At the time, it was often practice to apply a Section 106 agreement to such an application and a Section 106 agreement followed on 22/01/1998. The application was subsequently approved on 3/2/1998 with general conditions applied as follows:

1. the works commencing within 5 years of approval and
2. the removal of permitted development rights (Classes A to C – extensions and roof alterations)

Specifically, it is of note in the Section 106 agreement:

- Clause 3(i) stated that the proposed self-contained residential unit shall at all times remain within the same ownership and curtilage as the principal dwelling (Woodlands – now known as Matai House)
- Clause 3(ii) stated that the proposed self-contained residential unit shall never form an independent unit of residential accommodation and
- Clause 3(iii) stated that occupation of the proposed self-contained residential unit shall be restricted for holiday use only or as accommodation for members of the family occupying the principle dwelling.

The Parish Council have objected to the current planning application received from the current owners Mr and Mrs Henderson to change the annex to a permanent residential unit, citing the content of the aforementioned Section 106 agreement.

There is nothing to prevent the current owners applying for an unrestricted planning permission. The application is open to Appeal if refused. If approved, then the owner could apply to the Council to discharge the aforementioned Section 106 Agreement in its entirety, but there is no obligation for that course of action. If the Council agree to the proposed unrestricted planning permission being granted, it follows that the Council would not object to releasing the annex dwelling from the restrictions in the s106 Agreement in a future application.

Notwithstanding the division of the greater site is considered proportionate to both the scale of the annex (Matai Cottage) and the donor dwelling (Matai House), it is considered appropriate to restrict future development of Matai Cottage by way of condition removing permitted development rights ( Classes A to E inclusive i.e. extensions, roof extensions, porches and incidental buildings)

#### **Other considerations:**

There are no known issues affecting this site relative to Crime and Disorder

#### **CONCLUSION:**

The Kings Lynn and West Norfolk Borough Council need to determine new planning applications in accordance with their current planning policies and any material considerations.

The proposal is somewhat unusual in terms of specific Policy reference. However, there is nothing to prevent the current owners applying for an unrestricted planning permission.

The proposal generally accords with elements of Policy in the NPPF 2012 and Policies DM1, 2 and 15 of the KLWNBC Site Allocations and Development Management Policies Plan (SADMP) 2016

In this case, the site falls within the development boundary of a designated Key Rural Service Centre. The status of the locality provides a presumption in favour of development. The proposed site layout is considered acceptable in terms of accommodation and is proportionate in layout, access and parking to accommodate the change in use of annex to an independent residential dwelling, whilst retaining the level of amenity afforded to the donor dwelling (Matai House).



In the light of National Guidance, Development Plan Policies and other material considerations, it is recommended that this application be approved

## **RECOMMENDATION:**

**APPROVE** subject to the imposition of the following condition(s):

- 1 Condition The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Block plan – drawing 2074-02D – receipt dated 17/08/17
  - Elevations and layout – drawing 2074-01A – receipt dated 24/07/17
- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition Prior to the commencement of the use hereby permitted the vehicular access (indicated for improvement on drawing number 2074-02D) shall be widened to a minimum width of 4.5 metres in accordance with the Norfolk County Council residential access construction specification for the first 2.0 metres as measured back from the near channel edge of the adjacent carriageway (depth of existing footway). Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- 3 Reason In the interest of highway safety and traffic movement, in accordance with the NPPF 2012
- 4 Condition Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan drawing 2074-02D. The splay shall thereafter be maintained at all times free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.
- 4 Reason In the interest of highway safety and traffic movement, in accordance with the NPPF 2012.
- 5 Condition Prior to the commencement of the use hereby permitted, the proposed access, on-site car parking and turning areas shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 5 Reason To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety, in accordance with the NPPF 2012.
- 6 Condition Notwithstanding the provisions of Schedule 2, Part 1, Classes A - 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 enlargement, improvement or other alteration of the dwelling house, the enlargement of a dwelling house consisting of an addition or alteration to its roof, the erection or

construction of a porch outside any external door of the dwelling house or the provision within the curtilage of the dwelling of any building, enclosure, pool or swimming pool shall not be allowed without the granting of specific planning permission.

- 6 Reason In order that the Local Planning Authority may retain control of development which might be detrimental to the amenities of the locality if otherwise allowed by the mentioned Order.