

Borough Council of  
**King's Lynn &  
West Norfolk**



# **Planning Committee**

## **Agenda**

**Tuesday, 5th December, 2017**  
at 9.30 am

in the

**Assembly Room  
Town Hall  
Saturday Market Place  
King's Lynn**





King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX  
Telephone: 01553 616200  
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**PLANNING COMMITTEE AGENDA**

Please note that due to the number of applications to be considered it is proposed that the Committee will adjourn for lunch at approximately 12.30 pm and reconvene at 1.10 pm.

Please ensure that all mobile phones are switched to silent

**DATE:** Tuesday, 5th December, 2017

**VENUE:** Assembly Room, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

**TIME:** 9.30 am

**1. APOLOGIES**

To receive any apologies for absence and to note any substitutions.

**2. MINUTES**

To confirm as a correct record the Minutes of the Meeting held 6 November 2017.

**3. DECLARATIONS OF INTEREST**

Please indicate if there are any interests which should be declared. A declaration of an interest should indicate the nature of the interest (if not already declared on the Register of Interests) and the agenda item to which it relates. If a disclosable pecuniary interest is declared, the Member should withdraw from the room whilst the matter is discussed.

These declarations apply to all Members present, whether the Member is part of the meeting, attending to speak as a local Member on an item or simply observing the meeting from the public seating area.

**4. URGENT BUSINESS UNDER STANDING ORDER 7**

To consider any business, which by reason of special circumstances, the Chairman proposes to accept, under Section 100(b)(4)(b) of the Local Government Act, 1972.

**5. MEMBERS ATTENDING UNDER STANDING ORDER 34**

Members wishing to speak pursuant to Standing Order 34 should inform the Chairman of their intention to do so and on what items they wish to be heard before the meeting commences.

**6. CHAIRMAN'S CORRESPONDENCE**

To receive any Chairman's correspondence.

**7. RECEIPT OF LATE CORRESPONDENCE ON APPLICATIONS**

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

**8. INDEX OF APPLICATIONS (Pages 6 - 7)**

The Committee is asked to note the Index of Applications.

**(a) Decisions on Applications (Pages 8 - 126)**

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

**9. DELEGATED DECISIONS (Pages 127 - 157)**

To receive the Schedule of Planning Applications determined by the Executive Director.

**10. UPDATE ON TREE MATTERS (Pages 158 - 160)**

To receive the Update on Tree Matters prepared by the Arboricultural Officer.

**To: Members of the Planning Committee**

Councillors A Bubb, Mrs S Buck, C J Crofts, Mrs S Fraser, G Hipperson, A Morrison, T Parish, M Peake (Vice-Chairman), Miss S Sandell, Mrs V Spikings (Chairman), M Storey, D Tyler, G Wareham, Mrs E Watson, A White, Mrs A Wright and Mrs S Young

## Site Visit Arrangements

When a decision for a site inspection is made, consideration of the application will be adjourned, the site visited, and the meeting reconvened on the same day for a decision to be made. Timings for the site inspections will be announced at the meeting.

If there are any site inspections arising from this meeting, these will be held on **Friday, 8 December 2017** (time to be confirmed) and the meeting reconvened on the same day (time to be agreed).

### Please note:

- (1) At the discretion of the Chairman, items may not necessarily be taken in the order in which they appear in the Agenda.
- (2) An Agenda summarising late correspondence received by 5.15 pm on the Thursday before the meeting will be emailed (usually the Friday), and tabled one hour before the meeting commences. Correspondence received after that time will not be specifically reported during the Meeting.
- (3) **Public Speaking**

Please note that the deadline for registering to speak on the application is 12 noon, **Friday, 1 December 2017**. Please contact [borough.planning@west-norfolk.gov.uk](mailto:borough.planning@west-norfolk.gov.uk) or call (01553) 616818 or 616234 to register.

### For Major Applications

Two speakers may register under each category: to object to and in support of the application. A Parish or Town Council representative may also register to speak. Each speaker will be permitted to speak for five minutes

### For Minor Applications

One Speaker may register under category: to object to and in support of the application. A Parish or Town Council representative may also register to speak. Each speaker will be permitted to speak for three minutes.

For Further information, please contact:

Kathy Wagg on 01553 616276  
[kathy.wagg@west-norfolk.gov.uk](mailto:kathy.wagg@west-norfolk.gov.uk)

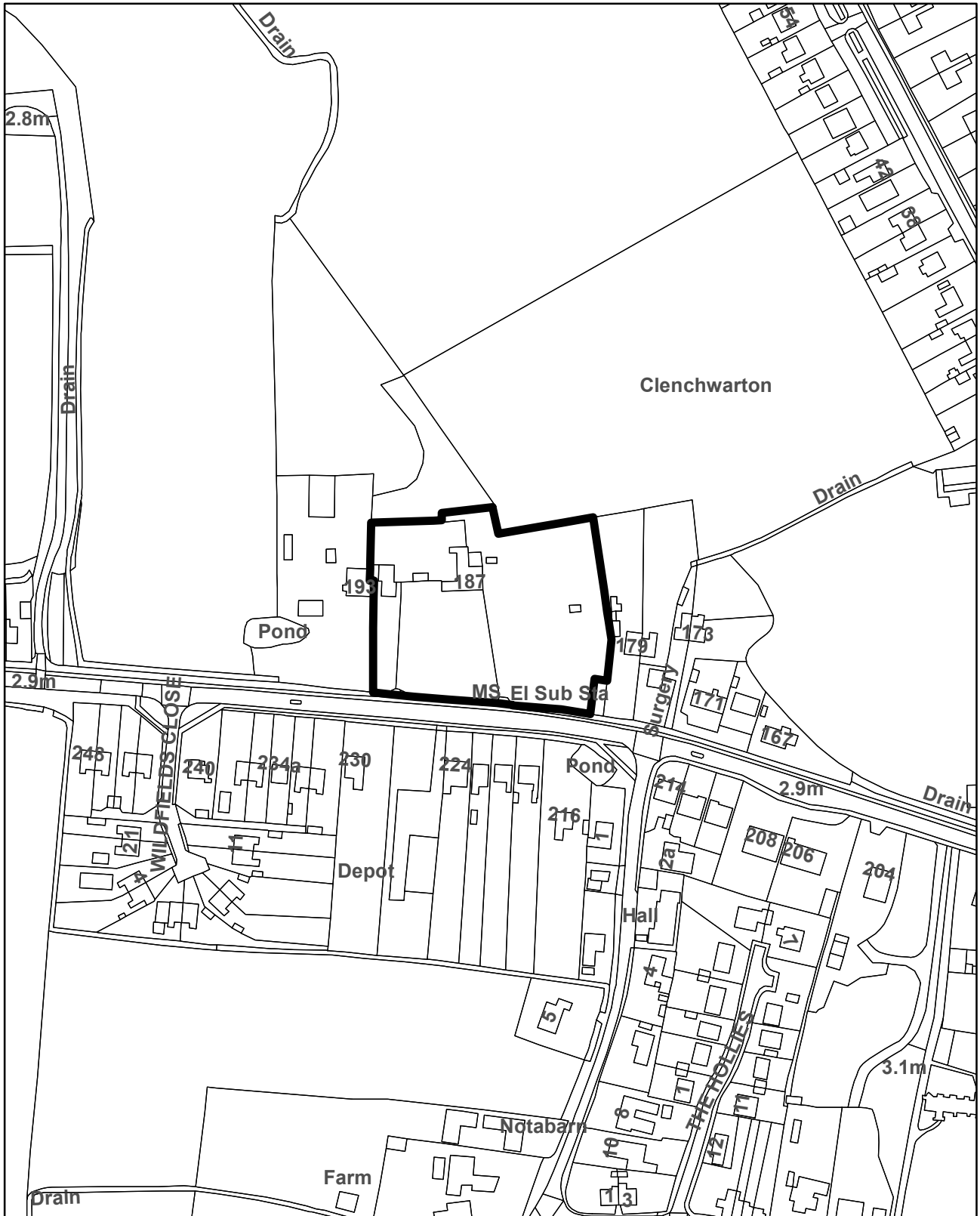
**INDEX OF APPLICATIONS TO BE DETERMINED  
BY THE PLANNING COMMITTEE AT THE MEETING  
TO BE HELD ON TUESDAY 5 DECEMBER 2017**

Item No.	Application No. Location and Description of Site Development	PARISH	Recommendation	Page No.
<b>8/1</b>	<b>DEFERRED ITEMS</b>			
<b>8/1(a)</b>	<b>17/01658/F</b> Wildfields 187 Main Road Proposed two storey annex - ancillary and linked to the dwelling	<b>CLENCHWARTON</b>	<b>APPROVE</b>	<b>8</b>
<b>8/2</b>	<b>MAJOR DEVELOPMENTS</b>			
<b>8/2(a)</b>	<b>16/02230/OM</b> Land W of 23 To 37 And N And W of 52 Bennis Lane OUTLINE APPLICATION SOME MATTERS RESERVED: Demolition of existing structures and for the erection of up to 44 dwellings (Use Class C3) with means of site access from Bennis Lane	<b>TERRINGTON ST CLEMENT</b>	<b>APPROVE</b>	<b>15</b>
<b>8/3</b>	<b>OTHER APPLICATIONS/ APPLICATIONS REQUIRING REFERENCE TO THE BOARD</b>			
<b>8/3(a)</b>	<b>17/01724/F</b> 60 Chapel Road Construction of a two storey extension	<b>DERSINGHAM</b>	<b>APPROVE</b>	<b>36</b>
<b>8/3(b)</b>	<b>17/01720/RM</b> Land E of Hunstanton Road And S of Robin Hill Hunstanton Road Approval of all matters reserved (erection of 9 dwellings and associated works)	<b>HEACHAM</b>	<b>APPROVE</b>	<b>44</b>
<b>8/3(c)</b>	<b>17/01670/F</b> The Dell Ely Road Rear ground floor and basement extension	<b>HILGAY</b>	<b>APPROVE</b>	<b>55</b>
<b>8/3(d)</b>	<b>17/01677/O</b> Sunnyside House 66 Main Road West Winch Outline Application: Erection of two dwelling houses and associated access	<b>NORTH RUNCTON</b>	<b>APPROVE</b>	<b>60</b>

<b>Item No.</b>	<b>Application No. Location and Description of Site Development</b>	<b>PARISH</b>	<b>Recommendation</b>	<b>Page No.</b>
<b>8/3(e)</b>	<b>17/00960/F</b> Land Adjacent 41 Hay Green Road North Proposed use of redundant agricultural land to site a static caravan, a mobile cabin and two shipping containers. All to provide accommodation and secure storage for the duration of a self-build project (pair of dwellings) on an adjacent area of the same field under the same ownership (planning Reference 15/01865/O). Plus retention of roadside boundary fence and gates	<b>TERRINGTON ST CLEMENT</b>	<b>APPROVE</b>	<b>79</b>
<b>8/3(f)</b>	<b>17/01218/F</b> Claremont Cottage 257 Lynn Road Removal Of Condition 2 Of Planning Permission 09/00626/F: Demolition of existing garage and construction of detached annexe	<b>TERRINGTON ST CLEMENT</b>	<b>REFUSE</b>	<b>86</b>
<b>8/3(g)</b>	<b>17/01584/RM</b> Land South 22 Green Road Reserved Matters Application: Construction of one dwelling	<b>UPWELL</b>	<b>APPROVE</b>	<b>98</b>
<b>8/3(h)</b>	<b>16/01500/F</b> Longacre 174 St Pauls Road South Removal of condition 2 of planning permission 2/91/0884/D: To remove agricultural occupancy restriction	<b>WEST WALTON</b>	<b>APPROVE</b>	<b>105</b>
<b>8/3(i)</b>	<b>17/01856/O</b> Clover Social Club Low Road Outline Application With Some Matters Reserved: Proposed redevelopment of brownfield site to residential	<b>WRETTON</b>	<b>APPROVE</b>	<b>112</b>

# 17/01658/F

Proposed two storey annex - ancillary and linked to dwelling



**1:2,500**



**AGENDA ITEM NO: 8/1(a)**

<b>Parish:</b>	Clenchwarton	
<b>Proposal:</b>	Proposed two storey annex - ancillary and linked to the dwelling	
<b>Location:</b>	Wildfields 187 Main Road Clenchwarton King's Lynn	
<b>Applicant:</b>	Mr & Mrs Green	
<b>Case No:</b>	17/01658/F (Full Application)	
<b>Case Officer:</b>	Clare Harpham	<b>Date for Determination:</b> 30 October 2017 <b>Extension of Time Expiry Date:</b> 8 December 2017

**Reason for Referral to Planning Committee** – This application was deferred from the November Committee in order to move the proposed workshop which previously formed part of this application (workshop now withdrawn from the application).

**Neighbourhood Plan:** No

**Case Summary**

The application seeks permission for the construction of a two storey annexe linked to the dwelling at Wildfields. The non-commercial workshop which formed part of the application and was discussed at the November Planning Committee meeting has been withdrawn from the application.

The application site is located within the settlement of Clenchwarton. Clenchwarton is designated as a Key Rural Service Centre in Policy CS02- Settlement Hierarchy of the Core Strategy (2011) which recommends limited growth of scale and nature appropriate to secure the sustainability of the settlement.

The site comprises of a rectangular plot that has an existing dwelling and outbuilding located to the west of it. Vehicular access to the site is provided by the existing laneway which leads onto Main Road.

**Key Issues**

Principle of development  
Form and Character  
Neighbour Amenity  
Access  
Flood Risk  
Other material considerations

**Recommendation**

**APPROVE**

## **THE APPLICATION**

The application seeks permission for the construction of a two storey annexe linked to the dwelling at Wildfields, 187 Main Road, Clenchwarton.

The application site is located within the settlement of Clenchwarton. Clenchwarton is designated as a Key Rural Service Centre in Policy CS02- Settlement Hierarchy of the Core Strategy (2011) which recommends limited growth of scale and nature appropriate to secure the sustainability of the settlement.

The site comprises of a rectangular plot that has an existing dwelling and outbuilding located to the west of it. Vehicular access to the site is provided by the existing laneway which leads onto Main Road.

## **SUPPORTING CASE**

The applicant raises the following comments in support of the proposed development:

Boundaries:

I noticed that reference has been made to boundary disputes between Wildfields House and a neighbour. Whilst I understand that this may be an issue, I do not believe this is a planning issue. For clarity, our client has held 'discussions' with their neighbour in regards to trying to resolve the dispute, however the neighbour has not been able to provide us or our client with a land registry document showing us that there is a discrepancy or an issue with boundaries and ownership – our client does have a land registry plan and this plan has been reflected in the location of the red line on documents submitted as part of this application.

Proposal Design – Annex:

The proposal has been designed to reflect that of the existing building, and as you can see from the submitted documents this is clear.

The position of the annex means that the structure will not be prominent when entering the site, and has been designed to be subservient to the existing dwelling. The annex is clearly linked to the existing dwelling and will remain ancillary.

Materials shall be reclaimed where possible, to again bring the annex and existing house together. All materials shall match that of the existing dwelling where applicable.

Proposal Design – Workshop (withdrawn from this application)

## **PLANNING HISTORY**

2/93/1731/F: Application Permitted: 18/01/94 - Construction of replacement double garage - Wildfields House, Main Road, Clenchwarton;

## **RESPONSE TO CONSULTATION**

### **Parish Council: NO OBJECTION**

It appears that the workshop is 1080mm from the west elevation to the boundary and 750mm (variable) from the north elevation to the boundary and 5000mm high to the ridge (all dims. are approximate but we believe are a good guide based on the drawing) As the workshop walls are predominately timber boarding, we are of the opinion (based on planning

regulation research) that the workshop should be at least 2m from the boundaries for a timber building that is above 2.5m in height. We are also given to believe that the boundaries as shown on the plan are the subject of dispute in which a solicitor is acting for a neighbour.

**Highways Authority: NO OBJECTION**

In terms of highway considerations, I have no objection to the principle of the development subject to a condition being included in a recommendation to ensure that safe visibility is maintained at the point of access.

**Environmental Quality: NO OBJECTION**

I have no comments to make regarding contaminated land or air quality.

**Environment Agency: NO OBJECTION**

We have no objection to this application. However, we would have expected the applicant to submit a Flood Risk Assessment (FRA) for the workshop and have acknowledged the flood risk to the site. As the annex is attached to the existing dwelling this falls within our Flood Risk Standing Advice. As the workshop is considered low risk we have no further comment to make.

**REPRESENTATIONS** Three representations were received **OBJECTING** to this application. Two of those representations received was from a neighbour raising concerns and the third representation was received from a County Councillor raising similar concerns they received on behalf of the neighbour listed above. A summary of the concerns listed in the representations are listed below:

- Outstanding dispute between parties with regard to the correct boundary
- At less than half a metre, the proposal is too close to the neighbouring boundary
- Concern that the workshop will be used as a commercial building
- Concerned with overlooking into neighbouring properties bedroom and kitchen (from workshop)
- Query why the proposed workshop is so close to the boundary when the application site is such a large site and the workshop could be placed elsewhere on site
- Concern surrounding the potential for excess noise and work taking place during unsociable hours
- Concerned with the potential fire hazard as a result of the material used in construction of the proposed unit.

**LDF CORE STRATEGY POLICIES**

**CS08** - Sustainable Development

**SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM2** – Development Boundaries

**DM7** - Residential Annexes

**DM15** – Environment, Design and Amenity

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)

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

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

## **PLANNING CONSIDERATIONS**

This application was deferred from the November Planning Committee as members expressed concern relating to the workshop and requested that it be moved further away from the boundary with the neighbour to the west. The workshop element of the application has now been withdrawn from the planning application and therefore members are asked to consider the annex only.

The key issues for consideration in determining this application are as follows:

- Principle of Development
- Form and Character
- Neighbour Amenity
- Access
- Flood Risk
- Other material considerations

### **Principle of development:**

The application site lies on the western side of the settlement of Clenchwarton and is located within the development boundary, as shown on Inset G25 Clenchwarton of the Site Allocations and Development Management Policies Plan (SADMP) 2016.

This proposal is for the construction of a two storey annex linked to the dwelling via the eastern elevation. The principle of the proposed development is considered acceptable and is in accordance with Policy CS08 of the Core Strategy (2011) and Policies DM2, Dm7 and DM15 of the SADMP.

### **Form and Character:**

The application site is very large with a large detached dwelling set relatively centrally within the plot. The proposed annexe is subservient and set back behind the principle elevation of the existing dwelling. In addition the site is well screened by trees and vegetation, would have little direct impact on the street scene and would not result in a harmful form of development. The proposed materials are to be reclaimed red facing brickwork, slate roof tiles and painted timber joinery which will relate well to the existing period dwelling on site.

### **Neighbour Amenity:**

The annex would have no material impact upon the neighbours either to the east or west. There is adequate screening and distance between the proposed annex and the neighbouring property to the east of the application site, so as to remove any impact the annex may have on the neighbour.

The neighbours to the west will be unaffected by the proposed annexe which is to the eastern side of the existing dwelling and therefore has the existing house between it and the proposed annex.

Both the applicants and neighbours located at 193 Main Road (west) dispute the exact line and location of the western boundary, with the neighbouring property arguing the boundary is in line with the concrete posts and wire fencing which are insitu on site. This dispute is a civil matter which is not a material planning consideration and as such is not considered during this application.

**Access:**

The site has an existing access and the Highway Officer has commented that they have no objection to the principle of the development subject to safe visibility being maintained at the point of access.

Since the comments were received from the Highways Officer the proposed workshop has been removed from the application and the proposed development now forms just the residential annex. In terms of highway safety the annex would not be considered to generate additional vehicular movements due to the nature of the development and therefore the condition relating to the visibility splay is considered onerous and will not be placed on the decision notice.

**Flood Risk:**

The site is located on land designated as Flood Zone 2, 3 and Hazard Zone of the Environment Agency Flood Risk Maps. The Environment Agency has commented that as the annex is attached to the existing dwelling they have no objection to the proposal.

**Other material considerations:**

Clenchwarton Parish Council submitted comments on 26/09/17 relating to permitted development rights in relation to the proposed workshop which has now been withdrawn from this application.

Third party representations received have raised concerns with the location of the western boundary line on site. This dispute is a civil matter and must be resolved between the applicant and neighbour. The resolution of such a matter is separate from obtaining planning permission.

Concerns were also raised regarding overlooking onto the neighbouring site. This was with regard to the workshop which has been withdrawn from this application.

**CONCLUSION:**

For the reasons outlined in this report it is considered that the proposed development accords with the overarching aims of national and local policy and would not have a detrimental impact on the amenities of the locality. The proposal is therefore acceptable and accords with Policies CS08 of the Core Strategy 2011 and Policies DM2, DM7 and DM15 of the Site Allocations and Development Management Policies Plan 2016. It is therefore recommended that this application be approved subject to conditions.

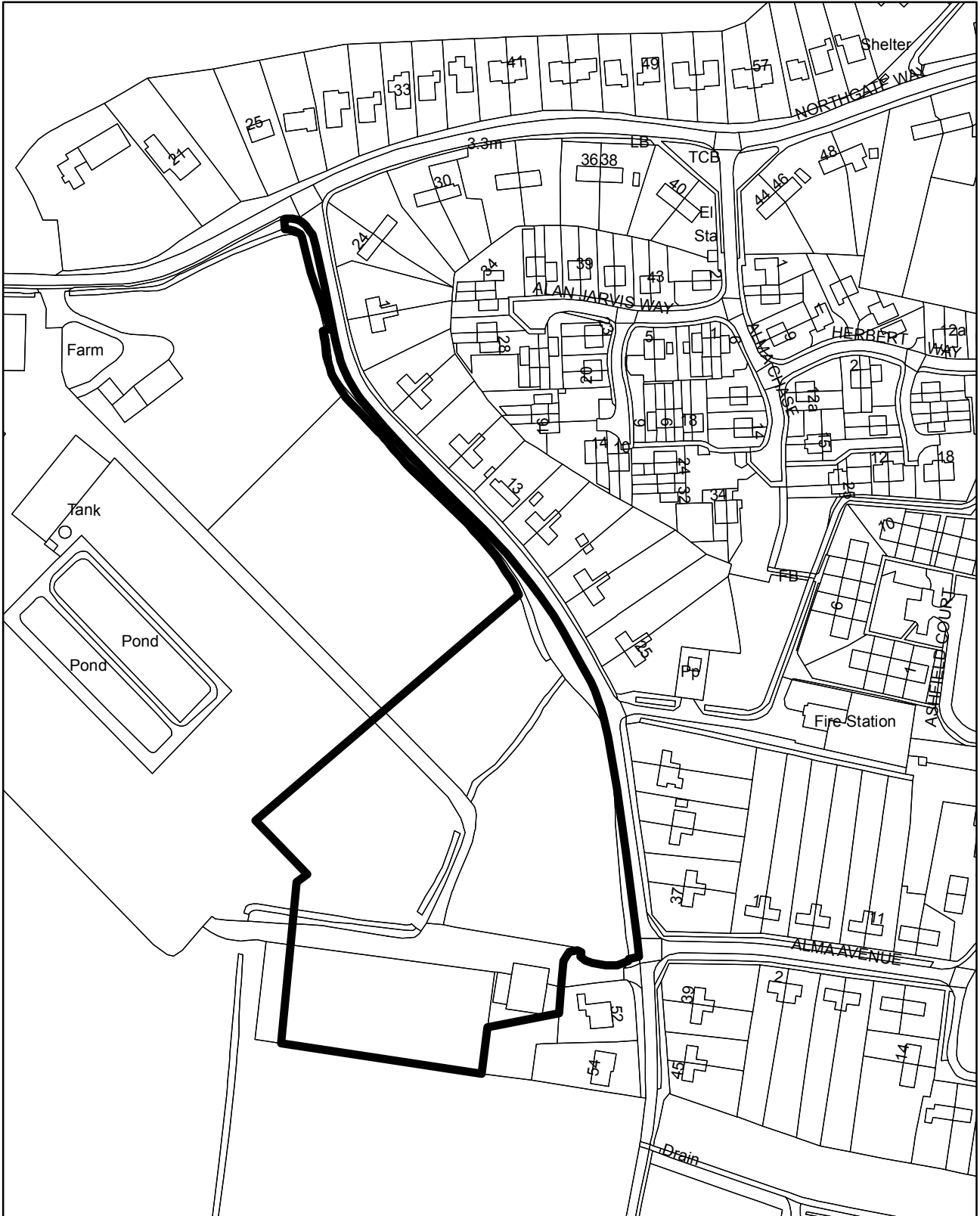
**RECOMMENDATION:**

**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 titled:
  - Proposed Plans & Elevations, Location Plan, drawing number 358-01B; and
  - Site Plan, drawing number 358-02B
- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition The additional residential accommodation hereby approved shall only be used as ancillary accommodation to the main dwelling and shall at no time be used as an independent unit of residential accommodation.
- 3 Reason For the avoidance of doubt and to ensure that the building is not used for unrelated purposes that would be incompatible with the provisions of the NPPF.

# 16/02230/OM

Land West of 23 to 37 and North and West of 52 Benns Lane  
Terrington St Clement



**1:2,500**

**AGENDA ITEM NO: 8/2(a)**

<b>Parish:</b>	Terrington St Clement	
<b>Proposal:</b>	<b>OUTLINE APPLICATION SOME MATTERS RESERVED: Demolition of existing structures and for the erection of up to 44 dwellings (Use Class C3) with means of site access from Benns Lane</b>	
<b>Location:</b>	Land W of 23 To 37 And N And W of 52 Benns Lane Terrington St Clement Norfolk	
<b>Applicant:</b>	Heyford Developments Ltd And Sutton Partnerships	
<b>Case No:</b>	16/02230/OM (Outline Application - Major Development)	
<b>Case Officer:</b>	Mrs N Osler	<b>Date for Determination:</b> 6 April 2017 <b>Extension of Time Expiry Date:</b> 8 December 2017

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

**Neighbourhood Plan:** No

**Case Summary**

The application is in outline for residential development on a site measuring approximately 2.37ha on the western side of Benns Lane, Terrington St Clement. The site represents one of three housing allocations identified in the Site Allocations and Development Management Policies DPD (2016), and Policy G93.3 relates specifically to development of this allocation.

All matters are reserved except access although the description of the development and indicative plans show 44 dwellings.

The site is a disused nursery although a Lawful Development Certificate in 2010 confirmed the use as B2 (industrial use).

The site lies within Flood Zones 2 and 3.

Terrington St Clement Conservation Area lies approximately 275m (as the crow flies) to the southwest of the site with the Grade 1 Listed Church approximately 322 in the same direction.

**Key Issues**

- Principle of Development
- Form and Character
- Residential Amenity
- Highway Safety
- Flood Risk and Drainage
- Affordable Housing and Other Contributions
- Other Material Considerations



## **Recommendation**

**(A) APPROVE** subject to conditions and completion of a suitable Section 106 Agreement within 4 months of the date of resolution to approve.

**(B) REFUSE** in the event that a suitable Section 106 Agreement is not completed within 4 months of the resolution to approve.

## **THE APPLICATION**

The site was previously used as a nursery and the majority of the site is covered by commercial greenhouses which are broken and disused. A Lawful Development Certificate in 2010 accepted that the site fell within Use Class B2 (general industrial). The site is therefore considered to be brownfield in planning terms.

The northern edge of the site adjoins the wider landholding which contains more derelict greenhouses and some small brick built buildings. The eastern boundary is edged by trees and a hedgerow. It has been indicated that these will be largely retained and / or replanted where necessary, but this issue would be fully covered at reserved matters stage. This boundary adjoins Bennis Lane from which the access will be taken. Part of the southern boundary adjoins the boundary of a bungalow. A small area of the allocation will be kept clear of development to allow access to this bungalow. The remainder of the southern boundary abuts open fields. It has been suggested that an existing hedgerow on this edge will be retained and supplemented with further planting (again this would be fully considered at reserved matters stage, although retention of the existing hedge can be conditioned at this outline stage). The western edge also adjoins open fields. This boundary is currently open but there is the opportunity to introduce planting on this boundary as part of the proposed development (again to be considered under reserved matters).

44 dwellings are proposed and are indicatively shown on the submitted plans. This is a reduction from the 47 dwellings on a larger site that was originally submitted. The reduction in numbers was necessary to bring the application site in line with the Local Plan allocation area.

A 30 metre buffer to the employment land to the north (the wider site) is shown in accordance with policy G93.3.

Access to the site is proposed from Bennis Lane which will require widening to 5.5m with a footpath on the western side.

Car parking is indicatively shown to be within the curtilages of the proposed dwellings, and parking provision is in line with current parking standards.

## **SUPPORTING CASE**

The following supporting statement has been submitted:

- The application has been made for Outline Planning Permission for a residential development for 44 dwellings (Use Class C3) on land at Bennis Lane, Terrington St Clement, which is allocated for development under Policy G93.3 of the Site Allocations and Development Plan Document (SADMP, 2016).

- Having undertaken extensive stakeholder consultation for the scheme it was identified that the main concerns arising from the proposals include: density of the proposed development; increase of traffic at Bennis Lane; safety of children along Bennis lane; and environmental and ecological impacts.
- In relation to density, Policy G93.3 of the (SADMP, 2016) confirms that the site is allocated for the delivery of “at least 35 dwellings.” The scheme proposes 44 dwellings at a density of 22.8 dwellings per hectare.
- The scheme has responded to concerns relating to an increase in traffic through the access/egress design. Access to the site is proposed from Bennis Lane via a new priority junction, positioned to the north of the Alma Avenue/Bennis Lane priority junction. The access specification is a carriageway width of 5.5m with a 1.8m pedestrian footway on the northern side. The access junction achieves visibility splays of 2.4m x 43m in both directions. These specifications are both appropriate and safe.
- With regard to an increase in traffic along Bennis Lane, a number of highway improvement measures have been identified to ensure that both existing and development traffic use the section of Bennis Lane to the north of the site access, rather than to the south. A new pedestrian footpath has also been incorporated into the design to ensure pedestrian safety this section of highway. In addition to safety, a review of accident records indicates that there are no highway safety concerns on Bennis Lane and this position is supported by the highway authority.
- We are also aware of concerns relating to flood risk and drainage. As such, additional drainage investigations have been undertaken by the applicant and agreed with the IDB. This will involve a controlled New Cut Drain, which is to be diverted as part of the development proposals via an attenuation feature.
- Having regard to the above and the drawings, reports and additional information submitted it is considered that the proposed development is fully compliant with National and Local Planning policy whilst meeting the objectives of establishing a high quality residential environment with the creation of an appropriate scale that respects the landscape and local character.

## **PLANNING HISTORY**

10/00727/LDE: Was Lawful: 24/06/10 - Certificate of lawfulness - Use of the land and buildings for B2 Industrial use

2/97/1174/F: Application Permitted: 29/09/97 - Siting of 10 blocks of polythene tunnels

2/97/1173/AG: 26/08/97 - Creation of reservoir and new roadways

2/97/0311/F: Application Permitted: 16/06/97 - Erection of 5 blocks of polythene tunnels

2/95/0951/F: Application Permitted: 03/10/95 - Retention of polythene multi-bay growing tunnels (revised proposal)

## RESPONSE TO CONSULTATION

**Parish Council:** The Parish Council **OBJECTS** to this application for the following reasons:

- Highway not wide enough to take a further increase in traffic.
- The turn left at the site access is advisory only and most drivers would use the short cut by turning right to access the A17 from Station Road.
- The infrastructure needs substantial improvement to cope with any additional use.
- Sewerage backs up and then leaks to the surface in wet weather due to the pump and pipes not being big enough to cope with an influx of waste.
- The council support the IDB comments relating to the 9mtr maintenance strip required.
- The site is prime agricultural land and not brownfield site.
- Concerns with regard to exacerbating the current problems with speeding traffic in Marshland Street and Northgate Way.

**Highways Authority:** **NO OBJECTION** subject to condition

**Housing Enabling:** The application triggers the need for on-site affordable housing provision which should be secured via S106 Agreement

**Historic Environment Service:** **NO OBJECTION** subject to condition

**Environment Agency:** **NO OBJECTION**

**Anglian Water:** There is available capacity to deal with both wastewater and foul sewage. No objection subject to condition relating to surface water management

**Lead Local Flood Authority:** **NO OBJECTION** subject to condition

**Open Space Officer:**

- In line with DM16 / CS14, a development of this size will be expected to provide at least 17m<sup>2</sup> per dwelling suitably equipped children's play space. Ponds / SUDs will not be counted towards open space provision, or adopted by the Borough Council;
- As far as possible, open space needs to be well overlooked and centrally located, mitigating any potential for anti-social behaviour;
- Open space is to be provided for public use, not just for use by residents;
- Robust arrangements need to be in place to secure permanent maintenance of all on site landscaping, trees, hedging etc. Landscaping outside of private gardens but conveyed to individual householders tends not to be maintained; and
- An open space specification, including detailed information on landscaping, play equipment, landscaping, paths and access arrangements will need to be submitted and approved prior to commencement of development.

**Internal Drainage Board:** **NO OBJECTION** subject to compliance with the Board's Bylaws and payment of the required development contribution

**Environmental Health & Housing – Environmental Quality:** **NO OBJECTION** subject to condition

**Environmental Health & Housing – CSNN:** **NO OBJECTION** subject to condition

**Natural England:** **NO OBJECTION**

**Planning Obligations:** There is spare capacity at Terrington St Clement High School, and although TSC Primary is full, the school has accommodation within its existing buildings that could be used as classbases and so has the potential capacity to accommodate the children generated by this development should it be approved. NCC will not therefore be seeking education contributions from this development.

A fire hydrant will be required.

A library contribution of £75 / dwelling (£2925) is requested.

**Emergency Planning Officer: NO OBJECTION** subject to condition

**Environment Agency: NO OBJECTION.** Strongly recommend that FFL are raised to a minimum of 3.7m aOD

**Norfolk Constabulary:** Makes recommendation for final layout

**Policy:** In general the policy team supports the application for the development of residential dwellings within the boundaries of the allocation G93.3 in Terrington St Clement, and due to the permitted flexibility an increased number of dwellings could be general acceptable, if other relevant criteria, e.g. in regard to form and character of the development, etc. are met.

**REPRESENTATIONS** Approximately **340** people have **OBJECTED** to the proposed development. The issues raised are summarised below:

- Bennis lane is too narrow to cope with the additional traffic and there are no footpaths or streetlights. This all suggests the development will result in accidents and deaths especially near the existing children's play area,
- Neighbouring roads in the village are not much better,
- People park on Bennis lane in the summer when the tennis courts and bowling green are in use,
- Construction traffic using the field entrance next to Terrington School will be dangerous,
- Additional pressure would be placed at the junction of Station road and the A17 Trunk Road where several fatal accidents have recently occurred,
- The narrow country lanes are not gritted in the winter and this development will cause greater road safety risks during the winter months,
- The infrastructure can't cope (e.g. water pressure, sewerage, broadband and electricity),
- The doctors and schools are already over-subscribed,
- Hospital is overstretched,
- Negative impact on wildlife including protected species,
- The site is not brownfield,
- Bennis lane drains into a dyke that already floods during heavy or prolonged rain and this will only get worse,
- The structure of Bennis lane would not cope with the weight of construction traffic or the ongoing vehicular movements associated with the new development,
- The application suggests this is only phase 1 which suggests there will be more development,
- The proposed access is near the fire station and this could cause issues because the fire service needs good access,
- The development will be detrimental to the character of the village,

- The development is contrary to the Core Strategy,
- The scale of development is too great for the village and is better suited to a town or an urban expansion area,
- Whilst traffic will be 'encouraged' to use the northern end of Benns Lane, the most direct route out of the village is via the southern end. Notwithstanding this neither junction is safe,
- Building in an area at risk of flooding will put existing homes at greater risk,
- Noise and disturbance both during construction and when the development is occupied,
- The site could be brought back into use for employment,
- The affordable housing should only be offered to those currently living in the village that are in need of housing,
- The traffic and parking at the school is not great at the moment, the development will cause extra pressure,
- The local Co-op has limited car parking spaces; again the development would put added pressure on this,
- Access to the site should be from Northgate Way as was originally shown in the Sutton family consultation to the village some 2/3 years ago,
- Additional pollution and litter,
- The development would destroy the communal spirit Terrington has built and sustained over the years,
- There has already been significant development in Terrington; more is not required,
- Should not build on grade 1 agricultural land,
- There has been no public consultation,
- People do not abide by the speed limits,
- Impact on the setting of the church,
- Concerns relating to drainage,
- No more low cost starter homes are needed in the village,
- It appears the lack of consultation is an attempt by the applicant and all concerned to keep the general public in the dark. How many objections would there have been if the entire village had been consulted on the application. Additionally the timing of the application is open to scepticism,
- The development does not respect the traditional model in the village of larger gardens in keeping with rural traditions of having kitchen gardens and chickens,
- Dwellings will have blank and characterless facades,
- The proposal suggests a low level of environmental sustainability in relation to the dwellings themselves; only aiming to meet minimum environmental building standards,
- The allocation process was flawed,
- Affordable housing will bring in some people that could make the village unsafe,
- Safety of school children and the lack of a suitable crossing,
- A number of third parties are not happy that the Borough Council has not responded to their individual responses.

One letter of support was received. Support is given on the understanding that the road is widened to a minimum of 5.5m and a shared foot/cycle path is provided because the development will enhance the look of what is currently an over grown dumping ground that causes all the drainage channels to flood the road.

## **LDF CORE STRATEGY POLICIES**

### **CS01 - Spatial Strategy**

**CS02** - The Settlement Hierarchy

**CS08** - Sustainable Development

**CS09** - Housing Distribution

**CS11** - Transport

**CS12** - Environmental Assets

**CS14** - Infrastructure Provision

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM1** – Presumption in Favour of Sustainable Development

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

**DM16** – Provision of Recreational Open Space for Residential Developments

**DM17** - Parking Provision in New Development

**DM19** - Green Infrastructure

**DM21** - Sites in Areas of Flood Risk

## **NATIONAL GUIDANCE**

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

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

## **PLANNING CONSIDERATIONS**

The main issues for consideration in relation to this application are:

- Principle of Development
- Form and Character
- Highway Safety
- Flood Risk and Drainage
- Residential Amenity
- Open Space
- Affordable Housing and Other Contributions
- Ecology
- Landscaping
- Noise
- Other Material Considerations

## Principle of Development

The site forms one of the three housing allocations for Terrington St Clement, and Policy G93.3 relates specifically to this site and states: *'Land amounting to 2.2 hectares west of Benn's Lane, as shown on the Policies Map is allocated for residential development of at least 35 dwellings. Development will be subject to compliance with all of the following:*

- 1. A significant buffer area (minimum width of 30m) as indicated on the Proposals Map, shall be incorporated and retained thereafter along the northern site boundary to mitigate any impacts from the adjacent employment use. Details of this shall be submitted to and agreed by the LPA prior to use of the land taking place;*
- 2. Submission of a Flood Risk Assessment (FRA) that should address all forms of flood risk (coastal inundation, fluvial, pluvial and groundwater). The FRA should explain how surface water drainage will be managed. The FRA must demonstrate how the development would provide wider sustainability benefits to the community that outweigh the risk associated with flooding and that the development would be safe for its lifetime without increasing flood risk elsewhere and, where possible, would reduce flood risk overall. The FRA should also suggest appropriate mitigation (flood resiliency measures);*
- 3. Submission of a detailed contamination assessment in accordance with the requirements of the National Planning Policy Framework (NPPF) and the Environment Agency's 'Guiding Principles for Land Contamination';*
- 4. Demonstration of safe access from Benn's Lane and the provision of adequate pedestrian / cyclist links;*
- 5. Provision of affordable housing in line with the current standards.*
- 6. Satisfactory accommodation of the Internal Drainage Board maintained drain crossing the site.*

The following report will show that: a buffer area has been incorporated into the indicative masterplan; there are no objections from statutory consultees in relation to flood risk; contamination can be suitably conditioned; the Local Highway Authority has no objection to the proposed development on the grounds of highway safety; affordable housing, in line with current standards, will be secured via a S106 Agreement and the IDB has no objection to the proposed development.

It is also important to note that, regardless of third party comments suggesting otherwise, the site was lawfully found to be a brownfield site by virtue of a lawful development certificate granted in June 2010 (10/00727/LDE). In this regard there is a presumption in favour of development on brownfield sites wherever possible.

The principle of development for residential use of this site is therefore in accordance with the NPPF and Development Plan and should be supported subject to compliance with other national and local planning policy and guidance.

## Form and Character

Layout, scale and appearance are all reserved for future consideration. However, housing types in the vicinity of the site include simple rows of cottages to larger properties, farm houses and barns.

To the east (on the opposite side of Benn's Lane), two-storey, c.1950s housing can be found. The dwellings facing the site are semi-detached and brick faced with a mix of gable and hip tiled roofs.

To the north, Benns Lane connects to Northgate Way where more c.1950s, two-storey housing lines the southern side of Northgate Way with development of 1-2 storey c.1960s housing lining the northern side of the road.

Apart from the church, the scale of development in the area is generally 1-2 storeys with occasional 2.5 storey examples. Building styles, age and form are varied.

It is therefore concluded, given the variety of dwellings in the locality, that there is no reason why a suitably designed scheme (that would be considered under reserved matters) could not be accommodated on the site without detriment to the form and character of the locality.

In relation to the impact on the Grade I listed Church of St Clement and its associated Grade I Listed Tower (which are located approximately 350m southwest of the site); the Heritage Statement that accompanied the application concludes that the proposal would not affect either.

### **Highway Safety**

In relation to the current application, the LHA acknowledges the current use of the site as brownfield / B2, and that the site has been allocated for at least 35 dwellings subject to the provision of a safe access to / from Benns Lane and the provision of adequate pedestrian / cycle links.

As a consequence, with reference to highway matters only, the LHA does not recommend refusal subject to not only 'standard' conditions relating to estate development but also requiring off-site highway improvements works to include the widening of Benns Lane and the provision a 1.8m wide footpath between the site and the existing footway at Northgate Way.

In summary whilst most third party objections relate to highway safety, there is no technical reason to refuse the application on the grounds of highway safety.

Some third parties also suggest that the Local Highway Authority do not support this application. However this relates to comments that the LHA made to the proposal to include this land in the Local Plan as an allocation and not in relation to the application before committee today. In this regard, the LHA commented, in respect of the consultation on the Site Allocations and Development Management Policies Plan Consultation 2015, that: if this site was to remain in the Plan the Highway Authority would expect that Policy G93.3 would require appropriate mitigation measures, including a frontage footpath linking the site to schools and other facilities within the village, along with measures to protect Benn's Lane to the south of the site from additional traffic as a result of the development.

The fact that the LHA does not object to the current application suggests that the concerns the LHA expressed at the allocation stage have been suitably addressed.

### **Flood Risk and Drainage**

#### *Flood Risk:*

The site lies in an area at potential risk of flooding. Both national (the NPPF and NPPG) and local (the Development Plan) policy seeks to steer new development away from areas at risk of flooding by virtue of applying the sequential test.

However it is not necessary to undertake the sequential test on allocated sites (as it is considered that this occurred during the allocation process). Further, and in line with



emerging Development Plan Policy DM21, only the second element of the exception test is required (as it is likewise considered that the first element (wider sustainability benefits) is deemed to be met by the allocation process).

The second part of the exception test requires that a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.

The topography of the site is relatively flat at around 3m aOD. However, the FRA suggests that some parts of the site are as low as 2.4m aOD and some as high as 3.6m aOD. The FRA has indicated that in a flood event flood levels could reach 3.4m aOD. The FRA suggests therefore that either finished floor levels (FFL) should be set a minimum of 300mm above flood level or at flood level with flood resilient measures incorporated 300mm above. The EA suggests that setting the FFL at 3.7m aOD is the preferred option and has no objection to the proposed development.

#### *Drainage:*

The Drainage Strategy (DS) that accompanied the application has concluded that due to relatively high groundwater and soil conditions (clay silt sand and gravel) that infiltration is not possible. It is therefore proposed to discharge surface water into an existing water course; the IDB controlled New Cut Drain (NCD). The NCD currently sits in a relatively central position within the site running north/south before exiting to the west. The NCD would be diverted around the north-western boundary of the site as part of the application and the IDB has confirmed that it will accept surface water flows of 5 litres / second (currently run off rates across the site vary between 1.4 l/s and 8.1 l/s).

In order to restrict the run off rate to 5 l/s approximately attenuation storage is required. This is to be provided in an attenuation pond that is indicatively shown in the northwest corner of the site. The pond would then discharge into the NCD.

Further source control SUDS could be provided in the form of greenroofs, water butts, permeable paving and rainwater recycling. SUDs provision, maintenance and management could all be suitably conditioned if permission is granted.

Foul sewers in the area drain to the Kings Lynn Water Recycling Centre, which Anglian Water has confirmed has capacity to treat flows from this development and that they will adopt the onsite surface water sewer network.

The report concludes that the development will remain safe in terms of flood risk and can be suitably drained for the lifetime of the development. None of the statutory consultees (the EA, LLFA or IDB) object to the proposed development in relation to drainage or the risks associated with flooding.

#### **Residential Amenity**

Overlooking, overbearing and overshadowing impacts cannot be fully considered at this time as the plans are indicative only due to the outline nature of the application. It is however considered that the indicative plan shows that issues of overlooking, overbearing or overshadowing impacts could be designed out. As such your officers conclude a suitable scheme could be achieved on site.

## **Open Space**

Open Space provision is covered in Development Management Policy DM16 and requires (once calculated) 17m<sup>2</sup> per dwelling of equipped play space. As per the Open Space Officer's comments this area cannot include Ponds / SUDs.

The supporting information suggests the indicative layout provides the requisite 748m<sup>2</sup> required by this development (44 x 17).

Open Space provision and management and maintenance thereof will be covered by the S106 Agreement.

## **Affordable Housing and Other Contributions**

The size and scale of the proposed development triggers the requirement for the provision of affordable housing. In this instance 8 units would be required (20%). Affordable housing will be secured via the S106 Agreement.

£50 per dwelling habitats mitigation fee was paid on submission of the application.

A fire hydrant is required on site. This can be suitably conditioned.

Monies for library provision can no longer be secured via S106 agreement as CIL now covers such things. However, it is pertinent to note that, notwithstanding numerous third party comments that suggest the schools are full to capacity, Norfolk County Council suggests that no educational contribution is required from this development as there is capacity at both the high school and the primary school.

## **Ecology**

A Preliminary Ecological Appraisal was carried out followed by Phase 2 species surveys for bats, badgers, water voles and Great Crested Newts.

The conclusion of the surveys is that, with appropriate mitigation, the ecological receptors identified above would not be adversely affected by the development.

Whilst indicative only, ecological enhancements proposed within the current Illustrative Masterplan include the provision of improvements to existing ditch habitats, areas of additional planting, a great crested newt mitigation area and the creation of a pond which would benefit water voles. All the proposed mitigation measures, and further surveys that are suggested in the reports can be suitably conditioned if permission is granted.

Taking each species in turn:

*Bats:* Provision of attenuation pond shown on indicative plan, gapping up of hedgerows and provision of new areas of planting using native trees and shrubs, low level lighting only adjacent to retained hedgerows or green space (warm-white LEDs or low pressure sodium bulbs).

*Water Voles:* Whilst no water voles were recorded utilising the ditches within the site, they are using the drain to the immediate southwest of the site. The report concludes that the development is likely to impact on these water voles. Mitigation includes provision of the attenuation pond, protection of the ditch during construction works. Additionally a prior to development 'update survey' should be undertaken.

*Great Crested Newts:* A disturbance licence will be required from Natural England prior to the development taking place. The necessary mitigation relating to GCNs will therefore be covered in the licence and does not therefore require conditions to be appended to any permission that may be granted under this application.

*Badgers:* The proposed development will result in the loss of a single outlier sett (a sett in current use). Prior to development a further 'update survey' should be undertaken to inform the requirement for a NE licence. This survey must take place between July and November inclusive. As with GCNs, because a licence will be required, any mitigation will be covered by the licence and further conditions (other than the requirement for an 'update survey') will not be necessary.

In relation to bats and water voles, as there is a possibility of them being present on site, and in relation to badgers and GCN where it has been concluded that a licence will be required, the LPA is required to consider the tests of derogation, under the Habitats Directive.

The tests are:

1. There are imperative reasons of overriding public interest (IROPI);
2. There are no satisfactory alternatives; and
3. It would not be detrimental to the maintenance of the population of the species at favourable conservation status.

1. IROPI - NE's guidance advises that IROPI can potentially include developments that are required to meet or provide a contribution to meeting a specific need such as complying with planning policies and guidance at a national, regional and local level. The Local Plan shows a need for additional housing in the Borough over its fifteen year life (2011 – 2026), and this is an allocation in the Plan, and part of the planned provision.

2. No satisfactory alternatives – The site is one of the housing allocations for Terrington St Clement, and it has already been established that it will come forward for housing.

3. Population maintenance - it appears to be unlikely that development of this parcel of land, with appropriate mitigation, will detrimentally impact the conservation status of any of the aforementioned species.

The LPA can therefore reasonably form the view, from the information submitted to it for this planning application that NE would not be unlikely to grant a derogation licence under the Regulations in relation to this development and that planning permission should not be refused for this reason.

### **Landscaping and Trees**

A tree survey by Wardell Armstrong has assessed the trees on and around the site in relation to the proposed development in order to determine their quality and value and to categorise them according to their contribution. It is proposed to retain the best groups of trees in the most ecologically and visually important areas, along with new planting within and around the developed areas. This will allow for new housing whilst still retaining and reinforcing the landscaping within the site. Principally the frontage to Benns Lane is lined with a hedgerow. This will be retained as far as possible with replanting as necessary where there is unavoidable loss to accommodate highway requirements for road widening and visibility splays. In relation to the trees and hedgerows that are to be protected, these can be protected by condition.

With regard to landscape design, the surrounding area displays a mix of hard and soft landscaping. Gardens are mainly soft landscaped but also include car parking. Hedges commonly define front boundaries. The applicant considers therefore that this treatment would also be appropriate for any new development.

Landscaping is however a reserved matter and will be fully considered at a later stage.

### **Noise**

A Noise Assessment has been carried out the results of which indicate that the limits will not be exceeded in outdoor living areas across the development site. It is therefore not proposed to incorporate mitigation measures into the proposed site design.

A suggested 30 metre buffer between the employment site to the north and the nearest proposed dwelling is however suggested by the LPA. In addition to this, close boarded fencing of 2m in height could be installed along the boundary of the former commercial site. This can be landscaped to improve the visual impact.

### **Other Material Considerations**

In relation to third party comments not covered above your officers respond as follows:

- The application suggests this is only phase 1 which suggests there will be more development – if further development is proposed it would require an application that would be considered on its own merits;
- The development would destroy the communal spirit Terrington has built and sustained over the years – this is an allocation to provide housing and it is not understood how this would destroy community spirit;
- It appears the lack of consultation is an attempt by the applicant and all concerned to keep the general public in the dark. How many objections would there have been if the entire village had been consulted on the application. Additionally the timing of the application is open to scepticism – the application has been fully consulted on, and there has been ample opportunity to comment;
- The proposal suggests a low level of environmental sustainability in relation to the dwellings themselves; only aiming to meet minimum environmental building standards – this is a building regulations issue, however only minimum standards are required to be met;
- The allocation process was flawed – at the time of writing this report the LPA has an adopted plan that has been through the appropriate stages of adoption;
- A number of third parties are not happy that the Borough Council has not responded to their individual responses – the LPA does not respond to individual comments made on planning applications, those comments are covered in either the officer or committee report.

### **Crime and Disorder**

There are no specific crime and disorder issues arising from the proposed development and Designing out Crime will be fully considered at the reserved matters stage.

### **CONCLUSION**

This application is for development of one of the three housing allocations in Terrington St Clement and would provide 44 dwellings.

The application is in outline form, however it has been demonstrated (through indicative layout plans) that 44 units could be suitably accommodated on site.

The development would result in on-site affordable housing, SuDS and open space and would contribute towards the protection of protected sites in the borough in accordance with the requirements of the Habitats Regulations.

The supporting technical reports demonstrate that impacts relating to noise, pollution, traffic, flood risk, drainage and ecology have been fully considered and can be satisfactorily mitigated where necessary.

The proposal fully accords with the NPPF, NPPG and Local Policies contained in the Core Strategy, 2011 and SADMP, 2016. It is therefore considered that this application should be approved subject to the following conditions.

## **RECOMMENDATION:**

**(A) APPROVE** subject to conditions and completion of a suitable Section 106 Agreement within 4 months of the date of resolution to approve and subject to the imposition of the following condition(s):

- 1 Condition Approval of the layout, scale, appearance and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority before any development is commenced.
- 1 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.
- 2 Condition Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted to the Local Planning Authority in writing and shall be carried out as approved.
- 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.
- 3 Condition Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 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.
- 4 Condition The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the latest such matter to be approved.
- 4 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.
- 5 Condition No works shall commence on the site until such time as detailed plans of the roads, footways, foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. All construction works shall be carried out in accordance with the approved plans. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

- 5 Reason To ensure satisfactory development of the site and a satisfactory standard of highway design and construction.

This also needs to be a pre-commencement condition given the fundamental details linked to drainage and other infrastructure which needs to be planned for at the earliest stage in the development.

- 6 Condition Before any dwelling is first occupied the road(s) and footway(s) shall be constructed to binder course surfacing level from the dwelling to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority.

- 6 Reason To ensure satisfactory development of the site.

- 7 Condition Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4 x 43 metres shall be provided to each side of the access of the site with Benns Lane where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.

- 7 Reason In the interests of highway safety.

- 8 Condition Prior to the commencement of any works a Construction Traffic Management Plan (CTMP) which shall include provision for on-site parking for construction workers and Construction Traffic Access Route (CTAR) which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway shall be submitted to and approved in writing with the Local Planning Authority (LPA) together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic. For the duration of the construction period all traffic associated with the construction of the development shall comply with the approved CTMP and CTAR unless otherwise agreed in writing by the LPA.

- 8 Reason In the interests of maintaining highway efficiency and safety.

- 9 Condition Notwithstanding the details indicated on the submitted drawings no works shall commence on site unless otherwise agreed in writing until off-site highway improvement works including a detailed scheme for the change of priority at the Alma Avenue / Benn's Lane junction and provision of a 5.5m carriageway and 1.8m footway between the site and Northgate Way as indicated on drawing(s) number(ed) 2062-01, 2062-02 and 2062-04, have been submitted to and approved in writing by the Local Planning Authority.

- 9 Reason To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor.

This also needs to be pre-commencement conditions as these fundamental details need to be properly designed at the front end of the process.

- 10 Condition Prior to the first occupation of the development hereby permitted the off-site highway improvement works referred to in Condition 9 shall be completed to the written satisfaction of the Local Planning Authority.

- 10 Reason To ensure that the highway network is adequate to cater for the development proposed.
- 11 Condition No dwelling shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).
- 11 Reason To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard.
- 12 Condition Prior to the commencement of groundworks, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to:
    - human health,
    - property (existing or proposed) including buildings, crops, livestock, pets,
    - woodland and service lines and pipes,
    - adjoining land,
    - groundwaters and surface waters,
    - ecological systems,
    - archaeological sites and ancient monuments;
  - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
- 12 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 13 Condition Prior to the commencement of groundworks, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must 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 the land after remediation.

- 13 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 14 Condition The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of groundworks, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

- 14 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 15 Condition In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 12, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 13, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 14.
- 15 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 16 Condition The development shall not be brought into use until a scheme for the provision of fire hydrants has been implemented in accordance with a scheme that has previously been submitted to and approved in writing by the Local Planning Authority.
- 16 Reason In order to ensure that water supplies are available in the event of an emergency in accordance with the NPPF.
- 17 Condition The development hereby approved shall comprise of no more than 44 residential units.
- 17 Reason To define the terms of permission.



- 18 Condition Finished floor levels in the development hereby approved shall be set no lower than 3.7m aOD and flood resistance and resilience measures shall be incorporated in the development.
- 18 Reason To reduce the risks associated with flooding in accordance with the NPPF and Development Plan.
- 19 Condition No development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and
- I. The programme and methodology of site investigation and recording,
  - II. The programme for post investigation assessment,
  - III. Provision to be made for analysis of the site investigation and recording,
  - IV. Provision to be made for publication and dissemination of the analysis and records of the site investigation,
  - V. Provision to be made for archive deposition of the analysis and records of the site investigation and
  - VI. Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.

The development shall be carried out in accordance with the approved written scheme of investigation.

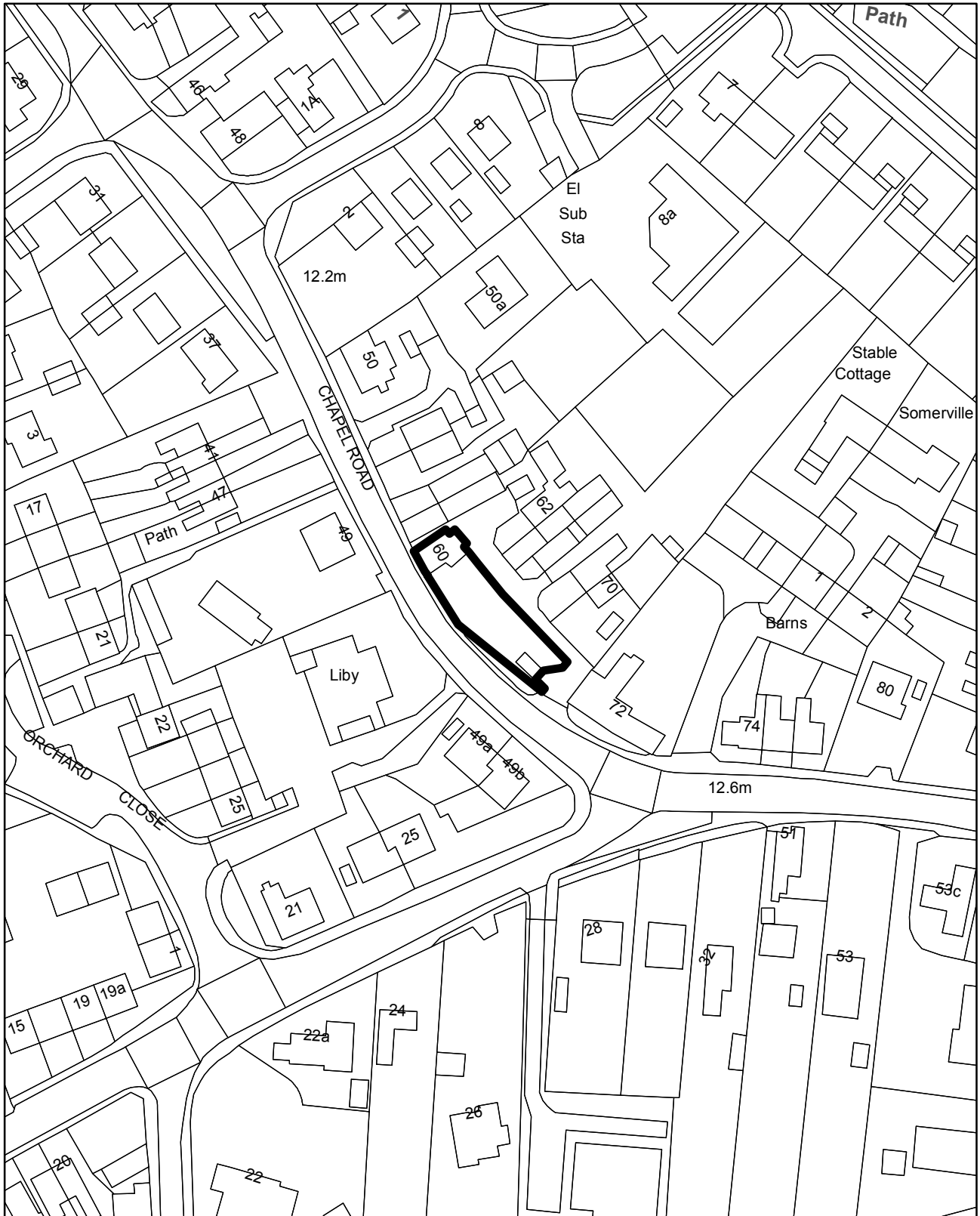
- 19 Reason To safeguard archaeological interests in accordance with the principles of the NPPF. This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.
- 20 Condition The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under Condition 19 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 20 Reason To safeguard archaeological interests in accordance with the principles of the NPPF.
- 21 Condition Prior to commencement of development a detailed construction management plan must be submitted to and approved by the Local Planning Authority; this must include proposed timescales and hours of construction phase. The scheme shall also provide the location of any fixed machinery, and proposed mitigation methods to protect residents from noise and dust. The scheme shall be implemented as approved.
- 21 Reason To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.
- 22 Condition Prior to the commencement of the development hereby permitted a survey to identify the extent of the water vole population on or adjacent to the development site shall be undertaken.
- 22 Reason To further identify and update the extent of water voles populations in accordance with the NPPF and NPPG.

- 23 Condition The results of the survey required under Condition 22 above shall be submitted to the Local Planning Authority prior to the commencement of development, including site clearance works. The results shall also provide for any mitigation / enhancement measures appropriate to the extent of any water vole populations recorded in order to minimise the impact of the development upon the voles both during construction and upon completion. A timetable for the implementation / completion / maintenance of the mitigation / enhancement works shall also be submitted with the results. The mitigation / enhancement works shall be completed and maintained in accordance with the agreed details and timetable other than with the prior written approval of the Local Planning Authority or where a different mitigation scheme or timetable scheme is required under any water vole license that may be required by Natural England.
- 23 Reason To ensure that the impact of the development upon protected species is minimised in accordance with the NPPF and NPPG.
- 24 Condition The reserved matters application should include the provision of an attenuation pond, gapping up of hedgerows and the provision of native trees and shrubs.
- 24 Reason To ensure that the impact of the development upon protected species is minimised in accordance with the NPPF and NPPG.
- 25 Condition No site clearance works shall take place during the breeding season (March through August inclusive) unless otherwise agreed in writing by the Local Planning Authority.
- 25 Reason To ensure that the impact of the development upon protected species is minimised in accordance with the NPPF and NPPG.
- 26 Condition No development or other operations shall commence on site until the existing trees and hedgerows shown in the Arboricultural Impact Assessment (AIA) to be retained have been protected in accordance with the details contained in the AIA unless otherwise agreed in writing by the Local Planning Authority (LPA). If the protective fencing is damaged all operations shall cease until it is repaired in accordance with the approved in the AIA. Nothing shall be stored or placed in any fenced area and ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the LPA.
- 26 Reason To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF. This needs to be a pre-commencement condition given the potential for damage to protected trees during the construction phase.
- 27 Condition Prior to commencement of development, in accordance with the submitted Drainage Strategy approved as a part of the outline application, designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:
- I. Surface water runoff rates will be attenuated to 5 l/s as outlined in the letter of approval from the IDB. The applicant should demonstrate compliance with the Boards Byelaws.

- II. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1 in 100 year return period, including allowances for climate change, flood event. A minimum storage volume of 784.9 m<sup>3</sup> will be provided in line with Appendix G of the submitted FRA.
  - III. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:
    - 1 in 30 year critical rainfall event to show no above ground flooding on any part of the site.
    - 1 in 100 year critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.  
FEH rainfall data should be applied for all critical storm durations longer than 1 hour.
  - IV. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1 in 100 year return period.
  - V. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.
  - VI. A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development.
- 27 Reason To prevent flooding in accordance with National Planning Policy Framework paragraph 103 and 109 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the surface water drainage system operates as designed for the lifetime of the development.
- 28 Condition In relation to access only, the development hereby permitted shall be carried out in accordance with the following approved plans drawing no's: 2062-01 and IM-01 Rev.N.
- 28 Reason For the avoidance of doubt and in the interests of proper planning.
- (B) REFUSE** in the event that a suitable Section 106 Agreement is not completed within 4 months of the resolution to approve.

# 17/01724/F

60 Chapel Road Dersingham



**AGENDA ITEM NO: 8/3(a)**

<b>Parish:</b>	<b>Dersingham</b>	
<b>Proposal:</b>	<b>Construction of a two storey extension</b>	
<b>Location:</b>	<b>60 Chapel Road Dersingham King's Lynn Norfolk</b>	
<b>Applicant:</b>	<b>Katie Innes</b>	
<b>Case No:</b>	<b>17/01724/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mr James Sheldrake</b>	<b>Date for Determination: 13 November 2017 Extension of Time Expiry Date: 24 November 2017</b>

**Reason for Referral to Planning Committee** – At the discretion of the Executive Director (Environment and Planning).

**Neighbourhood Plan:** No

**Case Summary**

The application site lies within the Conservation Area of Dersingham. Dersingham is classified a Key Rural Service Centre according to Policy CS02 of the Local Development Framework Core Strategy 2011.

The existing property is a small, traditionally built dwelling primarily built from carrstone with chalk and brick detailing and brick to the rear lower storey. The dwelling is roofed with traditional Norfolk clay pantiles.

The proposal seeks consent for a two storey extension. Amended proposed floor plans were received on the 16th of November and amended proposed elevations were received on the 21st November.

**Key Issues**

Principle of Development  
Impact upon the character and appearance of the Conservation Area  
Highway Safety  
Impact upon Neighbour Amenity  
Other Material Considerations

**Recommendation**

**APPROVE**

## THE APPLICATION

The application site lies within the Conservation Area of Dersingham. Dersingham is classified a Key Rural Service Centre according to Policy CS02 of the Local Development Framework Core Strategy 2011.

Chapel Road runs from its junction with Lynn Road to the west to the junction with Shernborne Rd and the B1440. The site is located approximately half way along Chapel Road on the north side of the road, within the conservation area. The surrounding properties within the conservation area are traditional in style and are predominantly constructed from brick and stone with Norfolk clay pantiles roofs. The site is in front of a row of cottages (62-70 Chapel Road).

The site is unusual in that it is long and narrow and runs parallel to Chapel Road and the gravel track serving 62-70 Chapel Road to the north. 60 Chapel Road is predominantly two-storey and incorporates the original two-storey cottage to the north-west and two small single storey extensions to the rear (north-east) and side (south-east). The existing property is a small, traditionally built dwelling primarily built from carrstone with chalk and brick detailing and brick to the rear lower storey. The property incorporates Georgian bar windows and the roof is lined with traditional Norfolk clay pantiles. The wall fronting the highway beside the dwelling is traditionally built from brick and stone and positively contributes to the character and appearance of the conservation area.

Amended proposed floor plans were received on the 16th of November and amended proposed elevations were received on the 21st November.

The amended proposal that is being assessed is a two-storey, subservient extension incorporating architecturally in-keeping materials, windows and detailing to the front and side and contemporary windows to the rear.

## SUPPORTING CASE

The agent submitted the following supporting statement:

"17/01724/F | Construction of a two storey extension | 60 Chapel Road Dersingham King's Lynn Norfolk PE31 6PN"

The scheme was originally designed to reflect the desire of the applicant to increase the overall amount and size of the dwelling. Following receipt of comments from the planning authority on the 25 and 26 October the scheme was revised and issued on 6 November 2017 to reflect the points raised and discussed. Further revision were made and issued to the 16 November 2017 to modify the fenestration to the south gable and on the 21 November 2017 to confirm that the fire escape window to east elevation be obscure glazed to accord with planning authority comments. We have responded to all the issues brought to our attention and revised the scheme to the satisfaction the planning officers.

In respect of individual concerns of objectors we would comment as follows:

- The footprint of the building has increased from 93.6m<sup>2</sup> representing 22.8% of the site area to 120.2m<sup>2</sup> representing 29.3% of the site area which is a modest increase of 6.5% difference
- The proposal at 29.3% of the site area does not constitute over development
- The height of the dwelling has not been raised and the extension is subservient to the original

- The old wall albeit in very poor condition is being retained as part of this proposal
- The proportion, scale, selection of materials, ratio of wall to window and window proportions are consistent with those currently existing on this site and the conservation area
- Views from the west and highway to properties number 62 - 70 is currently obscured by the hedge fronting chapel Road. The reduction in extension length mitigates any obscuring and does not impact on the views from the south, south west and large proportion from the west to the properties behind number 60
- The existing single storey extension is not part of the original fabric and the loss of this particularly as it is predominantly obscured by the hedge will not be detrimental to the character of this part of Dersingham
- Past changes to the existing south gable has resulted in an elevation of little merit with inappropriate proportion windows and poor selection of brickwork for quoins and soldier course
- Good separation is provided between the proposal and the neighbouring properties and therefore the daylighting of the adjoining properties will not be adversely affected
- Loss of view is not a material planning consideration in this situation. Note: The view from numbers 62 - 70 to the west are the modern library and bungalows
- No reference is made in the application to the brick type and we anticipate that the selection of final materials will be subject of a planning condition
- It is noted that the Parish Council have recommended this current proposal for approval"

## PLANNING HISTORY

2/99/1504/F Extension to dwelling (permitted)

2/79/1880/F/BR Double garage (refused)

## RESPONSE TO CONSULTATION

**Parish Council: OBJECT:** "on the grounds of being over development of the site, not in keeping/loss of character within the area especially in a Conservation Area."

**Highways Authority: NO OBJECTION** (originally recommended a condition, however, this is not necessary because the proposed porch is now set back from the highway)

**Conservation Officer: OBJECT** for the following reasons:

- -First objection: The proposal is too large (in length), and set too far forward, which would result in the loss of the historic wall, hide the properties behind and negatively impact the conservation area. The windows and doors on the south elevation are too large and are not appropriate.
- -Second objection: The property is unique and the historic gable end is very prominent on the street scene. The required extra accommodation could be achieved with a well thought out single storey extension, extending backwards and sideways, while still leaving a large amount of the gable end exposed.

## REPRESENTATIONS

9 letters of **OBJECTION** were received from 7 local residents. The reasons for objection can be summarised as follows:

- The size, scale and height of the extension;
- the length of the proposed extension;
- the increase in floor space;
- the different styles of windows;
- potential loss of light of neighbouring dwellings;
- the use of brick to the rear;
- potential overlooking/ loss of privacy;
- the addition of a two storey projection onto the rear;
- the character of the proposed extension in the conservation area; and
- the general impact on the cottages to the rear.

## LDF CORE STRATEGY POLICIES

**CS01** - Spatial Strategy

**CS08** - Sustainable Development

**CS12** - Environmental Assets

## SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

**DM1** – Presumption in Favour of Sustainable Development

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

## NATIONAL GUIDANCE

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

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

## PLANNING CONSIDERATIONS

The main issues for consideration in the determination of this application are:

- Principle of Development
- Impact upon the character and appearance of the Conservation Area
- Highway Safety
- Impact upon Neighbour Amenity
- Other Material Considerations



## **Principle of Development**

Dersingham is classified as a Key Rural Service Centre according to Policy CS02 of the Local Development Framework Core Strategy 2011. Furthermore the application site falls within the development boundary for the settlement. Within these areas the principle of new residential development is generally considered to be acceptable under Policy CS02 of the Local Development Framework Core Strategy 2011 and Policy DM2 of the Site Allocations and Development Management Plan. Development must however 'respond sensitively and sympathetically to the local setting and pattern of adjacent streets including spaces between buildings' (DM15) and comply with other relevant policy and guidance.

## **Impact upon the character and appearance of the Conservation Area**

The original proposal was assessed as looking out of balance with the existing dwelling, an incongruous feature in the street scene and inappropriate in the conservation area by virtue of its length and massing, its prominence by being set close to the highway, the way the existing side extension was incorporated and the architectural detailing.

The conservation officer objected to the original proposals and commented that the proposed extension was too large (in width), and set too far forward, which would result in the loss of the historic wall, hide the properties behind and negatively impact the conservation area. Additionally the conservation officer commented that the proposed windows and doors on the south elevation were too large and were not appropriate. The parish council recommended that the original proposal be approved.

The amended proposals have attempted to overcome these issues by reducing the width of the proposed extension so that it is no wider than the existing dwelling; setting the front facade of the proposed extension back; improving the incorporation of the rear extension; retaining the historic wall; and replacing the Juliet balcony and modern bi-fold doors with in-keeping windows and doors.

The conservation officer objects to the amended proposals and has commented that the property is unique and the historic gable end is very prominent in the street scene. Additionally they consider that the required extra accommodation could be achieved with a well thought out single storey extension, extending backwards and sideways, while still leaving a large amount of the gable end exposed. Whilst the Parish Council originally raised no objection to the proposal they object to the amended scheme "on the grounds of being over development of the site" (although the amended scheme has a smaller footprint than the original scheme and is reduced in scale) and because it is "not in keeping/loss of character within the area especially in a Conservation Area".

The amended scheme reduces the visual impact of the extension and has resulted in a proposal that doesn't look out of balance with the existing dwelling. The scale of the proposed extension is improved and the amended end gable incorporates architecturally in-keeping details that replace the Juliet balcony and bi-fold doors. By setting the front facade of the extension back further from the highway more of the original side gable is visible and the proposal has less impact on the street scene. Although it is important to note that much of the existing gable end is already hidden by existing trees and hedging along the frontage and at certain points along the streetscene the gable is not visible at all.

The row of cottages behind will be visible from the road because the proposed extension will only project 6.5 metres from the side of the original dwelling. Additionally, the amended scheme will retain the full length of the historic wall fronting the highway.

Overall it is considered that the impact on the conservation area and the existing dwelling of the amended proposals is acceptable because the extension is subservient; no wider than the existing dwelling; architecturally in-keeping; doesn't significantly block the cottages behind from view due to its reduced width; and isn't judged to be over-development of the plot because of the scale of the proposals and the garden space left.

### **Highway Safety**

Norfolk County Highways have raised no objection to the proposal subject to the imposition of a condition relating to the porch that was originally proposed closer to the highway. Given that the amended scheme is now set back from the highway this condition is no longer considered relevant.

### **Impact upon Neighbour Amenity**

The amended proposal incorporates only one new window at eye level at the rear of the dwelling which is obscured to mitigate potential overlooking. The roof lights are too high to cause overlooking and would be predominantly within the roof slope of the existing dwelling. The windows on the side of the proposed extension don't face surrounding properties. The proposed extension is set back between 10 and 15 metres from the properties at the rear and its height at the rear is 6 metres from ground level to the roof ridge. The extension is approximately 10 metres from No. 58 Chapel Road, 12.5 metres from No. 62, 13.5 metres from No. 64, 14.5 metres from No. 66, 18 metres from No 68 and 23 metres from No. 70.

The impact on neighbouring properties amenity is acceptable because the proposals don't result in overbearance (due to the distance of the extension from neighbouring properties); significant overlooking (due to the placement of new windows and their distance and angle in relation to neighbouring properties); or significant loss of light (due to the height, width and location of the proposed extension relative to neighbouring properties). Therefore the impact on neighbourhood amenity is acceptable.

### **Other Material Considerations**

There are no other material considerations.

## **CONCLUSION**

The principle of the development is acceptable because the site lies within the development boundary of Dersingham and the proposal is for an extension within the curtilage of an existing dwelling.

The design of the proposed extension in the conservation area is acceptable by virtue of its width, height and architectural detailing and subservience to the existing dwelling. The proposal is traditional in style and incorporates architecturally in-keeping materials and window styles. The proposal also doesn't represent over-development of the plot and a sufficient amount of garden is left. Additionally, the impact of the proposal on neighbouring properties is acceptable due to the separation between neighbouring properties, the location of proposed windows and its width and height.

The proposal would accord with policies DM1, DM2 and DM15 of the Development Management Policies Plan 2016 and the provisions of the National Planning Policy Framework 2012 and is sustainable development. It is therefore recommended for approval.

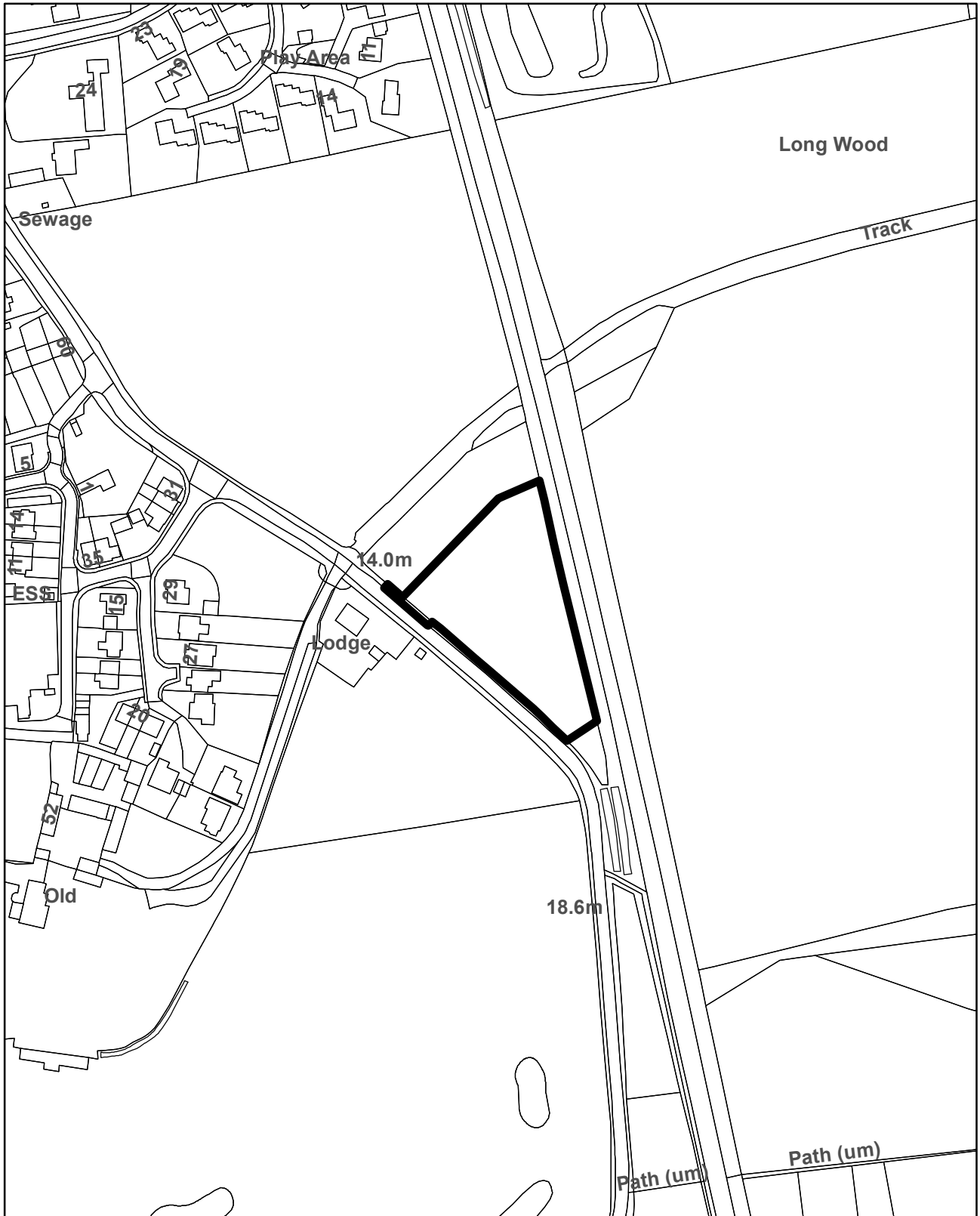
## RECOMMENDATION:

**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:
  - DWG 17071 03-7 Proposed plans (16th November 2017); DWG 17071 04-5 Proposed elevations (21st November 2017); DWG 17071-01 Location plan
- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition Notwithstanding the details shown on the approved plan (DWG 17071 05.5 Proposed elevations) the west, south and east elevations of the extension hereby permitted shall be constructed in random rubble carrstone and brick quoins. No development shall commence on any external surface of the development until a sample panel of these materials has been erected on the site for the inspection and written approval of the local planning authority. The sample panel shall measure at least 1 metre x 1 metre using the proposed materials, mortar type, bond and pointing technique. The development shall be constructed in accordance with the approved details.
- 3 Reason To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 4 Condition No development over or above foundations shall take place on site until full details of the window style, reveal, cill and header treatment has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4 Reason To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 5 Condition No development shall take place on any external surface of the development hereby permitted until a sample of roofing materials to be used in the construction of the roof of the extension have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5 Reason To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 6 Condition Before the first occupation of the extension hereby permitted the window marked as obscured on DWG 17071 04-5 Proposed elevations (21st November 2017) shall be fitted with obscured glazing. The window shall be permanently retained in that condition thereafter.
- 6 Reason For the avoidance of doubt and in the interests of residential amenity.

# 17/01720/RM

Land East of Hunstanton Road and South of Robin Hill Hunstanton Road Heacham



**1:2,500**



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

<b>Parish:</b>	Heacham	
<b>Proposal:</b>	Approval of all matters reserved (erection of 9 dwellings and associated works)	
<b>Location:</b>	Land E of Hunstanton Road And S of Robin Hill Hunstanton Road Heacham Norfolk	
<b>Applicant:</b>	Advanced Building Projects Ltd	
<b>Case No:</b>	17/01720/RM (Reserved Matters Application)	
<b>Case Officer:</b>	Mr C Fry	<b>Date for Determination:</b> 8 November 2017 <b>Extension of Time Expiry Date:</b> 29 November 2017

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

**Neighbourhood Plan:** No

### Case Summary

The application site covers approximately 0.4725 sqm and is on the eastern side of Hunstanton Road, Heacham

The site has the benefit of outline planning permission, with all matters reserved for 9 dwellings which was granted by the Planning Committee (15/02011/O).

It is worth noting that due to a change of policy in regards to affordable housing, post the original committee decision to grant subject to the resolution of the S106 obligation in respect to affordable housing, that a condition was imposed in regards to the floorspace of the dwellings in order to ensure the affordable housing thresholds are not breached, in accordance with a subsequent Committee authorisation.

The application seeks reserved matters approval for 9 dwellings served off a single access point.

### Key Issues

Principle of Development and Planning History  
Form and Character  
Impact upon Neighbour Amenity  
Highway Safety  
Landscaping  
Other Material Considerations

### Recommendation

**APPROVE**

## THE APPLICATION

The application site already benefits from the principle of development through the granting of Outline planning permission with all matters reserved for the construction of 9 dwellings.

The proposed reserved matters layout provides a 5.8m wide access road from the Hunstanton Road which will have a type 3 turning head (all to adoptable standard) from which a 4.8m wide private road will serve 8 of the 9 dwellings.

The dwellings are two storey detached dwellings with the exception of the southernmost plot, plot 5, which is a single storey detached dwelling. A 1.2m post and rail fence will enclose the majority of the northern boundary which will increase to 1.8m high boarded fencing towards the bund which runs along the eastern boundary of the site for its entirety.

The proposal will also involve the removal of 7.5m of hedge along the Hunstanton Road boundary to provide an appropriate access and facilitate the required standard of visibility.

Offsite highways improvement works include the provision of a crossing point on the western and eastern sides of Hunstanton Road and the widening of the footpath on the western side of Hunstanton Road to 1.5m for the full length of the application site, but not the full length of the footpath, which leads back towards Heacham.

## SUPPORTING CASE

The agent's supporting statement will be referenced in late correspondence.

## PLANNING HISTORY

15/02011/O: Application Permitted: 30/06/16 - Outline application: Erection of 9 dwellings and associated works

## RESPONSE TO CONSULTATION

**Parish Council: OBJECTION** the parish council does not consider there to be sufficient information to make a decision on the application. Following reconsultation **OBJECTION** on the basis that the detail provided has no redeeming features to make us change our opinion and are concerned about the loss of vegetation/hedge. We do not support development of frontage onto Hunstanton Road.

**Local Highway Authority: NO OBJECTION** subject to conditions

**Housing Enabling Officer:** No requirement for affordable housing if less than 1000m<sup>2</sup>.

**Arboricultural Officer: NO OBJECTION** subject to conditions

**Natural England:** No comments to make on this application

### Representations:

4 Letters of objection

- Once the holiday unit site has failed this will be the next housing estate with huge financial gains.
- The site is outside the village envelope and neither is it included within the LDF village boundary.
- Building more houses adjacent to this road will end up with constant serious collisions and possible deaths
- Cars exiting the development will not have a clear line of sight to see traffic
- There is not enough parking available for either the residences or their visitors. So cars will inevitably end up parking on Hunstanton Road.
- This has already been experienced on a small scale, short term basis, with some building works to an existing property. This resulted in a very complicated, dangerous condition for both cars and pedestrians.
- This development will make an already complicated road practically unnavigable
- Any pedestrians using an already inadequate footpath, will be in even more danger
- Site is not close to employment.
- Flooding and drainage issues.
- Doctors in Heacham will be stretched with constant respiratory conditions from the residents who purchase any of the properties, as they will be sandwiched between the major A149 and busy Hunstanton Road.
- Overload of local infrastructure with the adjacent camping site.
- Extra traffic on the roads.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS09** - Housing Distribution

**CS11** - Transport

**CS12** - Environmental Assets

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM1** – Presumption in Favour of Sustainable Development

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

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

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

## **PLANNING CONSIDERATIONS**

The main planning considerations in regards to this application are:-

- Principle of Development and Planning History
- Form and Character
- Impact upon Neighbour Amenity
- Highway Safety
- Landscaping
- Other Material Considerations

### **Principle of Development and Planning History**

Heacham is classified as a Key Rural Service Centre in the settlement hierarchy as set out under Policy CS02 of the Borough Council of King's Lynn and West Norfolk Core Strategy (2011).

This site benefits from an outline permission (ref. 15/02011/O. At the time of determining 15/02011/O, all matters reserved, the Council did not have an up to date 5 year supply of deliverable housing sites. Accordingly, the application was determined in the context of paragraph 14 of the NPPF, as to whether in granting the proposal, it would result in adverse impacts that would significantly and demonstrable outweigh the benefits the scheme would bring.

In light of paragraph 14 of the NPPF, the Planning Committee determined that the proposal did not cause significant and demonstrable harm that outweighed the benefits of the scheme and an outline for 9 dwellings (15/02011/O) was granted permission subject to a s106 resolution to secure affordable housing. During the resolution of the S106, the affordable housing thresholds changed in line with national guidance and through imposing a restrictive floorspace condition (under delegated authority granted by Committee), no affordable housing was required on this site.

### **Form and Character**

The application site is located on the north eastern side of Hunstanton Road and is contained behind established hedging. There is an earth bund that flanks the A149 and a wooded copse beyond the application to the North West. The site can be described as scrub land and has no structures on it. The land slopes away to the North West.

The development is outside of the village centre by 1.4km. There is a detached bungalow opposite and residential development further north on Hunstanton Road, which comprises of



two storey dwellings with red brick constructed dwellings with brick quoin detailing with header and dentil coursing.

There is a 1m wide and grass verge footpath opposite that runs into the village.

The proposed layout of the development is similar to the indicative layout that accompanied the outline planning application. Vehicular access is to be provided in the North West corner of the site in order to achieve the required standards of visibility. The provision of this access will result in the removal of 7.5m of hedgerow that flanks Hunstanton Road. The vehicular access and internal road is 5.8m wide and is to be constructed to NCC Highway Standards. The adoptable standard road will serve a private drive from which 8 of the 9 dwellings will be accessed. The properties, with the exception of plot 5 being a detached bungalow, are two storey detached properties. The properties are to be constructed from Terca Verona Multi bricks (burnt orange, textured brick) and Imery Panne S tiles (orange single roman pantile weathered appearance). The properties are 3 and 4 bedroom dwellings. The properties face into the site rather than facing onto Hunstanton Road and the A149.

Boundary treatments include a post and rail fence provided along the northern boundary of the site which will have a new native hedge planted in front (south); 1.8m close boarded fencing, an acoustic fence along the eastern boundary with planting (the scheme to protect the occupants from the noise of the A149 and planting details adjacent to the bund are covered by conditions 17 & 18 on 15/02011/O). The roadside hedge, where retained will be supplemented. More detailed information on landscape is provided later in the report.

It is considered that very little of the site will be seen from the north by virtue of the wooded copse area and from the south views are restricted to being directly opposite the site. Glimpses will be seen in passing from the A149. In this case a lack of active frontages on this stretch of Hunstanton Road is acceptable. Active frontages, through the puncturing of the hedgerow to enable the occupants to access the front of the proposed properties and the subsequent requirement to provide a footpath along the sites frontage, would cause a level of domestication that would cause a detrimental impact upon the green verdant character of this part of Hunstanton Road.

Each property has commensurate sized amenity spaces relative to their size and the appearance of the properties acknowledges the character of properties in the vicinity of the site through the use of header treatments and dentil coursing. Fundamentally the proposal is not considered to be an overdevelopment of the site and the scheme is compliant with the outline consent, as well as paragraphs 17, 56 and 58 of the NPPF and Policy CS06, 08 of the Local Development Framework Core Strategy and Policy DM15 of the Site Allocation Development Management Policies Plan 2016 in regards to good design.

### **Impact upon Neighbour Amenity**

The nearest neighbour to the site is the property opposite Keepers Lodge. This neighbour is approximately 23m from the rear elevation of the nearest property on the site (plot 1), which is an adequate separation distance to avoid overlooking, overbearing and overshadowing issues. It is noted that the cars entering and leaving the site will be opposite the vehicular entrance to Keepers Lodge and Keeper's lodge itself, which is on lower ground the application site. However, given the scale of development (9 dwellings) it is not considered that disturbance caused by the access being in this location would cause a detrimental to this neighbour to warrant a refusal of the application, and of course, there is an extant consent for 9 dwellings on this site.

## **Highway Safety**

The development will have an access from Hunstanton Road with an internal layout comprising of a road which is constructed to adoptable standard and a private road which serves 8 of the 9 dwellings. Provision of dropped kerbs to allow pedestrians to safely cross over to the footpath opposite is to be provided. Offsite works in the form of increasing the width of the footpath on the opposite side of the site to 1.5m wide for the length of the site is to be provided.

Turning and parking provision is provided to the required standards.

The highways officer has no objection to the proposal subject to further details in regards to footpaths, foul and surface water drainage from the roads, a construction management traffic plan – involving the access arrangement for delivery vehicles and temporary wheel washing facilities and the provision of off-site highway safety works.

## **Landscaping**

A landscape management and maintenance document has accompanied the application.

Soft Landscaping provision involves the planting of a new beech hedge that is 40m in length along the north western boundary of the site. The hedge will be set inside (south) of a 1.2 m high post and rail fence.

Only a section of hedge measuring 7.5m in length will need to be removed to provide an access to the site. The remainder of the hedge will be retained and where required supplemented with 30-40cm bare root hawthorn plants.

The proposal also involves the provision of planting alongside the bund. This will involve the provision of blackthorn, dogwood, viburnum trees, hazel trees. Three new trees will be planted towards the base of the bund where there are gaps in the existing tree line along the eastern boundary – Green Beech, Field Maple and Wild Cherry. The requirement of the landscaping details for the bund is covered by way of condition 18 on the Outline planning permission.

Acknowledging the bird breeding season, within the landscape management and maintenance document that accompanies the application, the hedges on the roadside frontage and on the north western boundary will be cut back outside of the bird nesting season of March to the end of September.

Separating the individual properties will be 1.8m close boarded fencing.

Details of who will be responsible for the maintenance of the hedging, bund and fencing are secured by way of condition.

The Arboricultural officer has no objection to the details provided.

## **Other Material Considerations**

As referenced in the report a condition was imposed on the outline that the Gross Internal Area of the 9 dwellings (including garage space) must not exceed 1000m<sup>2</sup> i.e. in order to restrict the floor area to that stated in order that the thresholds are not breached. The Gross Internal Area including garage space, as calculated in accordance with the guidance, is 998m<sup>2</sup>. This has been verified by your officer to be the case i.e. under 1000m<sup>2</sup>.

Ecological matters in respect to the site were addressed as a material consideration at the determination of the outline planning permission. The restrictive condition in regards to vegetation removal is covered under condition 13 of that permission.

Contamination and drainage in respect to surface water and foul water is covered under conditions 6 and 7 on the outline planning permission.

It is noted that some 3rd party comments relate to the proposal to the north of the site for 31 glamping pods and managers dwelling. That application has yet to be determined.

A third party comment states that Doctors surgery is already at capacity, and this development would put further pressure on the surgery. However, this is no reason to refuse permission and in any case this is a reserved matters application, where the principle of 9 dwellings has already been established.

## **CONCLUSION**

Members may recall that this site was submitted for outline planning permission at a time when the council were not able to demonstrate a 5 year supply of deliverable housing sites. In accordance with paragraph 14 of the NPPF, the principle of residential development on this site is was deemed to be acceptable, and outline consent for 9 dwellings was granted.

Heacham Parish Council considered that there was insufficient information to determine the application, raised concerns in regards to the loss of the hedge and not being supportive of frontage onto Hunstanton Road. It's your officer's opinion that the applicant has supplied sufficient information to cover reserved matters requirements and the proposed scheme is acceptable without causing detrimental visual or neighbour amenity issues. It is acknowledged that around 7m of the hedge that flanks Hunstanton Road needs to be removed to provide an appropriate access, however this is not a significant length of the hedgerow and the Arboricultural Officer has no objection to the scheme. The proposal does not advocate frontage development.

It is therefore considered that in light of the National Planning Policy Framework, Local Development Framework Core Strategy and the Site Allocation and Development Management Policies Plan that the application be approved subject to the following conditions.

## **RECOMMENDATION:**

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

- 1 Condition The development hereby permitted shall be carried out in accordance with the following approved plans:-
  - Location Plan received 12th September 2017
  - Proposed Site Plan dwg. 2115-02G received 16th November 2017
  - Proposed Site Sections dwg.2115-06A received 16th November 2017
  - Proposed Plans and Elevations Plots 4 & 8 dwg.no. 2115-11D received 12th September 2017
  - Proposed Plans and Elevations Plots 1,2,3,6,7,9 dwg.no 2115-12D received 12th September 2017

- Proposed Plans and Elevations Plot 5 dwg no. 2115-16D received 12th September 2017
- Proposed Garages dwg. 2115-17A received 12th September 2017
- Proposed Carports and Garages dwg. 2115-18A received 12th September 2017

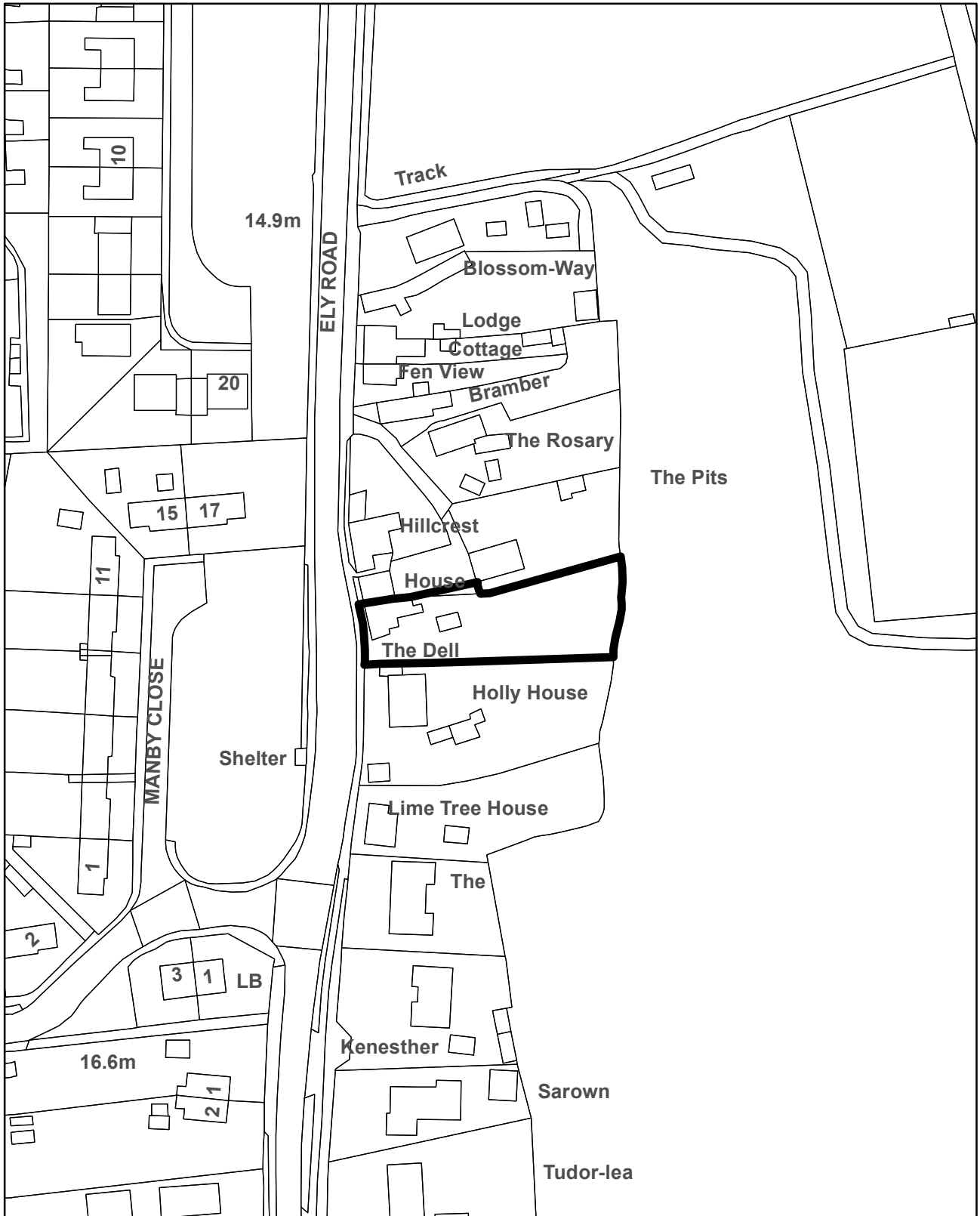
- 1 Reason For the avoidance of doubt and in the interests of proper planning.
- 2 Condition No development or other operations shall commence on site until the existing trees and/or hedgerows to be retained have been protected in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the erection of fencing for the protection of any retained tree or hedge before any equipment, machinery, or materials are brought on to the site for the purposes of development or other operations. The fencing shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.
- 2 Reason To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF. This needs to be a pre-commencement condition given the potential for damage to protected trees during the construction phase.
- 3 Condition The landscaping details, with the exception of the planting on the bund and paragraph 5 in respect to maintenance, shall be carried out in accordance with Plandescil Landscaping scheme job no.22776 dated November 2017 received at 14:04 on 17th November 2017
- 3 Reason In the interests of visual amenity in accordance with the provisions of the NPPF
- 4 Condition No existing trees, shrubs or hedges within the site that are shown as being retained on the approved plans shall be felled, uprooted, willfully damaged or destroyed, cut back in any way or removed without the prior written approval of the Local Planning Authority. Any trees, shrubs or hedges removed without such approval or that die or become severely damaged or seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of a similar size and species in the next available planting season, unless the Local Planning Authority gives written approval to any variation.
- 4 Reason To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.
- 5 Condition Notwithstanding details received, prior to the first occupation of the development a landscape maintenance scheme (including bund and acoustic fence) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the maintenance of all landscaped areas for a minimum period of 5 years and specify the maintenance responsibilities and arrangements for its implementation. The landscape maintenance scheme shall be carried out as approved.
- 5 Reason In order to retain control over the development in the interests of visual amenity

- 6 Condition No works shall commence on the site until such time as detailed plans of the roads, footways, foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. All construction works shall be carried out in accordance with the approved plans.
- 6 Reason To ensure satisfactory development of the site and a satisfactory standard of highway design and construction.
- 7 Condition No works shall be carried out on roads, footways, foul and surface water sewers otherwise than in accordance with the specifications of the Local Planning Authority in consultation with the Highway Authority.
- 7 Reason To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway.
- 8 Condition Before any dwelling is first occupied the road(s) & footway(s) shall be constructed to binder course surfacing level from the dwelling to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- 8 Reason To ensure satisfactory development of the site.
- 9 Condition Prior to the first occupation of the development hereby permitted visibility splays as shown on plan 02 G received 16th November 2017 shall be provided to the north and south of the access respectively where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.
- 9 Reason In the interests of highway safety.
- 10 Condition Prior to the commencement of any works on site a Construction Traffic Management Plan, to incorporate details of on-site parking for construction workers, access arrangements for delivery vehicles and temporary wheel washing facilities for the duration of the construction period shall be submitted to and approved in writing with the Local Planning Authority in consultation with Norfolk County Council Highway Authority. For the duration of the construction period all traffic associated with the construction of the development will comply with the Construction Traffic Management Plan and unless otherwise approved in writing with the Local Planning Authority in consultation with the Highway Authority.
- 10 Reason In the interests of maintaining highway efficiency and safety
- 11 Condition Notwithstanding the details indicated on the submitted drawings no works shall commence on site unless otherwise agreed in writing until a detailed scheme for the off-site highway improvement works as indicated on drawing number 2115-02G have been submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the development hereby permitted the off-site highway improvement works referred to in this condition shall be completed to the written satisfaction of the Local Planning Authority.
- 11 Reason To ensure that the highway network is adequate to cater for the development proposed

- 12 Condition The development shall be constructed in accordance with the following agreed brick and tiles:-
- TBS Verona Multi Brick
  - Imerys Panne S Vintage Fonce Tile
- 12 Reason In the interests of visual amenity
- 13 Condition The fences as shown on plan 02 G received 16th November 2017 shall be erected prior to the occupation of the dwelling to which they relate.
- 13 Reason In the interests of the residential amenities of the future occupants of the development in accordance with the NPPF.

# 17/01670/F

The Dell Ely Road Hilgay



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

<b>Parish:</b>	Hilgay	
<b>Proposal:</b>	Rear ground floor and basement extension	
<b>Location:</b>	The Dell Ely Road Hilgay Downham Market	
<b>Applicant:</b>	Mr Mercer	
<b>Case No:</b>	17/01670/F (Full Application)	
<b>Case Officer:</b>	Mrs C Dorgan	<b>Date for Determination:</b> 30 October 2017 <b>Extension of Time Expiry Date:</b> 8 December 2017

**Reason for Referral to Planning Committee** – Called before the Planning Committee by Councillor White.

**Neighbourhood Plan:** No

### Case Summary

The site is located in the village of Hilgay, to the east of Ely Road and to the south of the village centre. The site comprises a semi-detached dwelling which fronts directly onto Ely Road.

The application is for a large extension to the rear of the dwelling which uses the existing change in levels on site to create a new basement floor (to include a games room, storage rooms and WC). At the existing ground floor there will be an extension out onto the existing area of decking to enlarge the kitchen/ family room.

### Key Issues

Principle of development  
Form and character  
Neighbour amenity  
Other material considerations

### Recommendation

**APPROVE**

### THE APPLICATION

The site is located in the village of Hilgay, to the east of Ely Road and to the south of the village centre. The site comprises a semi-detached dwelling which fronts directly onto Ely Road.



The application is for a large extension to the rear of the dwelling which uses the existing change in levels on site to create a new basement floor (to include a games room, storage rooms and WC). At the existing ground floor there will be an extension out onto the existing area of decking to enlarge the kitchen/ family room.

**SUPPORTING CASE** None submitted.

**PLANNING HISTORY** None.

## **RESPONSE TO CONSULTATION**

**Parish Council:** No comments received.

**REPRESENTATIONS** – One letter of objection was received regarding the proposed extension stating that the proposal is for a ground floor and basement but is actually the first and second storey from the ground. The bi-fold doors on the southern elevation overlook neighbours property and garden in an easterly direction only.

## **LDF CORE STRATEGY POLICIES**

**CS06** - Development in Rural Areas

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM15** – Environment, Design and Amenity

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)

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

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

## **PLANNING CONSIDERATIONS**

- Principle of development
- Form and character
- Neighbour amenity
- Other material considerations

### **Principle of development**

The proposal seeks to extend an existing dwelling to the rear and the principle of development is acceptable.

Essentially the issues are those of design and impact on neighbour amenity, which is a consideration under policy DM15 specifically.

### **Form and character**

There will be no material change to the front of the dwelling and therefore the established street scene. The dwelling is a cottage style semi-detached dwelling fronting onto Ely Road with limited parking to the front. The character of dwellings does vary in the locality. The gardens to the rear of the dwellings are large and have a significant difference in levels from the front to the rear of the site. Generally the dwellings have an area of decking/ patio at the current ground floor.

The proposal is to extend the ground floor (kitchen room) out onto the currently decked area and then to cut in a new basement floor below this for a Games Room, Storage and WC. Given that the ground drops away to all houses in this locality, there would be little impact in terms of form and character.

### **Neighbour amenity**

The most significant issue for consideration is the impact of the proposal on the amenity of the neighbouring dwellings.

Initial concerns related to the relationship between the proposal and Marian House next door. The scheme includes a large flank wall at the ground floor as well as the new basement elevation. It was our concern that this would block some light to Marian House causing overshadowing, as the application site is to the south of the neighbouring dwelling. Having discussed our concerns with the applicant they confirmed they own Marian House (as indicated by the blue line outlined on Plan 17065 003). Therefore given the two are in the same ownership it is considered this tips the balance in favour of the proposal. Also it is of note no objection has been received from this neighbouring property.

The relationship to the neighbouring dwelling to the south of the application site 'Holly House' has also been carefully considered. There is much less impact on this side – with the primary issue being the extension at the ground floor level and overlooking. There is some existing screening in place, the proposed extension is set back some distance from the boundary and there is already a large area of decking in place. In assessing the material difference between the existing decking and the proposed extension, the difference is an increased use of this room year round which would increase the sense of overlooking. It is therefore suggested that a condition is attached to require screening on the southern side of the decking of The Dell with full details to be agreed.

### **CONCLUSION**

The proposed rear ground floor and basement extension accords with policy and guidance. The concerns regarding overlooking neighbouring properties raised by a third party representation are overcome by the inclusion of a suitable condition requiring an element of screening.

For the reasons outline above, it is recommended that the proposed extension is granted subject to the following additional conditions.

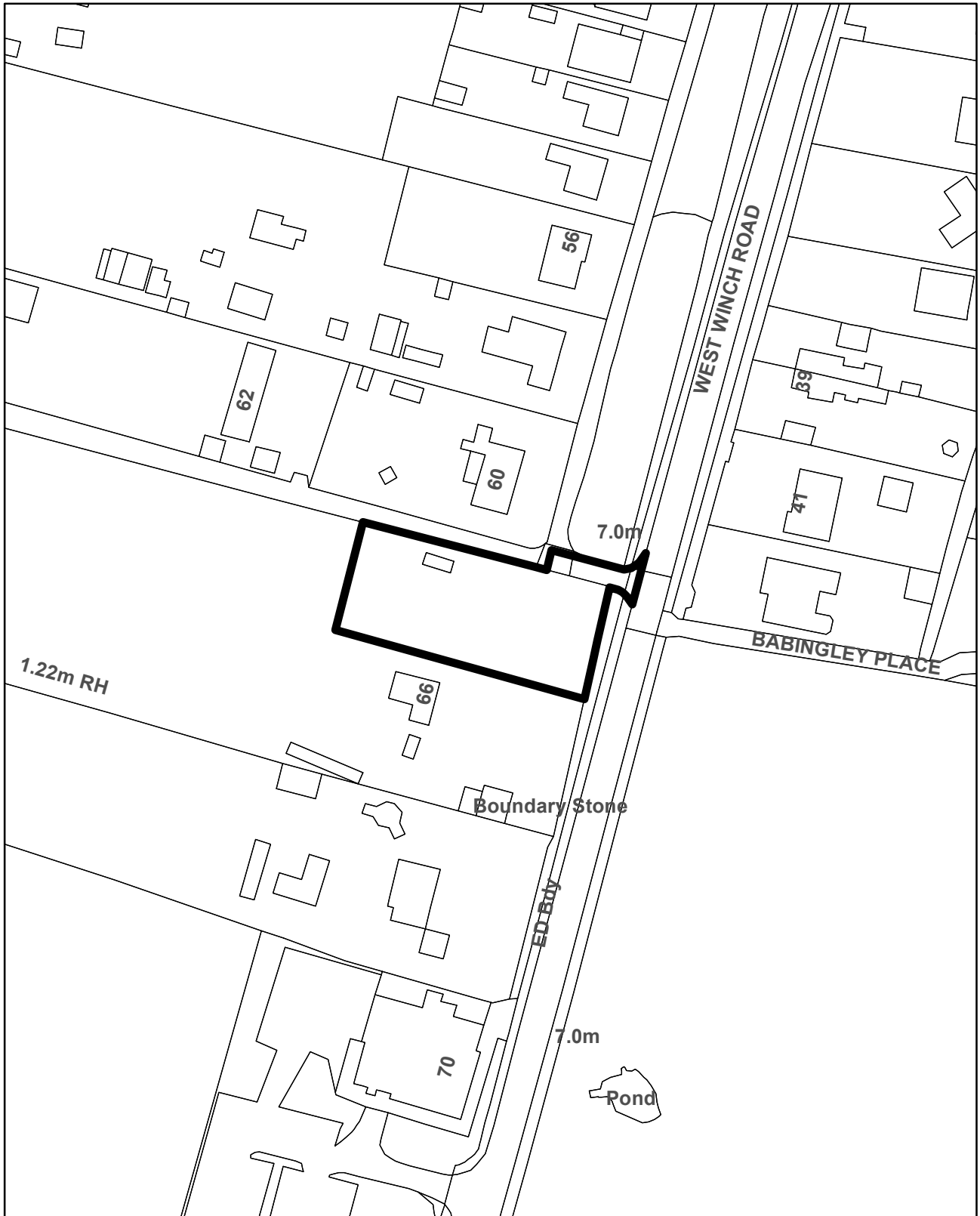
**RECOMMENDATION:**

**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 (Drawing Nos 17065 001, 17065 002 and 17065 003 received on 14 November 2017).
- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition Notwithstanding details that accompanied the application, prior to occupation of first use of the extension, precise details of a privacy screen to the southern boundary of the decking area shall be submitted to and approved in writing by the local planning authority. The screen shall be implemented in accordance with the approved details prior to occupation or first use of the extension and decking, and shall thereafter be retained in that condition.
- 3 Reason In the interests of the amenities of the locality in accordance with the NPPF.

# 17/01677/O

Sunnyside House 66 Main Road West Winch



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

<b>Parish:</b>	North Runcton	
<b>Proposal:</b>	OUTLINE APPLICATION: Erection of two dwelling houses and associated access	
<b>Location:</b>	Sunnyside House 66 Main Road West Winch Norfolk	
<b>Applicant:</b>	Tom Jackson	
<b>Case No:</b>	17/01677/O (Outline Application)	
<b>Case Officer:</b>	Mrs N Osler	<b>Date for Determination:</b> 23 November 2017

**Reason for Referral to Planning Committee** – Appeal History

**Neighbourhood Plan:** Yes

### Case Summary

Outline planning permission with all matters except access is sought for the erection of two dwellinghouses.

The site lies within the development boundary for West Winch and is in flood zone 1.

### Key Issues

Principle of Development  
Highway Safety  
Public Right of Way  
Form and Character  
Neighbour Amenity  
Drainage

### Recommendation

**APPROVE**

## THE APPLICATION

Outline planning permission with all matters except access reserved for future consideration is sought for the erection of two dwellings.

The site lies to the west of the A10 in the development boundary for West Winch.

The dwellings are proposed to be accessed via a shared access off of a Public Right of Way to the immediate north of the site which itself is accessed from the A10 to the east. The proposal also seeks to make improvements to the access of the PROW with the A10.

The site lies in flood zone 1.

## **SUPPORTING CASE**

The applicant / agent chose not to submit a supporting statement.

## **PLANNING HISTORY**

17/01125/O: Application Refused: 09/08/17 - OUTLINE APPLICATION: Erection of two dwelling houses and associated access

2/03/2029/F: Application Refused: 09/12/03 - Construction of dwelling house and garage (renewal); Appeal Dismissed 08/09/04

07/02230/O: Application Refused: 20/12/07 - Outline Application: construction of 4 dwellings

2/97/1408/F: Application Refused: 19/01/98 - Construction of dwellinghouse and garage (renewal); Appeal Allowed 28/10/98

2/93/0153/F: Application Permitted: 25/03/93 - Construction of dwellinghouse and garage

## **RESPONSE TO CONSULTATION**

**Parish Council:** I am writing with regard to the above application which I believe is being recommended for approval.

The Parish Council made comments about the access onto the A10 on the original application which has now been withdrawn and although the deadline for comments has now passed for this, I have been contacted by residents expressing their own concerns over access to this plot.

The Parish Council has been asked to bring to your attention that approval of this application would contradict the SADMP policy E2.2 - below.

Policy E2.2 – Development within existing built-up areas of West Winch.

A development boundary for West Winch is shown on the policies map (This is distinct from the strategic Growth Area identified in Policy E2.1). Within this development boundary the general Development Boundaries Policy DM2 will apply with the following provisos:

1. Along the existing A10:
  - a. no development resulting in significant new traffic or accesses onto to the A10 (excepting that provided under growth area Policy E2.1) will be permitted in advance of the new West Winch link road opening. Significance in this instance refers to effect on the capacity and free flow of traffic on the A10 and its ability to accommodate the existing traffic and that arising from the growth area, and both individual and cumulative potential impacts will be considered;
  - b. new development should generally be set back from the road and provide for significant areas of planting adjacent to the road in order to avoid extending the continuous developed edge to the A10;

2. Special care will be taken in the vicinity of the Countryside Buffer indicated on the Policies Map to maintain a soft edge to the countryside beyond and avoid a hard and prominent edge to the developed area when viewed from the West;
3. Areas to the east of the A10 will preferably be associated with the growth area, and accessed through the growth area rather than directly onto the existing A10 road.

I ask that this is taken into account when any decision is made.

**Local Highway Authority: NO OBJECTION** subject to condition

**IDB:** No comments to make

**CSNN:** As this is for two dwellings there is no requirement to consult the CSNN team because it is below the three dwelling threshold (as per our Planning Consultation Guidance document).

Naturally the applicant / developer will need to ensure appropriate consideration has been given to the noise and pollution associated with the busy A10 trunk road, and therefore the design should incorporate measures to protect future residents. Surface water drainage is also an issue in this area, so percolation testing will be required prior to any later application stage to assess the land drainage conditions and provide for suitable drainage systems in the design

**Environmental Quality:** No comments to make in relation to air quality or contaminated land

**PROW:** Based on the information currently available, this proposal would be unlikely to result in an objection on rights of way issues. I would however point out that access to the site will be via a Public Right of Way (North Runcton Restricted Byway 2) which does not offer any means of public vehicular access and it is not maintainable at the public expense to a vehicular standard. The applicant will need to ensure that they have an established private right of access to the land suitable for residential purposes. It would be expected that any damage caused to the Public Right of Way by the exercise of the private rights remains with the rights holders to repair.

The full width of this Restricted Byway must remain open and accessible for the duration of the development and any subsequent occupation.

**Arboricultural Officer: NO OBJECTION** – the reserved matters application should be accompanied by a full tree survey, arboricultural implications assessment and arboricultural method statement

## REPRESENTATIONS

**Two** letters of concern have been received from a third party. The issues raised include:

- Highway and PROW Safety and Maintenance and inconsistencies with recent decisions
- Drainage
- Overlooking
- Noise

## **LDF CORE STRATEGY POLICIES**

**CS02** - The Settlement Hierarchy

**CS08** - Sustainable Development

**CS09** - Housing Distribution

**CS11** - Transport

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM1** – Presumption in Favour of Sustainable Development

**DM2** – Development Boundaries

**DM12** - Strategic Road Network

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

## **NEIGHBOURHOOD PLAN POLICIES**

**Policy WA04** - Providing Sustainable Drainage

**Policy WA09** - Enhancing the A10 Road Corridor

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

## **PLANNING CONSIDERATIONS**

The main issues for consideration in the determination of this application are:

- Principle of Development
- Highway Safety
- Public Right of Way
- Form and Character
- Neighbour Amenity
- Drainage

### **Principle of Development:**

The site lies within the development boundary for West Winch. As such the principle of development is acceptable subject to compliance with other relevant national and local planning policy and guidance including the recently adopted Neighbourhood Plan.



## **Highway Safety:**

Recent and historical refusals / appeals on the site, the wider site and in the immediate vicinity of the site have primarily been on the grounds of highway safety / efficiency. In fact a recent appeal on an adjacent site, that was also going to utilise the PROW, was dismissed on such grounds (16/02085/F / APP/V2635/W/17/3175536).

However, the current application proposes to widen, drain and upgrade the existing access of the PROW onto the A10 (something that none of the previous applications has sought (or been able to do). In this regard the Local Highway Authority considers the betterment of this access outweighs any negative impact from the proposed development.

The Parish Council suggests that the proposal is contrary to Site Allocations and Development Management Policies DPD (SADMP) Policy E2.2 however they do not state why. Taking each element of the policy in turn:

1. Along the existing A10:
  - a. no development resulting in significant new traffic or accesses onto to the A10 (excepting that provided under growth area Policy E2.1) will be permitted in advance of the new West Winch link road opening. Significance in this instance refers to effect on the capacity and free flow of traffic on the A10 and its ability to accommodate the existing traffic and that arising from the growth area, and both individual and cumulative potential impacts will be considered – your officers believe that the proposed development is in accordance with this element of the policy for the reasons outlined above;
  - b. new development should generally be set back from the road and provide for significant areas of planting adjacent to the road in order to avoid extending the continuous developed edge to the A10 – there is significant hedge planting adjacent to the A47 which can be retained by condition;
2. Special care will be taken in the vicinity of the Countryside Buffer indicated on the Policies Map to maintain a soft edge to the countryside beyond and avoid a hard and prominent edge to the developed area when viewed from the West – landscaping is a reserved matter. At the design stage suitable western landscaping can be considered. However it should be noted that there is already a green western boundary and as such it may not be necessary to provide any additional planting on this boundary.
3. Areas to the east of the A10 will preferably be associated with the growth area, and accessed through the growth area rather than directly onto the existing A10 road – this is not relevant at the site is to the west of the A10.

As such the proposal is considered to accord with national and local planning policy and guidance relating to highway safety including SADMP Policy E2.2.

## **Public Right of Way:**

Notwithstanding the concerns of one third party representative, the PROW officer has no objection to the proposed development. However the development / applicant's attention is drawn to their comments in relation of requirements both during and post construction.

### **Form and Character:**

Layout, appearance, landscaping and scale are all reserved matters. Therefore these aspects cannot be fully considered at this time. However, as outlined earlier, Local Plan Policy E2.2 seeks to retain a green buffer. As such any layout will need to take full account of this and any built form, including garaging, will need to be set well back from the road. The visibility splays shown on the plans suggest that the existing hedge can be retained. This can be suitably conditioned if permission is granted.

In summary it is considered that the dwellings could be appropriately designed to ensure that the development would not be of detriment to the visual amenity of the locality.

### **Neighbour Amenity:**

Again, given the outline nature of the application, it is not possible to fully consider this aspect. However, it is considered that any material overlooking, overshadowing or overbearing impacts could be designed out.

**Drainage:** Notwithstanding the information provided (that surface water drainage will be via soakaway), given the known issues with drainage in this location, and given the policy requirements of Neighbourhood Plan Policy WA04, it is considered reasonable and necessary to require further surface water drainage information prior to the commencement of development. This can be suitably conditioned if permission is granted.

It is pertinent to note also that the highway condition requires appropriate drainage in relation to the upgraded access.

**Noise:** Given the proximity of the proposed dwellings to the A10 it is considered necessary and reasonable to ensure noise mitigation is included in the design of the dwellings. This can be suitably conditioned if permission is granted.

**Other Specific Considerations:** It is considered that third party and Parish Council comments have been fully considered above.

### **Crime and Disorder**

There are no specific crime and disorder issues arising from the proposed development.

## **CONCLUSION**

The site lies within the development boundary for West Winch in an area where residential development should be supported in principle. There are no objections from statutory consultees on technical grounds and issues such as drainage and landscaping can be suitably conditioned / dealt with at reserved matters stage.

However, members will need to decide whether they believe the upgrading of the existing access and the benefits that brings outweighs the appeal history and the harm associated primarily with right-hand turns against the flow of traffic that an additional two dwellings would bring.

## RECOMMENDATION:

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

- 1 Condition Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority before any development is commenced.
- 1 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.
- 2 Condition Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted to the Local Planning Authority in writing and shall be carried out as approved.
- 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.
- 3 Condition Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 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.
- 4 Condition The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the latest such matter to be approved.
- 4 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.
- 5 Condition Prior to the commencement of the use hereby permitted the vehicular access (indicated for improvement on drawing number 17055 01-3) shall be upgraded / widened to a minimum width of 5.5 metres and provided with radii of 6 metres in accordance with the Norfolk County Council light industrial access construction specification for the first 10 metres as measured back from the near channel edge of the adjacent carriageway. 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.
- 5 Reason In the interest of highway safety and traffic movement in accordance with the NPPF and Development Plan.
- 6 Condition The gradient of the vehicular access shall not exceed 1:12 for the first 5 metres into the site as measured from the near channel edge of the adjacent carriageway.
- 6 Reason In the interests of the safety of persons using the access and users of the highway in accordance with the NPPF and Development Plan
- 7 Condition Notwithstanding the information that accompanied the application no development shall commence on site until full details of the surface water drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.

- 7 Reason To ensure that there is a satisfactory means of drainage in accordance with the NPPF.

This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.

- 8 Condition No development above foundation level shall take place on site until a scheme to protect the dwellings from road traffic noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved before any of the dwellings are occupied.

- 8 Reason To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.

- 9 Condition The frontage hedge (adjacent to the A10) shall be retained. Any part of the hedge that is removed without the prior written approval of the Local Planning Authority or that die or become severely damaged or seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with hedge plants of a similar size and species in the next available planting season unless otherwise agreed in writing by the Local Planning Authority.

- 9 Reason To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF. This needs to be a pre-commencement condition given the potential for damage to protected trees during the construction phase.

- 10 Condition The details required in accordance with Condition 1 shall include a full tree survey, arboricultural implications assessment and arboricultural method statement. The development shall be carried out in accordance with the findings of the assessments.

- 10 Reason To ensure that the existing trees are properly surveyed and full consideration is made of the need to retain trees in the development of the site and how they may be protected in accordance with the NPPF and Development Plan.



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## Appeal Decision

Site visit made on 17 October 2017

by **R Norman BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 08 November 2017

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**Appeal Ref: APP/V2635/W/17/3175536**

**The Old Coal Yard, Hardwick Narrows, West Winch PE33 0NA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs A Carman against the decision of King's Lynn and West Norfolk Borough Council.
  - The application Ref 16/02085/F, dated 29 November 2016, was refused by notice dated 8 February 2017.
  - The development proposed is a new residential dwelling.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the development on highway safety in relation to the free flow of traffic on the A10 West Winch Road.

### Reasons

#### *Highway Safety*

3. The appeal site comprises an area of residential garden land and is located to the rear of a row of existing properties along West Winch Road. The proposed development would introduce a single storey dwelling into the site which would utilise the existing narrow unmade track access located off the A10, Hardwick Narrows Lane. Norfolk County Council Highways Team identifies the A10 as a principle route in Norfolk's Route Hierarchy and is designated as a Corridor of Movement.
4. The Council have accepted that the principle of development is acceptable in this instance however, this is subject to the proposal being acceptable against the relevant policies of the development plan, which include safe access. The A10 forms a main route to and from King's Lynn and is subject to high volumes of both domestic and commercial traffic movement. It has a speed limit of 40 mph at the site access. Furthermore, the Highways Team have provided evidence of 8 road traffic crashes that have occurred on this stretch of the A10 in proximity to the access.
5. Although, the access is already used by a number of existing dwellings the proposed development would intensify the use. The access is narrow in width and not readily visible from the A10 as you approach it in either direction.

Whilst the development would be for one additional dwelling, this would have the potential to generate around 6 additional vehicular trips per day. Combined with the width of the access, which is approximately 7.6 metres at the back of the highway and reduces to around 3.2 metres, and the level of traffic on the A10, this would cause harm to the area in terms of highway safety. Vehicles would potentially have to cross the flow of traffic to enter or exit the site depending on their direction of travel and should vehicles meet on the access or at the junction, this would result in significant reversing being required. Intensification of the access would add unacceptably to the number of slowing and stopping movements which would be harmful to the free flow of traffic and would prejudice the function of the A10 as a Corridor of Movement. From the accident data submitted, it is evident that a number of the incidents were as a result of cars either waiting in the highway or turning across the flow of traffic.

6. The Appellant has identified other examples where access has been permitted on to the A10 including The Winch Public House, Esso Garage and the Eastview Caravan Park. These are historic and existing arrangements and I do not have full details of these accesses and therefore cannot fully assess their relevance. However from the information provided I consider that significant differences exist between these and the proposed development. The Winch and the Esso Garage have much clearer points of access which are visible from some distance along the highway, and as such are not comparable to the proposal in terms of access width and its visibility on the approach. In terms of the lack of highway consultation for the caravan park, I am not aware of the background to this, and although it serves a number of properties again the access is clear and wider than the proposed development. I accept that there are a number of driveways and roads leading off the A10 however this does not justify the increase in use of the access point which would conflict with the free flow of traffic in this location. I therefore consider that these cases are not comparable and do not set a precedent for the appeal access being acceptable.
7. The proposed development would therefore result in harm to the flow of traffic along the A10 and highway safety in the area due to the width of the access and the increase in traffic movements which would be likely to cross the direction of travel. As such, the proposal would be contrary to Policy CS11 of the King's Lynn and West Norfolk Borough Council Local Development Framework Core Strategy (2011) which requires new development to provide safe and convenient access for all modes of travel.

#### *Other Matters*

8. There have been no objections from any of the other statutory consultees. However, regardless of this, the evidence supplied by the Norfolk County Council Highway Team supports the view that there would be highway safety implications as a result of the development.
9. The Appellant has stated that at peak times, the traffic on the A10 is stationary, however, I consider this to make it further evident that the A10 carries a significant amount of traffic as a principle route.
10. It has been raised that the proposed development has not been dealt with consistently by the Council given other approvals that have been given which access onto the A10. However, for the reasons above the proposed development would be harmful to highway safety which would not be outweighed by any other considerations in this instance.

**Conclusion**

11. For the reasons given above I conclude that the appeal should be dismissed.

*R Norman*

INSPECTOR







# Appeal Decision

Site visit made on 25 September 2001

by **Lucy Drake BSc MSc MRTPI**

an Inspector appointed by the Secretary of State for Transport,  
Local Government and the Regions

The Planning Inspectorate  
4/09 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 6372  
e-mail: enquiries@planning-  
inspectorate.gsi.gov.uk

Date

- 4 OCT 2001

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**Appeal Ref: APP/V2635/A/01/1067508**

**Site address: Sunnyside, 66 West Winch Road, North Runcton**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr & Mrs M Raphael against the decision of Kings Lynn and West Norfolk Borough Council.
- The application (Council's ref: 2/01/0165/O), dated 30 January 2001, was refused by notice dated 23 May 2001.
- The development proposed is the construction of eight detached dwellings.

**Summary of Decision: The appeal is dismissed.**

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## Procedural Matters

1. The planning application was submitted in outline form with only the principle of the development and the means of access to the new dwellings for consideration at this stage.
2. At the date of my visit this stretch of the A10 was closed to through traffic, to allow re-surfacing work and other improvements to take place and I therefore saw the site and its surroundings in most untypical circumstances. I have however driven along the road at other times, in both directions, and have built up a picture of normal conditions using the information submitted by parties to the appeal.

## Main Issues

2. The main issues in this case are:
  - (a) The impact of the proposals upon the character and appearance of this part of North Runcton.
  - (b) The consequences for highway safety and the free flow of traffic on West Winch Road.

## Planning Policy

3. In justifying their decision to refuse the application the Council have referred to the Kings Lynn and West Norfolk Local Plan adopted in November 1998. The appeal site lies within a defined Built Environment Type D area: built up parts of towns and villages where the majority of the development usually post-dates 1914. In these areas Policy 4/21 says that development which has regard for and is in harmony with the building characteristics of the locality will be permitted.
-

4. West Winch Road is the northern end of the A10 Kings Lynn- London road and is defined as a Primary Corridor of Traffic Movement in the Local Plan. Although the A10 lost its trunk status when control for its management and maintenance passed from the Highways Agency to Norfolk County Council in April 2001, it remains a primary route. Trunk roads and other primary routes have a strategic role in carrying long distance traffic between major centres. The stated intention of Local Plan Policy 9/11 is to resist new development close to these roads where their traffic carrying function and capacity would be adversely affected by additional local traffic movements. Local Plan Policy 9/29 says that in deciding planning applications the Council will promote, amongst other things, safe road and secure environmental conditions throughout the Borough.
5. In July 2001 the Council adopted supplementary planning guidance to the above policies, specifically relating to 1-84 West Winch Road. This says that development in depth away from the frontage and/or requiring a new access road or private drive off the A10 will not be permitted. Any potential frontage infill plots will be within 50 metres of the road, and to that extent the Built Environment Type D character notation will not imply acceptable limits for new development. This approach followed the granting of permission for a number of residential developments on infill plots and small private roads during the 1990s when the Highways Agency had taken a more relaxed attitude than their predecessors, the Department of Transport, to the creation of new private access points onto the A10.
6. The Council were concerned that this was contrary to the objectives of Local Plan Policy 9/11 and could have a harmful effect upon the function and capacity of the road, contrary to Local Plan Policy 4/21. Additionally it was considered that the high ambient noise levels on the A10 were such that residential development should not generally be encouraged. The transfer of responsibility for the road to the County Council, who support the views of the Borough Council, has allowed a more restrictive approach to be followed, within the parameters of the Local Plan.
7. Although the supplementary planning guidance was not adopted until after the application had been refused, it was formulated in response to this and other applications and was subject to local consultation. I therefore consider it an important and relevant material consideration in this case.

### **Background**

8. The appeal site comprises a plot of land to the rear of the dwelling Sunnyside, on the western side of the A10, about 700 metres south of the Hardwick Roundabout. This is a complex six-exit roundabout with traffic lights where the A10 joins the A47. The site is currently in use as a paddock and extends for some 130 metres to the rear of Sunnyside, which is itself set back by about 50 metres from the road. The existing private driveway alongside Sunnyside would be widened and extended into the appeal site, to additionally serve the eight proposed dwellings.

### **Reasons**

#### ***The impact of the proposals upon the character and appearance of this part of West Winch Road.***

9. This part of West Winch Road is characterised by residential development in the form of detached dwellings fronting the road, with the occasional side track containing some houses.

One such track runs along the north side of the appeal site providing public access to the open land to the rear. My attention was drawn to a new development of five houses sharing a single access off West Winch Road about 300 metres further north, and also a site where planning permission has recently been given for residential development, using an existing access, to the rear of the houses directly opposite the appeal site. I am also aware that that the Local Plan designates a large area of land for new housing, with a road frontage of over 100 metres, also on the opposite side of the A10.

10. In my view this part of West Winch Road is normally characterised by a zone of busy and noisy activity centred along the road itself, with the frontage housing giving it an urban or suburban appearance. But down the side lanes and to the rear of the long plots, which have all been included within the Type D notation, the character is far more peaceful, less developed and more aligned to the rural surroundings. It seems to me that the Council's supplementary planning guidance is seeking to maintain the balance between these two characters, by seeking to restrict new development to the 50 metres on either side of the road, thereby protecting the rural qualities of the land to the rear. Were the proposed development to take place, what is currently an open field would be transformed to a residential enclave, extending for some considerable distance into the backland area. This would have a particularly noticeable effect upon the character and appearance of the public track to the north and the views of the appeal site from the open land to the west. Were permission to be granted in this case, it would be difficult for the Council to refuse similar applications for the many long plots and areas of open land to the rear of the frontage houses. This would be both contrary to their recently clarified policy for the area and would have a significant effect upon the rural character of this land.
11. I therefore find that the proposal would be contrary to the intentions of Local Plan Policy 4/21, as clarified by the recent supplementary planning guidance, in that it would detract from the generally open, rural character of the land to the rear of the dwellings on this part of West Winch Road.

***The consequences for highway safety and the free flow of traffic on West Winch Road.***

12. The proposal would also be contrary to the specific intentions of the supplementary planning guidance, based on Local Plan Policy 9/11, to limit further increases in the number of private access points onto this stretch of the A10, and the amount of local traffic using the existing access points. The figures supplied by the County Council, when added to my own experience and the comments of my colleague in appeal ref T/APP/V2635/A/98/296788/P9 for the plot to the north of Sunnyside, indicate a very heavily used stretch of road with a high proportion of HGVs. The personal injury accident figures supplied by the County Council support a picture of congested road conditions where drivers need to take considerable care to avoid tail-end collisions and accommodate vehicles turning onto or off the road.
13. Traffic approaching from the south may well be slowing down, or even queuing as it approaches the Hardwick Roundabout, some 700 metres to the north. But oncoming traffic travelling in the opposite direction is likely to be speeding up, or travelling at a steady 40mph having left the roundabout. Drivers would not be expecting to slow down again, or even stop for local traffic turning off the road. I note the comment of a local resident who says that traffic waiting to turn can cause a backlog to build up from the Roundabout.
14. I accept that there are a considerable number of private driveways and roads leading off this stretch of the A10, that the geometry of the proposed access in its revised form may meet the

requirements of the highway authority in terms of visibility and design, and that it would be of a better specification than some of the existing junctions. But in my view this does not justify the significant increase in use of the access point which would result from the eight proposed houses and the commensurate increase in the likely number of turning movements and local trips which would add to the already congested and hazardous conditions on this part of West Winch Road and further prejudice its function as a Primary Corridor of Traffic Movement. I therefore find that the development would have a potentially harmful effect upon highway safety and the free flow of traffic on West Winch Road, contrary to Local Plan Policies 9/11 and 9/29 and the Council's recent supplementary planning guidance.

**Conclusions**

15. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

**Formal Decision**

16. In exercise of the powers transferred to me, I dismiss the appeal.

**Information**

17. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court within 6 weeks from the date of this decision.



INSPECTOR





# Appeal Decision

Site visit made on 24 August 2004

by D A Hainsworth LL.B(Hons) FRSA Solicitor

an Inspector appointed by the First Secretary of State

The Planning Inspectorate  
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Date - 8 SEP 2004

**Appeal Ref: APP/V2635/A/04/1143778**

**Land at Sunnyside, 66 West Winch Road, King's Lynn, Norfolk PE33 0NB**

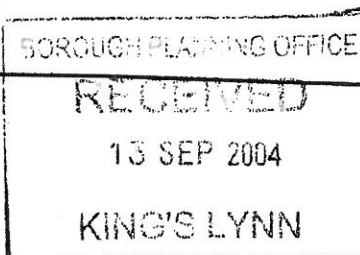
- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs M Raphael against the decision of King's Lynn & West Norfolk Borough Council.
- The application ref: 2/03/2029/F, dated 10 October 2003, was refused by notice dated 9 December 2003.
- The development proposed is a dwellinghouse and garage.

## Decision

1. I dismiss the appeal.

## Reasons for the decision

2. The application is to renew a permission granted on appeal in 1998, which renewed one granted by the Council in 1993 (Refs. T/APP/V2635/A/98/296788/P9 & 2/93/0153/F). Other small residential developments have also been permitted nearby in the past.
3. The effect on traffic was not a main issue in the previous appeal. More recently, applications for residential development in the locality have been refused on traffic grounds, applying Policy T.11 of the Norfolk Structure Plan, adopted in 1999, and Policies 9/11 and 9/29 of the King's Lynn & West Norfolk Local Plan, adopted in 1998. I have been notified of three cases, one involving Sunnyside, where appeals from these decisions were dismissed because of the effect of the development on the safety and free flow of traffic. I consider that there have been material changes in planning circumstances since the 1998 appeal, namely the growth in traffic and the approach now being taken by the Council and the current highway authority to development that would add to it.
4. Vehicular access to the development would be from Hardwick Narrows Lane, a short distance from its junction with West Winch Road. Drivers experience difficulties at this junction because of its narrowness and gradient. West Winch Road is part of the A10 and carries a large amount of traffic, a high proportion of which are heavy goods vehicles. Even the small number of journeys generated by the development would detract from the function of the road as a Corridor of Movement and unacceptably add to the number of hazardous slowing, stopping and turning movements taking place. These concerns could not be overcome by carrying out improvements to the junction.

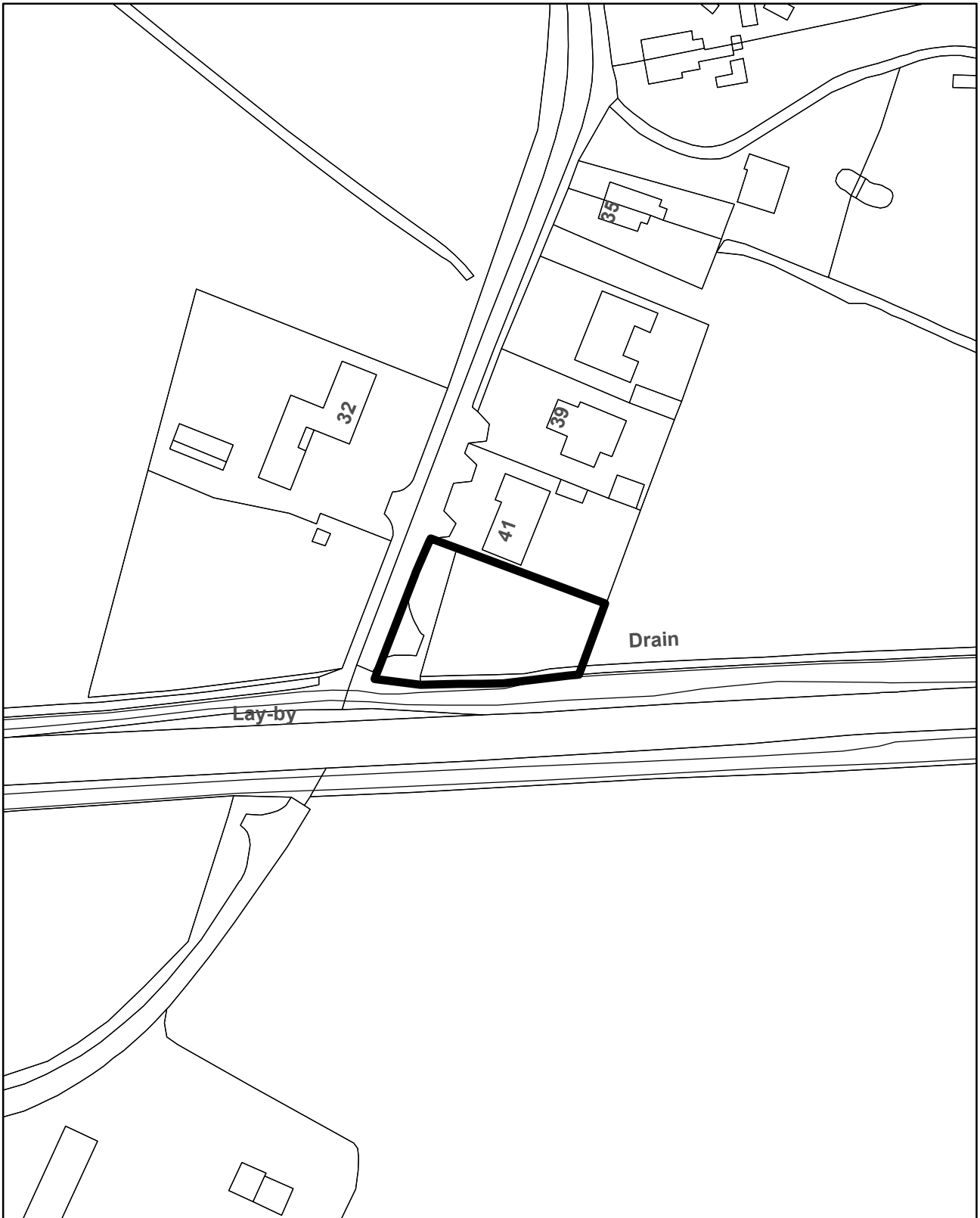


INSPECTOR 



# 17/00960/F

Land adjacent 41 Hay Green Road North Terrington St Clement



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

<b>Parish:</b>	Terrington St Clement	
<b>Proposal:</b>	Proposed use of redundant agricultural land to site a static caravan, a mobile cabin and two shipping containers. All to provide accommodation and secure storage for the duration of a self-build project (pair of dwellings) on an adjacent area of the same field under the same ownership (planning Reference 15/01865/O). Plus retention of roadside boundary fence and gates	
<b>Location:</b>	Land Adjacent 41 Hay Green Road North Terrington St Clement King's Lynn	
<b>Applicant:</b>	Jason Partridge, Kevin Partridge & Emma Openshaw	
<b>Case No:</b>	17/00960/F (Full Application)	
<b>Case Officer:</b>	Mr K Wilkinson	<b>Date for Determination:</b> 13 July 2017 <b>Extension of Time Expiry Date:</b> 9 December 2017

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

**Neighbourhood Plan:** No

**Case Summary**

The application site lies on the eastern side of Hay Green Road North, immediately north of the A17 in an area classed as 'countryside'. The site also lies within Flood Zone 2 of the Council-adopted Strategic Flood Risk Assessment and Flood Zone 3 on the Environment Agency maps.

This application seeks permission for the retention of a residential static caravan and a mobile home/cabin plus two shipping containers and concrete base, in connection with the construction of two dwellings which are currently under construction on associated land to the rear of Nos.37-39 Hay Green Road North. Permission is also sought for the retention of a close boarded fence and gates alongside the road frontage.

**Key Issues**

Principle of development  
Impact upon appearance of locality  
Highway matters  
Other material considerations

**Recommendation**

**APPROVE**



## **THE APPLICATION**

The application site lies on the eastern side of Hay Green Road North, immediately north of the A17 in an area classed as 'countryside'. The site also lies within Flood Zone 2 of the Council-adopted Strategic Flood Risk Assessment and Flood Zone 3 on the Environment Agency maps.

This application seeks permission for the retention of a residential static caravan and a mobile home/cabin plus two shipping containers and concrete base, in connection with the construction of two dwellings which are currently under construction on associated land to the rear of Nos.37-39 Hay Green Road North (application ref: 17/01201/RM). Permission is also sought for the retention of a close boarded fence and gates alongside the road frontage.

## **SUPPORTING CASE**

The agent submits the following comments in support of this application:

"The application seeks only to provide temporary private domestic accommodation and secure storage for two families for the duration of the 'self-build' construction of a pair of permanent dwellings on land to the East of 'Haygreen Road North' in the village of Terrington St Clement.

The proposal is restricted to a pair of temporary dwelling units, security fencing and storage containers appropriate to the scale of the self-build project (two dwellings) which it will serve.

All buildings, structures and drainage measures will remain for the duration of the self-build project only (an anticipated timescale of approximately two years), after which the new dwellings will be occupied and the temporary accommodation and storage units removed from the site.

The applicants have undertaken that for the duration of the build, the temporary site will be maintained in reasonable condition so as not to become unsightly.

Access to the site from Haygreen Road North, is historically established as access to the field associated with the application, and this arrangement is not altered by the proposal. An issue with disputed ownership of the access area immediately adjacent to the highway has been resolved with County Highways, whereby if the Highways authority ever want to construct the (historically) planned turning head at the abutment with the A17, the land owners will clear any encroachment and permit them to do so.

It is an important consideration in determining this application that the temporary accommodation and secure storage provided would now be allowed as 'Permitted Development' when taken in its context as part of Approved Planning Consent Ref: 17/01201/RM (full consent for the pair of new dwellings elsewhere on the same site). The planning application being determined today was submitted in order to ease any concerns over any perceived permanency of the arrangement and was only necessary as the Approved Permission for the Pair of new dwellings was granted in 'Outline' only, at the time the owners of the site had to vacate their current accommodation and make provision to commence the construction of their new homes. The required Reserved Matters Application for the pair of permanent dwellings was undertaken immediately the applicants took ownership of the site and has subsequently been fully approved. The 'temporary' site is 'part of' and under the same ownership as that of the approved pair of dwellings and no additional nuisance or traffic will be created above that generated by the construction of the new

development. Indeed, with the owners / builders being located on the same site, any such traffic should be reduced.”

## PLANNING HISTORY

Associated land

17/01201/RM: Application Permitted: 08/09/17 - Reserved matters application for construction of two dwellings

15/01865/O: Application Permitted: 14/01/16 - Outline application: Construction of two dwellings

## RESPONSE TO CONSULTATION

**Parish Council: OBJECT** - The site is outside of the planning boundary and is on a green field site. Although not stated on the documentation this is in fact a retrospective application because the works have already commenced. Also request that no storage containers, temporary structures, static caravans etc. are left remaining on the site.

**Local Highway Authority:** Initially raised concerns regarding encroachment onto highway land, but subsequently state **NO OBJECTION** as the encroachment does not endanger highway users.

**Environment Agency: NO OBJECTION** - This site is located within Flood Zone 3 on our Flood Map. As long as your Authority is satisfied with their warning and evacuation plan we have no objection to this proposal.

Please note that permanent residential use at this location is considered Highly Vulnerable and not appropriate at this location (Planning Practice Guidance - Paragraph: 066 Reference ID: 7-066-20140306).

**IDB:** No comments received

**CSNN: NO OBJECTION** - I have no objection to this retrospective application. I am concerned, however, about the drainage for foul and surface water, as these both run off site to another ‘plot’ to the east. We would not normally allow drainage to run off site to another location.

Whilst I appreciate that, in this case, the plot is also in the ownership of the applicants, and that they are proposing to build two permanent dwellings (17/01201/RM and 15/01865/O) further north on this land,

I would need to be assured that, assuming the reserved matters application was permitted and the two permanent homes were constructed, the foul and surface water drainage in place for the caravan and cabin were safely removed, and the land reinstated to the condition it was before this drainage was installed. The plan indicates there is a temporary domestic septic tank. If this is not reused for the permanent homes (I have assumed not, as it does not appear to be located near them), it will need to be carefully and safely emptied and removed, to avoid any ground contamination.

**District Emergency Planning Officer: NO OBJECTION** subject to conditions relating to signing up to EA flood warning system and production of a flood evacuation plan.

**REPRESENTATIONS** None received

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS11** - Transport

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM1** – Presumption in Favour of Sustainable Development

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)

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

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

## **PLANNING CONSIDERATIONS**

The key considerations in assessing the application are as follows:

- Principle of development
- Impact upon appearance of locality
- Highway matters
- Other material considerations

### **Principle of development**

The site lies within an area classed as ‘countryside’ where new dwellings are normally restricted. However there are extant outline and reserved matters approvals for two dwellings on this overall land holding. Under the provisions of Class A, Part 5, Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 and Part 9, Section 2, First Schedule of the Caravan Sites and Control of Development Act 1960, caravans may be used on sites and adjoining land where building or engineering operations are being carried out, if the use is for the accommodation of a person or persons employed in connection with said operations. The applicants are undertaking self-build of the two dwellings on plots which form part of the overall land holding.

In this particular case the units were introduced onto the land prior to reserved matters being approved, hence this application was technically required to regularise the situation. Had the applicants waited until such time as detailed planning permission had been authorised, then the introduction of the temporary accommodation would have constituted permitted development.

This is a material consideration in determining this application.

The storage containers, fencing, gates and hardstanding however require permission, but are seen in context with the temporary residential units.

### **Impact upon appearance of locality**

The site lies at the southern head of Hay Green Road North close to the A17 and is therefore quite visible from this elevated route. Whilst seen against a backdrop of a bungalow contained by a mature leylandii hedge, it is prominent when viewed from the east. The retention of the storage containers, static caravan plus mobile home/cabin on a permanent basis would not be acceptable as they introduce visual clutter within a rural setting which would be detrimental to the appearance and character of this locality. However the removal of the hardstanding, containers and homes may be secured via condition once the new associated dwellings are occupied or within 18 months whichever is the sooner.

### **Highway matters**

It has come to light that the development has encroached onto highway land at the head of the road (between 1-8m), mostly by the erection of the 2m high roadside boundary fence and gates.

The Highway Engineer for Terrington St Clement has recently visited the site and has declared that the identified encroachment can remain for the time being as it does not cause any danger for highway users. Vehicles can still turn around at the head of this road.

The owner of the land and encroachment is aware that the Highway Engineer can, at any time, ask for the encroachment to be removed but this is unlikely in the foreseeable future.

The encroachment has been noted on the Highways Land Charges system and will be declared on all highways replies to the Local Official Search.

Given that this is proposed to be a temporary arrangement and the Local Highway Authority can take formal action to remove development under their legislation, there is no reason to withhold planning permission for these temporary structures.

### **Other material considerations**

The temporary homes have been connected to a temporary domestic septic tank for disposal of foul water. It is not reused for the permanent homes and will therefore need to be carefully and safely emptied and removed, to avoid any ground contamination. This may be secured via condition as requested by CSNN.

The site lies within Flood Zone 2 of the Council adopted SFRA and Flood Zone 3 of the Environment Agency maps. Whilst acceptable on a temporary basis, the use of these structures as permanent dwellings would be resisted by the Environment Agency.

## CONCLUSION

This application effectively seeks approval for temporary accommodation and storage during a self-build project for two detached dwellings on associated land. The introduction of the units on the land pre-empted reserved matters approval for the dwellings and therefore planning permission was required. Had the applicants waited a few months, the temporary dwellings would have been permitted development; however the containers, hardstanding and boundary fence plus gates would still require planning permission.

The roadside boundary fence and gates do not endanger highway users and may be removed due to encroachment onto highway land (along with the containers and hardstanding) should the Local Highway Authority see fit.

Whilst the concerns of the Parish Council are noted, a temporary permission of 18 months or occupation of the dwellings (whichever is sooner) is considered to be reasonable and the site may be cleared of containers, hardstanding and homes beyond that timeframe. The application is therefore recommended for approval subject to conditions stated below.

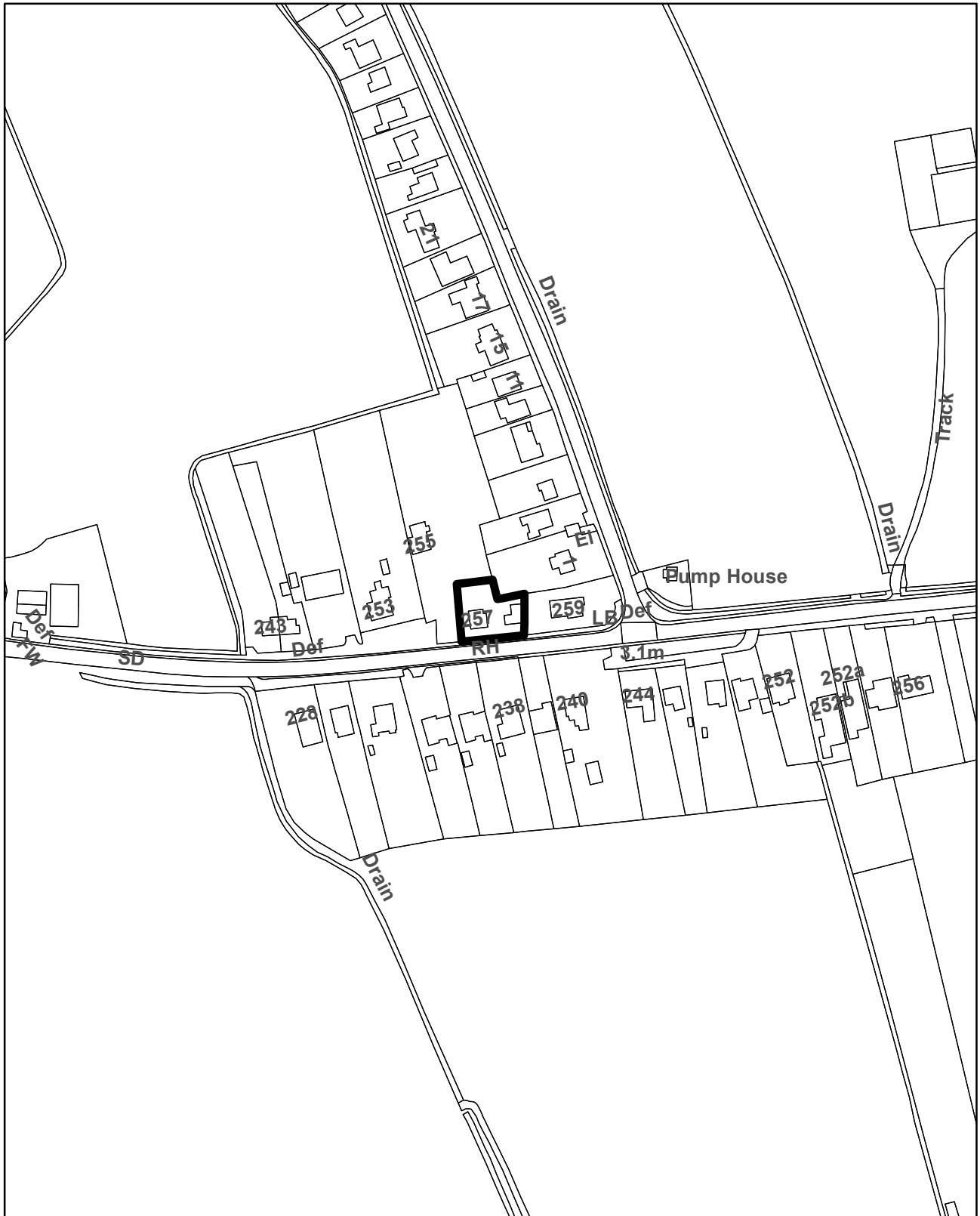
## RECOMMENDATION:

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

- 1 Condition This permission shall expire on 31st July 2019, or within one month of the occupation of the associated dwellings (approved under reference: 17/01201/RM) whichever is the sooner, and unless on or before that date application is made for an extension of the period of permission and such application is approved:
  - (a) the storage containers, hardstanding, static caravan, mobile home/cabin and septic tank shall be removed from the application site,
  - (b) the use of the land shall be discontinued, and
  - (c) there shall be carried out any work necessary to reinstate the application site to its condition prior to the implementation of this temporary permission.
  
- 1 Reason In order that the Local Planning Authority may retain control over the development where a permanent permission may give rise to conditions detrimental to the amenities of the locality and residential caravans would not be appropriate given the high risk of flooding; contrary to the provisions of the NPPF & NPPG, Policies CS01, CS06 & CS08 of the LDF and Policy DM1 of the SADMPP.

# 17/01218/F

Claremont Cottage 257 Lynn Road Terrington St Clement



**1:2,500**

**AGENDA ITEM NO: 8/3(f)**

<b>Parish:</b>	Terrington St Clement	
<b>Proposal:</b>	REMOVAL OF CONDITION 2 OF PLANNING PERMISSION 09/00626/F: Demolition of existing garage and construction of detached annexe	
<b>Location:</b>	Claremont Cottage 257 Lynn Road Terrington St Clement King's Lynn	
<b>Applicant:</b>	Mr Jim Harrod	
<b>Case No:</b>	17/01218/F (Full Application)	
<b>Case Officer:</b>	Clare Harpham	<b>Date for Determination:</b> 21 August 2017 <b>Extension of Time Expiry Date:</b> 12 December 2017

**Reason for Referral to Planning Committee** – The application has been called into Planning Committee by Councillor Sheila Young.

**Neighbourhood Plan:** No

**Case Summary**

The proposal seeks to remove the occupancy restriction on an existing annexe which would result in an independent single storey residential unit. The proposal would utilise a shared access which has restricted visibility and the annexe is located within Flood Zone 3 and an area where Tidal Hazard Mapping shows it could flood up to 1 metre. By removing the restriction this would result in the intensification of an already substandard access and flood risk issues.

**Key Issues**

Planning History  
Highways Issues  
Flood Risk Issues  
Other material considerations  
Crime and Disorder

**Recommendation**

**REFUSE**

**THE APPLICATION**

The application site is located to the northern side of Lynn Road and in close proximity to the Marsh Road junction. On site currently stands a two storey dwelling (west side) with a single storey annexe (east side).

This application seeks to remove condition 2 of planning permission 09/00626/F (demolition of existing garage and construction of detached annexe) which restricts the use of the annexe to be used as ancillary accommodation and at no time be used as an independent unit of residential accommodation.

## **SUPPORTING CASE**

1. Highways quoted that the planning inspectorate had already refused a previous application but I would like to highlight that this was for a 3 bedroom house with a much larger foot print than that of the annexe which I now realise that this would have compromised parking and a permanent turn round area to enable a vehicle to enter and exit Lynn road in a forward gear. Also that at the time the speed limit on Lynn road was 60mph.
2. Norfolk County Council decided it was safe enough to implement a 50 mph speed limit on Lynn in 2007 rather than the 40mph speed limit suggested by Terrington St. Clement parish council even though one driveway (252 Lynn Road) only has a very worrying 59 metres of visibility splay to the west. There are 10 properties including one farm entrance with between 80-100 metres of visibility splay in one direction yet it was considered.
3. Had Norfolk County Council implemented the suggested 40mph speed limit the annexe would have had the correct visibility splay.
4. The driveway has a visibility splay of over 2 times the stopping distance of a vehicle travelling at 50mph (53 metres).
5. There is parking for 6 vehicles whilst still retaining a turn round area to allow a vehicle to enter and exit the driveway in a forward gear.
6. This is an existing driveway with an entrance wide enough for two vehicles side by side.
7. Highways considered the planning application 09/01247/7 (238A Lynn road) with a visibility splay far less than that of the annexe to be acceptable, yet visibility is so bad that they have fixed a mirror to the telegraph pole on my property so that they can see to safely get out of their driveway onto Lynn road.
8. The Annexe is one bedroom with no room for further extension so vehicle movements are and always will be to the bare minimum.
9. I find the objection from the Environment Agency of there being no first floor refuge most concerning considering the majority of the properties being bungalows on Lynn road and Marsh road which is also on flood zone 3. Although there is no history of flooding in Terrington St Clement in the last 100 years. The annexe was built to the specifications for flood zone 3 at the time which are much improved from all the other bungalows on Lynn road as the floor levels are a lot higher than the rest in the area.
10. I had asked for a condition to be included so that the Annexe was to remain in the ownership of 257 and not to be a separate dwelling (as happened with application 14/00279/F and also with 15/01930/F) with a key to 257 being available in a key safe so that first floor refuge would be available if there was to be a flood.
11. The current occupier of the annexe a member of my extended family can live in the annexe with the current granted planning permission which is considered safe enough for him to enter and exit Lynn road just as long as he is not paying rent to live in the annexe which to me seems a bit bizarre.
12. The annexe provides a cheap rental property for a single person that is virtually non-existent in Terrington St. Clement and the surrounding area.



## **PLANNING HISTORY**

16/01249/F: Application Withdrawn: 14/09/16 - Removal of Condition 2 attached to planning permission 09/00626/F to allow the continued use of the annexe as a separate unit of accommodation - 257 Lynn Road Terrington St Clement

09/00626/F: Application Permitted: 22/06/09 - Demolition of existing garage and construction of detached annexe - 257 Lynn Road Terrington St Clement

05/02667/O: Application Refused: 13/02/06 - Outline Application: construction of dwelling - Land To The East Of 257 Lynn Road Terrington St Clement  
Appeal Dismissed 20/10/06

2/99/1190/F: Application Permitted: 27/10/99 - Extension to dwelling - 257 Lynn Road Terrington St Clement

## **RESPONSE TO CONSULTATION**

**Parish Council: NO OBJECTION**

**Highways Authority: OBJECT**

The site was initially considered for an independent dwelling under planning reference 05/02667/O. That application was refused by your authority, the application was appealed and subsequently dismissed by the planning inspectorate. At that time the Highways Authority raised an objection on the grounds that the applicant did not control sufficient land to provide acceptable levels of visibility and without the benefit of any information being provided to the contrary that does continue to be the case.

An annexe differs in use from that of an independent dwelling as annexes are inhabited by family or associated members who share linked trips with the main dwelling and therefore typically traffic levels are very low.

I am aware that a very similar application was submitted in 2016 under planning application 16/01249/F but this was later withdrawn. However, it would appear the annexe has been utilised in breach of conditions. Within the applicants supporting information I note that additional off-street parking is offered. However this simply goes against the principle of the highway concern for this site as such further provision would only encourage an increased use of the access which we consider to be unsafe for such use.

I also observe from the applicant's supporting information that there is reference made to the level of splay being substandard by 20m of the adopted standard. It is therefore not to standard. As I believe that speed compliance in this area is low. I believe that an approval of the application would result in conditions to the detriment of highway safety and I therefore recommend the application be refused for this reason.

**Environment Agency OBJECT**

The site is located within Flood Zone 3 and our Tidal Hazard Map shows the potential for up to 1 metre of water if the defences were breached. Therefore, a single storey dwelling (looking at the details for 09/00626/F) does not allow for safe refuge. Therefore, we would wish to object to this application. Unless safe refuge can be provided at first floor level to the satisfaction of your Authority it would not be sensible to allow anything other than the current occupancy.

## **REPRESENTATIONS**

None received

## **LDF CORE STRATEGY POLICIES**

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS11** - Transport

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)

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

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

## **PLANNING CONSIDERATIONS**

The application site is located within the development boundary as identified within Inset G93 (Terrington St Clement) of the Site Allocations and Development Management Policies Plan 2016. In principle the removal of the condition in order to create a separate unit of accommodation is acceptable provided it is acceptable in relation to all other material considerations. The main issues to consider when determining this application are therefore as follows:

- Planning History
- Highways Issues
- Flood Risk Issues
- Other material considerations
- Crime and Disorder

### **Planning History**

In February 2006 outline planning permission was refused for the construction of a dwelling (05/02667/O). Access was considered at this stage with all other matters reserved but it was indicated that the proposal would be of a similar height to the donor dwelling (no. 257 Lynn Rd). The two reasons for refusal were as follows:-

Reason 1 - The Development Plan seeks to allow new development in the village, in built up areas, which has regard for and is in harmony with the building characteristics of the locality. Notwithstanding the advice contained within Planning Policy Guidance 3, increasing housing density within existing settlements, it is considered that the proposal for new development on this site, of sub-divided curtilage, does not respect the spatial form and character of the existing sites in the locality. The proposal would result in an over-intensive use of the site and therefore is contrary to Policy H7 of the Norfolk Structure Plan 1999 and Policies 4/21, 8/1 and 9/29 of the King's Lynn and West Norfolk Local Plan 1998.

Reason 2 - At the proposed site visibility in the non-critical direction is acceptable, at over the required limit of 215m measured from a point 2m into the access. However, visibility in the critical direction is severely restricted by boundary features, caused by a bend in the horizontal alignment of Lynn Road. As a result only a distance of 140m can be seen. Taking into account accident statistics, the proposal would increase conditions to the detriment of Highway Safety. It is considered that inadequate visibility splays are provided at the junction of the access with the County Highway (Lynn Road) and that the proposal should be refused as it would cause danger and inconvenience to users of Lynn Road and is contrary to Policy 9/29 of the King's Lynn and West Norfolk Local Plan 1998.

This was dismissed at appeal (Appeal Decision APP/V2635/A/06/2015208) where the Inspector concluded that the proposal would have an adverse effect on the character and appearance of the surrounding area (the proposal was two storey) and that the proposal would unacceptably affect highway safety and the free flow of traffic on Lynn Road. The Inspector also made note that the speed limit may be reduced to 50mph (which has subsequently occurred) and concluded that even if the speed were to be reduced to 50mph the access would still be markedly substandard. It was not considered appropriate in the interests of highway safety to reduce the standards which have been set for the safety of both drivers on Lynn road and those using the access at the site.

Subsequently an annex was approved at the application site (09/00626/F) which is single storey and stands in place of where there had been a detached garage. The proposal was considered acceptable with regard to form and character and as the proposal was for an annex which would be tied to the existing dwelling by a condition the proposal was not considered to intensify the sub-standard access. This was because the proposal was for ancillary accommodation which is not considered to generate additional traffic movements. Indeed the highways officer has reiterated that whilst an annex may result in an increase in the number of dwellings located at a site it does not necessarily result in a direct habitual increase in trips as family members would link trips.

Planning application 09/00626/F had a condition restricting the occupancy of the approved annexe which reads as follows:-

Condition 2 - "The additional residential accommodation hereby approved shall only be used as ancillary accommodation to the main dwelling and shall at no time be used as an independent unit of residential accommodation."

Reason 2 - "In order that the Local Planning Authority may retain control over the development in the interests of protecting the amenities of the locality and highway safety, in accordance with PPS1 and PPG13."

It is this condition which the applicant wishes to remove which would allow the current annexe to be occupied as a separate unit of accommodation.

## **Highways Issues**

The application site has sub-standard levels of visibility and there is an objection from the Highways Officer on highway safety grounds.

The applicant has stated that in 2005 when the application for a dwelling was refused Lynn Road was 60mph. The Parish Council long campaigned for the road to be 40mph however NCC deemed the road to be safe at 50mph. There are a number of dwellings in the immediate locality with substandard visibility splays and due to the speed limit being 50mph.

Notwithstanding the reduction in the speed limit the access is still sub-standard with regard to visibility and therefore to intensify the access which would occur should the condition be removed would be unacceptable (this was also mentioned in the appeal statement). The Highways officer has responded to comments made by the applicant that the applicant has not demonstrated that splays can be achieved for the site access that meet the requirements found in the Design Manual for Roads and Bridges (DMRB). Should the applicant be of the view that the speed people drive at is actually lower than 50mph, then an Automatic Traffic Count (ATC) to support this should be commissioned and submitted and the results would then be assessed. An ATC has not been submitted.

The Highways officer is also aware that the applicant is of the opinion that the speed limit in the locality should be 40mph; however speed limits are assessed as part of Norfolk's speed strategy and before reducing the posted speed limit even further there has to be a realistic expectation that drivers will actually reduce their speed. Motorists tend to drive according to the environment they pass through and not always according to the posted limit. The fact that existing points of access have restricted visibility is not a justification for allowing additional traffic to use a substandard access.

Consequently when assessing the proposal to remove the condition restricting the building to ancillary accommodation the resulting increase in vehicular movements expected from an independent unit of accommodation are such that it would result in conditions which are detrimental to highway safety and should therefore be refused on that basis as they are contrary to Policy CS11 of the Core Strategy 2011 and Policy DM15 of the Site Allocations and Development Management Policies Plan 2016.

## **Flood Risk Issues**

The application site is located within Flood Zone 3 and the Tidal Hazard Map shows it's in an area where flooding could occur up to a depth of 1 metre. Due to the nature of the development which is single storey there is no provision for a safe refuge at first floor level and there is an objection to the application from the Environment Agency.

The applicant has stated that there are other single storey dwellings in the locality, which is indeed the case, however information regarding flood risk is constantly evolving and being updated and those dwellings would have been approved at a time that flood risk was considered in a different policy context and even possibly prior to flood mapping.

There is correspondence from the applicant to state that he would be willing to accept a varied condition which would keep the annex in the same ownership, however this does not overcome the fact that there is no first floor refuge within the building.

As an annexe which is ancillary to the main dwelling (which is two storey) it is safe to assume that the occupants could seek refuge in the main house should flooding occur. However should the condition be removed (or varied to include the same ownership) the building would no longer be ancillary accommodation and could be used as a separate unit

of accommodation. This would allow the building to be sold (or rented out) to an unassociated party and you would not expect them to have the same access to the main house, and a first floor refuge, that related family members may have.

Consequently by removing the condition restricting the occupancy of the building the proposal would be contrary to the principles of the NPPF and Policy CS08 of the Core Strategy 2011.

### **Other material considerations**

There are no other material considerations which are pertinent to this application.

### **Crime and Disorder**

There are no crime and disorder issues which would result from this application.

### **CONCLUSION**

The proposed removal of condition 2 of planning permission 09/00626/F would result in the removal of the restriction on the occupancy of the residential accommodation which would then no longer be ancillary accommodation. This would result in the intensification of an already sub-standard access to the detriment of highway safety as well as the occupation of a dwelling in an area of flood risk without an appropriate first floor refuge. Consequently members are asked to consider refusing the application given that it is contrary to the provisions of the NPPF, Policy CS08 and CS11 of the Core Strategy 2011 and Policy DM15 of the Site Allocations and Development Management Policies Plan 2016.

### **RECOMMENDATION:**

**REFUSE** for the following reason(s):

- 1 Inadequate visibility splays are provided at the junction of the access with the County highway and this would cause danger and inconvenience to users of the adjoining public highway. Consequently the proposed removal of condition 2 of planning permission 09/00626/F would result in the intensification of an inadequate access which would be contrary to the provisions of the NPPF, Policies CS11 of the Core Strategy 2011 and Policy DM15 of the Site Allocations and Development Management Policies Plan 2016.
- 2 The proposal would result in a single storey dwelling located in an area of flood risk where there is no first floor refuge in the event of flooding. Consequently the proposal would be contrary to the provisions of the NPPF with regard to flood risk and Policy CS08 of the Core Strategy 2011.



# Appeal Decision

Site visit made on 12 September 2006

by Janet L Cheesley BA (Hons) DipTP MRTPI.

an Inspector appointed by the Secretary of State for  
Communities and Local Government

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
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Bristol BS1 6PN  
☎ 0117 372 6372  
e-mail: enquiries@planning-  
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Date: 20 October 2006

Appeal Ref: APP/V2635/A/06/2015208

Land adjacent to 257 Lynn Road, Terrington St Clement, King's Lynn, Norfolk PE34 4HU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr J Harrod against the decision of the Borough Council of King's Lynn and West Norfolk.
- The application (Ref.05/02667/O), dated 21 December 2005, was refused by notice dated 13 February 2006.
- The development proposed is a dwelling.

**Summary of Decision: The appeal is dismissed.**

## Procedural Matters

1. The application is in outline form with details of means of access to be determined at this stage.

## Main Issues

2. I consider that there are two main issues:
  - the effect of the proposal on the character and appearance of the surrounding area; and
  - the effect of the proposal on highway safety and the free flow of traffic on Lynn Road.

## Planning Policy

3. The development plan includes the Norfolk Structure Plan adopted in 1999 and the King's Lynn and West Norfolk Local Plan adopted in 1998. Structure Plan Policy H7 limits housing development in this area to individual dwellings or small groups of houses that enhance the form and character of the village and its setting. The appeal site lies within a Built Environment Type D in the Local Plan and Policy 4/21 allows dwellings that have regard for and are in harmony with the building characteristics of the locality. Local Plan Policy 8/1 allows such dwellings if the proposal complies with other relevant policies. Local Plan Policy 9/29 promotes good standards of building design, a respect for visual and residential amenities and safe road conditions.

## Reasons

### *Character and Appearance*

4. The appeal site lies within a primarily residential area comprising mainly of detached bungalows and two-storey dwellings. A characteristic of this area is the spacious setting of the dwellings within long gardens. The appeal site lies within the grounds of 257 Lynn

Road, a two-storey property, with a significantly shallower depth of garden than the majority of gardens in the area. Currently there is a garage building situated on the site. I note that the ridge height of the propose dwelling would be no higher than that of No. 257 Lynn Road.

5. From my observations, I am of the opinion that due to the shape and size of the appeal site the proposed development would appear cramped and out of scale with the form and character of the surrounding area.
6. In reaching this conclusion I have taken into consideration amongst other matters the example of planning permission for a property on land north of 35 Station Road, Walpole Cross Keys, which has been brought to my attention by the appellant. I am not fully aware of the planning history of this example and I have considered the case before me on its individual merits. In light of the harm I have identified, this example does not justify allowing the appeal.
7. In conclusion on this issue, I am of the opinion that the proposal would have an adverse effect on the character and appearance of the surrounding area and therefore be contrary to Structure Plan Policy H7 and Local Plan Policies 4/21, 8/1 and 9/29 in this respect.

#### *Highway Safety*

8. From my site visit it is apparent that Lynn Road is a busy through road. The proposal is to share the existing access with No. 257 Lynn Road with no gates to be fitted. The highway visibility standard for access to the appeal site is for a 2m X distance and 215m Y distance. Visibility looking towards Marsh Road is meets this requirement. However, in the opposite direction visibility is severely restricted by neighbouring boundary treatment and a bend in the horizontal alignment of the road. It is clear from my observations, that the access arrangements are clearly substandard and that visibility is severely restricted.
9. I appreciate that the existing access is being used as an access for No. 257 Lynn Road. I note dispute between the parties regarding the number of recorded accidents in the vicinity. Whatever the number of previous accidents, I consider that the additional vehicular movements generated from a further dwelling, given the restricted visibility at this access, would lead to a greater risk of conflicts arising between outgoing vehicles at this access and vehicles on Lynn Road.
10. I note that the current speed limit may be reduced to 50mph. Even if the speed limit were to be reduced as such, the access would still be markedly substandard. I consider the safety of drivers both on Lynn Road and using the access to the appeal site has to be important and in the particular circumstances of this access I do not consider it appropriate in the interests of safety to reduce the standard. I conclude that the proposal would unacceptably affect highway safety and free flow of traffic on Lynn Road. Therefore it would be contrary to Local Plan Policy 9/29.

#### **Other Considerations**

11. In reaching my decision I have had regard to all other matters raised in the representations on which I have not specifically commented including possible overlooking of properties to the north and availability for first time buyers. However, they are not sufficient, in themselves, to justify the refusal of planning permission.

**Conclusion**

12. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

**Formal Decision**

13. I dismiss the appeal.

*Janet Cheesley*

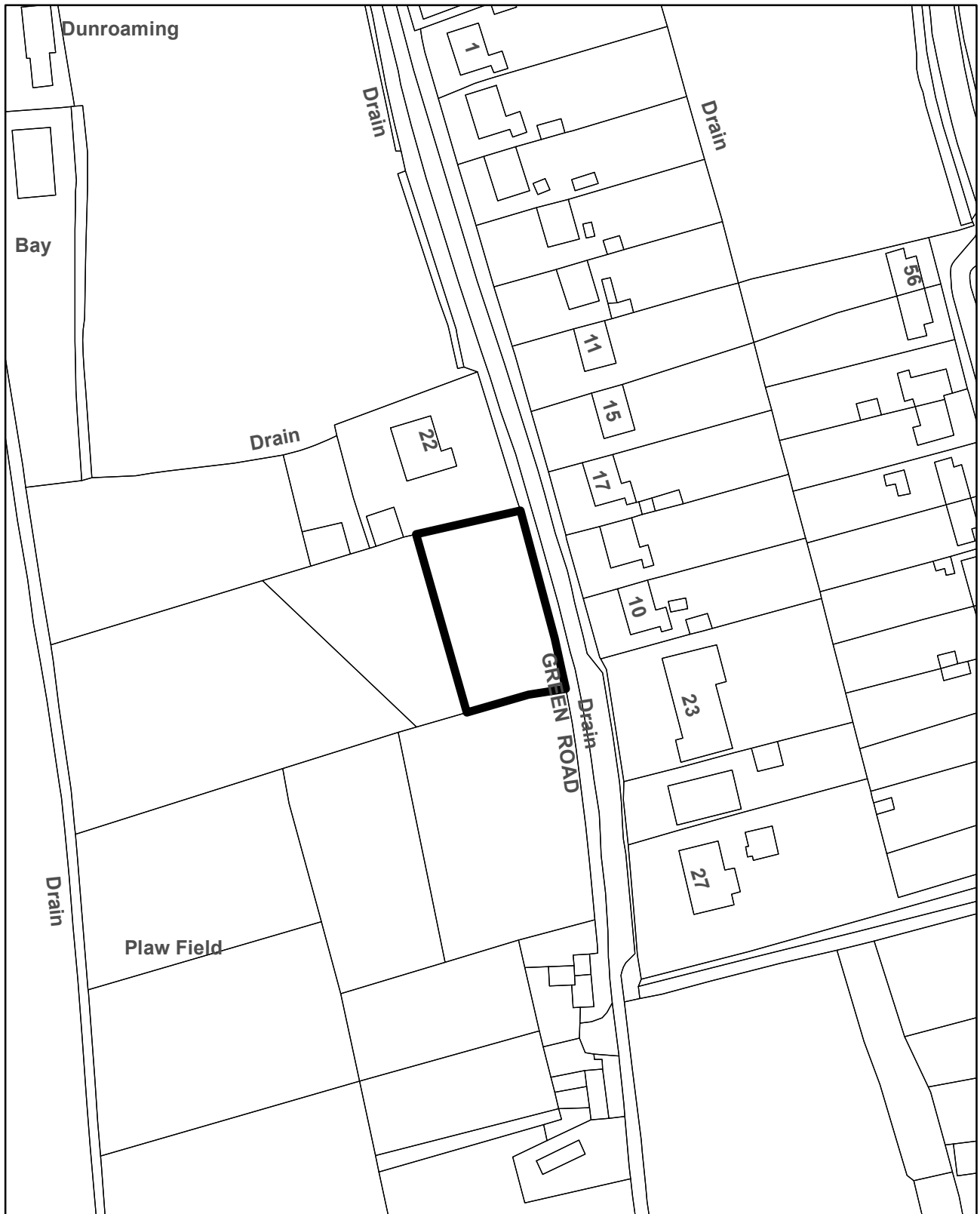
INSPECTOR





# 17/01584/RM

Land South 22 Green Road Upwell



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

<b>Parish:</b>	Upwell	
<b>Proposal:</b>	Reserved Matters Application: Construction of one dwelling	
<b>Location:</b>	Land South 22 Green Road Upwell Wisbech	
<b>Applicant:</b>	Client of Holt Architectural	
<b>Case No:</b>	17/01584/RM (Reserved Matters Application)	
<b>Case Officer:</b>	Mr K Wilkinson	<b>Date for Determination:</b> 20 October 2017 <b>Extension of Time Expiry Date:</b> 8 December 2017

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

**Neighbourhood Plan:** No

### Case Summary

This application seeks reserved matters approval for the construction of a 3 bed roomed house on a plot of land with the benefit of extant outline planning permission (granted under application ref: 15/01727/O).

The site lies on the western side of Green Lane in an area classed as 'countryside' in the recently adopted SADMPP, but was allowed as a 'windfall site' when the Council could not demonstrate a 5 year supply of housing land.

### Key Issues

Principle of development  
Impact upon character and appearance of locality  
Other material considerations

### Recommendation

**APPROVE**

## THE APPLICATION

This application seeks reserved matters approval for the construction of a 3 bed roomed house on a plot of land with the benefit of extant outline planning permission granted under application ref: 15/01727/O). The reserved matters of scale, appearance, layout and landscaping are submitted for consideration – access was agreed at the outline stage.

The site lies on the western side of Green Lane in an area classed as 'countryside' in the recently adopted SADMPP, but was allowed as a 'windfall site' when the Council could not demonstrate a 5 year supply of housing land.

## **SUPPORTING CASE**

Following the permission for the rear of the site (17/00392/F | Proposed change of use of rear agricultural land to paddock & construction of stables) the applicant has submitted 2 previous proposals for the site.

The two previous refused applications were refused on appearance, scale and mass issues and this was backed up by the parish council comments. This application for a greatly reduced footprint has been found acceptable in footprint terms by the parish council, although they object to the height of the proposal being out of scale with adjacent properties despite the fact that the site sits next to a large 2 storey dwelling with a substantial footprint.

The parish council comments relate to the opposite side of the road to the application site where a row of pre-fab single storey bungalows exist. The scale and form of the proposals sits well against its neighbouring two storey property and the amendments made from the two previous applications now gives a balanced scaled front elevation with the footprint located well on the site following the building line of the associated side of the road.

The proposal sits well with the previously approved rear element of the site and ties in with the approved residential curtilage as defined with the outline planning permission for the site

The highways access achieves the required visibility splays and the proposed landscaping to the front of the site compliments the existing to the neighbouring house and will improve the street scene

## **PLANNING HISTORY**

17/00391/RM: Application Refused: 26/04/17 - Reserved Matters Application: Construction of one dwelling

17/00392/F: Application Permitted: 12/05/17 - Proposed change of use of rear agricultural land to paddock & construction of stables

16/01752/F: Application Refused: 09/12/16 - Proposed change of use of rear agricultural land to paddock for keeping of horses and construction of stables, garage and extension to residential curtilage

16/01749/RM: Application Refused: 09/12/16 - Reserved Matters Application: Construction of one dwelling

15/01727/O: Application Permitted: 23/12/15 - Outline application: construction of one dwelling

## **RESPONSE TO CONSULTATION**

**Parish Council: REFUSE** – The reduced footprint is acceptable but there are concerns that the height makes the proposed development out of scale with adjacent properties.

**Highways Authority: NO OBJECTION** subject to condition to implement access, parking and turning areas as per the approved plans

**REPRESENTATIONS ONE** item of **SUPPORT** received on the following grounds:

- I feel that having a new dwelling would be a great asset to the road. As it would be one less derelict piece of land/property, which can only be an improvement for the area.

## **LDF CORE STRATEGY POLICIES**

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS11** - Transport

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM1** – Presumption in Favour of Sustainable Development

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)

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

## **PLANNING CONSIDERATIONS**

The key considerations in assessing this proposal are as follows:

- Principle of development
- Impact upon character and appearance of locality
- Other material considerations

### **Principle of development**

As stated above, the principle of developing this site was established by the granting of outline planning permission under application ref: 15/01727/O. The development was allowed as a 'windfall site' when the Council could not demonstrate a 5 year supply of housing land.

All matters with the exception of the means of access were reserved for further consideration and that outline permission remains extant until 22 December 2018.

### **Impact upon character and appearance of locality**

The site lies on the western side of Green Road and formerly contained a collection of dilapidated agricultural buildings and a static caravan, but is now cleared and temporarily fenced off.

To the immediate north lies a 1950s style house (No.22 Green Road) enclosed by mature leylandii hedging and to the east/opposite side of the road a collection of pre-fabricated Council bungalows.

It will be noted from the planning history section above that this is the third attempt at securing reserved matters approval on this site. The current proposed house has been reduced significantly in size from earlier refusals.

The proportions of the main part of the house in terms of eave and ridge height, length and girth/depth are comparable to the adjacent house to the north of the site (No.22). There is a two storey wing to the rear and a single storey addition to the south-facing gable. The footprint of the overall house (considered to be acceptable by the Parish Council) is proportionally acceptable in relation to the overall site area for residential use, and indeed as inferred above, the main part of the house is directly comparable to No.22 to the north. The remaining concerns expressed by the Parish Council with regards to the scale (height) are not therefore shared by your officers.

It is considered that the proposed dwelling has the appearance of an extended farmhouse which would be compatible to this rural setting.

Given the concerns expressed by the Parish Council, further extensions could be restricted by the removal of permitted development rights by condition, which would be reasonable in this instance.

### **Other material considerations**

Off-site highway improvement, in the form of a passing place to the north along Stonehouse Road, has been secured via condition attached to the outline permission (ref: 15/01527/O). The Local Highway Authority raise no objections to the proposed development subject to the access, on-site parking and turning areas being provided.

Hard and soft landscaping details are considered to be acceptable with hedging creating a 'soft' edge to the development site with close boarded fencing set inside creates a private garden area to the south and rear of the dwelling. Its implementation may be secured via condition.

The inter-relationships with adjoining properties is considered to be acceptable given the separation distances, orientation of primary windows and both existing and proposed boundary treatments. In addition no objections have been received from neighbours.

Potential contamination issues were to be controlled via conditions on the outline permission.

There are no significant crime and disorder issues raised by this proposal.

## CONCLUSION

This application seeks reserved matters approval for a house following outline permission granted for a windfall site when the Council could not demonstrate a 5 year supply of housing land.

It is considered that the proposed dwelling has the appearance of an extended farmhouse which would be compatible to this rural setting. However given the Parish Council's concerns regarding the scale of the proposed house, further extensions could be restricted by the removal of permitted development rights by condition, which would be reasonable in this instance.

The proposal accords with the provisions of the NPPF, Core Strategy Policies CS06, CS08 & CS11 of the LDF, and Policies DM1, DM15 & DM17 of the SADMPP. It is therefore recommended for approval subject to certain conditions stated below.

## RECOMMENDATION:

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

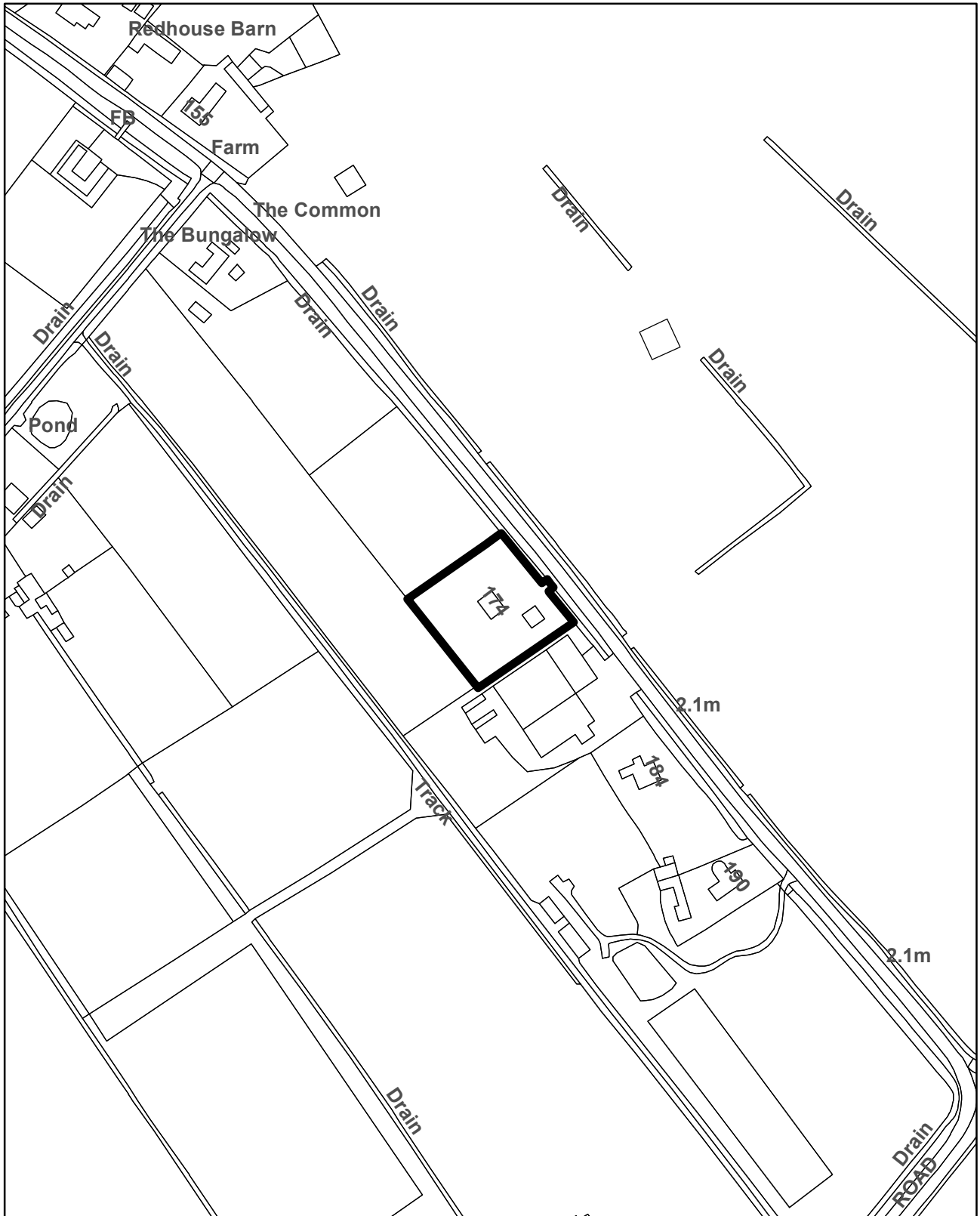
- 1 Condition The development hereby permitted shall be carried out in accordance with the following approved plans: 17-JN-04 Revision B, 17-JN-06 Revision D, 17-JN-07 Revision B, 17-JN-22 Revision C & 17-JN-27.
- 1 Reason For the avoidance of doubt and in the interests of proper planning.
- 2 Condition All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years 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.
- 2 Reason To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 3 Condition Prior to the first occupation of the development hereby permitted, the proposed access, on-site car parking and turning area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 3 Reason To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.
- 4 Condition Notwithstanding the provisions of Schedule 2, Part 1, Class A 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 to the dwelling house shall not be allowed without the granting of specific planning permission.

- 4 Reason In order that the Local Planning Authority may retain control of development which might be detrimental to the amenities of the locality if otherwise allowed by the mentioned Order.
- 5 Condition No development shall take place on any external surface of the development hereby permitted until details of the type, colour and texture of all materials to be used for the external surfaces of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5 Reason To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.



# 16/01500/F

Longacre 174 St Pauls Road South Walton Highway



**AGENDA ITEM NO: 8/3(h)**

<b>Parish:</b>	<b>West Walton</b>	
<b>Proposal:</b>	<b>Removal of condition 2 of planning permission 2/91/0884/D: To remove agricultural occupancy restriction</b>	
<b>Location:</b>	<b>Longacre 174 St Pauls Road South Walton Highway Norfolk</b>	
<b>Applicant:</b>	<b>Mr Gavin Patrick</b>	
<b>Case No:</b>	<b>16/01500/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Clare Harpham</b>	<b>Date for Determination: 21 December 2016 Extension of Time Expiry Date: 10 September 2017</b>

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

**Neighbourhood Plan:** No

**Case Summary**

The application is made under Section 73 of the Act and is seeking the removal of the agricultural occupancy condition imposed on the erection of the dwelling when the reserved matters was approved in 1991 under reference 2/91/0884/D.

The dwelling is a plain 2 storey brick built property set in a generous plot, located to the west of St Pauls Road some 800m south of the A47 and 300m north of the junction with Blunts Drive.

The dwelling was permitted and occupied as an agricultural dwelling for many years in accordance with the outline and subsequent reserved matters approvals; however the applicant has diversified into other businesses outside of agriculture and is looking to sell the property.

The development plan within Policy DM6 addresses the housing needs of rural workers and para 7 specifically sets out the procedure necessary to demonstrate that there is no local demand for the agricultural dwelling and that the agricultural occupancy condition can be removed from an existing dwelling.

**Key Issues**

Principle of development  
Compliance with material policy  
Crime and Disorder Act  
Other material considerations

**Recommendation**

**APPROVE**

## **THE APPLICATION**

The dwelling subject of this application was approved in 1990 (outline) as an agricultural dwelling and exception to the prevailing restrictions on new dwellings in the countryside. To preserve the use of the property as an agricultural dwelling it was subject to a condition restricting its occupancy.

The condition and associated reason are reproduced below;

Condition 2 - The occupation of the dwelling shall be limited to persons solely or mainly employed or last employed full time in the locality in agriculture, as defined in Section 336 (i) of the Town and Country Planning Act 1990 or in forestry including any dependants or such persons residing with him / her or the widow / widower of such a person.

Reason 2 - The dwelling is required in conjunction with the agricultural use of the adjoining land and it is the policy of the Borough Planning Authority only to approve the erection of dwellings outside village settlements in cases of special agricultural need.

## **SUPPORTING CASE**

The dwelling was originally used in conjunction with the adjacent unit operated by Messrs Harold C Selby (Colkirk) Ltd however the buildings were separated in 2005 and the property sold to the current owners.

The application is supported by 2 marketing reports indicating that the property has been marketed at £180,000 (the agreed valuation with the Councils Estates Officers) for more than 12 months.

In addition, confirmation of local advertising of the property and enquiries received have been submitted within the application form itself.

The property was removed from the market after continual marketing since March 2015 with a view to making an application for removal of the Agricultural restriction contained in in the historic planning permission reference 2/91/0884/D. My clients were fully appraised of the contents of policy DM6 and the requirement to market the property for a period of 12 months at a price that reflects the occupancy condition. The LPA's valuers have indeed confirmed to the Council the property was marketed at the correct valuation. The information provided in my client's application confirms the requisite period was similarly satisfied. There is no particular requirement within policy DM6 for the property to remain marketed throughout the period up to and including the determination of the application of the planning application. There is no reason therefore for my client to continue to market the property and their decision to remove the property should not adversely affect this application.

Whether or not an offer may have been received since removing it from the market is purely subjective. If however I'm allowed to speculate, I would suggest that achieving an offer, is looking increasingly ever unlikely. By July 2016 both political and economic circumstances had begun to dampen the housing market. The Country had voted to leave the European Union causing political uncertainty which translated into economic uncertainty that continues to be felt today. SLDT changes had also been introduced with second properties attracting a 3 % surcharge. Neither factor would have assisted the property sale.

The LPA should possibly consider the overall purpose of DM6 to preserve agricultural dwellings for Agricultural workers and only remove the same in the event there is no longer a need for the dwelling by those workers. It is worth noting that a no point during the marketing

process has a local farming business made an approach to either my client or my client's agent to acquire the property to house an agricultural worker. Although this may prove corroborative evidence in support of my conclusions on the adverse effect of the 3 % surcharge, it also indicates that local farms do not have a need to house additional workers. The overall purpose of DM6 therefore seems to be satisfied in that local farming does not require the dwelling for housing of agricultural workers. It may of course have been a different case, had the property had sufficient land to be farmed as a viable business but that land is limited to circa 3 acres and is therefore entirely insufficient.

## **PLANNING HISTORY**

The dwelling was initially permitted as a rural exception, agricultural dwelling under Outline permission 2/90/0489/O and the subsequent grant of reserved matters under 2/91/0884/D.

## **RESPONSE TO CONSULTATION**

**Parish Council: OBJECTION** removal of condition 2 of PP 2/91/00884/D, agricultural occupancy restriction at Long Acre, 174 St Paul's Road South, Walton Highway. This area is an agricultural region and there is a need for dwellings for agricultural workers.

**Internal Drainage Board: NO OBJECTION**

**BCKLWN Property Services:** Have confirmed that the property should be marketed at a price of £180,000 to reflect the occupancy condition.

## **REPRESENTATIONS**

**ONE** letter of objection:-

- Tried to make three appointments to view property (between September and November 2015) and was told it was unavailable; no contact details were taken by the estate agent.
- We were very interested and fulfilled the criteria of the agricultural restriction (originally saw the property advertised in 2014 for more money which was out of our price range).
- See from the information submitted that it had 29 enquiries but no viewings or offers, but this is not true as I tried to book viewings on three separate occasions with Aboda Homes.
- Believe it to be a scam as house needs to be on the market for 12 months with no sensible offers in order for the restriction to be lifted.
- Fail to see how the owners were able to purchase property as neither work, or have worked, in agriculture.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM2** – Development Boundaries

**DM6** - Housing Needs of Rural Workers

### **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)

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

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

### **PLANNING CONSIDERATIONS**

The main issues to consider when determining this application are as follows:

- Principle of proposal
- Compliance with material policy
- Crime and Disorder Act
- Other material considerations

#### **Principle of proposal**

Section 73 of the Town and Country Planning Act 1990 allows for the determination of applications to develop land without compliance with conditions which were previously attached. The LPA must decide whether planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or whether it should be granted unconditionally. If the LPA decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted then the application should be refused.

Part 7 of Policy DM6 (Housing needs of rural workers) of the Site Allocations and Development Management Policies Plan 2016 deals with the relaxation or removal of agricultural occupancy conditions in the Borough and it is against this criteria that the application has been assessed.

Policy DM6 (part 7) states that the applicant must demonstrate that:-

- a) The dwelling has been occupied in accordance with the terms of the occupancy condition for a minimum of 5 years; and
- b) There is no longer a need for a dwelling by those working, or last working in the locality in agricultural, forestry or a rural enterprise, established by evidence of marketing (including the provision of details of an independent market valuation reflecting the occupancy condition, as well as all viewings and offers made) for a 12 month period at a price that reflects the occupancy condition.

Should the applicant demonstrate compliance with the above criteria then the application can be approved.

## Compliance with material policy

The application form states that the property was marketed continuously for 17 months and lists the names /dates that enquiries were made. The property has been valued at £340,000 without the benefit of an agricultural occupancy condition however the property was marketed at offers over £180,000 between 1st March 2015 and July 2016 and with the marketing it was made clear to all potential purchasers that the property is subject to an agricultural occupancy restriction.

The agent has submitted some comments stating that marketing was launched 4th March 2015 and the property was continuously marketed until 13th May 2016.

Enquiries made - 29.

Viewings undertaken – 0.

Offers – 0.

A list of reasons was provided as to why viewings or offers were not proceeded with.

Submitted with the application were the following details:-

- Print off from Zoopla showing the dwelling marketed by Aboda Homes, Wisbech with a property description showing that the dwelling has an agricultural occupancy condition and a price of 'offers over £180,000'.
- Print off from Rightmove showing similar property description, price and restricted occupancy. It also shows the property was added to Rightmove on 5th March 2015.
- A print out from Rightmove showing the number of 'leads' to be 19 (only detail on print out is names and date/time enquiry made on rightmove).
- A print out from Zoopla showing the number of 'leads' to be 10 (gives name and time of enquiry).

The objector has stated that they tried to book a viewing on three occasions but this is not shown on the submitted details. The Estate Agents Aboda Homes have stated that the lists provided within the application (by Zoopla and Rightmove) show all the people who enquired about the property and that marketing was carried out via their own website, Zoopla and Rightmove and the other websites Zoopla powers. No marketing was carried out in local publications such as newspapers or magazines.

Policy DM6 states that the dwelling must be occupied in accordance with the terms of the occupancy condition for a minimum of 5 years. The dwelling was granted planning permission in the early 1990's however the dwelling was only partially developed by the original applicant (sufficient to show the planning permission had been implemented and keep the planning permission extant). The current applicant purchased the property on 18th March 2005 and completed the build. A statutory declaration has been provided to show that the applicant complied with the occupancy condition, although the business has diversified into business skip hire and scrap metal over time.

Policy DM6 also states that the applicant has to demonstrate that there is no longer a need for an agricultural dwelling in the locality. Information has been submitted (outlined above) showing that the property has been marketed on Zoopla and Rightmove for in excess of 12 months. The property was removed from the market for a number of reasons (personal and economic) however notwithstanding the fact that the dwelling is no longer on the market (and hasn't been since July 2016) the applicant has marketed the property for in excess of 12 months which Policy DM6 requires.

During the course of the application an objection has been received stating that the objector tried to make an appointment to view the property directly with Aboda Homes and was told it

was not available for viewing. The objector does not have any evidence of this and therefore this is one person's word against another.

### **Crime and Disorder**

The proposal is not considered to raise any issues with regard to crime and disorder.

### **Other material considerations**

There are no other material considerations which are pertinent to this application.

### **CONCLUSION**

This application is considered to be finely balanced. On the one hand the applicant has gone through a marketing process for 12 months as required, and the dwelling has been occupied as an agricultural dwelling. However, questions have been raised about the adequacy of the process followed and the property has not been marketed for around 16 months.

Members are therefore respectfully asked to consider whether on balance the information provided demonstrates that there is no longer a need for an agriculturally tied dwelling in the locality and that the proposal complies with Policy DM6 of the Site Allocations and Development Management Policies Plan 2016, particularly with regard to the section of the policy which deals with existing occupational dwellings. Officers have come down on the side of an approval.

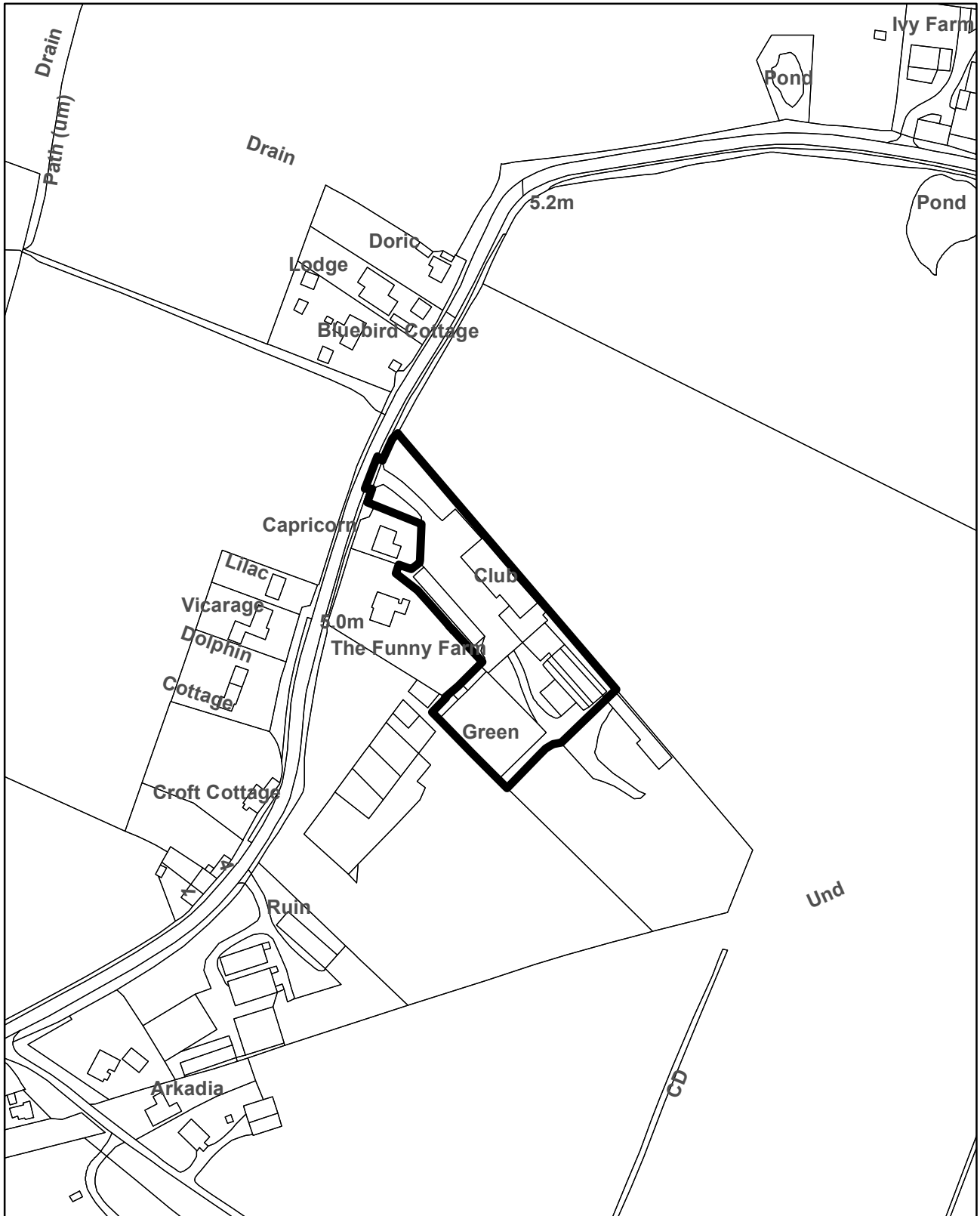
The conditions on the original planning permission related to matters which should have already been discharged or are no longer enforceable due to the passage of time (conditions relating to commencement of development, access and planting). Therefore should the application be approved no conditions need to be applied to the new decision notice.

### **RECOMMENDATION:**

**APPROVE**

# 17/01856/O

Clover Social Club Low Road Wretton



## 1:2,500



**AGENDA ITEM NO: 8/3(j)**

<b>Parish:</b>	Wretton	
<b>Proposal:</b>	<b>OUTLINE APPLICATION WITH SOME MATTERS RESERVED: Proposed redevelopment of brownfield site to residential</b>	
<b>Location:</b>	Clover Social Club Low Road Wretton King's Lynn	
<b>Applicant:</b>	Mr & Mrs L Peake & family	
<b>Case No:</b>	17/01856/O (Outline Application)	
<b>Case Officer:</b>	Mrs H Wood-Handy	<b>Date for Determination:</b> 28 November 2017 <b>Extension of Time Expiry Date:</b> 5 April 2018

**Reason for Referral to Planning Committee** – The views of the Parish Council are contrary to the Officer recommendation and the applicant is a relative of Councillor Peake.

**Neighbourhood Plan:** No

**Case Summary**

The site is located on the south east side of Low Road, Wretton. It is located in the countryside as defined by the Core Strategy 2011 and the Site Allocations and Development Management Policies Plan (SADMPP) 2016. Wretton is a Smaller Village & Hamlet as defined by Policy CS02 of the Core Strategy 2011.

This is a resubmission of previous proposal for the demolition of the existing business premises known as The Clover Club and Peake Physique along with other outbuildings and bowling green and its redevelopment with 8 dwellings including affordable housing. The previous application (16/00606/O) was refused at Planning Committee in October 2016 on the basis of the failure to demonstrate that there would not be a harmful impact on protected species (bats). Members however considered that the principle of residential development at the site was acceptable.

The proposal is in outline form with all matters reserved bar access. Access would be from the existing entrance from Low Road but no layout has been provided.

Heads of Terms has been provided which indicates that affordable housing/contribution would be provided on the site by the Applicant.

**Key Issues**

- Principle of development
- Loss of employment/community uses
- Form and character
- Neighbour amenity
- Ecology
- Any other matters requiring consideration prior to the determination of an application

## Recommendation

**A. APPROVE** subject to the satisfactory completion of a S106 agreement to secure affordable housing/contribution

**B.** In the event that the S106 is not signed within 4 months of the date of the committee resolution, **REFUSE** on the grounds of failure to secure affordable housing/contribution.

## THE APPLICATION

The site is located on the south east side of Low Road, Wretton. It is located in the countryside as defined by the Core Strategy 2011 and the Site Allocations and Development Management Policies Plan (SADMPP) 2016. Wretton is a Smaller Village & Hamlet as defined by Policy CS02 of the Core Strategy 2011.

This is a resubmission of previous proposal for the demolition of the existing business premises known as The Clover Club and Peake Physique along with other outbuildings and bowling green and its redevelopment with 8 dwellings including affordable housing. The current proposal is in outline form with all matters reserved bar access. Access would be from the existing entrance from Low Road but no layout has been provided.

Heads of Terms has been provided which indicates that affordable housing/contribution would be provided on the site by the Applicant.

## SUPPORTING CASE

The proposal is for the demolition of the existing business premises occupied by the Clover Club, a private social club and Peake Physique, along with other outbuildings and a bowling green and redevelopment of the site with eight dwellings. The proposal is in outline form with all matters reserved apart from access, which is existing.

A similar application was refused on 6th October 2016, ref.no. 16/00606/O. However, the only reason for refusal was that insufficient evidence had been submitted to demonstrate that the development would not be harmful to protected species. There were no other reasons for refusal.

The protected species matter has, hopefully, now been addressed by the provision of a full ecology survey and report, which is included with this application.

The Local Plan Site Allocations and Development Management Policies Document had been adopted at the time of the previous planning decision and all arguments relating to the redevelopment of this brownfield site, from that previous application, are still relevant. There have been no changes in planning policies since then. To avoid unnecessary repetition, therefore, reference should be made to that application.

The planning officer's report concluded that "the proposal is for the redevelopment of an existing mainly brownfield site for residential development. The applicant has demonstrated that the existing businesses on the site are not financially viable and whilst not undertaking marketing of the site for other uses, it is clear that significant investment would be required to bring the buildings/site up to standard. Small scale residential uses are acceptable on sites in Smaller Villages & Hamlets and a scheme in this location, removing existing poor quality

buildings, would enhance the edge of the village and not detract from it. However, whilst the scheme is acceptable in principle, the applicant has failed to submit evidence to demonstrate that there would not be an impact on protected species.”

It is suggested that these comments are still relevant.

Given that layout, appearance, scale & landscaping are all Reserved Matters, an indicative layout is not considered relevant at this stage. However, the previous application suggested that eight dwellings could be accommodated on the site and the planning officer commented that a sensitively designed development could be assimilated into the locality without harm to the form and character of the area.

Based upon the assumption of a development of eight dwellings, the applicants would be happy to accept a planning condition that the GIA of the development should not exceed 1000m<sup>2</sup>. This should ensure that there are some smaller homes provided, to create a mix of dwelling types.

With a maximum GIA limit of 1000m<sup>2</sup>, the affordable housing contribution would be made as a cash contribution amounting to £96,000. A planning obligations statement to confirm this is included with the application.

A flood and drainage statement and contamination statement are also provided with the application.

## **PLANNING HISTORY**

16/00606/O – Proposed redevelopment of brownfield site to residential – Refused (Planning Committee) - 04.10.2016

## **RESPONSE TO CONSULTATION**

**Parish Council: OBJECT** to the application on the following grounds:

- The proposed development is against planning policy as it is too large for Wretton which has been classed as a hamlet;
- There is no requirement for an estate in the village;
- Although in outline form, the previous proposal would have an unsuitable high density and would also increase traffic on Low Road;
- Also express concern regarding the bats which have been found to be present on site.

**Highways Authority:** The site is remote from main services of Stoke Ferry and therefore is not ideal. However, the LHA is mindful of the current uses of the site and the level of traffic that it could generate. The LHA is also aware that the site has safe footway provision for pedestrians. On balance given the existing uses and the access dimensions according with adopted standards, it would be difficult to substantiate an objection. The applicant would need to provide an appropriate design at reserved matters stage to address parking provision (in accordance with adopted standard) and turning.

**NCC – PROW Officer: NO OBJECTION** – development does not impact on Wretton Footpath 1.

**Natural England: NO COMMENT** – use standing advice to assess impact on protected species.

**Internal Drainage Board: NO OBJECTION** subject to compliance with bylaws and EA/Highways advice.

**Environmental & Planning – Environmental Quality: NO OBJECTION** subject to conditions regarding contamination investigation and remediation.

**Central & Community Services – CSNN: NO OBJECTION** subject to conditions regarding foul and surface water drainage

**Chief Execs Dept - Housing Enabling Officer:** The site exceeds 0.165ha and is clearly capable of accommodating more than 5 dwellings in accordance with Policy CS09. In this case, 1.6 units would be required. As the site proposed is for 8 units (indicatively) and would be below 1000m<sup>2</sup> (GIA), a financial contribution would be required of 1.6 times £60,000 = £96,000

## REPRESENTATIONS

**Two** letters of **OBJECTION** regarding:

- Lack of a full bat survey on Building 2;
- Refers to the Council's statutory duties under the Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010 as well as Circular 06/2005 prior to granting planning permission should protected species be affected;
- Queries maintenance and monitoring of replacement bat roosts;
- Refers to covenants on Deeds relating to the Clover Club regarding access over property for maintenance of existing services;
- Queries why the retained land is not agricultural when evidence by the Agent states that it was;
- Queries whether the existing conifer hedge to the bowling green will remain as per the previous application;
- Devaluation of property;
- Queries whether this is small scale development as Wretton is a hamlet and not a Key Rural Service Centre;
- Queries what the opening hours will be as per Q20 of the application form;
- Trusts that the application will be heard at Planning Committee given the family links with the Council;
- No site notice has been displayed – it is a legal requirement;
- Queries why Environmental Quality has not imposed asbestos removal conditions when they were suggested as part of the previous applications;
- Assumes that all aspects of the previous application will be taken into account.

**Two** letters neither objecting nor supporting but raise the following issues:

- The site is accessed via a 40mph limit road;
- Private/commercial vehicles would have little view turning out from site onto Low Road as close to a sharp hidden bend;
- Low Road is busy at school run times;
- Concerns whether sufficient consideration has been given the foul and surface water drainage and the impact of 8 no septic tanks/soakaways on the grounds ability to absorb outflow which may affect other properties/ditches;

- Overdevelopment of the site;
- Development should be in keeping with the village and not a modern housing estate

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS09** - Housing Distribution

**CS10** - The Economy

**CS11** - Transport

**CS12** - Environmental Assets

**CS13** - Community and Culture

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM1** – Presumption in Favour of Sustainable Development

**DM2** – Development Boundaries

**DM3** - Infill development in the Smaller Villages and Hamlets

**DM9** - Community Facilities

**DM15** – Environment, Design and Amenity

## **NATIONAL GUIDANCE**

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

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

## **PLANNING CONSIDERATIONS**

The main issues are:

- Principle of development
- Ecology
- Loss of employment/community uses
- Form and character
- Neighbour amenity

- Any other matters requiring consideration prior to the determination of an application

### **Principle of development**

Wretton is defined as a Smaller Village & Hamlet within Policy CS02 of the Core Strategy 2011. Smaller Village & Hamlets are locations where there are little or no services and it would be inappropriate to seek further development in these places. However, in order that such settlements do not stagnate, Policy DM 3 of the Site Allocations and Development Management Policies Document 2015 provides:

“...The sensitive infilling of small gaps within an otherwise continuously built up frontage will be permitted where:

- \* The development is appropriate to the scale and character of the group of buildings and its surroundings; and
- \* It will not fill a gap which provides a positive contribution to the street scene.

In exceptional circumstances the development of small groups will be appropriate where the development is of a particularly high quality and would provide significant benefits to the local community.”

However, if the development fails to comply with the aforementioned criteria, it falls to be determined against paragraph 55 of the NPPF and Policy CS06 of the Core Strategy 2011 where the presumption is to protect the character and appearance of the countryside and the development of greenfield sites will be resisted unless for agricultural or forestry purposes.

In this case, the majority of the site is brownfield land bar the bowling green area (used in connection with the Clover Club). The reuse of brownfield is a significant material consideration in favour of the development on the edge of the village. Members during consideration of 16/00606/O considered that the site was ideal for redevelopment.

### **Ecology**

The previous application was refused on the basis of lack of information to demonstrate the development would not have a detrimental impact on the bat population. An Ecological Assessment (dated 29th September 2017) by Philip Parker Associates has been submitted with the current application.

The findings (in summary) are:

- Buildings on site have negligible to moderate potential for roosting bats to occur.
- Activity surveys (Summer 2017) found the presence of a late summer transitory brown long eared roost (maximum 8) and a single roosting common pipistrelle (beneath soffit) in Building 1. As such the buildings are considered to be of low to moderate value to local bat populations;
- Several old bird nests were identified within Building 3 and an active swallow nest in Building 5;
- Limited potential for reptiles and protected amphibians to occur on site;
- No impact on Wretton SSSI or County Wildlife Site 2166
- The development will result in the loss of some bat roosting area and could impact foraging amphibians and small mammals.

More importantly it has been established that given the numbers of bats present, a full EPS Mitigation License from Natural England will be required.

Natural England makes no comments but advises that where protected species may be affected Standing Advice is used.

The European Habitats Directive (the Directive) prohibits activities such as the deliberate capturing, killing or disturbance of protected species, subject to derogation in specific and limited circumstances. These requirements are enforced in England and Wales by the Conservation of Habitats and Species Amendment Regulations 2012 (the Regulations) and any derogation is regulated and overseen by a system of licensing administered by Natural England (NE).

In exercising its functions, including determining planning applications, a Local Planning Authority (LPA) is required to have regard to the requirements of the Habitats Directive in so far as they may be affected by the exercise of those functions. It is not the role or responsibility of the LPA to monitor or enforce NE's obligations under the Regulations. However, if a development proposal could potentially result in a breach of the Directive, the LPA is required to form a view on the likelihood of a licence being granted under the Regulations by NE in order to fulfil its own obligation to have regard to the Directive requirements.

NE will only grant a licence if satisfied that the three statutory tests prescribed under the Directive and the Regulations have all been met.

The tests are:

1. There are imperative reasons of overriding public interest (IROPI);
2. There are no satisfactory alternatives; and
3. It would not be detrimental to the maintenance of the population of the species at favourable conservation status.

The obligation on the LPA is to consider the likelihood of a licence being granted by NE, not to determine definitively whether or not the licence will, in fact, be granted. It therefore has to review the three tests, in the context of a planning application, to then form a view on the likelihood of NE granting a derogation licence under the Regulations.

In this case, the Ecological Assessment has determined the presence of a bat population (notwithstanding the fact that the northern part of Building 2 was not surveyed as noted by a third party).

The LPA can therefore conclude that there are protected species present on the site and that if development were to proceed there is the possibility of a breach of the Directive.

LPA consideration of the tests:

1. IROPI - NE's guidance advises that IROPI can potentially include developments that are required to meet or provide a contribution to meeting a specific need such as complying with planning policies and guidance at a national, regional and local level. In this case, the proposal complies with Policy DM3 of the SADMPP 2016 and will make a contribution to delivering housing within the Borough.
2. No satisfactory alternatives – this is a brownfield site and there is a presumption in favour of developing such sites and is owned by the Applicant.
3. Population maintenance - it appears to be unlikely that development of this land, subject to mitigation measures specified will affect the conservation status of the protected species.

The LPA can therefore reasonably form the view, from the information submitted to it for this planning application, that NE would not be unlikely to grant a derogation licence under the Regulations in relation to this development.

On this basis, it is considered the LPA has complied within its statutory duties and given that a full EPS license is required, no building will be demolished without ecological supervision and full mitigation will be required. Given that Philip Parker Associates has used the previous indicative layout as a guide and the layout is likely to change via the reserved matters application, any mitigation measures (specifically the type and location of bat and bird boxes, lighting and planting mitigation) shall be agreed by condition.

### **Loss of employment/community uses**

Policy CS10 of the Core Strategy 2011 seeks to retain land or premises used or last used for employment purposes (including agricultural uses) unless it can be demonstrated that:

- Continued use of the site for employment purposes is no longer viable, taking into account the sites characteristics, quality of buildings, and existing or potential market demand; or
- Use of the site for employment purposes gives rise to unacceptable environmental or accessibility problems particularly for sustainable modes of transport; or
- An alternative mix of uses offers greater potential benefits to the community in meeting local business and employment needs, or in delivering the Council's regeneration agenda.

Policy CS13 seeks to support the retention of community uses.

DM9 of the Site Allocations and Development Management Policies Document 2015 states that the Council will encourage the retention of existing community facilities and the provision of new facilities. Development will not be permitted unless it can be demonstrated that either:

- a) the area currently served by it would remain suitably provided following the loss or it not
- b) it is no longer viable or feasible to retain the premises in a community facility use.

The application site is a family owned brownfield site that has been used for storage, Clover Club (members' social club and ancillary bowling green) and Peake Physique Gym for some significant time. In terms of Policy CS10 and DM9, information submitted with the previous application by the same Applicant demonstrated that the Clover Club (opening three evenings per week 7-11pm) had been running at a loss for between 2011 and 2015. Peake Physique had also been maintaining a small net profit between 2013 and 2015. The Clover Club/Peake Physique building is soundly constructed but other buildings on the site are poor quality profiled sheeted buildings containing asbestos. Given that the premises are paying Member's Clubs only, there would be limited loss of a community use – the bowling green is only open to members.

Marketing for alternative uses could have occurred but given the condition of the majority of the existing buildings, they would need to be rebuilt in order to be beneficial to new businesses. Further the existing businesses are low key uses which are compatible with existing surrounding residential uses. Any increase in commercial activity may give rise to nuisance issues.

The site is brownfield (government presumption in favour of residential on brownfield land) and Policy DM 3 allows for small scale appropriate development in Smaller Villages and Hamlets. No marketing of the site has been undertaken but it is clear that the businesses



are floundering and much investment would be needed in the site to make it viable for alternative commercial uses. On balance, the loss of the employment site is considered acceptable. Again, Members raised no concerns regarding the loss of the employment use during previous consideration of the scheme.

### **Form and character**

The existing buildings on the site are single storey with the tallest building being the Clover Club and Peak Physique. The majority of the buildings run along the eastern boundary of the site. A range of buildings run north – south adjacent to the west boundary. All buildings are utilitarian in design.

An indicative layout was submitted with the previous application demonstrating 8 dwellings however the Agent has chosen not to prescribe a layout at this stage with the current application. Notwithstanding the above, it is considered that a sensitively designed development could be assimilated into the locality without harm to the form and character of the area. The comments of the Parish Council are noted however this scheme has previously been considered on the basis of 8 (with small scale and larger scale units) and no objection was raised by Members. A condition can be imposed with a maximum of 8 dwellings.

### **Neighbour amenity**

Appearance, landscaping, layout and scale are reserved matters. The site is mostly level but spot levels would be submitted with any reserved matters application. Sensitive design would be needed along the south-west facing boundary to prevent overlooking. The retention of the existing hedging around the bowling green could be retained by condition as it provides immediate screening to the neighbour to the north (combined with the neighbours planting to the north of the hedge) and any new dwellings within that area of the site.

### **Any other matters requiring consideration prior to the determination of an application**

The proposal required affordable housing in accordance with Policy CS09 of the Core Strategy. The Agent has provided Heads of Terms indicating that an affordable housing contribution equivalent to 1.6 units would be provided which equates to a financial contribution of £96,000 (provided that the gross internal area (GIA) is less than 1000 sqm. If the GIA exceeds 1000sqm, one built unit plus a financial contribution would be required. This is in accordance with the Housing Enabling Officers comments and thus any permission would be subject to a section 106 agreement to ensure the provision of affordable housing. Final design, appearance and scale would be considered at reserved matters stage which could mean less numbers on the site however flexibility would be built into the S106 agreement to cover all scenarios.

The LHA raises no objection to the scheme subject to parking provision (in accordance with adopted standards and turning. Such matters would be addressed at reserved matters stage. The NCC PROW officer raises no objection.

Environmental Quality has assessed the application and considers full contamination investigation and remediation conditions are required. A third party correctly points out that on the previous application, asbestos conditions were also required. The relevant EQ Officer has stated that having received recent advice from the Planning Inspectorate, asbestos is contamination and thus can be considered with the contamination investigation/remediation suite of conditions.

The Agent has submitted a flood and drainage statement. The site is located in Flood Zone 1 (lowest risk of flooding). Whilst the Agent has submitted a foul and drainage statement indicating the provision of modular cells, soakaways, porous driveways and package wastewater treatments plants which are all perfectly acceptable, it is considered that the proposed number of units in combination, combined with lack of percolation testing on site and the proximity to existing dwellings, requires full consideration of drainage methods to ensure that there is no residual impact on neighbours. Therefore a foul and surface water condition will be imposed in accordance with CSNN comments. The IDB raises no objection.

With regard to Third Party comments:

- issues relating to access rights (covenants on land) are civil matters and will need to be addressed separately;
- devaluation of property is not a material planning consideration;
- Opening hours are not relevant to the application as it is for residential development and not commercial development;
- The site notice was displayed on 25th October 2017.

### **Crime and Disorder**

The application raises no issues regarding crime and disorder.

### **CONCLUSION**

The proposal is for the redevelopment of an existing mainly brownfield site for residential development. The Applicant has previously demonstrated (through 16/00606/O) that the existing businesses on site are not financially viable (to which there was no objection) and whilst not undertaking marketing of the site for other uses, it is clear that significant investment would be required to bring the buildings/site up to standard. Small scale residential uses are acceptable on sites in Smaller Villages and Hamlets and a scheme in this location, removing existing poor quality buildings, would enhance the edge of the village and not detract from it.

The ecology matters have been addressed and it is clear that no action can be taken on site without a Natural England EPS license and in any event, the mitigation scheme proposed is fully acceptable in line with national guidance.

On this basis, the proposal is acceptable and complies with the NPPF, Policies CS01, CS02, CS06, CS08, CS09, CS11, CS12 and CS13 of the Core Strategy 2011 and Policies DM1, DM2, DM3, DM9 and DM15 of the Site Allocations and Development Management Policies Plan 2016.

### **RECOMMENDATION:**

**A. APPROVE** subject to the satisfactory completion of a S106 agreement to secure affordable housing/contribution and subject to the imposition of the following condition(s):

- 1 Condition Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority before any development is commenced.

- 1 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.
- 2 Condition Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted to the Local Planning Authority in writing and shall be carried out as approved.
- 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.
- 3 Condition Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 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.
- 4 Condition The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the latest such matter to be approved.
- 4 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.
- 5 Condition No development shall commence until full details of the foul and surface water drainage arrangements for the site have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.
- 5 Reason To ensure that there is a satisfactory means of drainage in accordance with the NPPF.

This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.

- 6 Condition Prior to the commencement of groundworks, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
  - (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to:
    - human health,
    - property (existing or proposed) including buildings, crops, livestock, pets,
    - woodland and service lines and pipes,
    - adjoining land,
    - groundwaters and surface waters,
    - ecological systems,
    - archaeological sites and ancient monuments;

- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

- 6 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 7 Condition Prior to the commencement of groundworks, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must 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 the land after remediation.
- 7 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 8 Condition The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of groundworks, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

- 8 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 9 Condition In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 6, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 7, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 8.

- 9 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 10 Condition Notwithstanding the recommendations and mitigation measures detailed in the Ecological Assessment Report ref 2017-31 R1 FINAL dated 29th September 2017 by Philip Parker Associates, full details of:
- The type and location of bat and bird boxes;
  - Lighting
  - Planting mitigation

shall be submitted to and agreed in writing with the Local Planning Authority. The mitigation measures shall be implemented in accordance with the details agreed and maintained and retained thereafter.

- 10 Reason In the interests of protected species in accordance with the NPPF and Policy CS12 of the Core Strategy 2011.
- 11 Condition The existing 2m + conifer hedge to the north west, south west and south east boundaries of the bowling green area (as identified on Dwg 12877) of the site shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
- 11 Reason In the interests of the privacy and amenity of neighbours and future occupants of the site in accordance with Policy DM15 of the Site Allocations and Development Management Policies Plan 2016.
- 12 Condition No development or other operations shall commence on site until the existing conifer hedges to the north west, south west and south east boundaries of the bowling green as identified on Dwg 12877 to be retained have been protected in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the erection of fencing for the protection of any retained hedge before any equipment, machinery, or materials are brought on to the site for the purposes of development or other operations. The fencing shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.
- 12 Reason To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF. This needs to be a pre-commencement condition given the potential for damage to protected trees during the construction phase.
- 13 Condition The development hereby permitted shall be carried out in accordance with Dwg 12877 insofar as access only.

13 Reason For the avoidance of doubt and in the interests of proper planning.

14 Condition The number of residential units on the site shall not exceed 8.

14 Reason To define the terms of the consent.

**B.** In the event that the S106 is not signed within 4 months of the date of the committee resolution, **REFUSE** on the grounds of failure to secure affordable housing/contribution.

## Planning Committee

### **APPLICATIONS DETERMINED UNDER DELEGATED POWERS**

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#### **PURPOSE OF REPORT**

- (1) To inform Members of the number of decisions issued between the production of the November Planning Committee Agenda and the December agenda. 115 decisions issued, 111 decisions issued under delegated powers with 4 decided by the Planning Committee.
- (2) To inform Members of those applications which have been determined under the officer delegation scheme since your last meeting. These decisions are made in accordance with the Authority's powers contained in the Town and Country Planning Act 1990 and have no financial implications.
- (3) This report does not include the following applications – Prior Notifications, Discharge of Conditions, Pre Applications, County Matters, TPO and Works to Trees in a Conservation Area
- (4) Majors are assessed against a national target of 30% determined in time. Failure to meet this target could result in the application being dealt with by Pins who will also receive any associated planning fee.

#### **RECOMMENDATION**

That the reports be noted.

Number of Decisions issued between 24/10/2017 – 15/11/2017

	Total	Approved	Refused	Under 8 weeks	Under 13 weeks	Performance %	Previous National Target	DCB decision	
								Approved	Refused
<b>Major</b>	5	4	1		5	100%	60%	1	1
<b>Minor</b>	56	53	3	43		77%	65%	2	0
<b>Other</b>	54	50	4	51		94%	80%	0	0
<b>Total</b>	<b>115</b>	<b>107</b>	<b>8</b>						

Planning Committee made 4 of the 115 decisions, 3%

**PLANNING COMMITTEE -**

**APPLICATIONS DETERMINED UNDER DELEGATED POWERS**

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**PURPOSE OF REPORT**

To inform Members of those applications which have been determined under the officer delegation scheme since your last meeting. These decisions are made in accordance with the Authority's powers contained in the Town and Country Planning Act 1990 and have no financial implications.

**RECOMMENDATION**

That the report be noted.

**DETAILS OF DECISIONS**

<b>DATE RECEIVED</b>	<b>DATE DETERMINED/ DECISION</b>	<b>REF NUMBER</b>	<b>APPLICANT PROPOSED DEV</b>	<b>PARISH/AREA</b>
21.09.2017	15.11.2017 <b>Application Permitted</b>	17/01780/F	H Woods & Son White House Farm Syderstone Road Bagthorpe Norfolk Proposed agricultural general purpose building to store farm implements and grain storage harvested from adjacent farmland	Bagthorpe With Barmer - VACANT



11.09.2017	02.11.2017 <b>Application Permitted</b>	17/01703/F	Borough Council of King's Lynn And West Norfolk Mintlyn Crematorium Lynn Road Bawsey King's Lynn Extension to existing crematorium car park, removal/replacement of trees associated with the works	Bawsey
29.03.2017	02.11.2017 <b>Application Permitted</b>	17/00608/F	Mr Tom Shippey The Hollies Main Road Brancaster Staithe King's Lynn Demolition of existing property and construction of replacement dwelling	Brancaster
24.07.2017	02.11.2017 <b>Application Permitted</b>	17/01415/F	Fleur Developments Ltd The Willows Town Lane Brancaster Staithe King's Lynn The demolition of The Willows and replacement with three new residential dwellings	Brancaster
12.09.2017	06.11.2017 <b>Application Permitted</b>	17/01712/F	Hartop Farms Brancaster Hall Hall Lane Brancaster Norfolk Change of Use of Stables and Barn for Commercial Uses	Brancaster

25.08.2017	02.11.2017 <b>Application Permitted</b>	17/01628/F	Fleur Hill LLP Foundry Place Burnham Market Norfolk Variation of conditions 10, 11, 12 and 15 of planning permission 17/00009/F: Removal of condition 8 a and b of planning permission 15/01697/F: Extend current use of retail buildings to include A3 use for up to 50% of the floorspace	Burnham Market
11.09.2017	02.11.2017 <b>Application Permitted</b>	17/01706/F	Mr & Mrs Burt 10 Church Walk Burnham Market King's Lynn Norfolk Construction of a new replacement Conservatory and Cedral Weatherboard to South Elevation	Burnham Market
25.09.2017	31.10.2017 <b>Application Permitted</b>	17/01790/F	Mr Jeremy Neville-Eliot Spinneys End 1 Woodside Docking Road Burnham Market Extension and alterations to dwelling; Single storey rear extension and replacement porch	Burnham Market
04.09.2017	09.11.2017 <b>Application Permitted</b>	17/01665/F	Mr Rash Singh Costcutter Foxes Meadow Castle Acre Norfolk Conversion of storage area to flat	Castle Acre

14.09.2017	07.11.2017 <b>Application Permitted</b>	17/01739/F	Mr Benjamin Adams Verbena Main Road Crimplesham King's Lynn Construction of two storey extension	Crimplesham
23.03.2017	31.10.2017 <b>Application Permitted</b>	17/00558/F	Denver Barns Denver Barns Ryston Road Denver Norfolk Variation of condition 13 of planning permission 07/02615/NMA_1 (Conversion of factory and offices to residential dwellings and construction of three new dwellings and alteration of access): To allow revised provision of garage and parking space to unit 4	Denver
03.07.2017	03.11.2017 <b>Application Permitted</b>	17/01264/F	C/o Agent 16 Shernborne Road Dersingham King's Lynn Norfolk Variation of condition 2 of planning permission 17/00726/F to re-position cart shed, amendments to the floor plans and elevations. Approved drawings to be amended.	Dersingham
24.07.2017	08.11.2017 <b>Application Refused</b>	17/01426/F	Mr & Mrs S Ling 16 White Horse Drive Dersingham King's Lynn Norfolk First Floor Extension	Dersingham

04.09.2017	25.10.2017 <b>Application Permitted</b>	17/01668/F	Mr Darryl Frammingham 45 Kings Croft Dersingham King's Lynn Norfolk single storey extension to rear of the property.	Dersingham
05.09.2017	25.10.2017 <b>Application Permitted</b>	17/01678/F	Mr & Mrs Franklin 72 Manor Road Dersingham King's Lynn Norfolk Demolition of 1980's extension and conservatory and construction of new rear extension and associated alterations.	Dersingham
19.09.2017	25.10.2017 <b>Application Permitted</b>	17/01762/F	Mr Andrew Newell Skyview Cottage 25 Station Road Dersingham Norfolk Variation of condition 2 to increase the depth of the proposed extension	Dersingham
24.08.2017	24.10.2017 <b>Application Permitted</b>	17/01618/RM	Casini Systems Bernaleen Station Road Docking King's Lynn RESERVED MATTERS: Erection of two dwellings	Docking
01.06.2017	27.10.2017 <b>Application Permitted</b>	17/01070/F	Fountain Construction (Anglia) Ltd Land To the South of Number 7 St Edmunds Road Downham Market Norfolk 2 detached dwellings	Downham Market

03.07.2017	08.11.2017 <b>Application Permitted</b>	17/01259/F	Downham Market Academy Downham Market High School Ryston End Downham Market Norfolk 92m length of 1.8m green weld mesh fence to be installed along the boundary of Ryston house for security reasons. Raising the height of entrance gates to provide added security plus removal of small wall and brick pillars replacing with metal posts, raised railings and an additional pedestrian access gate. All fence and gates to be manufactured to match the original.	Downham Market
17.08.2017	31.10.2017 <b>Application Refused</b>	17/01586/CU	Mr Stephen Manton 38 Masefield Drive Downham Market Norfolk PE38 9TS Retrospective change of use from domestic garage to commercial for cider making september to december and storage of cider at rear of garage	Downham Market
07.09.2017	27.10.2017 <b>Application Permitted</b>	17/01697/F	Mrs Dawn Ryan 59 Coriander Road Downham Market Norfolk PE38 9WB Two and a half storey side extension (amended scheme)	Downham Market

18.09.2017	07.11.2017 <b>Application Permitted</b>	17/01758/F	Mr Fuller The Old Orchard Bexwell Road Downham Market Norfolk Carport extension	Downham Market
18.08.2017	31.10.2017 <b>Application Permitted</b>	17/01596/F	Mr & Mrs Field 28 Hawthorn Road Emneth Wisbech Norfolk Proposed 2 storey side extension, first floor rear extension and demolition and construction of new garage	Emneth
04.09.2017	31.10.2017 <b>Application Refused</b>	17/01672/F	Mrs Joy Buckley Land At Fendike Field Hungate Road Emneth Norfolk Two 4 bedroom chalet bungalows	Emneth
12.09.2017	10.11.2017 <b>Application Permitted</b>	17/01718/F	Mr & Mrs Gosling The Old Police House Lynn Road East Rudham Norfolk Conversion of garage, 4 Dormer Windows, Rear Kitchen Extension. Relocation of oil tank to front of property	East Rudham
05.10.2017	24.10.2017 <b>Tree Application - No objection</b>	17/00192/TREECA	Ms Maggie James Willowtree Cottage School Road East Rudham King's Lynn T1 - Willow Tree - Sectional Dismantle - Establish new Pollard points at main unions at approximately 5 - 6m from ground level within a Conservation Area	East Rudham

29.08.2017	26.10.2017 <b>Application Permitted</b>	17/01637/F	Mr P Prince 96 Lodge Road Feltwell Thetford Norfolk First floor extension to dwelling	Feltwell
26.09.2017	27.10.2017 <b>Application Permitted</b>	17/01808/F	Mr & Mrs S Stroud Hill Cottage 6 Short Beck Feltwell Norfolk Construction of cart shed	Feltwell
19.10.2017	26.10.2017 <b>Application Permitted</b>	17/00593/NMA_1	Mr Hills Land North of 46 Lodge Road Lodge Road Feltwell Norfolk NON MATERIAL AMENDMENT TO PLANNING CONSENT 17/00593/F: New dwelling	Feltwell
21.09.2017	07.11.2017 <b>Application Permitted</b>	17/01778/F	Mrs Carol Harrison Sycamore Lodge High Street Fincham King's Lynn Extension and alterations to dwelling including new first floor accommodation.	Fincham
08.08.2017	03.11.2017 <b>Application Permitted</b>	17/01530/F	Mr & Mrs Barrie and Diwy Colvin The Old Workhouse Eastgate Drove Gayton King's Lynn Variation of condition 2 of planning permission 16/01521/F: To install air source heat pump rather than approved ground source heat pump	Gayton

18.09.2017	25.10.2017 <b>Application Permitted</b>	17/01764/F	Mr Sneddon Tarxien Back Street Gayton King's Lynn Single storey extension to the rear	Gayton
18.09.2017	08.11.2017 <b>Application Permitted</b>	17/01757/F	Holly Meadows Youth Football Club Holly Meadows School Vong Lane Pott Row Norfolk Erection of two floodlight at Holly Meadows School	Grimston
15.08.2017	27.10.2017 <b>Application Refused</b>	17/01569/F	Mr And Dr Hamish Grice Adjacent 2 Castleacre Road Great Massingham King's Lynn Norfolk Construction of dwelling	Great Massingham
26.09.2017	27.10.2017 <b>Application Permitted</b>	17/01814/F	Mr And Mrs Castle Tall Trees 72 Station Road Great Massingham King's Lynn Demolition of garage and erection of new extension	Great Massingham
11.08.2017	08.11.2017 <b>Application Permitted</b>	17/01550/A	Lidl UK GmbH Reg J Stainsby & Son 43 Lynn Road Heacham Norfolk Advertisement application: 2x internally illuminated fascia sign, 1x non illuminated fascia sign, 2x hoarding signs, 1x internally illuminated totem sign and 2x wall mounted billboards.	Heacham



05.09.2017	24.10.2017 <b>Application Permitted</b>	17/01681/F	Mr & Mrs G Laird 37 Hunstanton Road Heacham King's Lynn Norfolk Construction of replacement dwelling	Heacham
29.09.2017	03.11.2017 <b>Application Permitted</b>	17/01833/F	Mr Futter 39 School Road Heacham King's Lynn Norfolk Proposed replacement garage	Heacham
29.09.2017	14.11.2017 <b>Was_Would be Lawful</b>	17/01837/LDE	Dodson & Horrell Developments (Holdings) Ltd. 48 North Beach Heacham King's Lynn Norfolk Lawful Development Certificate for a residential bungalow	Heacham
11.10.2017	31.10.2017 <b>Application Permitted</b>	16/01594/NMA_2	H G Property Development Ltd 15 - 17 Neville Road Heacham Norfolk PE31 7HA NON-MATERIAL AMENDMENT TO PLANNING CONSENT 16/01594/F: Conversion of existing bakery to 2No semi-detached dwellings and conversion of existing shop and house to provide 1No dwelling	Heacham
27.09.2017	02.11.2017 <b>Application Permitted</b>	17/01816/F	Mrs L A Thomas 30 Foresters Avenue Hilgay Downham Market Norfolk Single storey extension and alterations to dwelling	Hilgay

10.10.2017	13.11.2017 <b>Application Permitted</b>	17/01904/F	Mr & Mrs Prior 45 Foresters Avenue Hilgay Downham Market Norfolk Single storey rear extension	Hilgay
23.08.2017	14.11.2017 <b>Application Refused</b>	17/01613/A	Mr Snaith Eric's Fish & Chips Norfolk Drove Orchards Thornham Road Holme next The Sea Advertisement Application: three non-illuminated free standing signs	Holme next the Sea
05.10.2017	13.11.2017 <b>Application Permitted</b>	17/01868/F	Mr Gordon Milne 37 Peddars Way Holme next The Sea Norfolk PE36 6LE Orangery extension to dwelling	Holme next the Sea
23.10.2017	09.11.2017 <b>Consent Required</b> <b>Not</b>	17/02000/AG	Mrs Lyn Garrett Newholme Thornham Road Holme next The Sea Norfolk Agricultural prior notification: Replacement steel framed building to house tractor and implements	Holme next the Sea
25.09.2017	07.11.2017 <b>Application Permitted</b>	17/01789/F	Mr D Lloyd 80 Cliff Parade Hunstanton Norfolk PE36 6EJ Extension and alterations to dwelling including; Single storey rear extension, proposed first floor balcony and dormer	Hunstanton

25.09.2017	31.10.2017 <b>Application Permitted</b>	17/01794/F	Mr R Rafferty 67 Waveney Road Hunstanton Norfolk PE36 5DQ Porch Extension	Hunstanton
04.10.2017	15.11.2017 <b>Application Permitted</b>	17/01863/F	Ms Judy Wragg 16 Charles Road Hunstanton Norfolk PE36 5JF Single storey front and rear extension and roof dormer extension, rear raised terrace	Hunstanton
09.10.2017	02.11.2017 <b>Application Permitted</b>	17/00667/NMA_1	Miss L Hutchison Lalapanzi 66 Cliff Parade Hunstanton Norfolk NON-MATERIAL AMENDMENT TO PLANNING CONSENT: Internal and External Alterations, including the introduction of a self-contained internal annexe with associated use to the main dwelling	Hunstanton
17.10.2017	03.11.2017 <b>Tree Application - No objection</b>	17/00201/TREECA	Amitola Ltd 11 Glebe Avenue Hunstanton Norfolk PE36 6BS See attached report by Tom Russell Grant (NCC)	Hunstanton

29.06.2017	08.11.2017 <b>Application Permitted</b>	17/01249/FM	Mr James Wilson Water - Sewage Facility Sherborne Road Ingoldisthorpe Norfolk Construction of a wetland to cleanse treated effluent from Ingoldisthorpe Sewage Treatment Works before it enters the River Ingol	Ingoldisthorpe
18.07.2017	14.11.2017 <b>Application Permitted</b>	17/01385/F	Mr & Mrs R. SMITH 17 Marsh Lane King's Lynn Norfolk PE30 3AD Construction of a dwelling	King's Lynn
19.07.2017	31.10.2017 <b>Application Permitted</b>	17/01388/F	Norfolk And Suffolk NHS Foundation Chatterton House Goodwins Road King's Lynn Norfolk Refurbish and extend existing building to accommodate 16 ensuite bedrooms and day space for an Adult Acute Pathway Ward.	King's Lynn
20.07.2017	09.11.2017 <b>Application Permitted</b>	17/01402/F	Wilson and Betts Mortgage Solutions 3 Tower Place King's Lynn Norfolk PE30 5DF Change of Use to Form Three New Dwellings	King's Lynn

26.07.2017	31.10.2017 <b>Application Permitted</b>	17/01459/F	Messrs Dickerson And Barlow 15 Field Lane Gaywood King's Lynn Norfolk Proposed side extension and renovation of cottage	King's Lynn
31.07.2017	13.11.2017 <b>Application Permitted</b>	17/01478/A	Specsavers Optical Ltd Specsavers Opticians 8 Norfolk Street King's Lynn Norfolk ADVERT CONSENT: 1 x fascia panel and 1x projecting sign	King's Lynn
10.08.2017	06.11.2017 <b>Application Permitted</b>	17/01544/F	Kings Lynn Joint Charity Trustees Framinghams Almshouses London Road King's Lynn Norfolk Variation of condition 2 of planning permission 15/00380/F: To vary previously approved drawings	King's Lynn
21.08.2017	25.10.2017 <b>Application Permitted</b>	17/01607/F	C T S Security Ltd 7 St Hilary Trade Park St Hilary Park Road King's Lynn Norfolk Forming new internal mezzanine floor to create office store rooms and demonstration area	King's Lynn
23.08.2017	25.10.2017 <b>Application Permitted</b>	17/01615/F	Mr & Mrs D Simper 88 Clenchwarton Road West Lynn King's Lynn Norfolk Side extension and front porch extension to existing bungalow	King's Lynn

23.08.2017	07.11.2017 <b>Application Permitted</b>	17/01616/F	Mr Michael Cleaver 6 St James Street King's Lynn Norfolk PE30 5DA Replace roof front and rear tiles, replace front and rear guttering, replace front window, door and first floor window. Replace or repair front render. Decoration of front, sign to be refurbished	King's Lynn
23.08.2017	13.11.2017 <b>Application Permitted</b>	17/01617/LB	Mr Michael Cleaver 6 St James Street King's Lynn Norfolk PE30 5DA Listed building application to replace roof front and rear tiles, replace front and rear guttering, replace front window, door and first floor window. Replace or repair front render. Decoration of front, sign to be refurbished	King's Lynn
24.08.2017	24.10.2017 <b>Application Permitted</b>	17/01619/F	Mr Roy Ellis Alphabet House Austin Fields Austin Fields Industrial Estate King's Lynn Additional door front of the building left side	King's Lynn

24.08.2017	14.11.2017 <b>Application Permitted</b>	17/01624/LB	Ms Nicola Cantwell 24 Gayton Road Gaywood King's Lynn Norfolk Listed building application to remove ground floor partition wall dividing bathroom and kitchen, relocate ground floor bathroom to first floor, insert a wall in bedroom 1 in order to create bedroom 2, repair windows or replace with like for like, remake shutters to the front of the property and repaint the exterior walls and woodwork (no change to colours)	King's Lynn
25.08.2017	24.10.2017 <b>Application Permitted</b>	17/01627/F	Kings Lynn Internal Drainage Board Land Adjacent To Nar Ouse Way King's Lynn Norfolk Proposed New Offices, Car Park and Associated Works	King's Lynn
04.09.2017	24.10.2017 <b>Application Permitted</b>	17/01664/F	The Parochial Church Council of King's Lynn Minster St Margaret's Church St Margaret's Place King's Lynn Norfolk Formation of 2 no. new lead- clad roof cowls and soil vent pipe outlet within existing lead roof to North Porch, and associated adjustments to existing lead-work	King's Lynn

04.09.2017	25.10.2017 <b>Application Permitted</b>	17/01667/F	ECS Computers E C S Computers 98 - 99 London Road King's Lynn Norfolk Change of Use from Residential Flat (C3) to provide additional space for ECS Computers (A2)	King's Lynn
06.09.2017	02.11.2017 <b>Application Permitted</b>	17/01688/F	Norfolk Constabulary Norfolk Constabulary St James Street King's Lynn Norfolk Variation of condition 2 of planning permission 16/00971/F (Refurbish the existing masonry building, demolish extensions to the west and north of the original building. Construct a new single storey development to the north west of the site which will link to the existing building. remodel car park. Demolition of existing communications mast and erection of new) - To amend previously approved drawings	King's Lynn
12.09.2017	06.11.2017 <b>Application Permitted</b>	17/01713/F	John Lake Shellfish Limited The Lodge Cross Bank Road King's Lynn Norfolk To erect a seawater storage tank	King's Lynn



13.09.2017	27.10.2017 <b>Application Permitted</b>	17/01725/F	Notemachine UK Ltd 6 Tower Place King's Lynn Norfolk PE30 5DF The retention of an ATM installed through the existing glazing to the right hand side of the front elevation. Replacing part of the existing glazing with a white laminate composite security panel	King's Lynn
13.09.2017	27.10.2017 <b>Application Permitted</b>	17/01726/A	Notemachine UK Ltd 6 Tower Place King's Lynn Norfolk PE30 5DF 1 x fascia sign consisting of integral illumination and screen to the ATM fascia, internally illuminated 'Free Cash Withdrawals' sign above the ATM fascia with blue LED halo illumination to the ATM surround	King's Lynn
19.09.2017	07.11.2017 <b>Application Permitted</b>	17/01759/F	Dow Agro Sciences Ltd Dow Chemical Co Ltd Cross Bank Road King's Lynn Norfolk Extension to existing Tanker Park is designed for internal site use of Iso-Tainer vehicles that serves as temporary storage of finished product	King's Lynn

26.09.2017	31.10.2017 <b>Application Permitted</b>	17/01813/F	Mr & Mrs Webber 20 Queensway King's Lynn Norfolk PE30 4AW Retention and completion of a single storey rear extension	King's Lynn
28.09.2017	27.10.2017 <b>Application Permitted</b>	17/01832/F	Market Homes (Kings Lynn) Ltd Harvest House Wisbech Road King's Lynn Norfolk Variation of condition 5 of planning permission 15/02105/F to change remediation scheme	King's Lynn
02.10.2017	15.11.2017 <b>Application Permitted</b>	17/01849/F	Mrs Laura Kettlewell 8 Queens Avenue King's Lynn Norfolk PE30 5LR Single storey extension to the rear of the property to create utility room and change access to the ground floor bathroom/toilet	King's Lynn
05.09.2017	02.11.2017 <b>Application Permitted</b>	17/01680/F	Ms R Price-Smith Rose & Crown Cottage The Street Marham King's Lynn Proposed New Dwelling	Marham
02.08.2017	02.11.2017 <b>Application Permitted</b>	17/01492/F	Mrs Emma Watling Rands Farm Rustons Road Marshland St James Wisbech Retention of the temporary siting of the portable residential structure whilst the approved Piggery is converted.	Marshland St James

05.09.2017	27.10.2017 <b>Application Permitted</b>	17/01679/RM	Mr O McGuffog (Plot 2) - Land North of 19 Smeeth Road Marshland St James Norfolk Reserved matters application for proposed dwelling	Marshland St James
12.09.2017	27.10.2017 <b>Application Permitted</b>	17/01719/F	Mr L Mottram Land Adjacent 73 Smeeth Road Marshland St James Norfolk Residential Development of two dwellings	Marshland St James
21.09.2017	07.11.2017 <b>Application Permitted</b>	17/01773/F	Mr & Mrs J Webb Lancaster Park 33 Stoke Road Methwold Thetford Installation of tennis court and fence enclosure	Methwold
05.09.2017	02.11.2017 <b>Application Permitted</b>	17/01676/F	Mrs Angela Canning Mitre Farm Setch Road Blackborough End Norfolk Proposed standing of log cabin in rear garden	Middleton
15.09.2017	03.11.2017 <b>Application Permitted</b>	17/01750/F	DR & Mrs A Coady Church Cottages 63 Church Street North Creake Fakenham Minor alterations to roof necessitated by replacement of roof structure	North Creake

13.09.2017	07.11.2017 <b>Application Permitted</b>	17/01729/F	Mr & Mrs Pryke Weallwyrton 22 New Road North Runcton King's Lynn Proposed two storey rear extension including single storey sun room extension, alterations and construction of garage	North Runcton
23.08.2017	25.10.2017 <b>Application not required</b>	17/01609/CU	Mrs Toni Arthur-Hay Manor Farm Barns West End Northwold Thetford Change of use from agricultural land to domestic garden	Northwold
23.08.2017	13.11.2017 <b>Application Permitted</b>	17/01614/F	Mrs L Gibbs Watermill Stud Farm Little London Road Northwold Thetford New 2 storey extension replacing single storey extension	Northwold
02.10.2017	27.10.2017 <b>Was Lawful</b>	17/01848/LDE	Mr Peter Ellis 2 Estuary Farm Cottages Marsh Road North Wootton King's Lynn Application for a Lawful Development Certificate for an existing sui generis use of cat pens as a cattery within the curtilage of the property	North Wootton
25.09.2017	27.10.2017 <b>Application Refused</b>	17/01787/F	Mr & Mrs Ferguson 399 Wisbech Road Outwell Wisbech Norfolk 1 no proposed residential dwelling	Outwell

26.09.2017	25.10.2017 <b>Application Permitted</b>	17/01804/A	Mr A Tursucu 10 Wisbech Road Outwell Norfolk PE14 8PA Advertisement application for 1 x illuminated fascia sign and 6 x non-illuminated plastic sign	Outwell
26.09.2017	27.10.2017 <b>Application Permitted</b>	17/01809/F	Mr & Mrs S Bragg Birbeck House Isle Road Outwell Wisbech Two storey extension to dwelling	Outwell
26.09.2017	27.10.2017 <b>Application Permitted</b>	17/01810/F	Mr & Mrs S Bragg Birbeck House Isle Road Outwell Wisbech Single storey extension to dwelling	Outwell
28.09.2017	27.10.2017 <b>Application Permitted</b>	17/01829/F	Mr N Lunn Danely The Cottons Outwell Wisbech Alterations and replacement of roof converting garage to bedroom and utility room	Outwell
23.10.2017	03.11.2017 <b>Application Permitted</b>	15/01383/NMA_1	Mr S Lawrence 54 Wisbech Road Outwell Wisbech Norfolk NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 15/01383/F: Proposed annexed accommodation with parking under	Outwell

04.09.2017	09.11.2017 <b>Application Refused</b>	17/01666/F	Mr John Wilkinson Rose Cottage 33 Docking Road Ringstead Hunstanton First floor side extension and rear porch roof	Ringstead
13.09.2017	07.11.2017 <b>Application Permitted</b>	17/01723/F	Miss Pamela Ward 15 Foundry Lane Ringstead Hunstanton Norfolk Proposed single storey rear and two storey side extension.	Ringstead
29.09.2017	27.10.2017 <b>Application Permitted</b>	17/01839/F	Mr & Mrs D Caley Thorpland Manor Downham Road Runcton Holme King's Lynn Alteration to raise part of the roof eaves	Runcton Holme
06.09.2017	15.11.2017 <b>Application Permitted</b>	17/01685/F	Newcome-Baker Farms Limited Whin Close Farm Docking Road Sedgeford Norfolk Retention and Completion of biomass building	Sedgeford
13.07.2017	25.10.2017 <b>Application Permitted</b>	17/01346/F	Paul Goodburn Vehicle Technician 32 Common Road Snettisham King's Lynn Norfolk Proposed Commercial Garage for Vehicle Repairs	Snettisham

06.09.2017	31.10.2017 <b>Application Permitted</b>	17/01689/LB	Ms Emma Carey Cranberry House 26 - 28 Lynn Road Snettisham King's Lynn Conversion of old forge to dwelling - revisions to approved design reference 15/01933/LB	Snettisham
06.09.2017	02.11.2017 <b>Application Permitted</b>	17/01690/F	Ms Emma Carey Cranberry House 26 - 28 Lynn Road Snettisham King's Lynn Variation of condition 2 of planning permission 15/01932/F to alter window openings, headroom and materials	Snettisham
11.09.2017	25.10.2017 <b>Application Permitted</b>	17/01710/F	Mrs Angela Peel 4 Churchill Estate South Creake Fakenham Norfolk Two storey side house extension and a single storey rear house extension	South Creake
29.08.2017	24.10.2017 <b>Application Permitted</b>	17/01639/F	C/O Agent 71 Feltwell Road Southery Downham Market Norfolk Change of use of a barn from a garage and general storage to office	Southery

04.09.2017	24.10.2017 <b>Application Permitted</b>	17/01671/F	Mr & Mrs Howard Pentlands 100 Grimston Road South Wootton King's Lynn Demolition of existing shed and summer room and construction of single storey rear extension	South Wootton
22.09.2017	31.10.2017 <b>Application Permitted</b>	17/01783/F	Mr Spooner 46 Oak Avenue South Wootton King's Lynn Norfolk Construction of proposed summerhouse (retrospective)	South Wootton
26.10.2017	27.10.2017 <b>Application Permitted</b>	17/01671/NMA_1	Mr & Mrs Howard Pentlands 100 Grimston Road South Wootton King's Lynn NON-MATERIAL AMENDMENT TO PLANNING CONSENT 17/01671/F: Demolition of existing shed and summer room and construction of single storey rear extension	South Wootton
19.07.2017	10.11.2017 <b>Application Permitted</b>	17/01395/RM	Mr Perce Baxter South of Eastfields 173 the Drove Barroway Drove Reserved Matters Application: Site for construction of two dwellings	Stow Bardolph



31.08.2017	13.11.2017 <b>Application Permitted</b>	17/01653/F	Cats Protection Property Team Cat's Protection Cuckoo Road Stow Bridge Norfolk Temporary use (four years maximum) of a pre-built Portacabin for the purposes of using it for an office and private meeting space	Stow Bardolph
14.09.2017	10.11.2017 <b>Application Permitted</b>	17/01737/RM	Mr & Mrs P Mcnaught Plot 1 South West of The Sycamores The Drove Barroway Drove Reserved Matters Application for detail design of dwelling and site layout	Stow Bardolph
15.09.2017	10.11.2017 <b>Application Permitted</b>	17/01746/F	R Baker & A Slade Land South West of 16 The Drove Barroway Drove Norfolk Construction of one dwelling	Stow Bardolph
28.09.2017	08.11.2017 <b>Application Permitted</b>	17/01827/F	Mr & Mrs D Williams Land NE of Home Farm Cottage Cuckoo Road Stow Bridge Norfolk Construction of agricultural building	Stow Bardolph
03.10.2017	13.11.2017 <b>Application Permitted</b>	17/01851/F	Downham Preparatory School And Montessori Nursery Downham Montessori School Lynn Road Stow Bardolph King's Lynn Demolition of glazed porch and store area. Construction of new single storey classroom extension	Stow Bardolph

03.10.2017	07.11.2017 <b>Application Permitted</b>	17/01850/F	Mr Christian Ducker Jasmine Cottage The Street Syderstone King's Lynn Increase in width of existing single storey side extension part demolition and reconstruction of rear two storey extension	Syderstone
01.06.2017	08.11.2017 <b>Application Permitted</b>	17/01066/FM	J A Collison Land At Tuxhill Farm Tuxhill Road Terrington St Clement Norfolk Proposed extension of glasshouses, existing reservoir and rainwater lagoon and retention of relocation of land drain	Terrington St Clement
11.10.2017	13.11.2017 <b>Application Permitted</b>	17/01915/F	Mrs Heather Bobbins Pretoria House 156 Benns Lane Terrington St Clement King's Lynn Front Porch Extension	Terrington St Clement
04.09.2017	10.11.2017 <b>Not Lawful</b>	17/01674/LDE	Miss Catherine Walsh Micasa Mill Lane Tilney St Lawrence King's Lynn Lawful Development Certificate: Standing of mobile home and day room	Tilney St Lawrence
01.09.2017	27.10.2017 <b>Application Permitted</b>	17/01662/RM	Lavish Estates Ltd Plot NW of Stockhill Square Hall Road Walpole Highway Norfolk Reserved Matters Application: Construction of 7 new dwellings	Walpole Highway

11.08.2017	08.11.2017 <b>Application Permitted</b>	17/01548/O	Mrs J Wolfe Walnut Tree House Walnut Road Walpole St Peter Norfolk Outline Application: Single two storey residential dwelling	Walpole
12.09.2017	08.11.2017 <b>Application Permitted</b>	17/01715/RM	Mr & Mrs P Drake (Plot 5) Land Adj Hawthorne Lodge Police Road Walpole St Andrew Wisbech RESERVED MATTERS: One dwelling	Walpole
13.09.2017	08.11.2017 <b>TPO Approved</b> <b>Work</b>	17/00082/TPO	Mr Stephen Wilson Red Gables Wisbech Road Walpole St Andrew Wisbech 2/TPO/00557: T1 Horse Chestnet, G1 Weeping Willows, G2 Yew, G3 Ash & Oak - Trim/remove all branches below 12ft off ground level. Also to trim any new branches coming into the way of existing rope swing on G3	Walpole
07.09.2017	08.11.2017 <b>Application Permitted</b>	17/01695/F	Mr Richard Garwell Wisbech Town Football Club Fenland Stadium Lynn Road Walsoken Proposed speed skating and cycling track	Walsoken

14.09.2017	31.10.2017 <b>Application Permitted</b>	17/01752/F	Mr M & Mrs J Mann Basil Cottage Basil Road West Dereham Norfolk Construction of single storey extension	West Dereham
08.09.2017	27.10.2017 <b>Prior Approval - Approved</b>	17/01702/PACU3	Norfolk County Council Old Croft Farm March Road Tipps End Welney Change of use of Agricultural Building to a Dwelling	Welney
26.09.2017	06.11.2017 <b>Application Permitted</b>	17/01807/F	Mr & Mrs Kavaney 1 Queens Close Wereham King's Lynn Norfolk Extension to create 2 bedrooms and shower/en-suite	Wereham
09.10.2017	13.11.2017 <b>Application Permitted</b>	17/01886/F	Mr & Mrs M Younge 1 Hiltons Lane Wiggshall St Germans King's Lynn Norfolk Single storey extension to rear of dwelling	Wiggshall St Germans
26.09.2017	02.11.2017 <b>Application Permitted</b>	17/01806/RM	Mr J Webb Myamber Field Lane Wretton King's Lynn Reserved Matters Application: Details of dwelling	Wretton

22.09.2017	25.10.2017 <b>Application Permitted</b>	17/01786/F	Mr Paul Richardson 4 Silvertree Way West Winch King's Lynn Norfolk Retention of refurbished and extended single storey bungalow	West Winch
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**PLANNING COMMITTEE**

**5<sup>th</sup> December 2017**

**UPDATE ON TREE MATTERS**

**Prepared by Richard Fisher, Arboricultural Officer**

**1.0 Introduction**

- 1.1 This report seeks to update Members on recent Tree Preservation Orders (TPO's) that have been served since 1<sup>st</sup> May 2017, along with a summary on some of the other aspects of the work in relation to trees.

**2.0 Summary of Work**

- 2.1 Set out in table 1 is a breakdown of the numbers of the various types of applications or work types carried out during the period.
- 2.2 Members will be aware that tree work applications have to be responded to within 6 weeks in the case of a conservation area notification, and 8 weeks in the case of a TPO tree work application. If responses are not received within these timescales the work is deemed to be acceptable and can be carried out.
- 2.3 There is a requirement for planning applications to be responded to well within the 8 or 13 week time period, to ensure applications can be dealt with within the requisite time period. There is also a requirement to respond to discharge of conditions with a specified time period, to ensure development can commence.
- 2.4 Although not time specific, the serving of a new TPO is often a matter of urgency in order to prevent the trees being felled or inappropriate pruning taking place. Once served there are time limits for objections to be received, and responses to be sent and the matter placed before the Planning Committee. If this is not all completed within 6 months of the serving then the TPO will lapse.
- 2.5 In addition to this there have been a number of pre application site visits undertaken for both tree work applications and planning applications, as well as the general day to day tree related enquiries that have to be addressed during the course of the day.

Table 1 – Breakdown of tree related applications and work received since May 2017

	<b>Numbers</b>
<b>Planning Applications</b>	01/05/2017 to 31/10/2017
Planning Applications considered	192
Pre-Applications considered	30
Applications to discharge tree and landscape conditions	15
<b>New Tree Preservation Orders</b>	
New TPO's served	4
TPO's with objections received (Planning Committee Confirmation)	1
Still to be confirmed	0
<b>Tree Work Applications/Notifications</b>	
Conservation Area Notifications approved	113
Conservation Area Notification Refused (TPO Served)	0
Conservation Area Notification Pending	0
Tree Preservation Order applications approved	44
Tree Preservation Order applications refused/partially refused	Part refused – 5 Refused - 2
Tree Preservation Order applications appealed	1
Tree Preservation Order application pending	0

### **3.0 Details of TPO's Served and Confirmed since May 2017**

- 3.1 4 TPOs has been served since May 2017. Where no objections have been received they have been confirmed under delegated powers. When objections have been received these will need to be considered by the Planning Committee, as to whether or not the TPO is confirmed. Since May 2017, 4 TPOs have been confirmed under delegated powers with 1 confirmed at Planning Committee.
- 3.3 It is worth noting that we have had a marked increase, almost 15%, in the amount of tree work applications to 31/10/2017 in this calendar year. It is not known what the reason is for this increase but this will continue to be monitored for any impact on resources and the ability to deal with the applications.
- 3.2 We have received, and carried out, 1 appeal relating to decisions regarding works to protected trees. This appeal has been dismissed. We currently have 1 appeal in process.

### **4.0 Recommendation**

- 4.1 That members of the Planning Committee note the contents of the report.