



Planning Committee

Agenda

Monday, 29th July, 2019
at approximately 11.15 am

in the

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

*Please note that the Committee will visit the site of the major applications 19/00597/FM, 19/00272/OM and 19/00274/OM, listed on the agenda, prior to the meeting. It is aimed to commence the meeting at approximately 11.15 am when the Committee returns from the visits.



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 1.15 pm and reconvene at 1.45 pm.

Please ensure that all mobile phones are switched to silent

DATE: Monday, 29th July, 2019

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

TIME: Approximately 11.15 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 on 1 July 2019 (previously circulated).

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 - 8)

The Committee is asked to note the Index of Applications.

a) Decisions on Applications (Pages 9 - 145)

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

9. DELEGATED DECISIONS (Pages 146 - 173)

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

10. PLANNING & ENFORCEMENT APPEALS - QUARTERLY REPORT (Pages 174 - 183)

To provide the Committee with the quarterly report covering performance for the period 1 April 2019 – 30 June 2019.

To: Members of the Planning Committee

Councillors F Bone, C Bower (Vice-Chair), A Bubb, C J Crofts (Chair), G Hipperson, M Howland, C Hudson, C Joyce, J Kirk, B Lawton, C Manning, T Parish, S Patel, C Rose, S Sandell, S Squire, M Storey and D Tyler

Major applications

Please be advised that the Committee will visit the sites for the major applications 19/00597/FM, 19/00272/OM and 19/00274/OM from 9.15 am, prior to the meeting, which will then commence at approximately 11.15 am, when the applications will be determined.

Site Visit Arrangements

When a decision for an additional site inspection is made at the meeting, consideration of the application will be adjourned, the site visited, and the meeting reconvened on the same day the visit takes place for a decision to be made.

If there are any site inspections arising from this meeting, these will be held on 1 August 2019 (time to be confirmed).

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 the working day before the meeting, **26 July 2019**. Please contact 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

**INDEX OF APPLICATIONS
TO BE DETERMINED BY THE PLANNING COMMITTEE AT THE MEETING
TO BE HELD ON MONDAY
29 July 2019**

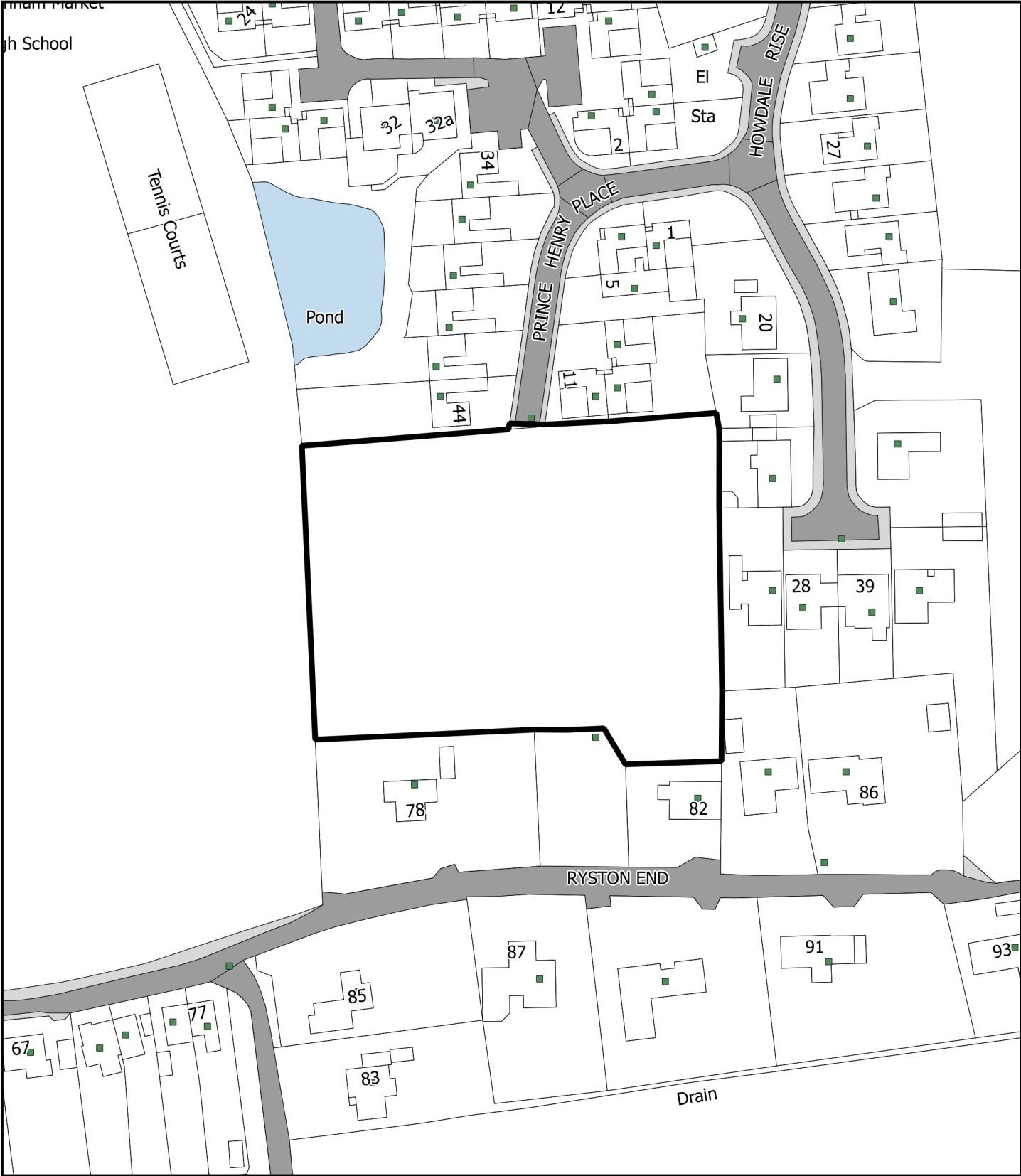
Item No.	Application No. Location and Description of Site Development	PARISH	Recommendation	Page No.
MAJOR DEVELOPMENTS				
8/1(a)	19/00597/FM Land to the South of Prince Henry Place Proposed development of 19No. 2 and 3 bedroom dwellings (including 4No. affordable units) with associated garages/parking, access road, landscaping and open space	DOWNHAM MARKET	APPROVE	9
8/1(b)	19/00272/OM Furlong Store Furlong Road Outline Application: construction of up to 30 dwellings	STOKE FERRY	REPORT TO FOLLOW	
8/1(c)	19/00274/OM Land on the South West side of Lynn Road Outline application with some matters reserved for the erection of up to 70 residential dwellings and access	STOKE FERRY	REPORT TO FOLLOW	
OTHER APPLICATIONS/ APPLICATIONS REQUIRING REFERENCE TO THE COMMITTEE				
8/2(a)	19/00915/O Beersheba Town Lane Demolition of existing dwelling and construction of 5 dwellings	BRANCASTER	APPROVE	31
8/2(b)	19/01095/F 6 Foxglove Court Extension to rear of dwelling	DOWNHAM MARKET	APPROVE	40
8/2(c)	19/01201/DM The Brick Kiln Baines Road Prior Notification: Demolition of remains of old brick kiln	KING'S LYNN	PRIOR APPROVAL NOT REQUIRED	46

Item No.	Application No. Location and Description of Site Development	PARISH	Recommendation	Page No.
8/2(d)	19/00887/LB Corn Exchange 20 Tuesday Market Place LISTED BUILDING: Internal alterations - Infill floor voids in upper foyer, form two cinema auditoria, foyer, toilet, access stair and lift. Alterations and refurbishment of ground floor foyer and toilets. External alterations - new digital display screens to front elevation, infilling first floor windows and new satellite dish in rear plant area	KING'S LYNN	APPROVE	52
8/2(e)	19/00885/F Corn Exchange 20 Tuesday Market Place External alterations to enable the creation of two cinema screens and ancillary facilities	KING'S LYNN	APPROVE	62
8/2(f)	19/00886/A Corn Exchange 20 Tuesday Market Place ADVERT APPLICATION: Proposed 4No illuminated digital display screens to replace existing illuminated poster panels	KING'S LYNN	APPROVE	72
8/2(g)	19/00617/F Hithe 2 Holders Lane Brookville Change of use from garden room static caravan to holiday accommodation	METHWOLD	APPROVE	78
8/2(h)	19/00857/O Plot 4 Abbotts Court off Isle Bridge Road Outline application with some matters reserved for site for construction of bungalow and garage	OUTWELL	REFUSE	85
8/2(i)	19/00053/F Little Abbey Farm Golden Gym Change of use from agricultural to holiday log cabins	PENTNEY	APPROVE	94
8/2(j)	18/01957/F Wilks Place 34 The Drove Barroway Drove Change of use of land from ostrich farm to ostrich farm, livery dog day care/boarding, storage of vintage vehicles and continued temporary retention of two mobile homes	STOW BARDOLPH	APPROVE	104

Item No.	Application No. Location and Description of Site Development	PARISH	Recommendation	Page No.
8/2(k)	18/01720/F Fairfield School Road Construction of replacement dwelling	TERRINGTON JOHN	ST APPROVE	120
8/2(l)	19/00619/F 20 Westfields Detached two storey dwelling with garage	TILNEY LAWRENCE	ST REFUSE	130
8/2(m)	19/00475/O 100 Stonehouse Road Outline application: Construction of 2 dwellings to replace mobile residential units	UPWELL	APPROVE	137

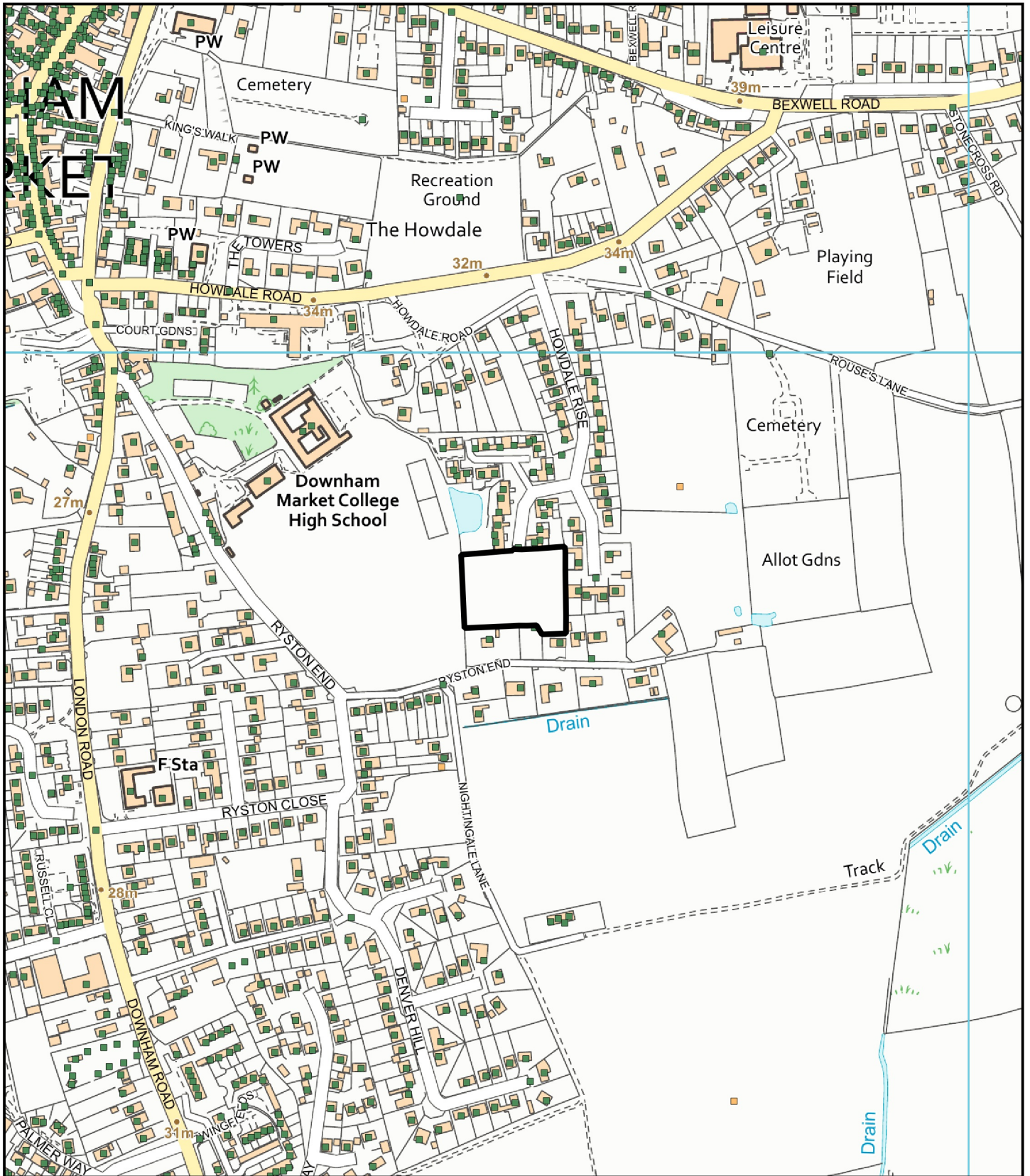
19/00597/FM

Land to the South of Prince Henry place Downham Market



19/00597/FM

Land to the South of Prince Henry place Downham Market



Parish:	Downham Market	
Proposal:	Proposed development of 19No. 2 and 3 bedroom dwellings (including 4No. affordable units) with associated garages/parking, access road, landscaping and open space	
Location:	Land To The South of Prince Henry Place Downham Market Norfolk	
Applicant:	Mr Bob Fidock	
Case No:	19/00597/FM (Full Application - Major Development)	
Case Officer:	Mr K Wilkinson	Date for Determination: 8 July 2019 Extension of Time Expiry Date: 1 November 2019

Reason for Referral to Planning Committee – Previous appeal history and the Town Council’s views are contrary to the Officer recommendation.

Neighbourhood Plan: No

Case Summary

The site (0.7 Ha of former paddock land) lies within the development area of Downham Market at the head of Prince Henry Place. It is bounded by residential development to the north (bungalows), east (bungalows) and south (chalet and houses), with school playing fields to the west.

This application seeks full permission for the construction of 19 dwellings (including 4 affordable units), with associated garages/parking, access road, landscaping and open space.

The scheme shows a single vehicular access point serving the development off Prince Henry Place (PHP). A central turning head is proposed with private drives leading off; most units have en-curtilage parking. The dwelling types comprise 5 No. pairs of semi-detached two bedroomed bungalows, 2 No. pairs of semi-detached three bedroomed houses, plus a terrace of 3 No. three bedroomed houses. There are therefore 10 No. 2 bedroomed dwellings and 9 No. three bedroom units.

Long-serving Members may recall a similar application for 19 dwellings which was sought under application ref: 17/00581/FM which was refused (contrary to officer recommendation) in November 2017 and subsequently dismissed on appeal (appended for reference). This application seeks to address and negate the previous reasons for refusal.

Key Issues

- Previous appeal decision
- Principle of development
- The effect on the character and appearance of the area

The effects from noise and disturbance from construction works and occupation
Highway issues
Affordable housing provision
Drainage
Other material planning considerations

Recommendation

A) **APPROVE** subject to the completion of a Section 106 agreement to secure affordable housing provision within 4 months of the date of this resolution to approve.

B) **REFUSE** if the Section 106 agreement is not completed within 4 months of the date of this resolution to approve on the basis of failure to secure affordable housing provision contrary to Core Strategy Policy CS09 of the LDF.

THE APPLICATION

The site (0.7 Ha of former paddock land) lies within the development area of Downham Market at the head of Prince Henry Place. It is bounded by residential development to the north (bungalows), east (bungalows) and south (chalet and houses), with school playing fields to the west.

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SUPPORTING CASE

The agent has submitted the following statement in support of the application:

“This application is a Full Planning Application for residential development of 19No 2 & 3 bedroom dwellings over 1 and 2 storeys, consisting of 15No. market sale and 4No. affordable high quality dwellings, on land approximately 0.75 Ha. in area, which is within the development envelope of Downham Market, outside the conservation area and is within easy reach of the town centre and its facilities. The application also includes off site highway works comprising of; Improvement works to the junction of Church/London/Howdale Roads and footway widening works along Howdale Road.

There is a mixture of dwelling types comprising of 10No. single storey semi-detached bungalows, two of which are affordable, 6No. 3 bedroom semi-detached two storey houses, two of which are affordable and a terraced block of 3No. 3 bedroom houses. The proposed affordable housing meets the Council's requirements and the Housing Enabling Officer has raised no objections to the proposals.

Vehicular access to the proposed development is from Prince Henry Place which is an adopted Highway with an approximate carriage width of 5500mm with footways and street lights both sides of the carriageway and is subject to a 30mph speed limit. A central turning head is to be provided to the access road, with private drives giving access to the individual properties. The majority of the dwellings have on-curtilage car parking spaces, which exceeds the Council's parking standards. After some minor amendments the proposed access to the development together with vehicular and pedestrian movement within the development meets with County Highways approval and it is suggest that conditions are added if planning consent is granted.

The development site is currently vacant, overgrown and was previously used as agricultural grazing land and is bounded by residential development to the north, east and south and to the west by school playing fields. Both sides of the leg of Prince Henry Place which gives access to the site are individual sheltered housing dwellings which have very high mono-pitched roofs. Car parking spaces are provided in front of the dwellings or in communal parking areas and it has a very well landscaped community garden set around a large pond.

The site has limited landscape and ecological value being an area of unkempt grass. The proposals have been developed to retain and protect the valued perimeter hedging and trees as set out in the Arboricultural Impact Assessment.

An Ecological Appraisal and Protected Species Survey has been carried with the site mostly species poor unmanaged grassland and tall ruderal vegetation. The survey also found that there was no evidence of any protected species on the site and concludes that the loss of habitat as a result of the development is not considered to significant and recommends that bird and bat boxes are installed throughout the development.

The landscape design will incorporate suitable habitat for foraging and resting hedgehogs and the provision of holes in garden fences to give unrestricted movement to hedgehogs through residential gardens. The inclusion of the open green space within the site is designed to enable the retention of areas of ecological value, and allow for enhanced ecological features to be added as part of the development. Soft landscaping within these areas will be developed specifically to create ecological habitats and add site biodiversity. Within these areas a mix of wildflowers and rough grasslands will be created supported by area of low scrub and native shrub planting to provide opportunities for birds, reptiles and invertebrates to colonise the site. Specific ecological features incorporated into these areas will include bird and bat nesting boxes and log piles. Natural England had no comment to make regarding this application.

A site investigation has been carried out, with soakage testing in accordance with BRE 365, to establish the permeability of the underlying strata. Infiltration is feasible and traditional techniques, such as soakaways, water butts and porous hard surfaces will be utilised across the site. The Lead Local Flood Authority has not raised any objections to the proposals and suggest that conditions are added if planning consent is granted.

The Phase 1 Site Investigation Report concludes that no significant potential source of soil contamination has been identified, the risk to human health is considered to be low and further investigation to mitigate risks from soil, ground gas and groundwater contamination were not considered to be necessary. The Environmental Quality Team have no objections regarding contaminated land or air quality.

A very similar planning application to this application for 19No. dwellings was refused under reference 17/00581/FM in November 2017 for the following reasons:

- The proposed development is not considered to be of high quality design and would therefore be out of character with this locality,
- The proposed development by virtue of associated traffic, noise and disturbance during the construction phase and from subsequent use of the site, would have an unacceptable impact upon the amenities of residents within the adjoining sheltered housing on Prince Henry Place through which access to the site is proposed to be gained.

An Appeal was lodged with the Planning Inspectorate against the decision of Kings Lynn and West Norfolk Borough Council. The Appeal Decision Notice dated 11th June 2018, dismissed the appeal.

The appeal inspector criticised the layout relating to the character of the development compared to Howdale Rise and Prince Henry Place and suggested that Plots 3, 4, 5 and 6 should be single storey bungalows. The Inspector was unable to gauge how successful the chalet type properties at the entrance to the site would be adjacent to the mono pitched bungalows of Prince Henry Place.

This application has taken on board the Inspectors suggestion that Plots 3, 4, 5 and 6 should be single storey bungalows. The four plots at the entrance of the site have also been amended to single storey bungalows, thus exceeding the Inspectors requirements.

The Inspector made the following comments regarding the second reason for refusal;

- The properties in Prince Henry Place are part of a sheltered housing development. Some of the dwellings front onto the road that vehicles entering the appeal site would need to travel along. These properties are set back from the edge of the carriageway behind generous front gardens and integral garages. Only a handful of the windows in these properties face onto the road. This configuration does not suggest the properties in Prince Henry Place would be particularly susceptible to noise and disturbance from an increase in traffic.
- In conclusion, subject to the imposition of a suitably worded planning condition, the construction and subsequent occupation of the appeal scheme would not result in harmful levels of noise and disturbance, thus a conflict with Policy DM15 in so far as it seeks to prevent significant adverse noise impacts would not occur.

Thus the Inspector dismissed the second reason for refusal.

In conclusion

Having regard to the above and the drawings, reports and information submitted;

- It is considered that the proposed development is fully compliant with National and Local Planning Policy.
- Makes most efficient use of the site, whilst also meeting the objectives of establishing a high quality residential environment with the creation of an appropriate scale and density of development that respects the landscape and local character.
- The site is in a sustainable location with good access to the principal road network, public transport, cycle lanes etc.

- Minimises the impact on adjacent properties, with no overlooking, overshadowing or loss of privacy.
- Proposes a development that has been specially designed for the site using materials used in the local area.
- The applicants are willing to enter into a Section 106 Agreement to include; Affordable Housing, Maintenance of the SUDS drainage system and access roads.”

PLANNING HISTORY

17/00581/FM: Application Refused: 08/11/17 - Proposed 19No 2 and 3 bedroom dwellings (15No market sale dwellings and 4No affordable high quality dwellings) with associated garages/parking, access road, landscaping and open space - Appeal Dismissed 11/06/18

RESPONSE TO CONSULTATION

Town Council: REFUSE - The proposal, by reason of the number of units proposed, results in a cramped form of development and lack of amenity space, which is not in harmony with and does not enhance the form and character of the building characteristics of the locality or its setting.

The unclassified road serving the site is considered to be inadequate to serve the development proposed, by reason of its restricted width and lack of passing provision. The development would be detrimental to highway safety and the vehicular movements associated with the use of the access would lead to conflict and interference with the passage of through vehicles on Prince Henry Place/Howdale Rise and Howdale Road.

The Town Council remains concerned about the accession of potentially large numbers of vehicles through the private residential community for the elderly. The Town Council understands Prince Henry Place to be a private development and is very concerned upon the impact on the frail and vulnerable; in particular, noting it believes the applicant to be the same developer who has taken some eleven years to date working on, and still not yet fully completed, a similar sized development scheme within the town.

Members also questioned the validity of the ecological surveys which are very much at odds with residents' local knowledge.

Lastly, members observed the suggested traffic improvements at the Church Road/London Road/Howdale Road junction do not appear to markedly address the road safety concerns and appear to be inadequate.

Highways Authority: NO OBJECTION subject to conditions relating to construction traffic management plan, road details, non-adoption of road and off-site works

Norfolk County Council – Lead Local Flood Authority: NO OBJECTION previous comments and conditions apply

Downham Market Group of Internal Drainage Boards: No comments received

Anglian Water: NO OBJECTION – adequate capacity for foul water disposal

Environmental Health & Housing – Community Safety & Neighbourhood Nuisance: No response at time of writing but previously raised **NO OBJECTION** subject to conditions relating to Construction Management Plan and working hours restriction.

Environmental Health & Housing – Environmental Quality: NO OBJECTION

Arboricultural Officer: NO OBJECTION

Housing Enabling Officer: NO OBJECTION (verbally) - At present a 20% provision is required on sites capable of accommodating 10 or more dwellings and/or 0.33ha in Downham Market. The affordable housing provision is then further split into 70% of the affordable homes being made available for rent and the other 30% for shared ownership or any other intermediate product that meets the intermediate definition within NPPF, meets an identified need in the Borough and is agreed by the Council. In this instance 4 affordable dwellings would be required, 3 for rent and 1 for shared ownership. The applicant has proposed an affordable housing mix of 2 x 2 bed bungalows and 2 x 3 bed houses and I can confirm that, in terms of type and size, the proposed affordable housing is acceptable.

The affordable units must be transferred to a Registered Provider of Affordable Housing agreed by the Council at a price that requires no form of public subsidy. A S.106 Agreement will be required to secure the affordable housing contribution.

Historic Environment Service: NO COMMENTS

REPRESENTATIONS

Original submission/scheme: A total of **21 objections** received raising the following grounds:

- Increased traffic through sheltered housing estate – impact on access for emergency services, safety and amenities;
- Increased traffic on an already poor junction of London Road/Church Road and Howdale Road;
- Impact on wildlife – hedgehogs, deer, etc.
- Residential amenity, damage to roads and properties especially during construction phase and residential amenity thereafter;
- Impact on local services – schools, doctors etc.
- Already over supply of housing in and around the town.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS04 - Downham Market

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 key issues in assessing this application are as follows:

Previous appeal decision

Principle of development

The effect on the character and appearance of the area

The effects from noise and disturbance from construction works and occupation

Highway issues

Affordable housing provision

Drainage

Other material planning considerations

Previous appeal decision

As stated above, this site was the subject of an earlier application (ref: 17/00581/FM) for the same number of dwellings, which was refused by the Planning Committee contrary to officer recommendation for the following reasons:

1. The proposed development is not considered to be of high quality design and would therefore be out of character with this locality, contrary to the provisions of the National Planning Policy Framework (Paragraphs 17, 56, 57 & 61) and Core Strategy Policies CS04 & CS08 of the Local Development Framework (2011) and Policy DM15 of the Site Allocations & Development Management Policies Plan (2016).

2. The proposed development by virtue of associated traffic, noise and disturbance during the construction phase and from subsequent use of the site, would have an unacceptable impact upon the amenities of residents within the adjoining sheltered housing on Prince

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Henry Place through which access to the site is proposed to be gained, contrary to the provisions of Policy DM15 of the Site Allocations & Development Management Policies Plan (2016).

This decision was appealed (PINS ref: APP/V2635/W/18/3195074) and dismissed in June 2018 – a copy of the appeal decision notice is appended to this report.

The first reason for refusal was upheld on the grounds of the transition from single storey dwellings on PHP and Howdale Rise using chalets and small houses would cause a stark contrast and therefore this would harm the character and appearance of the area.

The second reason for refusal was not upheld as the Inspector considered that with a suitably worded planning condition, the construction and subsequent occupation of the appeal scheme would not result in harmful levels of noise and disturbance. Thus, a conflict with Policy DM15, in so far as it seeks to prevent significant adverse noise impacts, would not occur.

This application seeks to address the outstanding reason for refusal in that the design and layout have been amended.

Principle of development

The site lies within the development area of the town. The principle of developing the site is therefore acceptable in planning policy terms. Historically the site was allocated for residential development in the previous Local Plan and had a development brief.

The effect on the character and appearance of the area

As stated above, the scheme shows a single vehicular access point serving the development off Prince Henry Place (PHP). A central turning head is proposed with private drives leading off; most units have en-curtilage parking. The dwelling types comprise 5 No. pairs of semi-detached two bedroomed bungalows, 2 No. pairs of semi-detached three bedroomed houses, plus a terrace of 3 No. three bedroomed houses. There are therefore 10 No. 2 bedroomed dwellings and 9 No. three bedroom units. A parcel of open space (not public) is positioned to the immediate south of the turning head which gives a central focal point. A detailed landscaping scheme may be controlled via condition.

The Planning Inspector in the appeal decision paragraphs 5 – 7, addressed the effect of the proposal upon the character and appearance of the locality. He opined that the transition from single storey dwellings on PHP and Howdale Rise using chalets and small houses would cause a stark contrast and concluded that this would harm the character and appearance of the area.

This scheme has addressed this point in that bungalows now abut the single storied dwellings to the north and east of the site, with the houses accommodated further away as the land gradually slopes to the south and west. The scale, height and massing of the peripheral dwellings now respond sensitively and sympathetically to the local setting of adjacent streets. It will be noted that the Inspector did not take issue with the number of dwellings or the style of architecture when assessing the appeal scheme. The palette of facing materials would also be sympathetic to this locality and secured via condition.

It is concluded that the revised scheme now submitted successfully achieves a transition from the mono-pitched bungalows on PHP and bungalows on Howdale Rise, into two storey houses using bungalows (instead of chalets) and the topography of the site to achieve appropriate inter-relationships with both existing and proposed dwellings.

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The effects from noise and disturbance from construction works and occupation

As previously reported when the earlier application was considered, there would obviously be some disturbance during the construction phase with construction and contractor vehicles attending the site. Some noise and disturbance from the residential occupancy of the new dwellings would also occur. CSNN recommended a condition to secure a construction management plan for the construction phase, but did not raise issue with the impact on amenity created by occupation of these additional residential units. Once again a construction management plan is recommended by CSNN and the Local Highway Authority (NCC).

The Inspector addressed these particular issues in paragraphs 11 – 17 of his decision notice. His conclusion at paragraph 17 states:

“...subject to the imposition of a suitably worded planning condition, the construction and subsequent occupation of the appeal scheme would not result in harmful levels of noise and disturbance. Thus, a conflict with Policy DM15, in so far as it seeks to prevent significant adverse noise impacts, would not occur.”

Members are reminded that the Council incurred costs on the basis of unreasonable behaviour, in relation to the defence of this particular issue, when the previous appeal was determined (a copy of the costs decision is also attached to this report for reference).

Highway issues

The Local Highway Authority is content with the proposal to serve this number of dwellings via this route, subject to off-site improvement works being undertaken to the junction of Church/London/Howdale Road, plus footpath widening works along Howdale Road. These measures are agreed in principle, as was the case when dealing with a previous application (ref: 15/01779/OM) on land south of Rouses Lane, west of the cemetery and east of Howdale Rise. Full details may be secured via condition and also its implementation.

NCC requests a condition to secure the long-term maintenance of the roads and driveways. The agent indicates that they will remain in private ownership and managed and maintained as such.

Affordable housing provision

In accordance with the provisions of Core Strategy Policy CS09 of the LDF, four affordable dwellings are proposed as part of this application – 2 x 2 bedroom semi-detached houses and 2 x 3 bed roomed semi-detached houses. They are located in the north-east and north-west corners of the site (Plots 3 & 4 plus 16 & 17) and are therefore suitably positioned within the site layout.

Our Housing Enabling Officer is content with this provision and it may be secured via a Section 106 agreement.

Drainage

The application is again accompanied by a surface water drainage strategy adopting a Sustainable Urban Drainage System (SUDS) approach. This requires permeable materials to be used in the construction of the access road and turning area plus the private drives. There are subterranean geocellular crates within gardens and the run-off rate for surface water for the whole site would be equivalent to the current rate. The Lead Local Flood

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Authority are content with this scheme and once again recommend that full details are agreed via condition and implemented accordingly. The IDB has not commented on the current scheme, but raised no objections to the earlier proposal.

The permeable materials used for construction of the road means that the Local Highway Authority will not adopt it, so a future maintenance scheme will be required via condition.

Other material planning considerations

Ecology – The Ecological Appraisal and Protected Species Survey is dated June 2017, so is considered to be acceptable with regards to its relevance. The concerns of the Town Council and local residents were considered when the previous application was determined. The ecology report concludes that the loss of habitat as a result of the development is not considered to be significant, and recommends that bird and bat boxes are installed throughout the development. This may be secured via condition. It will be noted in the applicant's statement of support that features could also be incorporated in the hard and soft landscaping to encourage the movement and foraging of hedgehogs. This may be secured via adjusting the condition requiring details to be agreed.

Trees – the layout is such that peripheral trees and hedges are not adversely affected by the proposed development. This may be secured via condition.

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

CONCLUSION

Whilst the concerns of the Town Council and local residents are noted, this site lies within the development area of the town and there has been an expectation for its development with housing for some considerable time. The proposal now addresses the concerns expressed by the Planning Inspector on appeal, in that there is a better visual transition from bungalows to two storey units across the site. The effect upon the character and appearance of the area is now considered to be fully acceptable, and there are no objections raised by technical consultees. The previous concerns of the Committee on neighbour amenity were dismissed by the Inspector, and indeed costs were awarded against the Council on that issue.

The proposal is considered to be in compliance with the provisions of the development plan and is duly recommended for approval as set out in the recommendation.

RECOMMENDATION:

A) **APPROVE** subject to the completion of a Section 106 agreement to secure affordable housing provision within 4 months of the date of this resolution to approve.

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: IHL-1810/02/01 Revision A, IHL-1810/02/02 Revision A, IHL-1810/02/04 Revision A, IHL-1810/02/05, IHL-1810/02/07, IHL-1810/02/08, IHL-

Planning Committee
29 July 2019

1810/02/10, IHL-1810/02/11, IHL-1810/02/13, IHL-1810/02/14, IHL-1810/02/15, IHL-1810/02/18, IHL-1810/02/19 Revision A, IHL-1810/02/22, IHL-1810/02/23, IHL-1810/02/26 Revision A, IHL-1810/02/27 Revision A, IHL-1810/02/29 & IHL-1810/02/SO2 Revision A.

- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Prior to the first use or occupation of the development hereby approved, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include finished levels or contours, hard surface materials, refuse or other storage units, street furniture, structures and other minor artefacts. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate. The details shall also include features to encourage the movement and foraging of hedgehogs.
- 3 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 4 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.
- 4 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 5 Condition: The trees and hedges shown to be retained on Dwg No. 3023-P02G shall be protected during construction in accordance with the Arboricultural Impact Assessment dated 15 December 2016, produced by AT Coombes Associates Ltd and submitted as part of this application, and the trees and hedges shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.
- 5 Reason: To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF.
- 6 Condition: The development shall be carried out in accordance with the recommendations and mitigation measures contained in the Ecological Appraisal & Protected Species Survey dated June 2017, produced by ECUS Ltd and submitted as part of this application. Details of the bird and bat box positions shall be agreed in writing with the Local Planning Authority prior to installation.
- 6 Reason: In the interests of ecology and to accord with the provisions of Core Strategy Policy CS12 of the LDF.
- 7 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.

- 7 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 8 Condition: Prior to commencement of development, in accordance with the submitted Surface Water Drainage Strategy – Addendum A, 21717 Network 25_07_17 and drawing 21717 – 802 Rev B (002), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority in consultation with the Lead Local Flood Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:
- I. Detailed infiltration testing in accordance with BRE Digest 365 at the depths and locations of the proposed soakaways has identified an infiltration rate of 0.00405 m/hr (0.001125 mm/s) as stated within Appendix D and Drawing No's 21717/850 & 851 of the Drainage Strategy.
 - II. Provision of infiltration features, 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.
 - 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.
 - 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. Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding.
 - VI. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C697, 2007), or the updated The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.
 - VII. 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.

- 8 Reason: To ensure that there is a satisfactory means of surface water 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.

- 9 Condition: The SuDS scheme shall be implemented, managed and maintained in accordance with the details agreed under Condition 8 above.

- 9 Reason: In order to ensure that there is a satisfactory means of surface water drainage in accordance with the NPPF.

- 10 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, the location and layout of the contractor compound, the location of contractor parking, access arrangements for delivery vehicles and temporary wheel washing facilities for the duration of the construction period and proposed mitigation methods to protect residents from noise, dust and litter. The scheme shall be implemented as approved.
- 10 Reason: To ensure that the amenities of neighbouring occupants are safeguarded in accordance with the NPPF.
- 11 Condition: Prior to the first occupation of the development hereby permitted 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 in accordance with Policy CS11 of the LDF.
- 12 Condition: Construction or development work on site, along with collections and deliveries of waste products, material and equipment, shall only be carried out between the hours of 0800 and 1800 weekdays, and 0900-1300 on Saturdays, with no work allowed on Sundays and Bank/Public Holidays.
- 12 Reason: To ensure that the amenities of neighbouring occupants are safeguarded in accordance with the NPPF.
- 13 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.
- 13 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.
- 14 Condition: Notwithstanding the details indicated on the submitted drawings, no works above slab level shall commence on site, unless otherwise agreed in writing, until a detailed scheme for the off-site highway improvement works as indicated on drawing numbers IHL-1810/02/01, IHL-1810/02/H02 & IHL-1810/02/H03, have been submitted to and approved in writing by the Local Planning Authority.
- 14 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 and accord with Core Strategy Policy CS11 of the LDF.

- 15 Condition: Prior to the first occupation of the development hereby permitted, the off-site highway improvement works referred to in Condition 13 shall be completed to the written satisfaction of the Local Planning Authority.
- 15 Reason: To ensure that the highway network is adequate to cater for the development proposed.

B) **REFUSE** if the Section 106 agreement is not completed within 4 months of the date of this resolution to approve on the basis of failure to secure affordable housing provision contrary to Core Strategy Policy CS09 of the LDF.



Appeal Decision

Site visit made on 29 May 2018

by **Graham Chamberlain BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State for Communities

Decision date: 11th June 2018

Appeal Ref: APP/V2635/W/18/3195074

Land south of Prince Henry Place, Downham Market, Norfolk PE38 9BL

- 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 Bob Fidock against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 17/00581/FM, dated 4 February 2017, was refused by notice dated 8 November 2017.
 - The development proposed is described as '19No 2 and 3 bedroom dwellings with associated garages/parking, access road, landscaping and open space. This provides a mix of 15No market sale dwellings and 4No affordable high quality dwellings'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issues

2. An application for an award of costs was made by Mr Bob Fidock against King's Lynn and West Norfolk Borough Council. This application will be the subject of a separate Decision.
3. The appeal has been submitted with the two layout drawings presented to the Council. The most recent revision does not indicate a pedestrian route into Howdale Rise. It is not entirely clear why this entrance is necessary as pedestrians would end up in the same place and the route from Howdale Rise would not be quicker or more direct than that from Prince Henry Place. As such, I have based my assessment on layout drawing 3023/P02 Revision H.
4. The main issues in this appeal are the effects of the proposed development on:
1) The character and appearance of the area; and 2) The living conditions of the occupants of the properties in Prince Henry Place, with particular reference to noise and disturbance from construction works and subsequent occupation.

Reasons

The effect on the character and appearance of the area

5. The appeal site encompasses part of a small overgrown paddock located to the south-east of the town centre. It is currently accessed from Prince Henry Place through a field gate. The development to the north and east encompasses a conventional and reasonably homogeneous residential estate the scale and form of which is nearly all bungalows. The appeal site is predominately viewed in the context of this estate development as it is necessary to travel through it

to access it. Furthermore, public views of the appeal site from outside the estate from the west are from some distance across a playing field and there are very limited views of it from Ryston End, a private residential street to the south. The properties in Ryston End sit in large generously landscaped plots and exhibit a mixture of different forms, styles and heights.

6. The Council's Planning Brief 15 published in 1999 provides a brief for the development of the appeal site. It was published to supplement the residential allocation of the appeal site in the King's Lynn & West Norfolk Local Plan 1998. The local plan is no longer extant and the site is no longer allocated. As a consequence, the brief has no formal status. Nevertheless, it makes some useful observations and was informed by public consultation. It sets out a design concept for the development and states that '*much of the neighbouring development consists of bungalows in relatively small gardens and this suggests the site will be best developed with single storey housing although there may be opportunities for two storey development in the southern part*'. Having seen the site, I see no reason to take a significantly different approach, particularly as this analysis provides sufficient flexibility for a contextual response without copying the form of the adjacent development.
7. The appeal scheme is for the erection of 19 homes. Two bungalows would be located to the north of 82 Ryston Road but the rest of the properties would be chalets or two storeys tall and this would be at odd with the broad scale of development to the north and east. Thus, the development would appear as a strident enclave of compact two storey development between an estate of mainly single storey properties to the north and west and the more spacious and verdant residential development to the south. As such, it would not respond adequately to the spacious character of development in Ryston End or the single storey form of development in Howdale Rise and Prince Henry Place.
8. In particular, Plots 3 and 4 and 5 and 6 would be particularly noticeable as they would be located towards the north-eastern corner of the appeal site. These properties would appear particularly stark in views from Howdale Rise as they would be located next to bungalows and viewed in the context of a cul-de-sac of single storey properties. The landscaping around the site's boundaries would provide a form of visual divide with the adjoining development but its effectiveness would be limited in winter months and landscaping should not be used to screen unacceptable development as it may fail or die in the future.
9. Some attempt has been made to integrate the proposed development with its surroundings. For example, the chalet style properties are intended to act as a visual bridge between the single storey development in Prince Henry Place and the taller development within the appeal scheme. However, a street scene elevation has not been submitted demonstrating how the chalet properties would sit against the bungalows in Prince Henry Place and therefore it is difficult to gauge how successful the design concept would be. In addition, the development would have a simple estate layout and the pavements would continue through from Prince Henry Place. In this respect the proposal would respect the layout of the development to the north but this would not outweigh the other limitations I have identified.
10. I therefore conclude that the appeal scheme would harm the character and appearance of the area. The proposal would therefore be contrary to Policy DM15 of the Site Allocations & Development Management Policies Plan 2016

(DMP), which states the scale, height and massing of a development should respond sensitively and sympathetically to the local setting of adjacent streets. The proposal would also be at odds with Policies CS04 and CS08 of the King's Lynn & West Norfolk Borough Council Local Development Framework – Core Strategy 2011, which have similar aims. The Core strategy pre dates the National Planning Policy Framework but Policies CS04 and CS08 are consistent with Paragraphs 17 and Section 7 therein. As such, any conflict with them can be afforded significant weight.

The effects from noise and disturbance from construction works and occupation

11. The properties in Prince Henry Place are part of a sheltered housing development. Some of these dwellings front onto the road that vehicles entering the appeal site would need to travel along. These properties are set back from the edge of the carriageway behind generous front gardens and integral garages. Only a handful of the windows in these properties face onto the road. This configuration does not suggest the properties in Prince Henry Place would be particularly susceptible to noise and disturbance from an increase in traffic. Nevertheless, I understand that the occupants of these properties are elderly or less able and therefore exposure to noise and disturbance could be of greater concern, especially as they may spend long periods at home.
12. The noise and disturbance emanating from construction works would be time limited but it has not been clarified in the submissions how long the construction phase would last. The Council's submissions suggest it could be in the region of two years and the appellant has not disputed this contention. Two years is not a short period of time to live with excessive noise and disturbance but I have seen nothing of substance to suggest the construction activity would be excessively noisy for long periods. Instead, construction activities would ebb and flow. For example, internal fitting out may not be as noisy as ground works and heavy vehicles, such as delivery lorries, may be a daily occurrence but are unlikely to be a constant feature throughout the day.
13. Had the scheme been otherwise acceptable then a planning condition could have been imposed requiring the submission of a construction management plan prior to the commencement of development. The plan would have addressed matters such as the hours of operation, areas for parking and storage and when deliveries would take place. Such a condition would have been necessary given the proximity and apparent sensitivity of the occupants of Prince Henry Place to noise and disturbance. Both the appellant and the Council's Planning Officers agree on the necessity of such a condition.
14. However, the Council has not provided any substantive evidence, including any expert opinion, which suggests the construction noise and disturbance would be so severe that a construction management plan would not amount to adequate mitigation. Instead, the Council's Community Safety and Neighbourhood Nuisance Officer did not object to the proposal because such a condition could be imposed.
15. The evidence before me suggests it is uncommon for an estate road to go through a sheltered housing scheme but in this instance the appeal site was previously allocated for residential development in the superseded local plan. It seems somewhat inconsistent for the Council to now take the view that the construction of a residential development within the site would now result in

harmful levels of noise and disturbance to nearby residents. I accept that the site is no longer allocated but this is because it is within the settlement boundary of Downham Market where the principle of development is acceptable within the context of the extant DMP. It is a point of note that the Planning Brief referred to earlier does not make reference to potentially harmful noise impacts from the construction or occupation of development within the site.

16. In respect of occupation, the appeal scheme would result in more vehicle trips passing outside the properties in Prince Henry Place but these would be confined to an existing road upon which there is already traffic. The properties in Prince Henry Drive benefit from garages and off road parking so the movement of vehicles within the cul-de-sac is already part of its character. Substantive evidence has not been presented to suggest the occupation of the proposed dwellings, including the use of the rear gardens, would result in untypical levels of noise when considered relative to the existing residential properties nearby, such as those in Howdale Rise, which have rear gardens close to some of the sheltered housing without there being any ostensible noise nuisance.
17. In conclusion, subject to the imposition of a suitably worded planning condition, the construction and subsequent occupation of the appeal scheme would not result in harmful levels of noise and disturbance. Thus, a conflict with Policy DM15, in so far as it seeks to prevent significant adverse noise impacts, would not occur.

Other Matters

18. The appeal scheme would provide economic benefits to the construction industry through jobs and the circulation of funds. In addition, the properties would be located close to the town centre and therefore future residents could walk or cycle to facilities and spend locally. Moreover, a planning obligation has been submitted with the appeal scheme that would secure the provision of four affordable homes. This is necessary in order for the proposal to adhere to Policy CS09 of the CS. Nevertheless, these benefits could be achieved with a scheme that better reflects its context and therefore they are not determinative points in favour of allowing the appeal.
19. Various concerns have been raised by interested parties including inadequate health and educational infrastructure, the loss of an open space, the risk from flooding and the impacts upon highway safety, biodiversity and the privacy and outlook of neighbours. However, given my overall conclusion it has not been necessary for me to consider these matters further as the appeal has failed on a main issue.

Conclusion

20. The appeal scheme would not harm the living conditions of nearby residents but it would harm the character and appearance of the area. Thus, it would be contrary to the development plan as a whole and material considerations do not indicate planning permission should be forthcoming in spite of this. Accordingly, I conclude the appeal should be dismissed.

Graham Chamberlain
INSPECTOR



Costs Decision

Site visit made on 29 May 2018

by **Graham Chamberlain BA (Hons) MSc MRTPI**

Decision date: 11th June 2018

Costs application in relation to Appeal Ref: APP/V2635/W/18/3195074 Land south of Prince Henry Place, Downham Market, Norfolk PE38 9BL

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Bob Fidock for a full award of costs against King's Lynn and West Norfolk Borough Council.
 - The appeal was against the refusal of planning permission for a development proposal described as '19No 2 and 3 bedroom dwellings with associated garages/parking, access road, landscaping and open space. This provides a mix of 15No market sale dwellings and 4No affordable high quality dwellings'.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Irrespective of the outcome of the appeal, the National Planning Practice Guidance (PPG) states that an award of costs may only be made against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The appellant has suggested that the Council's reasons for refusal were vague and without substance and therefore it has prevented development that should have clearly been permitted. Thus, the Council's decision has resulted in the appellant being put to wasted expense in pursuing an unnecessary appeal.
4. The Council's first reason for refusal relates to the design of the appeal scheme and states that the proposed development would not be of a high quality. This is a rather vague assertion that went against the advice of the Council's Planning Officers. However, when the Council's submissions are considered as a whole it is apparent that the concerns relate to the scale of the proposed development and the relationship it would have with its surroundings. In particular, the predominance of two storey properties next to an estate generally comprising bungalows. I share the Council's concerns in this respect.
5. The Council's reservations could have been better articulated in the reason for refusal but it ultimately put forward a cogent explanation as to why it found the appeal scheme to be unacceptable. Moreover, the Members of the Council's planning committee had visited the appeal site, debated the proposal and referred to relevant development plan policies. Matters of design also have an element of subjective planning judgment. Consequently, the Council's first reason for refusal did not amount to a substantive failing.

6. In respect of the Council's second reason for refusal, the Members of the Council's planning committee came to the view that the construction and subsequent occupation of the proposed dwellings would harm the living conditions of the residents in Prince Henry Place through unreasonable levels of noise and disturbance. The Members of the committee arrived at this conclusion based on its local knowledge and the representations submitted by interested parties. However, in doing so it has not adequately explained why this outweighed other substantive matters.
7. In particular, Members of the planning committee took this view against the advice of its planning officers, who were informed by specialists in the Council's Environmental Health and Housing Team. It is unclear why. Moreover, it is not apparent that the Members of the committee properly considered the possibility of imposing a planning condition requiring the submission of a Construction Management Plan as recommended by the Planning Officers.
8. In addition, it is entirely unclear why the site, which was previously allocated for residential development, would now be unacceptable due to the noise and disturbance that would be caused from its construction and occupation. The Council has also failed to properly explain why the occupation of the proposed dwellings would be unacceptably noisy when this is not the case with the existing residential development in Howdale Rise. The suggestion that the appeal scheme would be occupied by families, and that families are noisier occupants, is speculative. Members visited the site but they should have gone beyond their own observations, or that of local residents, and considered and weighed all of the evidence before them. It is not apparent that they did and this has led to a conclusion that does not stand up to an objective analysis.
9. As such, the second reason for refusal has not been properly substantiated and the concerns raised were capable of being dealt with through the imposition of a planning condition, a draft of which was before the Members of the planning committee when they considered the proposal. As such, the second reason for refusal was unreasonable. This is a substantive failure that has resulted in the appellant being put to the expense of contesting it as part of the appeal. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a partial award of costs is justified.

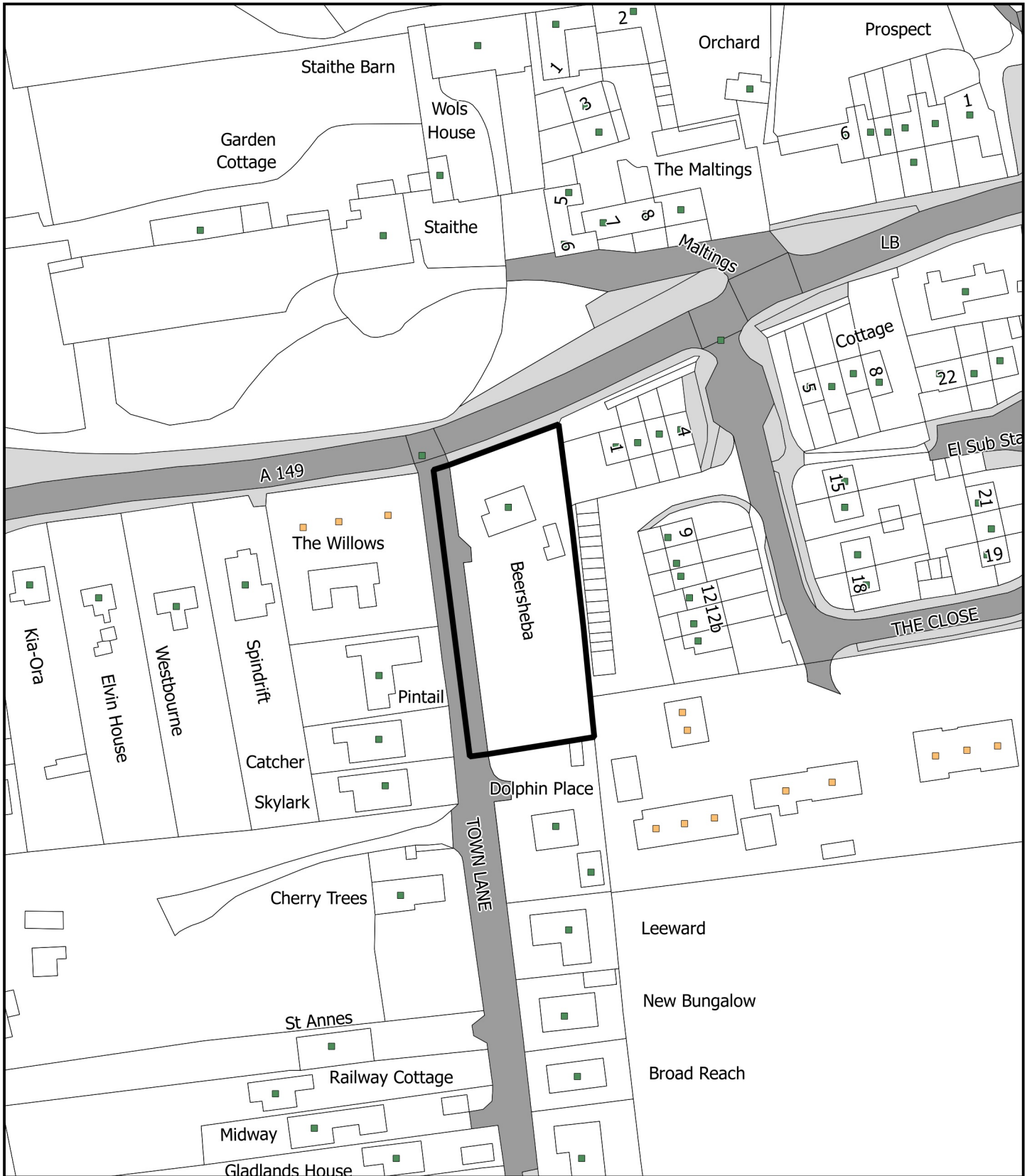
Costs Order

10. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that King's Lynn and West Norfolk Borough Council shall pay to Mr Bob Fidock the costs of the appeal proceedings described in the heading of this decision in so far as they relate to the Council's second reason for refusal; such costs to be assessed in the Senior Courts Costs Office if not agreed. Mr Bob Fidock is now invited to submit to King's Lynn and West Norfolk Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Graham Chamberlain,
INSPECTOR

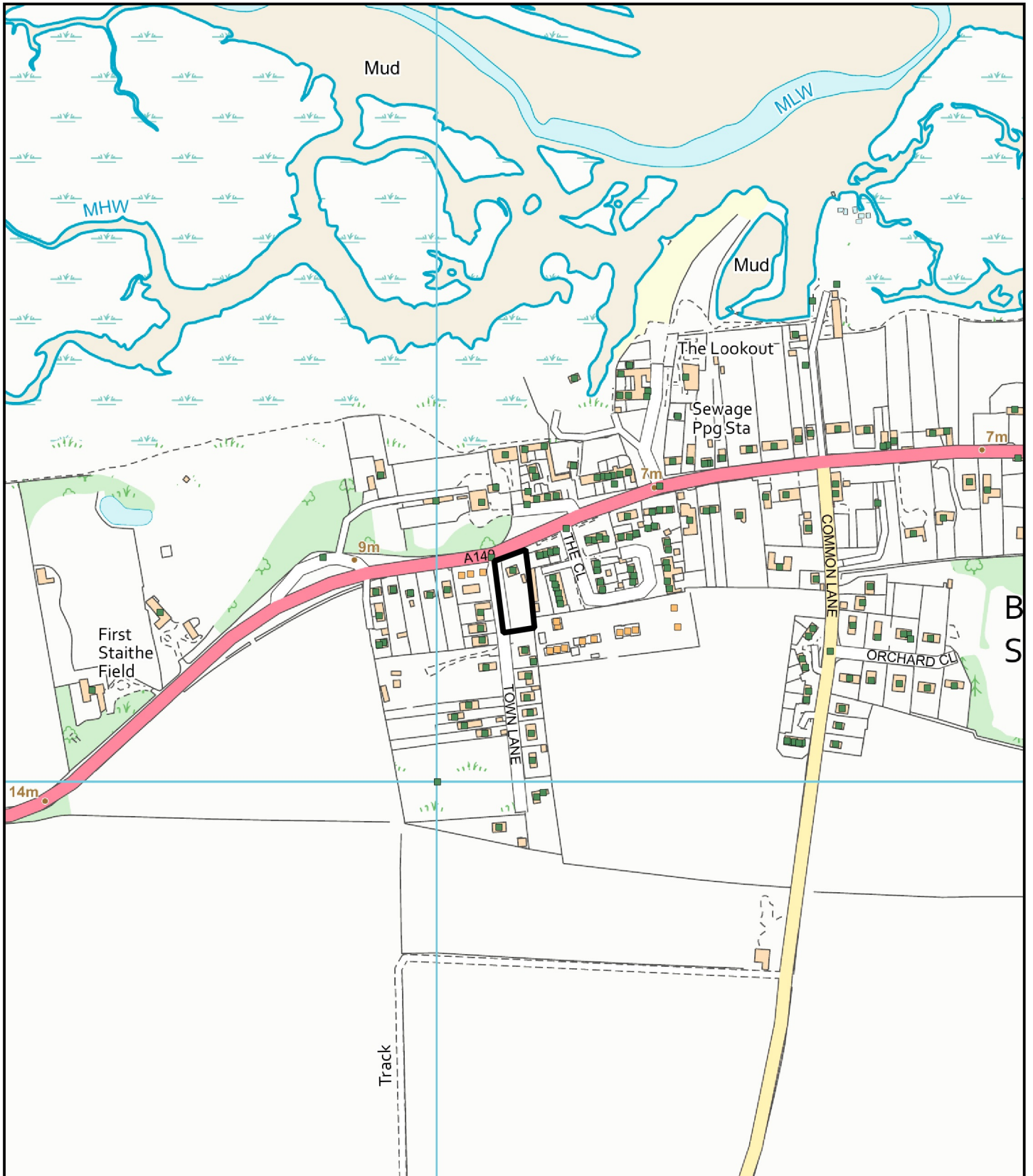
19/00915/O

Beersheba Town Lane Brancaster Staithe



19/00915/O

Beersheba Town Lane Brancaster Staithe



Parish:	Brancaster	
Proposal:	Demolition of Existing Dwelling and Construction of 5No New Dwellings	
Location:	Beersheba Town Lane Brancaster Staithe King's Lynn	
Applicant:	Client of Landles	
Case No:	19/00915/O (Outline Application)	
Case Officer:	Mrs N Osler	Date for Determination: 17 July 2019 Extension of Time Expiry Date: 2 August 2019

Reason for Referral to Planning Committee – Called in by Cllr Lawton

Neighbourhood Plan: No

Case Summary

Outline planning permission with all matters reserved is sought for the erection of five dwellings following the demolition of the existing dwelling at Beersheba, Town Lane, Brancaster Staithe.

The site lies within the development boundary for the settlement and with the Area of Outstanding Natural Beauty (AONB).

Key Issues

- Principle of Development
- Form and Character and Impact on AONB
- Neighbour Amenity
- Highway Safety
- Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

Outline planning permission with all matters reserved is sought for the erection of five dwellings following the demolition of the existing dwelling at Beersheba, Town Lane, Brancaster Staithe.

The site lies within the development boundary for the settlement which is classified as a Joint Key Rural Service in the Settlement Hierarchy of the Core Strategy and with the AONB.

SUPPORTING CASE

None submitted

PLANNING HISTORY

There is no recent relevant history.

RESPONSE TO CONSULTATION

Parish Council: None received at time of writing report.

Highways Authority: I cannot substantiate any objection based upon the access arrangements which are indicated to be of suitable width and benefitting from suitable visibility splays along Main Road (with the likely removal/relocation of the bt box). Whilst I have some concerns regarding the increased use associated with the additional 4 dwellings, given the existing level of development served from Town Lane, which is well over the usual threshold of 10 dwellings on a private drive, I would not seek a refusal.

Environmental Health & Housing – Environmental Quality: The land appears to have been in agricultural use before being developed for the existing residential property. Based on the information supplied, I have no objections regarding contaminated land or air quality. Due to the age of the existing property it is likely to contain asbestos materials and I therefore recommend a general informative relating to the Control of Asbestos Regulations.

Housing Enabling Officer: The site area and number of dwellings proposed trigger the thresholds of the Council's affordable housing policy as per CS09 of the Council's adopted Core Strategy.

At present a 20% provision is required on sites capable of accommodating 5 or more dwellings and/or 0.165ha in Brancaster Staithe. The affordable housing provision is then further split into 70% of the affordable homes being made available for rent and the other 30% for shared ownership or any other intermediate product that meets the intermediate definition within NPPF, meets an identified need in the Borough and is agreed by the Council. In this instance 1 unit would be required.

However, NPPF states that affordable housing should not be sought on developments of fewer than 10 dwellings and/or 0.5ha other than in designated rural areas. On sites on 6-9 dwellings and less than 0.5ha, a financial contribution based on £60,000 per equivalent whole affordable dwelling will be sought.

As this development proposes a net gain of 4 units and the site area is less than 0.5ha, an affordable housing provision is not required.

Norfolk Coast Partnership: NO OBJECTION in principle although 5 dwellings might overcrowd the site.

Please consider appropriate materials, landscaping and lighting through condition.

Natural England: NO OBJECTION – see standing advice in relation to foul drainage.

Environment Agency: NO OBJECTION in relation to pollution of controlled waters (the site is located above a Principal Aquifer). Please append informative relation to pollution of watercourses and SuDS if permission is granted.

REPRESENTATIONS

Five letters of **objection** and **one neutral** response have been received. The issues raised can be summarised as:

- Construction noise
- Noise associated with the dwellings that are likely to be holiday homes
- Impact of increased vehicular activity on highway safety
- The properties would be affordable to the local people
- Should the monkey puzzle tree not be preserved?
- Overlooking
- Overshadowing
- Builders and future residents need to be aware that they can't park on Town Lane
- Overdevelopment
- The proposal is contrary to the Neighbourhood Plan
- It should be ensured that vehicles can leave the site in a forward gear
- An historical application (in 1984) in the vicinity of the site (Pintail, Town Lane) had to be single storey

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

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

DM19 - Green Infrastructure/Habitats Monitoring & Mitigation

NEIGHBOURHOOD PLAN POLICIES

Policy 1 - Size of Houses

Policy 2 - Design, Style and Materials

Policy 3 - Footprint for New and Redeveloped Dwellings

Policy 4 - Parking Provision

Policy 5 - Replacement Dwellings

Policy 9 - Protection and Enhancement of The Natural Environment and Landscape

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

Form and Character and Impact on AONB

Neighbour Amenity

Highway Safety

Other Material Considerations

Principle of Development

The site lies within the development boundary of a Joint Key Rural Service Centre. In such locations the principle of residential development is supported subject to compliance with other relevant planning policy and guidance.

The existing dwelling that occupies the site is of no particular architectural merit and it is therefore considered that the principle of its loss is acceptable.

Form and Character and Impact on AONB

It is considered that the size of the site, when compared to equivalent developments on either side, could accommodate five dwellings without being of detriment to the form and character of the locality or the visual amenity of the wider AONB. In this regard the Norfolk Coast Partnership raises no objection to the proposed development on the grounds of its impact on the AONB although they do raise concerns that 5 dwellings may 'overcrowd the site'. Your officers agree that the current indicative layout of five detached dwellings is cramped, and any reserved matters applications should address this issue. For example the units could be smaller if they are to remain detached, or the scheme could include a mix of detached and semi-detached units.

Neighbour Amenity

It is considered that any material overlooking, overshadowing or overbearing issues could be designed out; these aspects would be fully considered at the reserved matters stage.

Highway Safety

Access is also a reserved matter although an indicative access to serve all five properties is shown from Town Lane. It should be noted the Local Highway Authority does not raise an objection to the principle of development of the site with an additional four properties in terms of highway safety. It will however be down to the applicant to prove that safe access is achievable, and this will be fully considered at the reserved matters stage.

Other Material Considerations

Given the location of the site, above controlled waters, foul and surface water drainage details will be conditioned if permission is granted.

The Neighbourhood Plan has a number of policies that relate to the proposed development. Whilst these would be fully considered at the reserved matters stage, it is considered appropriate to include an informative if permission is granted. The informative will highlight:

- Limitation on the number of bedrooms (no dwelling shall have more than three bedrooms) (Policy 1)
- No more than 50% of the site shall be occupied by built form (Policy 5)
- The footprint of each dwelling shall not occupy more than 50% of their individual plots (Policy 3)
- Each dwelling shall have at least two parking spaces (Policy 4).

The proposal is CiL liable. Collection of CiL will be covered under the relevant legislation.

The Habitat Mitigation Fee (£50 / dwelling) will be collected when reserved matters are approved in the normal way.

As per the Housing Enabling Officer's comments above, no affordable housing contribution is required.

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

- Construction noise – construction noise is not a reason to preclude development. The development will also be subject to control under the Environmental Protection Act should noise be a particular problem.
- Noise associated with the dwellings that are likely to be holiday homes – noise from residential uses is not generally considered to be a 'nuisance' neighbour
- Should the monkey puzzle tree not be preserved? – Discussions with the Arboricultural Officer have confirmed that the tree is not considered worthy of a TPO
- Builders and future residents need to be aware that they can't park on Town Lane – this is a civil matter
- Historical permission restricted to single storey – every application has to be considered on its own merits

Crime and Disorder

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

CONCLUSION

The proposed development is for residential use within the development boundary of a Joint Key Rural Service Centre the principle of which complies with national and local planning policy. No objections have been received from statutory consultees to the principle of the development (which is all that is being sought by the current application for outline permission with all matters reserved). It is considered that neighbour amenity issues could be designed out at the reserved matters stage.

It is therefore recommended that the application be approved subject to the following conditions.

RECOMMENDATION:

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

- 1 Condition: Approval of the details of the means of access, 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: The development hereby permitted shall comprise of no more than five residential properties.
- 5 Reason: For the avoidance of doubt and to ensure the development is not of detriment to the amenity of the locality in accordance with the NPPF and Development Plan.
- 6 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.

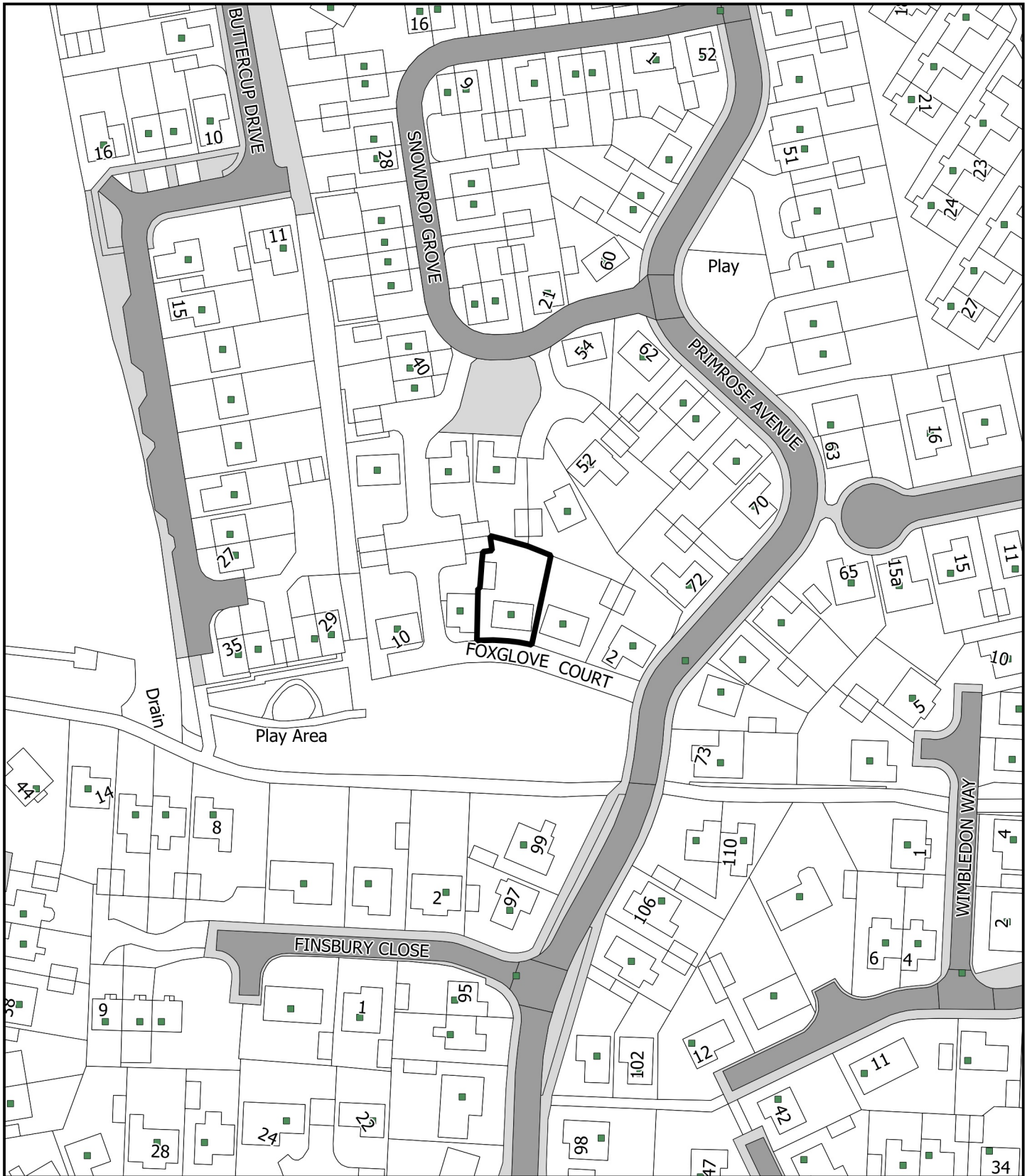
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- 6 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF.

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.

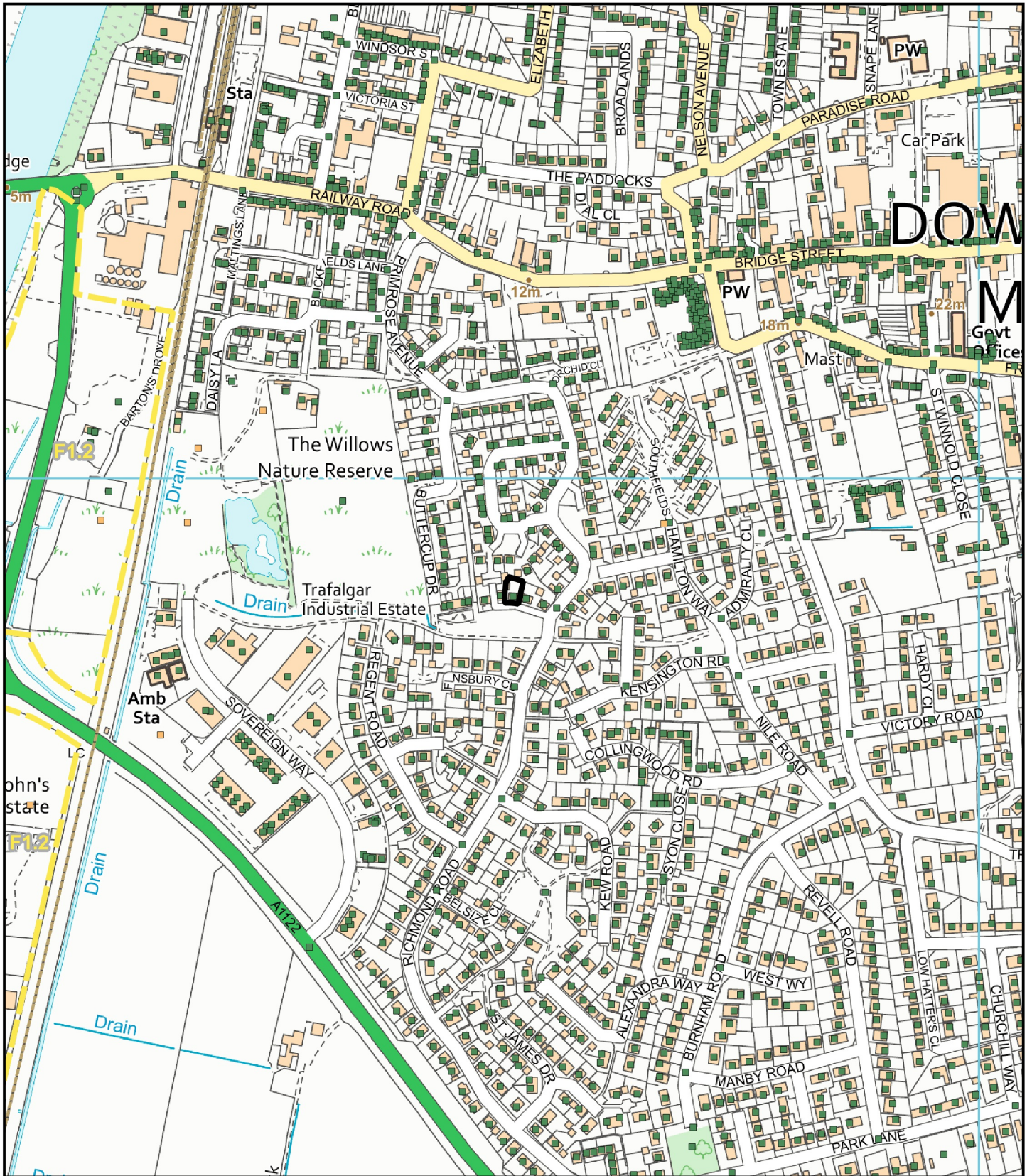
19/01095/F

6 Foxglove Court Downham Market



19/01095/F

6 Foxglove Court Downham Market



AGENDA ITEM NO: 8/2(b)

Parish:	Downham Market	
Proposal:	Extension to rear of dwelling	
Location:	6 Foxglove Court Downham Market Norfolk PE38 9GW	
Applicant:	Client of Ian J M Cable Architectural Design	
Case No:	19/01095/F (Full Application)	
Case Officer:	Lucy Smith	Date for Determination: 16 August 2019

Reason for Referral to Planning Committee – Council staff involved in planning process.

Neighbourhood Plan: No

Case Summary

The existing dwelling is situated at No. 6 Foxglove Court, Downham Market, approximately 25m west of the access with Richmond Road.

The application seeks to construct a single storey rear extension along the north boundary of the existing detached dwelling.

Key Issues

Principle of Development
Form and Character
Impact on Neighbours
Other Material Impacts

Recommendation

APPROVE

THE APPLICATION

The land is situated on Foxglove Court, Downham Market.

The site comprises a detached two storey dwelling with detached garage to the rear of the property towards the west boundary.

The rear of the property is surrounded by existing close-boarded timber fencing, with neighbouring properties' garages in close proximity to both the north and east boundaries.

The application seeks the construction of a single storey extension with flat roof along the rear (north) elevation.

SUPPORTING CASE

None received.

PLANNING HISTORY

13/01164/FM - Original application for construction of estate, Committee Decision

RESPONSE TO CONSULTATION

Parish Council: Recommended Approval.

REPRESENTATIONS

None received.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

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 (NPPF)

Planning Practice Guidance (PPG)

PLANNING CONSIDERATIONS

- Principle of Development
- Form and Character
- Impact on Neighbours

Principle of Development:

The proposal is for the construction of a single storey rear extension at a detached house at 6 Foxglove Court, Downham Market which is acceptable in principle.

The main issues in relation to this application are whether the proposal is acceptable in design terms and whether it will be of detriment to the amenity of neighbours.

Form and Character:

Foxglove Court comprises a row of detached houses directly opposite a small playing field. The existing dwelling is of fairly traditional style, comprised of red brick with buff quoin detailing. It has a front porch and detached garage, which separates the property from its eastern neighbour.

The single storey extension is proposed to project 4m from the existing rear elevation (north). It is of contemporary design with a flat roof at 3.1m high and is proposed to be clad with vertical timber cladding. Given the proposed positioning of the extension, it will be visible from the front elevation, however considering the overall size of the extension; this will not have an impact on the form and character of the area. Existing close boarded fencing further shields the extension from view.

Impact on Neighbours:

The proposed rear extension will extend in fairly close proximity to the neighbour to the east; however this neighbouring dwelling is angled slightly away from this shared boundary, reducing the impact of this proposed extension on this neighbour. Given the orientation of the proposal and its limited scale, it is not considered to adversely impact on neighbours in relation to overlooking, overshadowing or overbearing. There are no other material impacts on any other neighbours.

CONCLUSION:

It is considered that the proposed extension would have no adverse impact on the form and character of the area and would not have an adverse impact upon neighbour amenity.

Overall, the proposal is considered to be in accordance with the requirement of National Planning Policy Framework 2019 and other relevant Policies of the Development Plan. It is recommended this application be approved.

RECOMMENDATION:

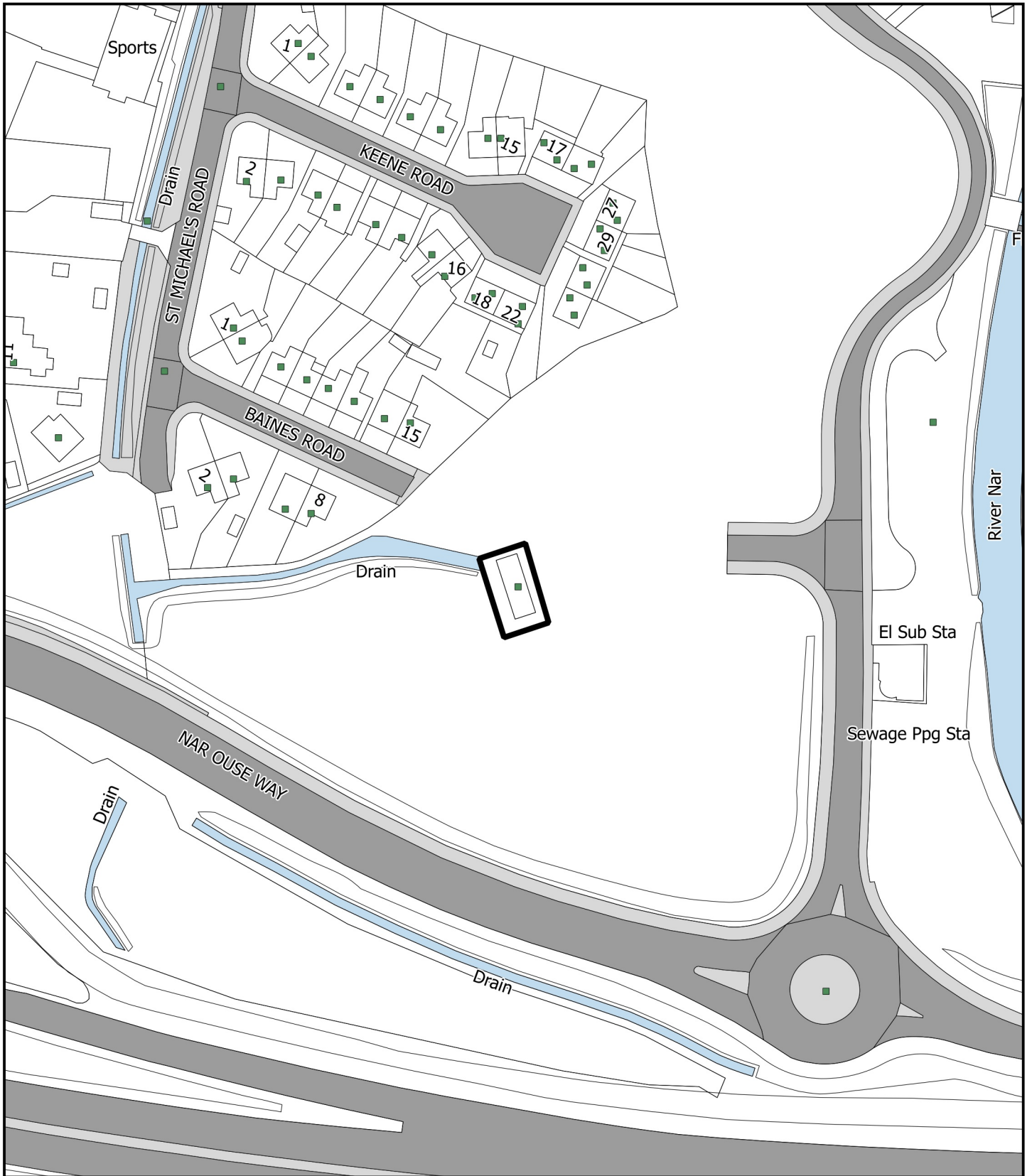
APPROVE subject to the imposition of the following condition(s):

- 1 Condition The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

- 1 Reason To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 1055-05
 - 1055-04
 - 1055-03
- 2 Reason For the avoidance of doubt and in the interests of proper planning.

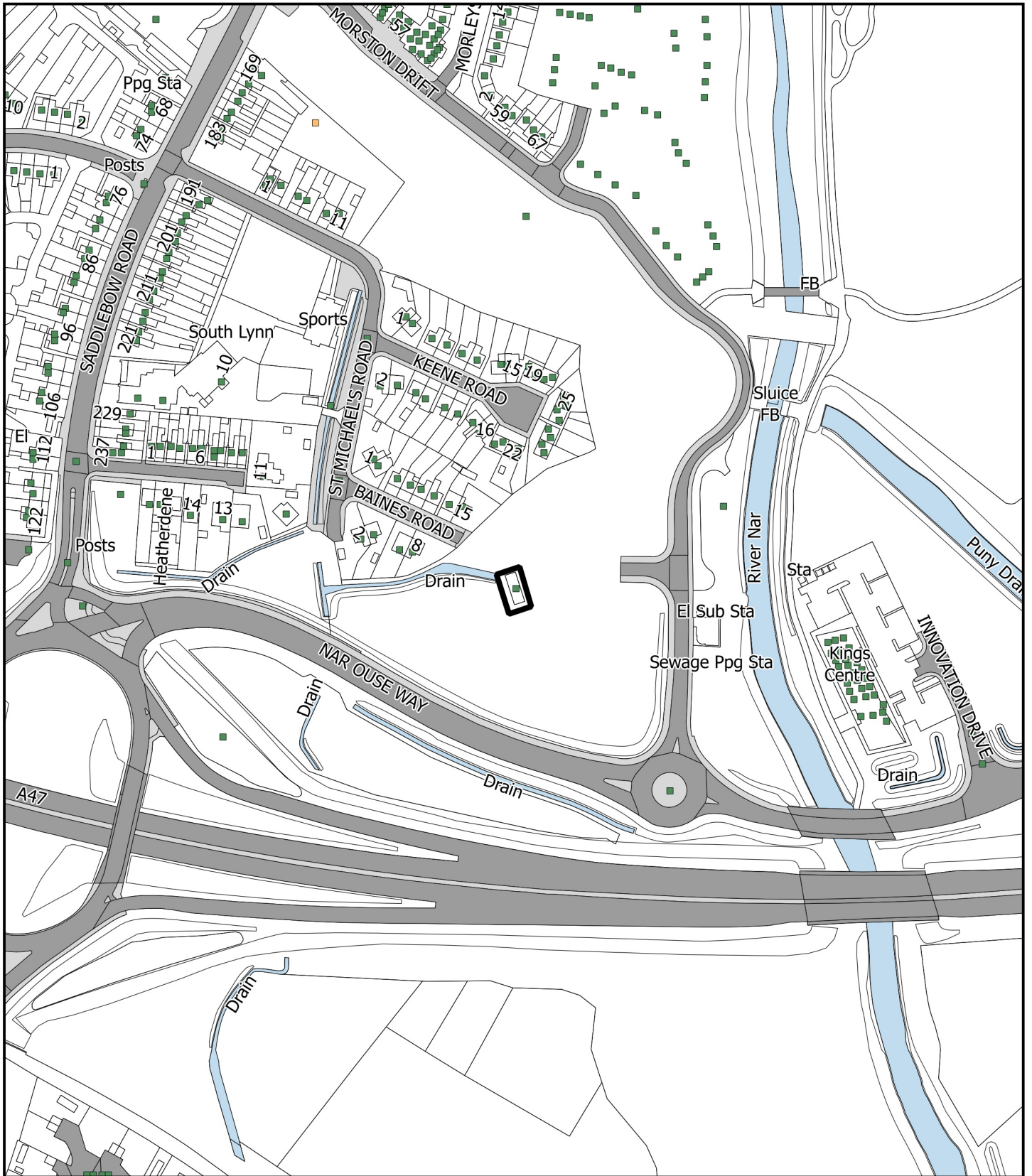
19/01201/DM

The Brick Kiln Baines Road King's Lynn



19/01201/DM

The Brick Kiln Baines Road King's Lynn



Parish:	King's Lynn	
Proposal:	Prior Notification: Demolition of remains of old brick kiln	
Location:	The Brick Kiln Baines Road King's Lynn Norfolk	
Applicant:	Borough Council of King's Lynn & West Norfolk	
Case No:	19/01201/DM (Demolition Prior Notification)	
Case Officer:	Mr James Sheldrake	Date for Determination: 6 August 2019

Reason for Referral to Planning Committee – Called in by Cllr Kemp

Neighbourhood Plan: No

Case Summary

The application is submitted under the prior approval process for proposed demolition under the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 11. The demolition is permitted development, with the only considerations for the application being whether prior approval is required for the method of demolition and the proposed restoration of the site.

The building, a former brick kiln located near Baines Road in South Lynn, falls within the Nar Ouse Regeneration Area. The building is not a listed building (it was de-listed in August 2018) and is in a poor condition and covered in vegetation. It is located within an open area, and is some 30 metres away from the nearest garden and 40 metres away from the nearest dwelling (No. 8 Baines Road). Issues such as the impact on form and character and loss of non-designated heritage assets cannot be considered through this application.

Recommendation

PRIOR APPROVAL IS NOT REQUIRED

THE SITE AND APPLICATION

The application is submitted under the prior approval process for proposed demolition under the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 11. The demolition is permitted development, with the only considerations for the application being whether prior approval is required for the method of demolition and the proposed restoration of the site.

The building, a former brick kiln located near Baines Road in South Lynn, falls within the Nar Ouse Regeneration Area. The building is not a listed building (it was de-listed in August

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2018) and is in a poor condition and covered in vegetation. It is located within an open area, and is some 30 metres away from the nearest garden and 40 metres away from the nearest dwelling (No. 8 Baines Road). Issues such as the impact on form and character and loss of non-designated heritage assets cannot be considered through this application.

A method statement for demolition is set out below.

SUPPORTING CASE

The following case was submitted detailing the method of demolition:

'Before the demolition works start an ecologist will be employed to check the site and advise on nesting birds etc.

Subject to the sign off by the ecologist the fence and vegetation will be carefully removed to allow an Architect to record the building by drawing the remains and produce a full photographic record.

Once these works have been signed off the demolition works will start and as many bricks recovered as possible.

The demolition itself will be carried out, by a 'qualified person' having regard for all health and safety aspects, dealing with any waste in accordance with the sites Contaminated Land Method Statement.

In practice the kiln and a safe working area around it will be fenced off to allow a machine to demolish the structure without anyone needing to get too close. This will ensure the safety of all as the demolition takes place as previous photo evidence shows that part of the roof has already fallen in and other parts of the external fabric is in a poor state.

Once the structure is on the ground, useable bricks will be recovered, cleaned and stored for future use, any remaining rubble will be removed from site, depressions filled with clean material and the site left in a safe level condition.

The works are planned to take place between 12 August and 30th of September.'

PLANNING HISTORY

18/00765/FM: Application Permitted: 28/09/18 - New Land Rover dealership comprising showroom, workshop and MOT testing and valeting facilities plus associated parking, used car display and car storage (delegated decision)

Note: The car dealership, part of the wider NORA site, was proposed to surround the location of the old Brick Kiln.

CONSULTATIONS

Environment Quality Officer: NO OBJECTION

Community Safety and Neighbourhood Nuisance Officer: NO OBJECTION

REPRESENTATIONS

1 objection was received from Councillor Kemp. In summary the reasons for objection are due to the loss of the brick kiln as a heritage asset given that:

- There is a weight of opinion for preserving Borough historic assets
- It is part of the industrial heritage of Lynn
- The Borough has let the kiln fall into disrepair and got it de-listed.
- it was constructed by a prominent local builder;
- its restoration could draw inward investment and could be used to showcase the skills of local builders; and
- it could be utilised as a heritage feature if restored.
- A detailed historical evaluation of the brick kiln was submitted.

NATIONAL GUIDANCE

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

PLANNING CONSIDERATIONS

As this proposed demolition is permitted development and covered by the prior approval process set out in Schedule 2, Part 11 of the General Permitted Development Order 2015, the only issues to be considered are the method of demolition and the proposed restoration of the site.

The process is essentially to allow concerns about how demolition will occur, and how the site will be restored, to be considered. This is not a planning application, and the Governments planning practice guidance is clear in stating that "The statutory requirements relating to prior approval are much less prescriptive than those relating to planning applications. This is deliberate, as prior approval is a light touch process which applies when the principle of the development has already been established."

Method of demolition

The brick kiln is set some distance from nearby dwellings and is surrounded by a cleared area of land. The size of the building will allow for a relatively quick demolition using appropriate machinery and the closest neighbour is 30- 40 metres away, so the disruption caused to nearby properties by the demolition will be extremely small. During the demolition an architect will produce a drawing and photographic record of the building and an ecologist will be on site to ensure legislation relating to protected species is followed.

The information submitted as part of the application, detailing the proposed method of demolition by a qualified person or company, the relevant recording, and the fact that it is in accordance with the wider NORA Contaminated Land Method Statement, is considered entirely sufficient for the purposes of the prior notification process.

Proposed restoration of the site

Demolition debris will be removed from the site and as many bricks as possible will be cleaned and stored for future reuse and then the site will be filled and levelled with clean material (soil). The information submitted as part of the application detailing the proposed

restoration of the site is considered sufficient for the purposes of the prior notification process and will follow the wider NORA Contaminated Land Method Statement.

Response to objection

The decision to demolish the brick kiln and the reasons behind the demolition are not considerations of this application, neither is the potential for it to be restored and used for alternative purposes. The procedure set out within the Town and Country Planning (General Permitted Development) Order 2015 at Schedule 2, Part 11 clearly states that the only considerations are the method of demolition and the proposed restoration. Commentary on these two issues is set out above.

CONCLUSION

The method of demolition and the proposed restoration of the site submitted as part of the application have been assessed and are considered to be acceptable.

There will be minimal impacts upon residents caused by the demolition given the short time it will take and the distance from the nearest properties. It will also be carried out by properly qualified or competent persons/company, and there will be drawings and photographs of the building so there is a record of it. An ecologist will also ensure relevant legislation with regards to protected species is complied with.

The site will be filled and levelled in accordance with the wider NORA Contaminated Land Method Statement.

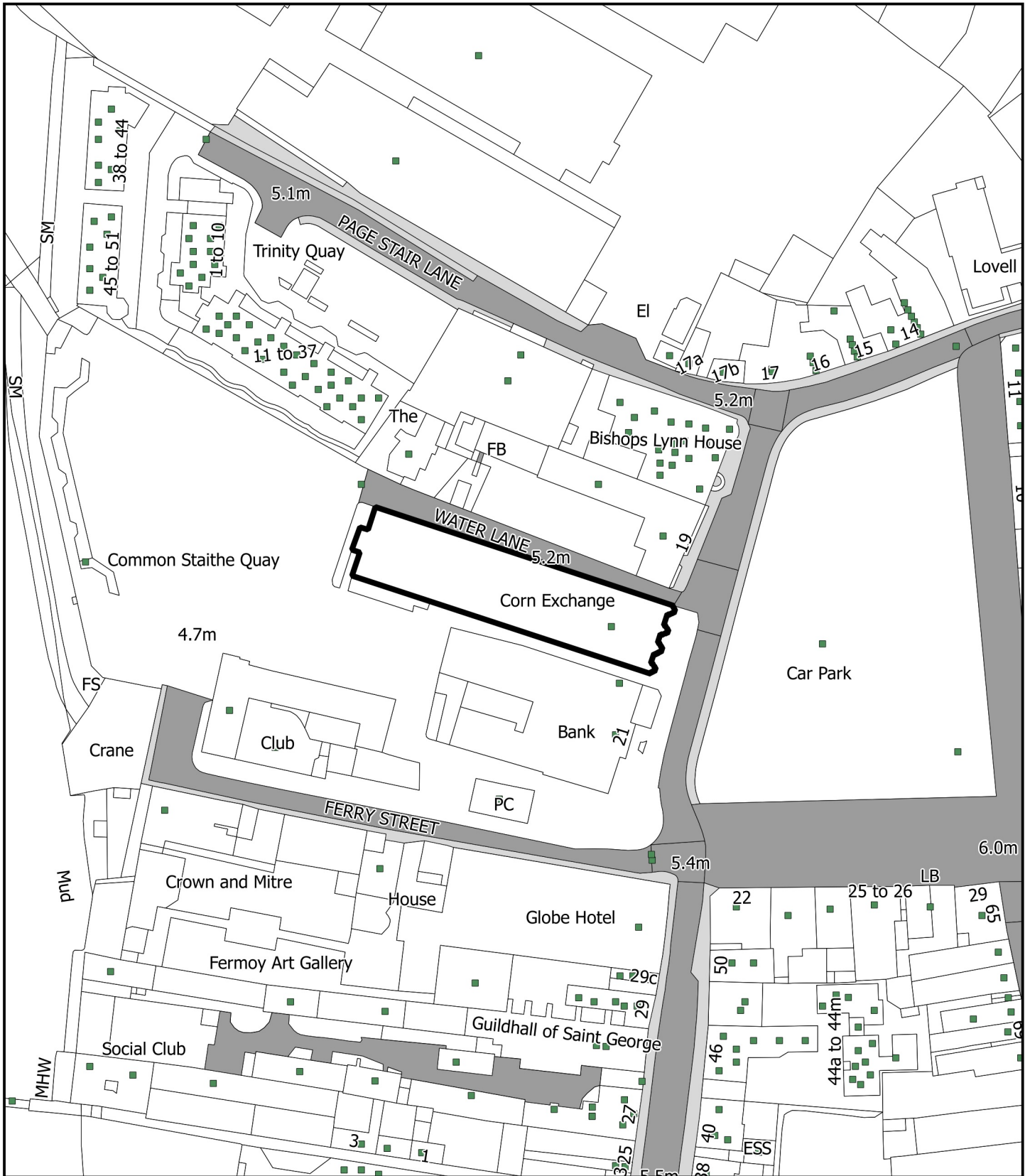
Given the above, prior approval is not required.

RECOMMENDATION:

PRAPNR - Prior Approval not required

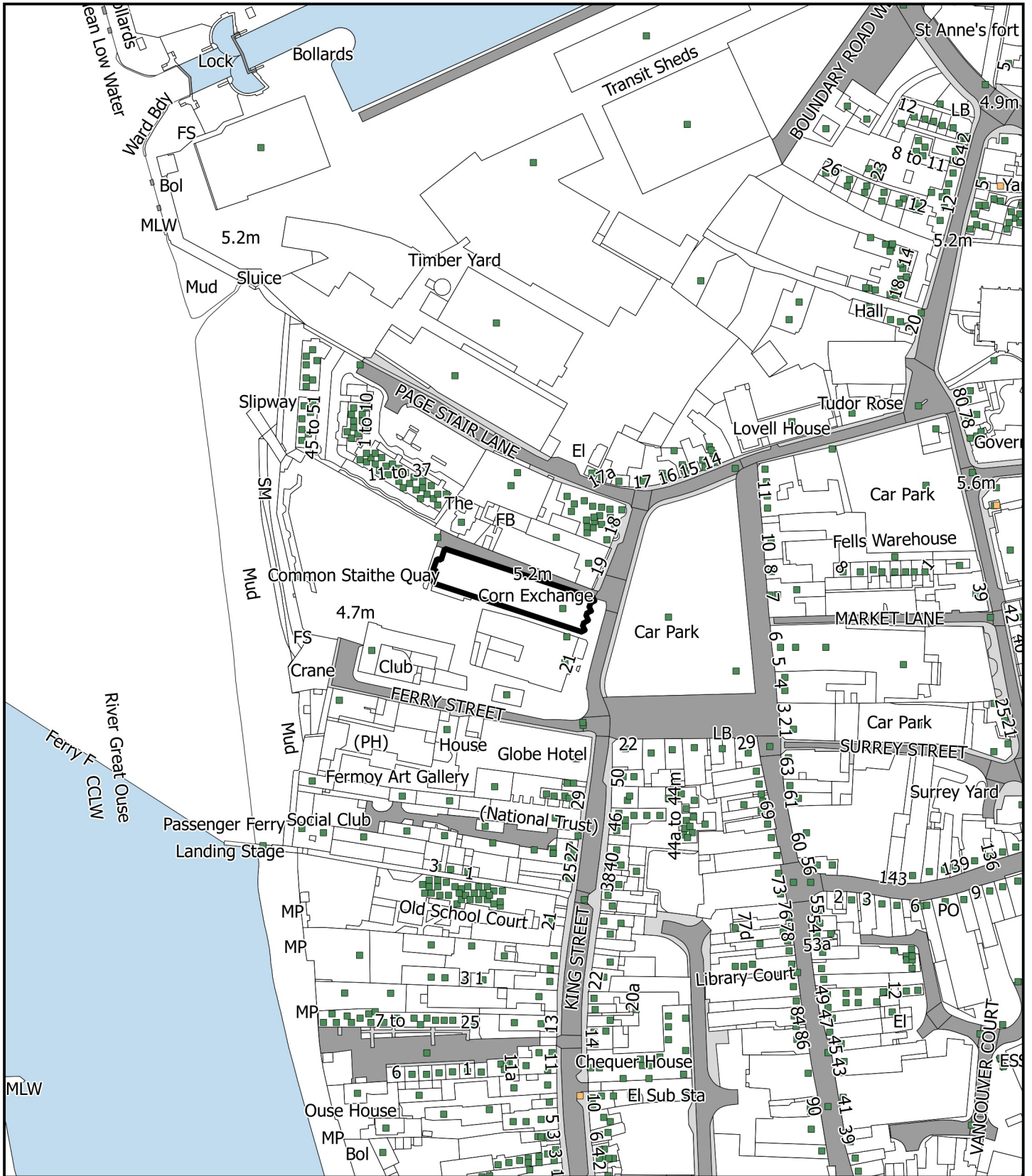
19/00887/LB

Corn Exchange 20 Tuesday Market Place King's Lynn



19/00887/LB

Corn Exchange 20 Tuesday Market Place King's Lynn



Parish:	King's Lynn	
Proposal:	LISTED BUILDING: Internal alterations - Infill floor voids in upper foyer, form two cinema auditoria, foyer, toilet, access stair and lift. Alterations and refurbishment of ground floor foyer and toilets. External alterations - new digital display screens to front elevation, infilling first floor windows and new satellite dish in rear plant area	
Location:	Corn Exchange 20 Tuesday Market Place King's Lynn Norfolk	
Applicant:	BCKLWN	
Case No:	19/00887/LB (Listed Building Application)	
Case Officer:	Mrs P Lynn	Date for Determination: 26 July 2019

Reason for Referral to Planning Committee – Borough Council application with objection

Neighbourhood Plan: No

Case Summary

The Corn Exchange stands on the western side of the Tuesday Market Place and within the conservation area. It was Listed Grade II under the Planning (Listed Buildings & Conservation Areas) Act 1990 as amended for its special architectural or historic interest in November 1951. The statutory entry was amended as part of re-survey in 1993 and it was further amended in June 2018.

This application seeks listed building consent for works to facilitate the conversion of the bar area to the front of the first floor to provide two new cinema auditoria with ancillary foyer, toilets and a new staircase and lift access from the ground floor foyer which is also to be refurbished.

Corresponding applications for planning permission (19/00885/F) and advertisement consent (19/00886/A) are also before Members today, both with recommendations to approve.

Key Issues

Impact on the significance of the listed building (designated heritage asset)
Impact of the external works on the character of the conservation area

Recommendation

APPROVE

THE APPLICATION

The Corn Exchange was built in 1854 to the design of local architects Cruso & Maberly. The roof was replaced in 1877 and the building was re-modelled by Levitt Bernstein Associates between 1995 & 1997 to provide a concert hall and community venue.

It has been listed grade II since 1951 and the statutory list entry was revisited by Historic England in 2018 as part of their input into the current HAZ Scheme. Their advice report and the amended (current) list entry is available to read in full on the application file but in brief the reasons for its designation are:-

Architectural interest:

- its exuberantly elegant and playful façade not only enlivens the streetscape but shows how the architects used the Baroque idiom to give the building an air of respectability and grandeur without undermining its authoritative role.

Historic interest:

- It makes a significant contribution to the rich architectural and historic character of Tuesday Market Place, described in Pevsner as 'one of the most splendid open spaces in provincial England'.

Group value:

- It has strong group value with the surrounding buildings on Tuesday Market Place, most of which are listed.

Listed building consent is sought for the following works:-

Internal.

- Infilling of the floor voids in the upper foyer to facilitate the formation of two new cinema auditoria, foyer, toilet, access stairs and lift
- Encasing the existing steel trusses with acoustic cladding and with the key features highlighted
- Installation of acoustic wall panels and profiled ceilings with concealed & feature lighting to articulate the appearance of the cinema and foyer.
- Alterations and refurbishment of the ground floor foyer and toilets.

External

- Infilling of 3 first floor windows: two on the southern side elevation and one on the northern side elevation with brickwork in Flemish bond to match existing infills
- Replaced of recently installed ventilation grilles on the northern side to match the grilles installed in 1995/96
- New zinc profiled sheet covering to replace glazed roof element above the main foyer and the installation of air intake/extraction grills in place of existing louvers in the roofs crown
- The insertion of a new satellite dish to the rear of the building
- 4No. new digital display screens to replace the existing illuminated poster panels on the front elevation.

SUPPORTING CASE

The application is supported by:-

- i) A Design & Access Statement explaining that the proposal is to create high quality two screen cinema facilities to complement the existing offer and provide a valuable additional leisure facility for the local community and visitors. The Cinema will operate throughout the year making more efficient and cost-effective use of existing facilities and resources.
- ii) A Heritage Statement which may be viewed in full on the application file. In brief it explains that the proposal has been informed by discussions with the LPAs Conservation Officers. The approach taken is to respect the heritage and enhance the character and key features of the historic building whilst creating the additional facilities and the proposal has therefore been designed to minimise impact on the external appearance and internal features of the building. It then goes on to mention the key changes and clarify some questions and concerns raised during the consultation process.

PLANNING HISTORY

19/00886/A: ADVERT APPLICATION: Proposed 4No illuminated digital display screens to replace existing illuminated poster panels – Current application also before Members with a recommendation to approve

19/00885/F: External alterations to enable the creation of two cinema screens and ancillary facilities – Corresponding planning application also before Members with a recommendation to approve

13/01589/CU: Change of use of part of public highway to seating areas in association with local bars, restaurants and other businesses – Approved January 2104 (Committee decisions)

12/00724/LB: Installation of a new water chiller at the rear of the building to provide cooling to the auditorium in summer – Approved June 2012 (Delegated)

07/02182/CU: Provision of seating area at the front of the building – Approved December 2007 (Delegated)

2/96/0699/A & 2/96/0700/LB: Installation of floodlighting and signs – Approved August 1996 (Committee decision)

2/94/1453/CA: Demolition of former fire station building – Approved March 1995 (Committee decisions)

2/94/1401/F & 2/94/1402/LB: Alterations and extension to improve facilities to create concert hall/multi-purpose hall including demolition of single storey structure to rear of main hall – Approved March 1995 (Committee decisions)

RESPONSE TO CONSULTATION

Historic England: Do NOT wish to comment on the basis of information available but suggest that the LPA seek the views of their specialist conservation and archaeological advisers, and other relevant consultees.

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Theatres Trust: SUPPORT this proposal. Their full response is available to view on the application file but in brief they make the following comments:-

These works will preserve the buildings theatre function, expand cultural provision in King's Lynn and optimise use of the Corn Exchange as a social/cultural facility thus bringing more people into the building. This should help preserve this important cultural and heritage asset and have a positive impact on surrounding businesses.

In terms of impact on the significance of the historic building the Theatre Trust makes the following comments;

- Externally, digital display boards of the nature proposed are displayed at a number of theatres including those which are statutorily listed. They will help promote upcoming events and afford greater flexibility as they can display a broader series of adverts more frequently. This will be more important than might otherwise be the case as the Corn Exchange would in future be hosting up to three different shows/films at the same time. Advertisements and show signage are in any case an integral aspect of the character and appearance of theatre buildings.
- We have no objections to the infilling of first floor windows, which we do not consider to undermine the historic and architectural significance of the building as a Grade II listed heritage asset.

In conclusion we welcome this proposal and recommend the granting of planning permission and listed building consent.

Kings Lynn Civic Society: NEUTRAL but express great concern about the viability of this proposal. With regard to the impact on the significance of the historic building KLCS feel that the heritage statement is quite brief for a building of significance and go on to make the following points:-

- The Grade II building was re-roofed in 1877 with a glazed roof by W E Rendle of Westminster Chambers. In 1995-96 it was attractively adapted to maximise its use as concert hall/ venue for other events.
- We understood that the glazed roof was removed except for three bays towards the front which were re-glazed but it is not clear whether the original metal frames were retained. If they were they should be conserved, as Rendle seems to have pioneered this type of putty-less construction. The Civic Society spoke with the Victorian Society who suggest this should be highlighted for expert consideration.
- The height and airiness of the existing foyer and views of the original Victorian ironwork structure will be lost which is disappointing.
- We are also concerned about what will happen to the 'clapping hand' balustrade in the existing foyer which is arguably the most striking feature of the 1990s refurbishment and a unique piece created by Jon Mills, a well know British metalwork artist. Pevsners describes the work as 'unusual and effective'.
- We query what is proposed for the King's Lynn themed Sharon Ting roof blinds, and the Julia Graves wall hangings, a popular public artwork. If nothing else it should be placed on display to remind us that their used to be a 'percentage for art' in publicly funded development!
- We would like to know more about the proposed 'display screens' for the front of the building. We note that illuminated signage is normally not permitted in the conservation areas.

REPRESENTATIONS: One letter has been received from St Margaret's with St Nicholas Ward Forum who do not formally object but express the following concerns:

- Will the income from the cinemas justify the expenditure
- The existing foyer already suffers from lack of natural light. Extending the floor and the new zinc will make it dark unless copiously illuminated affecting staff and theatre users. Advice from lighting experts is suggested.
- The Forum regrets the removal of the clapping hands balustrade but understands that it is to be reused on the new staircase. Any excess should be suitably relocated.
- It is not clear if the lift will serve the theatre as well as the cinema. It should serve both.

LDF CORE STRATEGY POLICIES

CS12 - Environmental Assets

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 National Planning Policy Framework (NPPF) sets out the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. (para.192). It also states that great weight should be given to their conservation and any harm to their significance requires clear and convincing justification, (paras 193 &194). Any harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (para.196). Furthermore, policy CS12 of the Core Strategy states that the historic and built environment play a crucial role in delivering environmental quality and well-being. The Council will preserve and where appropriate enhance its qualities and characteristics.

The considerations in the determination of this application are therefore whether the proposed development harms the significance of the designated heritage asset and if this harm is necessary to achieve substantial public benefits sufficient to outweigh that harm, including keeping the building in ongoing and viable use.

Proposal

The entrance range of the building has an inserted balcony with a metal "clapping hand" balustrade at first floor which currently forms quite a large bar/foyer with WCs. The space is very under used and so the proposal is to cover over the voids on either side, reconfigure the toilets and insert new partitions and ceilings to form two new cinema auditoria with a smaller foyer. Access will be via new stairs to be installed in the southeast corner and lift set

between the two of the doors. The ground floor entrance foyer will be refurbished as part of the process.

The works which require consideration under this application for listed building consent are detailed above. Infilling the first floor windows to match others on the side (north & south) elevations, rationalising the variety of grills/vents, installing a satellite dish (on the unlisted part of the building but partially visible) and installing new stairs and lift to the new foyer area are all modest and will have little or no impact on the fabric, appearance or overall character of the building. However, there are a number of items which require further consideration, particularly as some have been the subject of comment.

Externally:-

It is proposed that the glazing above the foyer will be replaced with zinc and the glass in the upstands of the crown will be replaced with louvres. In both cases the glazing dates to the 1996 conversion so has no historic value but the metal frames on the roof which are thought to date from 1877, are all being retained. Their retention had not been confirmed at the time of the Civic Society exchange with the Victorian Society mentioned in their letter of comment and the Victorian Society have not themselves made any representations in respect of these applications. With regard to the new roof covering, zinc is generally accepted as an appropriate roof material for historic buildings and the change of material will have relatively little visual impact as the existing glass appears grey when viewed from street level.

The acceptability of the proposed display screens is also the subject of a separate application for advertisement consent but in terms of this application, they will not have any impact on the fabric of the building and illuminated signs such as those which already exist are normally considered acceptable where the business has a night time use. They have the support of the Theatres Trust who note that such displays are not uncommon on theatres and do have a value in terms of keeping these buildings in viable use.

Internally:-

Extending the inserted floor and creating two pods to form auditoria will not harm the fabric of the listed building but will to a certain extent change its internal character and require that some internal features are hidden or removed. Those particularly mentioned are the steel trusses and the art works installed as part of the 1996 alterations, all of which are mentioned in the statutory list entry.

The trusses will simply be encased in acoustic cladding articulated to reflecting their form and the clapping hands balustrade be reused in part on the new staircase. This proposal has the support of the sculptor John Mills and it has also been agreed that the clapping hands motif will be incorporated into the new foyer carpet. The Julia Graves wall hangings are also to be cleaned and retained but the future of internal blinds by Sharon Ting is less certain. They have been in place for 23 years and because of their position in direct sunlight the colours and the fabric have deteriorated over time. It may be possible to reuse some within the building or elsewhere but the exact situation will not be clear until they are taken down and properly assessed.

Other matters mentioned in consultation responses and third party comment, particularly relating to the viability of the project and light levels in the foyer, are not relevant to the determination of this application as listed building consent deals solely with impact of the proposal on the form and fabric of designated heritage assets.

Summary

It is generally accepted that the best use for any building is that for which it was originally intended but, as Historic England comment “commercial premises are intrinsically prone to change and alteration, and cannot be expected to survive in their original configuration”.

The original character of the Corn Exchange was altered in 1996 when it was converted to a concert and community hall, an award winning scheme which gave the building a new lease of life without harm to the reasons for which it was originally listed – the exuberant and playful facade and the important contribution it makes to the architectural and historic character of the Tuesday Market Place recognised as one of the most splendid open spaces in provincial England.

Historic England also comment that the 1997 changes have done little to undermine the significance of what was essentially two functional and unadorned open plan spaces prior to the renovation work. The new auditoria and attendant facilities are to be located in the smaller of the original spaces which has already seen the most change by virtue of the installed floor and as such the further subdivision will not greatly alter its character. Furthermore the historic fabric of the building will not be harmed and the work could, realistically be reversed at some future point if that was thought necessary.

Conclusion

In accordance with the NPPF Para.193 great weight should be given to a heritage asset’s conservation. In this case the proposed works will have little or no impact on historic fabric beyond what had already been altered as part of the 1996 conversion. It is your Officers opinion that the work will not cause harm to the significance of the listed building but should others have a different perception any harm caused must be deemed to be less than substantial. The relevant paragraph of the NPPF is therefore 196 which states that “Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”

This proposal will provide a new but complementary use within the building delivering public benefit and ensuring its ongoing viability but with only limited impact upon its historic significance.

It therefore accords with national guidance and it is recommended that Listed Building Consent be granted subject to the conditions below.

RECOMMENDATION:

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

- 1 Condition: This Listed Building Consent is granted subject to the condition that the works to which it relates shall be begun not later than the expiration of three years from the date of this consent.
- 1 Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

- 2 Condition: This Listed Building Consent relates only to works specifically shown on the drawings detailed below. Any others works, the need for which becomes apparent, are not covered by this consent and details must be submitted to the Council as Local Planning Authority and approved before work continues.

Dwg.no CE.A.31: Proposed floor & roof plan

Dwg.no CE.A 32: Proposed sections

Dwg.no CE.A 33: Proposed elevations

Dwg.no CE.A 34: Digital display panels

- 2 Reason: To ensure a satisfactory standard of works in the interests of safeguarding the Listed Building in accordance with the principles of the NPPF.

- 3 Condition: The brick/stone to be used for the external surfaces of the building hereby approved shall be constructed in accordance with a sample panel, prepared on 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 to be used in the approved scheme.

- 3 Reason: To ensure that the materials are in keeping with the Listed Building in accordance with the principles of the NPPF.

- 4 Condition: All mortar, plaster and render to be used in the works hereby approved shall be lime rich and cement free to a specification to be agreed in writing by the Local Planning Authority prior to the commencement of the development.

- 4 Reason: To ensure that such details are in keeping with the Listed Building in accordance with the principles of the NPPF.

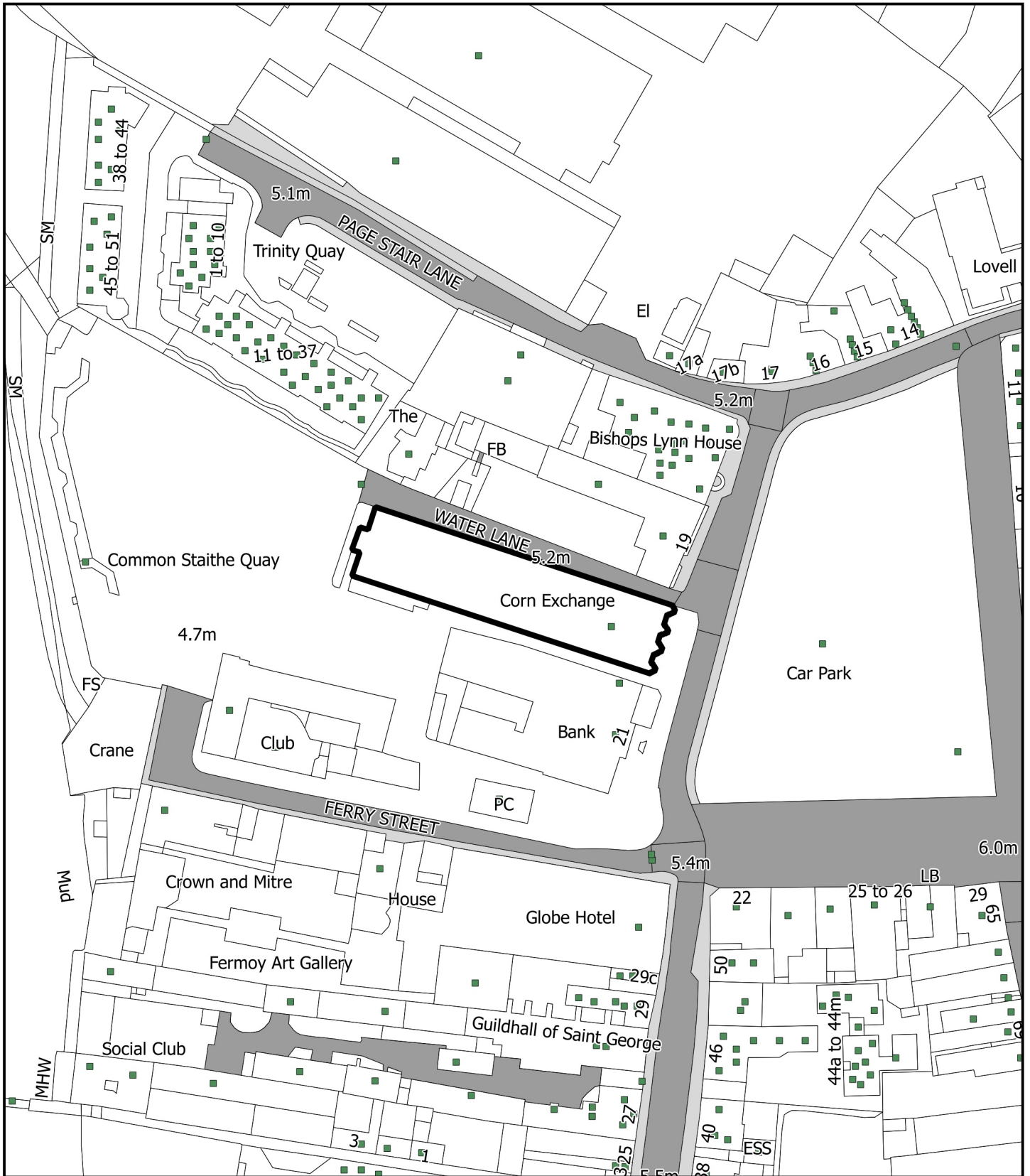
- 5 Condition: Notwithstanding the approved plans, details of the following items at a scale of 1:20, or as otherwise specified, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development:

- The method by which the new zinc roof covering and louvres are to be attached to the existing metal framework
- The method by which the acoustic cladding will be fitted to the steel trusses and spandrels
- The manner by which the new auditoria ceiling and acoustic cladding are to be attached to the historic building
- The extent to which the clapping hands balustrade and the wall hangings are to be cleaned and re-used.
- A report on the condition and, if appropriate, any future use of the blinds

- 5 Reason: To ensure that the works are properly controlled in the interests of safeguarding the Listed Building in accordance with the principles of the NPPF.

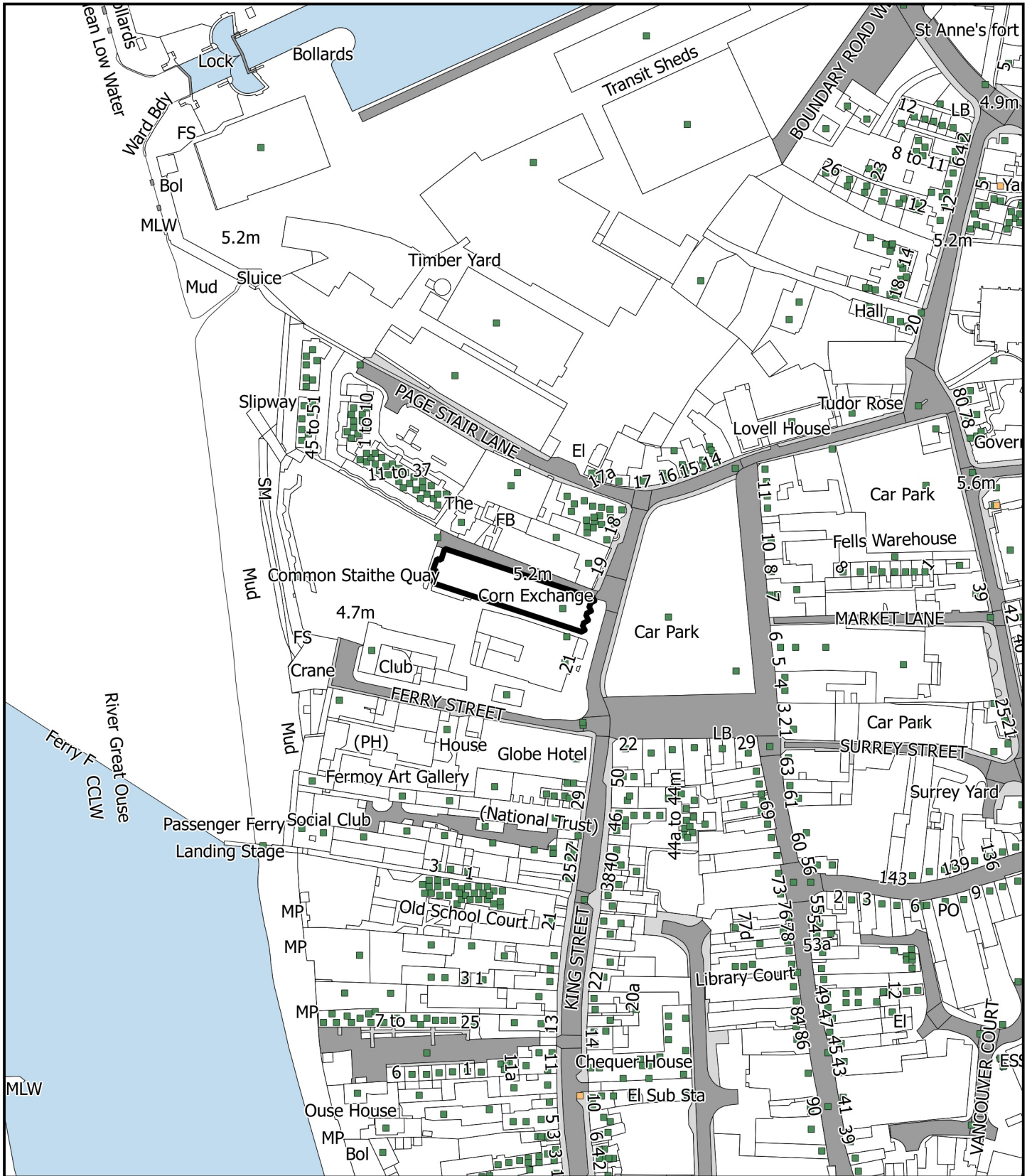
19/00885/F

Corn Exchange 20 Tuesday Market Place King's Lynn



19/00885/F

Corn Exchange 20 Tuesday Market Place King's Lynn



Parish:	King's Lynn	
Proposal:	External alterations to enable the creation of two cinema screens and ancillary facilities	
Location:	Corn Exchange 20 Tuesday Market Place King's Lynn Norfolk	
Applicant:	BCKLWN	
Case No:	19/00885/F (Full Application)	
Case Officer:	Mrs N Osler	Date for Determination: 15 July 2019 Extension of Time Expiry Date: 5 August 2019

Reason for Referral to Planning Committee – Borough Council application with objection

Neighbourhood Plan: No

Case Summary

Full planning permission is sought for various external alterations to the Corn Exchange on Tuesday Market Place.

The alterations comprise:

The infilling of 3 first floor windows

The insertion of louvre grilles

The insertion of a new satellite dish and

New zinc profiled sheet covering to replace glazed roof element.

The 4 new digital display screens to replace the existing illuminated poster panels are covered under a separate application for advertisement consent, and the internal alterations are covered under a separate application for listed building consent; both of which are also to be considered by Committee.

The site lies within a Conservation Area and an area at risk of flooding, and the building itself is Grade II Listed.

Key Issues

Principle of Development

Impact on the Listed Building

Visual Impact / Impact on Character of Conservation Area

Highway Safety

Flood Risk

Recommendation

APPROVE

THE APPLICATION

Full planning permission is sought for various external alterations to the Corn Exchange on Tuesday Market Place to enable the creation of two cinema screens and ancillary facilities.

The alterations requiring planning permission comprise:

- The infilling of 3 first floor windows: two on the southern side elevation and one on the northern side elevation. The windows are to be filled in with red clay imperial bricks in Flemish bond to match the existing brickwork. The panels are to be recessed to maintain reveals to match similar blank windows elsewhere on the side elevations
- Recently installed ventilation grilles on the northern side elevation are to be replaced to match the original metal louvered grilles installed in 1995/96
- Air intake and extract grilles are to be incorporated into the side of the roof crown to replace existing glass louvered panels
- The insertion of a new satellite dish (behind the rear façade)
- New zinc profiled sheet covering to replace glazed roof elements on frontage northern and southern roof slopes. The colour of the zinc panels is to match the metal panels of the raised roof over the Theatre. The panels will be the same size and profile as the existing glazed panels.

No change of use will occur if permission is granted as a cinema falls within the same use class as the existing theatre. As such the principle of a cinema and the financial / competitor issues are not planning matters in relation to the consideration of this application.

The 4 new digital display screens to replace the existing illuminated poster panels are covered under a separate application for advertisement consent, and the internal alterations are covered under a separate application for listed building consent; both of which are before members today.

The site lies within King's Lynn Conservation Area (St Nicholas Area).

The site lies in an area at risk of flooding; falling within Flood Zones 2 and 3 of the Local Authority's Strategic Flood Risk Assessment.

The Corn Exchange is a Grade II Listed Building.

SUPPORTING CASE

A supporting case has been supplied for the listed building application which covers wider issues than the planning application.

PLANNING HISTORY

19/00887/LB: PENDING CONSIDERATION with a recommendation of approval: - LISTED BUILDING: Internal alterations - Infill floor voids in upper foyer, form two cinema auditoria, foyer, toilet, access stair and lift. Alterations and refurbishment of ground floor foyer and toilets. External alterations - new digital display screens to front elevation, infilling first floor windows and new satellite dish in rear plant area

19/00886/A: PENDING CONSIDERATION with a recommendation of approval: - ADVERT APPLICATION: Proposed 4No illuminated digital display screens to replace existing illuminated poster panels

13/01589/CU: Committee Approval: 09/01/14 - Change of use of part of public highway to seating areas in association with local bars, restaurants and other businesses

12/00724/LB: Delegated Approval: 28/06/12 - Installation of a new water chiller at the rear of the building to provide cooling to the auditorium in summer

07/02182/CU: Delegated Approval: 14/12/07 - Provision of seating area at the front of the building

2/96/0700/LB: Committee Approval: 16/08/96 - Installation of floodlighting and signs

2/96/0699/A: Committee Approval: 08/08/96 - Installation of illuminated signs

2/94/1402/LB: Application Permitted: 16/03/95 - Alterations and extension to improve facilities to create concert hall/multi-purpose hall including demolition of single storey structure to rear of main hall

2/94/1401/F: Application Permitted: 22/03/95 - Alterations and extension to improve facilities to create concert hall / multi-purpose hall including demolition of single storey structure to rear of main hall

RESPONSE TO CONSULTATION

Parish Council: N/A

Conservation Officer: In relation to the impact of the proposed external alterations to the building on the Conservation Area the Conservation Officer raises no objection. The Conservation Officer's full consideration in relation to the internal alterations is covered under the parallel Listed Building application.

Historic England: On the basis of the information available to date, Historic England does not wish to offer any comments. We would therefore suggest that you seek the views of your specialist conservation and archaeological advisers, and other consultees, as relevant.

Theatres Trust: The Corn Exchange is a Grade II listed heritage asset which was constructed in 1854 and significantly renovated in 1996. It currently provides a theatre space which is adaptable to enable the hosting of other events such as exhibitions and weddings.

The Trust is supportive of the proposal to create two cinema screens along with ancillary facilities within the Corn Exchange's Upper Foyer. These works will preserve the theatre function of the Corn Exchange while expanding cultural provision in King's Lynn through adding additional cinema screens. This will optimise use of the Corn Exchange as a social and cultural facility for local people, in turn bringing more people into the building at different times of day and night which should aid its sustainability and viability and help preserve this important cultural and heritage asset. Furthermore it will help attract people to this part of the town which will have a positive impact on surrounding businesses.

Policy DM10 of the Site Allocations & Development Management Plan (2016) gives high priority to the need to support King's Lynn as a major retail centre and supports proposals to invest in the town centre. Policy E1.1 encourages the development of leisure uses.

Planning Committee
29 July 2019

Paragraph 92 of the NPPF (2019) seeks planning decisions to plan positively for community facilities, which includes cultural buildings such as the Corn Exchange. As town centres face ever greater challenge cultural facilities such as cinemas and theatres have an important role in supporting and maintaining vibrancy and the health of town centres. This proposal therefore supports those policy objectives.

In terms of design and layout, the disadvantage of this proposal is that there will be a loss of bar capacity arising from the loss of the first floor bar and foyer area. This could result in additional pressure on the remaining ground floor bar particularly when the theatre is at or near full capacity.

Operationally it will need to be ensured that audiences can continue to be served efficiently. Long queues and general congestion in the main foyer may compromise pre-show and interval takings and give a poor experience for audiences which could undermine the overall viability of the Corn Exchange. Similarly, the prep/kitchen space will be halved compared to existing so it should be ensured that functions can continue to be catered as they are at present as these will likely be an important source of income for the Corn Exchange. Benefits of these works, aside from the increase in cultural provision already discussed, are that there will be additional toilets as well as a new lift giving wheelchair access to the first floor. The main theatre auditorium and backstage facilities appear unchanged. We would encourage the Council and their design team to engage with us should these plans be subsequently altered, particularly if they affect the theatre or its function.

Externally, digital display boards of the nature proposed are displayed at a number of theatres including those which are statutorily listed. They will help promote upcoming events at the Corn Exchange and will afford greater flexibility as they can display a broader series of adverts more frequently. This will be more important than might otherwise be the case as the Corn Exchange would in future be hosting up to three different shows and films at the same time. Advertisements and show signage are in any case an integral aspect of the character and appearance of theatre buildings.

We have no objections to the infilling of first floor windows, which we do not consider would undermine the historic and architectural significance of the building as a Grade II listed heritage asset.

In conclusion we welcome this proposal and recommend the granting of planning permission and listed building consent.

Highways Authority: NO OBJECTIONS

Environment Agency: We do not consider that the proposed development will increase the flood risk vulnerability class and therefore have no comment to make on this application.

Flood Warning

As the site is located within an area considered to be at risk of flooding, the applicant should sign up to the Environment Agency's free flood warning service. The service offers three levels of flood warning and can give the applicant vital time to prepare their property for flooding. Warnings can be received by telephone, fax, text message, pager and email. To sign up call Floodline on 0345 988 1188 or visit www.gov.uk/flood

Flood Plan

Your Authority must be satisfied with regard to the safety of people (including those with restricted mobility), the ability of such people to reach places of safety including safe refuges within buildings and the ability of the emergency services to access such buildings to rescue and evacuate those people.

Planning Committee
29 July 2019

Please be aware that we do not normally comment on or approve the adequacy of flood emergency response and evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users and professional partners including your Authority.

Emergency Planning Officer: Because of its location in an area at risk of flooding I would suggest that the occupiers review existing flood evacuation plans in light of the increased number of people potentially on site at any point in time.

Environmental Health & Housing – Environmental Quality: No comments to make

Community Safety and Neighbourhood Nuisance: No comments to make

Norfolk Fire and Rescue: Does not propose to raise any objections providing the proposal meets the necessary requirements of the current Building Regulations 2000 – Approved Document B (volume 2 - 2006 edition amended 2007, 2010, 2013) as administered by the Building Control Authority.

The lift should be designed and installed as an evacuation lift. Where provided, it should always be available for evacuation purposes. Wherever practicable it needs to be a lift used routinely as a passenger lift and not one used solely for evacuation or occasionally as a lift for transporting goods. It should be designed and installed in accordance with the relevant provisions in BS8300, BS EN 81-1 or BS EN 81-2, and BS EN 81-70.

Norfolk Fire and Rescue Service recommend that where no statutory requirement is specified; fire suppression or sprinklers systems be included in all new developments. Alternatively, a risk based approach should be considered to provide suppression systems in higher risk areas or areas of specific vulnerability based on the business continuity plan.

REPRESENTATIONS

Two third party letters have been received; one from St Margaret's with St Nicholas Ward Forum who raise issues relating to the internal alterations. These will be considered under the listed building application. The other is from a member of the public who **objects** on the basis that the project will probably overrun its budget and that the Council could spend the money elsewhere. Additionally he questions what consideration has been given to the impact on the Majestic cinema and suggests a grant to the Majestic to upgrade its seating would be better.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS03 - King's Lynn Area

CS08 - Sustainable Development

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

DM9 - Community Facilities

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

Policy E1.1 – King’s Lynn Town Centre

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

PLANNING CONSIDERATIONS

The use itself does not require planning permission as no change of use is occurring. Therefore the main issues for consideration in the determination of this application are:

Principle of Development

Impact on the Listed Building

Visual Impact / Impact on Character of Conservation Area

Highway Safety

Flood Risk

Principle of Development

The Corn Exchange represents an employment / cultural / leisure use within the development boundary of the borough’s main town.

The proposed development is to expand the offer of the facility.

The principle is acceptable at both national and local level under paragraph 92 of the NPPF and Development Plan Policies CS03, CS10, CS13, DM9, DM10 and E1.1 subject to compliance with other relevant planning policy and guidance.

These policies and guidance seek to protect and improve cultural facilities in sustainable locations.

Impact on the Listed Building

Whilst the impact on the listed building is a material planning consideration, full consideration of the impacts of the proposed development on the Listed Building are covered under Listed Building application 19/00887/LB.

Visual Impact / Impact on Conservation Area

Long views of the proposed louvres and zinc sheet roofing are limited to glimpses from the north due to the location of the alterations on the building and the proximity and height of neighbouring buildings.

Views of the blanked out windows will also be limited to if one is walking immediately adjacent to the side elevations of the Corn Exchange.

Whilst the satellite dish at the rear will be visible, the views are from the car park to the rear (a less sensitive location) and will affect the more modern element of the building. Some views across the river will be available however, these are from a distance and whilst the satellite dish will be quite large, it will be partially concealed behind the façade. Furthermore the dish could be of a colour to blend with the building. This issue is covered in more depth in the Listed Building application.

In conclusion the impact of the proposed development on the visual amenity / character of the Conservation Area would have to be classed as negligible with the main view of the building (from the Tuesday Market Place) being almost wholly unaffected other than in relation to the proposed digital display screens the impact of which will be fully covered under the advertisement and listed building applications.

The proposed development is therefore considered to preserve the character of the Conservation Area. No statutory bodies object to the proposed development.

The third party comments received in relation to this application are not material planning considerations given that no change of use is occurring and/or the comments relate to internal alterations that are not the subject of this application.

Highway Safety

The Local Highway Authority raises no objections on the grounds of highway safety.

Flood Risk

The site is located within Flood Zones 2 and 3 as depicted on the Local Authority's Strategic Flood Risk Assessment and within the Environment Agency's Tidal Hazard Mapping Area.

The proposed alterations would not increase flood risk elsewhere, and therefore the main consideration in relation to the proposed development is safety. In this regard it is recommended that the existing evacuation procedures for the facility are revisited and revised where necessary, and an informative will be added to any approval.

Other Material Considerations

Conditions relating to external materials are included on the Listed Building application; there is therefore no need to duplicate them by appending them to any permission granted under this planning application.

CONCLUSION

The proposed external alterations would have a negligible impact on the character of the Conservation Area thus preserving its character. No objections have been received from statutory consultees.

It is therefore considered that the application should be approved subject to the following conditions.

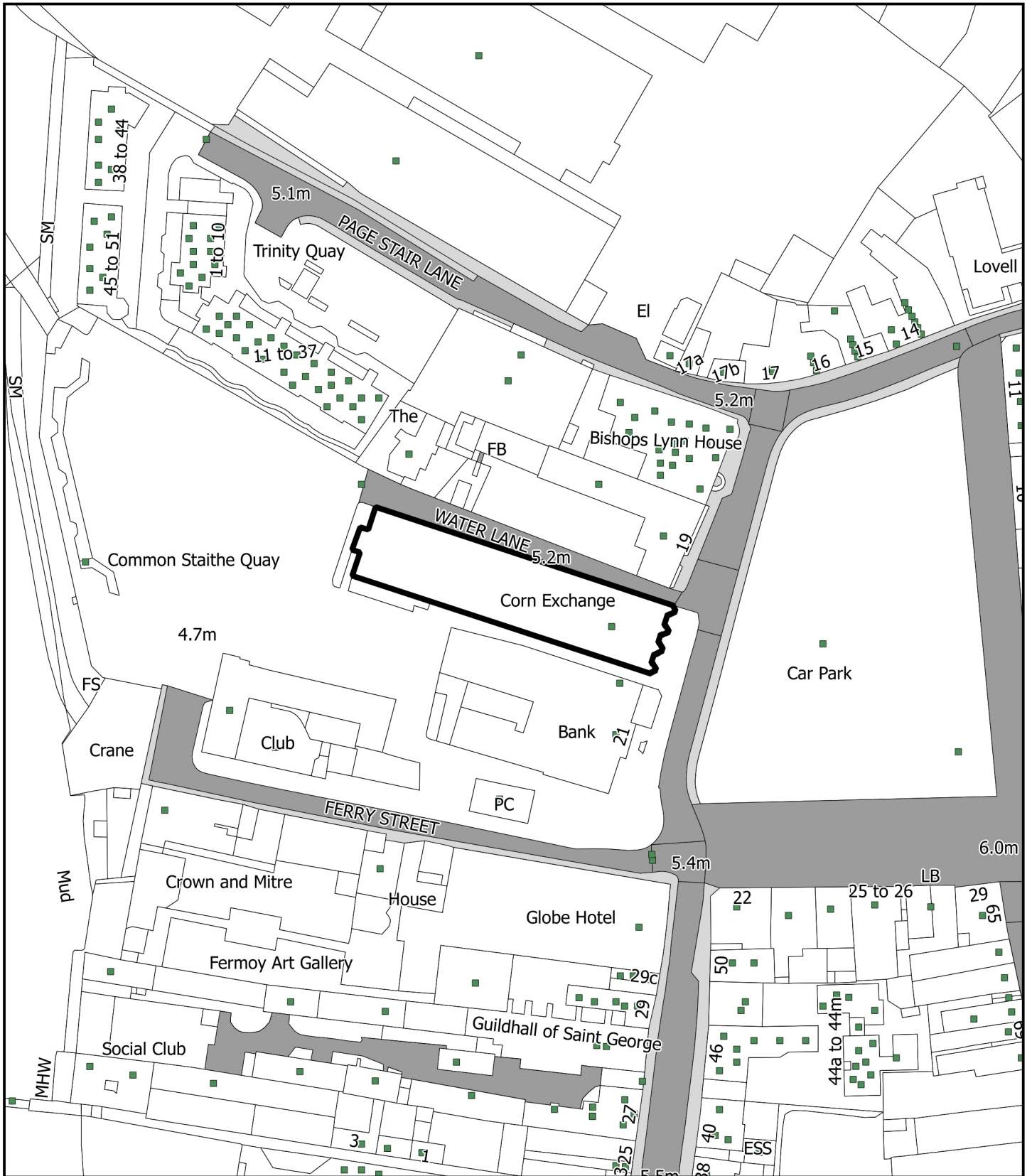
RECOMMENDATION:

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

- 1 Condition: The development hereby permitted shall be 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: CE.01, CE.A.31, CE.P.32 and CE.A.33.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.

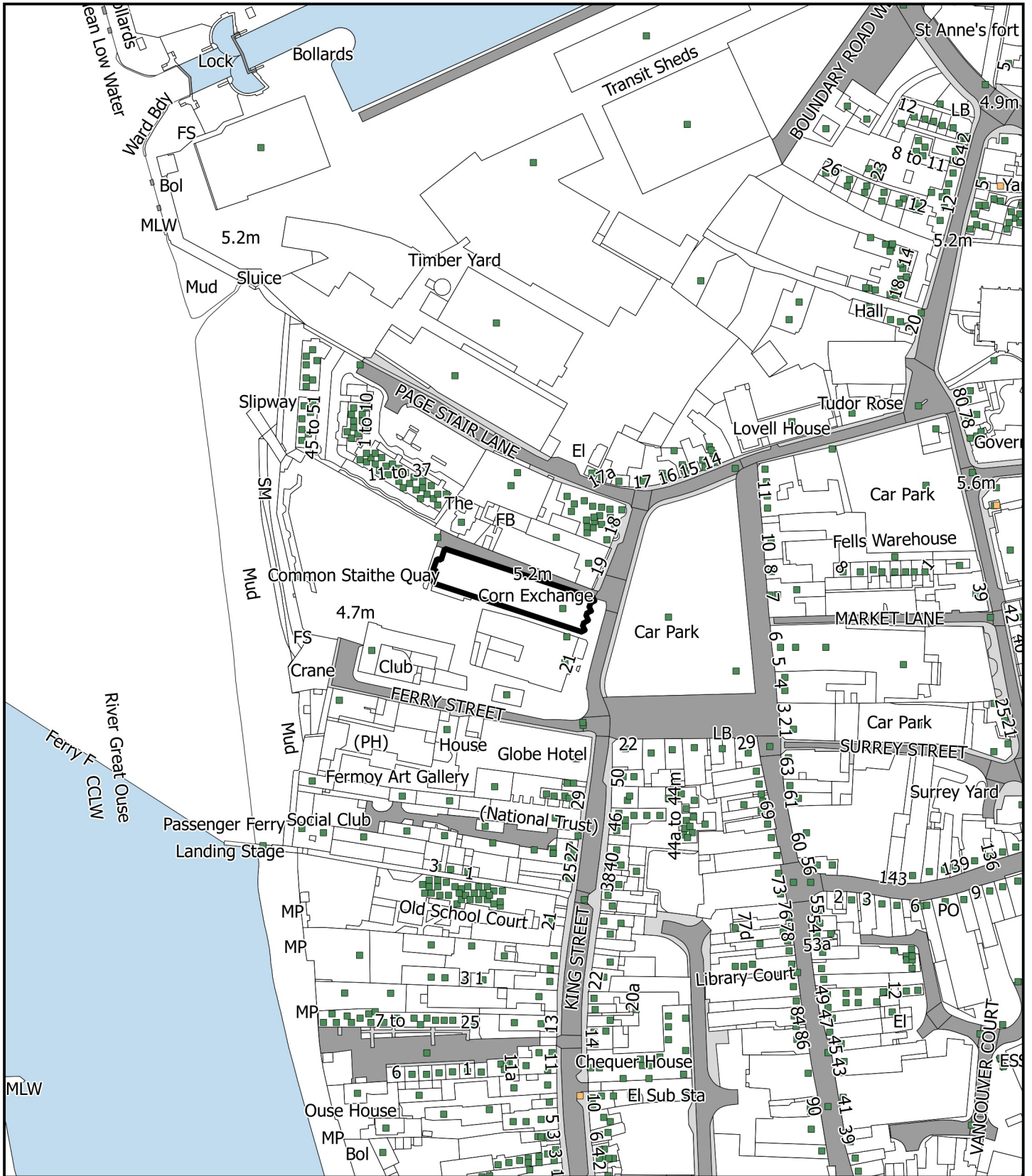
19/00886/A

Corn Exchange 20 Tuesday Market Place King's Lynn



19/00886/A

Corn Exchange 20 Tuesday Market Place King's Lynn



Parish:	King's Lynn	
Proposal:	ADVERT APPLICATION: Proposed 4No illuminated digital display screens to replace existing illuminated poster panels	
Location:	Corn Exchange 20 Tuesday Market Place King's Lynn Norfolk	
Applicant:	BCKLWN	
Case No:	19/00886/A (Advertisement Application)	
Case Officer:	Mrs N Osler	Date for Determination: 26 July 2019 Extension of Time Expiry Date: 5 August 2019

Reason for Referral to Planning Committee – Relates to other applications before Planning Committee

Neighbourhood Plan: No

Case Summary

Advertisement consent is sought for the replacement of four illuminated poster panels with four digital display screens.

Key Issues

Amenity (visual) and
 Public Safety (generally considered to relate to vehicular and pedestrian safety)

Recommendation

APPROVE

THE APPLICATION

Advertisement consent is sought for the replacement of four illuminated poster panels with four digital display screens.

The existing panels are illuminated and illuminate posters displayed within them. They measure 0.99 x 0.67 x 0.13m.

The proposed screens are LCD and measure 1.2 x 0.85 x 0.1m. They are to be located in the same position as the current panels.

PLANNING HISTORY

19/00887/LB: PENDING CONSIDERATION with a recommendation of approval: - LISTED BUILDING: Internal alterations - Infill floor voids in upper foyer, form two cinema auditoria, foyer, toilet, access stair and lift. Alterations and refurbishment of ground floor foyer and toilets. External alterations - new digital display screens to front elevation, infilling first floor windows and new satellite dish in rear plant area

2/96/0699/A: Committee Approval: 08/08/96 - Installation of illuminated signs

RESPONSE TO CONSULTATION

Historic England: On the basis of the information available to date, Historic England does not wish to offer any comments. We would therefore suggest that you seek the views of your specialist conservation and archaeological advisers, and other consultees, as relevant.

Theatres Trust: This application relates to the replacement of existing poster panels with digital screens, alongside a proposal to convert the Corn Exchange's upper foyer to two cinema screens for which we have provided comments supporting.

As raised in our corresponding comments on planning permission and listed building consent we are supportive of these digital boards. We do not consider they will harm the amenity of surrounding property or represent a hazard to passing vehicles or pedestrians.

We therefore recommend the granting of advertisement consent

Conservation Officer: NO OBJECTION in relation to the impact on the character of the Conservation Area.

Highways Authority: Having examined the details submitted I would not be against the principle of the application based on the information provided. Request that an informative relating to signs that may affect the public highway be appended to any permission granted.

King's Lynn Civic Society: We would like to know more about the proposed 'display screens' for the front of the building. We note that illuminated signage is normally not permitted in the conservation areas.

REPRESENTATIONS

None received at time of writing report.

LDF CORE STRATEGY POLICIES

CS08 - Sustainable Development

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM15 – Environment, Design and Amenity

NATIONAL GUIDANCE

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

PLANNING CONSIDERATIONS

Paragraph 132 of the NPPF, 2019 states: *“The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts”.*

As such the only issues for consideration in the determination of this application are:
Amenity (visual) and
Public Safety (generally considered to relate to vehicular and pedestrian safety)

Amenity

The Civic Society queries whether illuminated adverts are permitted in conservation areas. It is a material consideration that the panels that this application seeks to replace are currently already illuminated.

Illumination in conservation areas is generally considered on the need for the advert to be illuminated. In this regard the Theatres Trust’s comments are wholly relevant and state that *“digital display board of the nature proposed are displayed at a number of theatres including those which are statutorily listed...advertisements and show signage are in any case an integral aspect of the character and appearance of theatre buildings”.*

The Conservation Officer raises no objection on the grounds of the impact of the screens on either the listed building itself or wider conservation area.

Highway Safety

The Local Highway Authority raises no objection to the proposed development on the grounds of highway safety (which relates to both vehicular and pedestrian safety). Whilst an informative is requested in relation to signs that may affect the public highway, the signs that are being permitted are only 0.1m deep and will not affect the public highway. The advert cannot be amended without a formal application. Furthermore there is a seating area that separates the front elevation of the Corn Exchange from the ‘highway proper’ (which includes footpaths). An informative is therefore not considered necessary.

Conclusion

It is not considered that the proposed replacement display panels will have a negative impact on the character of the Conservation Area or on public safety and no objections have been raised from statutory consultees or third parties although the Civic Society do question illuminated adverts in conservation areas. The listed building application fully considers the impacts of the advertisements on the Listed building itself.

It is therefore recommended that this application for advertisement consent be permitted subject to the following conditions.

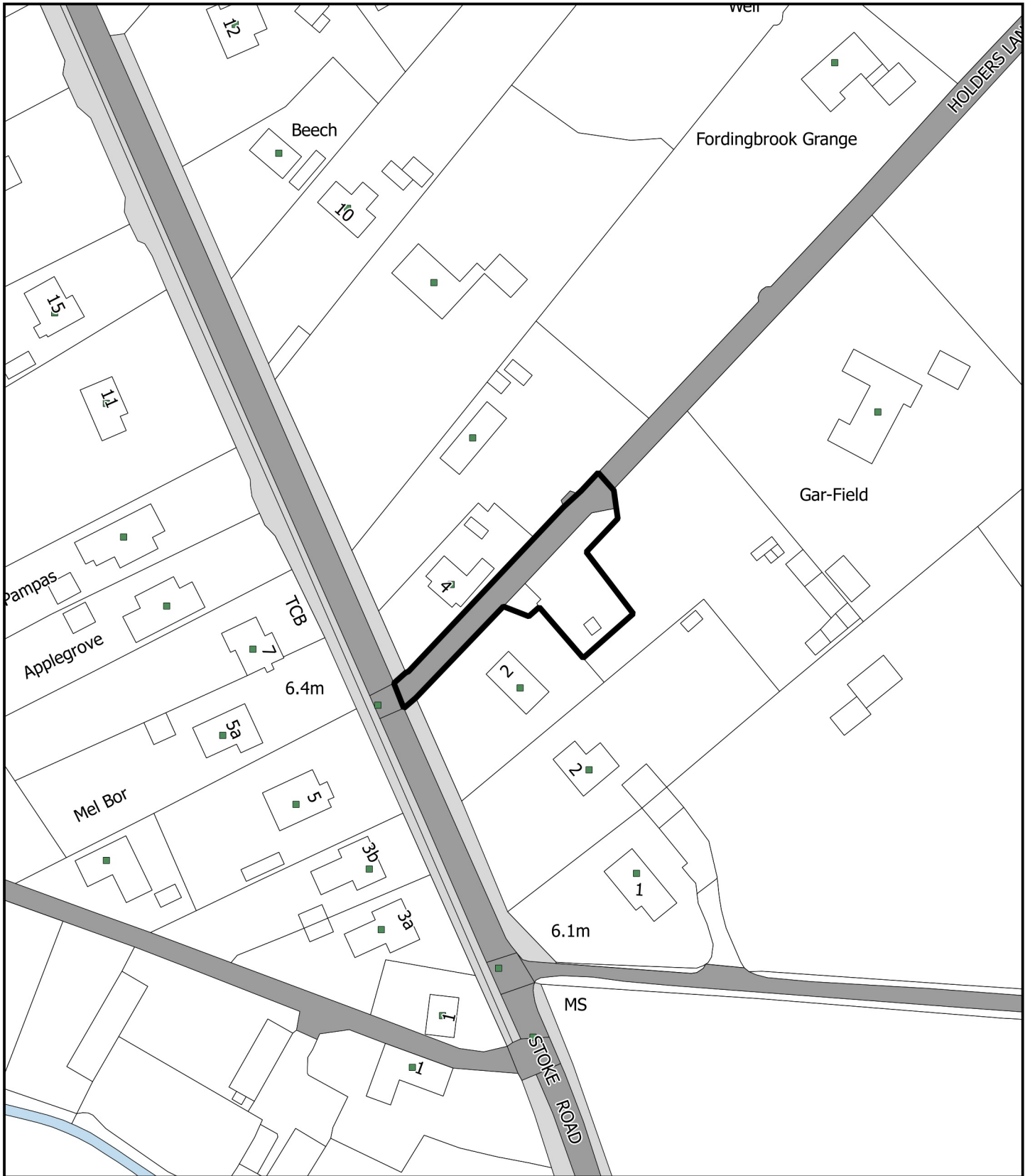
RECOMMENDATION:

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 drawing no's: CE.A.31 and CE.A.34.
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.

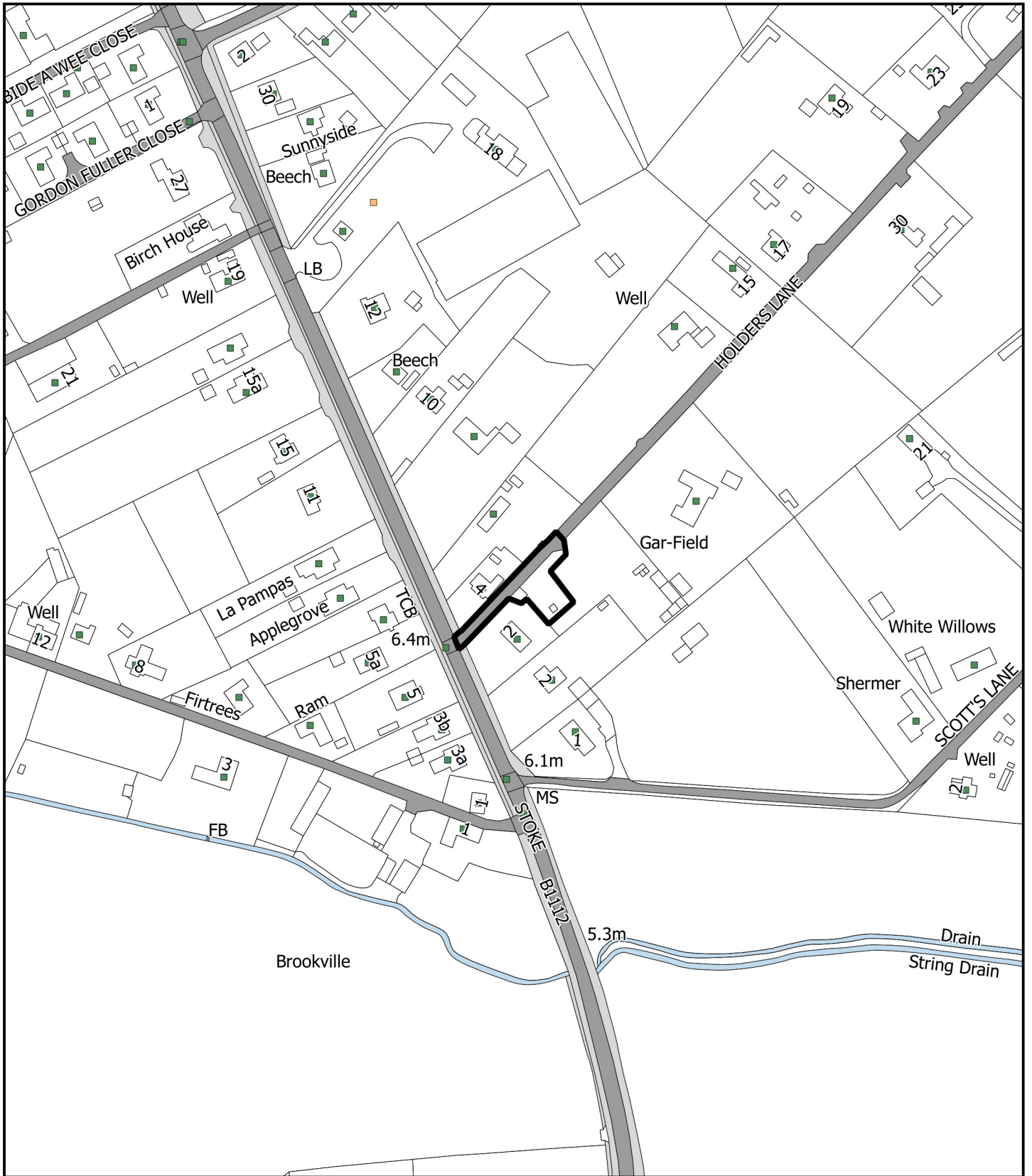
19/00617/F

Hithe 2 Holders Lane Brookville



19/00617/F

Hithe 2 Holders Lane Brookville



Parish:	Methwold	
Proposal:	Change of use from garden room static caravan to holiday accommodation	
Location:	Hithe 2 Holders Lane Brookville Thetford	
Applicant:	Mr & Mrs Britcher	
Case No:	19/00617/F (Full Application)	
Case Officer:	Mrs C Dorgan	Date for Determination: 18 June 2019 Extension of Time Expiry Date: 2 August 2019

Reason for Referral to Planning Committee – Planning authority recommendation contrary to Parish Council

Neighbourhood Plan: No

Case Summary

The application is for the change of use of a static caravan from a garden room, to holiday accommodation. The development is proposed to the side of 2 Holders Lane in Brookville, lying east of the B1112 (Main Road). Brookville does not have a development boundary, as it is designated as a smaller village or hamlet in the 2011 Core Strategy.

Key Issues

- Principle of development
- Impact on character and appearance of area
- Impact on neighbour amenity
- Highway safety
- Other material impacts

Recommendation

APPROVE

THE APPLICATION

The application is for the change of use of a static caravan from a domestic garden room to holiday accommodation. The static caravan will be let out initially for 16 weeks of the year, potentially growing to all year round. The development is proposed to the side (north-east) of No. 2 Holders Lane, in Brookville. Brookville doesn't have a development boundary, as it is classified as a smaller village or hamlet in the Core Strategy 2011.

SUPPORTING CASE

No supporting case provided.

PLANNING HISTORY

No relevant planning history

RESPONSE TO CONSULTATION

Methwold Parish Council: OBJECT

It was thought that this caravan and surrounding landscaping has only recently been installed. Concerns were raised regarding an increase in traffic on Holders Lane especially as the lane is narrow and there are no real passing places. Passing is only possible if you pull into a property's driveway or vehicles have to reverse out onto the main road if they meet a car along there. Also concerns raised regarding additional noise and will this set a precedent for others to have holiday accommodation in their gardens?

Highways Authority: NO OBJECTION

Given that the holiday use would be a low traffic generator and that the site accesses a track which is private, I believe that it would be difficult to substantiate an objection to the application on highway safety grounds and therefore I would not seek to restrict the grant of permission,

Natural England: No comments

REPRESENTATIONS

One letter of **objection** was received, and **one** letter in **support** was received.

The letter in support stated that as the site is the first driveway on the lane, it would cause very little additional traffic or damage to Holders lane. Also stated they had no concerns regarding the usage or potential noise of the holiday accommodation.

The one letter of objection raised the following points:

- There is already a holiday park at Fendick's Fisheries
- We have previously been advised that no more development would be permitted because of the volume of traffic and no passing places.
- The mobile home is sited obtrusively, not far from the lane.
- Unfair to put up with noise in the evening from music and bbqs etc.
- The objector speculates in their response that because of the amount of garden equipment provided, and because the application form states that 6 parking spaces are proposed, the intention of the applicant is to have a small holiday park.

LDF CORE STRATEGY POLICIES

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS10 - The Economy

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM11 – Touring and Permanent Holiday Sites

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.

PLANNING CONSIDERATIONS

The main considerations are:

The principle of development
Impact on the character and appearance of area
Impact on neighbour amenity
Highway safety
Other material impacts

The principle of development:

In accordance with Policy DM2 from the SADMP 2016, areas outside development boundaries will be treated as countryside where new development is more restricted and limited to that identified as suitable in other policies of the plan. Rural holiday accommodation is identified as suitable in rural areas by Policies CS10 from the Core Strategy 2011 and DM11 from the SADMP 2016. Paragraph 83 of the NPPF also supports sustainable tourism developments in rural areas which respect the character of the countryside.

CS10 states that the council will promote opportunities to improve and enhance the visitor economy. Small scale tourism opportunities will also be supported in rural areas to sustain the local economy. The policy requires that tourism accommodation in rural areas is located in or adjacent to existing settlements, and would not have detrimental impacts on the landscape. Policy DM11 sets out the criteria for holiday accommodation. It states that proposals must be supported by a business plan, have minimal adverse visual impact, can be safely accessed, is in accordance with flood risk policies, and does not lie within the Coastal Hazard Zone. It also states that in rural areas it is important that the tourism uses are genuine, therefore decisions will be conditioned to ensure as much.

A business plan was submitted, which sets out how the site will be managed and how it will support local tourism attractions. The accommodation is sited clearly within the settlement of Brookville, and the site is well screened from the west, south and east, visible only from Holders Lane on the north side, which is bounded by a 1.2m post and rail fence. As such, the accommodation will not have any detrimental impacts on the appearance of the landscape or wider countryside. The access for the site will be via Holders Lane. Although it is a private single lane track, it is already used by a number of residents and is fairly well maintained. The site is not subject to any risks of flooding.

For the reasons above, the proposal would be in accordance with the aims of Policy CS10 from the Core Strategy 2011 and with the requirements of Policy DM11 from the SADMP 2016. As such, the principle of the proposed development is considered acceptable.

Impact on the character and appearance of area:

As previously stated, the site is well screened from wider views, so the static caravan does not have any significant impacts on the character or appearance of the countryside. In any case, the static caravan was already on the site lawfully, being used as a garden room incidental to the dwelling. As the appearance of the static caravan and any impact it may have is already lawful, the change of use to holiday accommodation would have no significant impact on the character and appearance of the area. As such, the development would maintain the character of the area, in accordance with Policy CS06 from the Core Strategy 2011.

Impact on neighbour amenity:

It is considered that the use of the mobile home as holiday accommodation would have the potential to generate more regular noise, given its increased intensity of use. This additional noise would not go beyond reasonable domestic levels however. As such, the development would not have any significant adverse noise impacts on surrounding occupiers. There would also not be any significant overlooking impact arising from the use. It is considered the development would not adversely impact the residential amenity of its neighbours, in accordance with Policy DM15 from the SADMP 2016.

Highway safety:

One of the points made by the objecting representation stated that Holders Lane was unsuitable for additional traffic. The Norfolk County Council highways officer had no objection. Additionally, it is considered that as the site is near the front of the lane the impact of traffic from the site using the lane would be very minor, causing little or no disturbance to highway safety.

Other material impacts:

The objecting comment stated that there is a nearby caravan park, insinuating that the proposed holiday accommodation is not necessary. It is not a requirement of policy to demonstrate demand for holiday accommodation in its justification. Instead, it need only be shown that the proposed accommodation would support nearby tourism uses, which the submitted business case has done.

The objector also speculated that the intention may be to site more caravans in future. Any future caravans would need a planning application for their use as holiday accommodation, and such applications would be determined by their own merits. No additional mobile homes form part of the planning application currently proposed, hence the matter need not be considered.

CONCLUSION

Overall, the change of use to holiday accommodation is considered to be acceptable in principle, against the criteria contained in policies DM11 and CS10 from the SADMP 2016 and Core Strategy 2011. The development would maintain the character of the area and have no significant adverse impacts on residential amenity. It is therefore recommended that the application is approved.

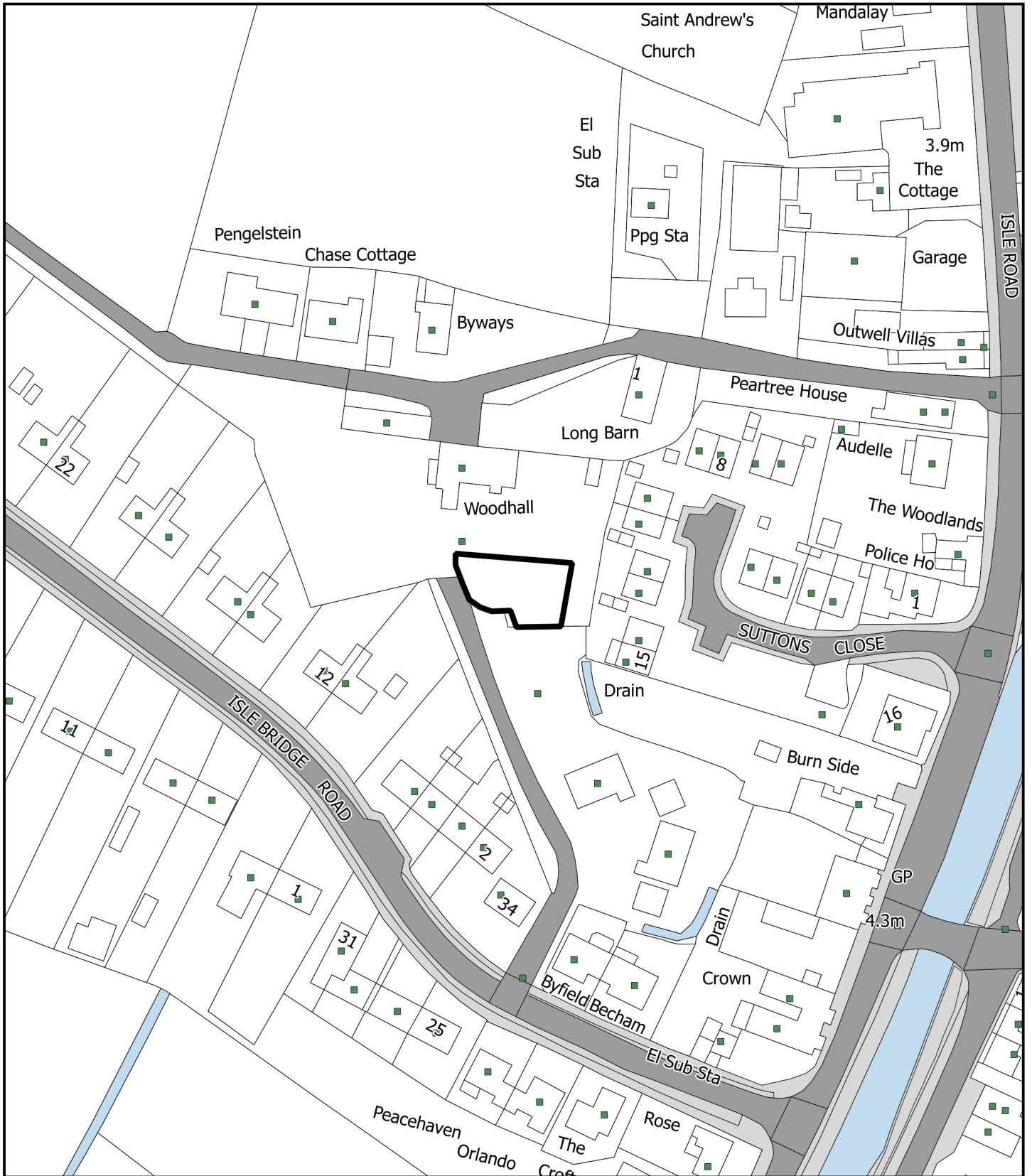
RECOMMENDATION:

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

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans. The Location plan (received 03/04/2019), and The Proposed Block Plan (received 23/04/2019).
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: The development hereby permitted shall only be used as holiday accommodation and shall at no time be used as a person's sole or main place of residence.
- 3 Reason: For the avoidance of doubt and to safeguard the amenities of the locality in accordance with the NPPF.
- 4 Condition: The accommodation hereby permitted shall only be used for short stay accommodation (no more than 28 days per single let) and shall not be occupied as a person's sole or main place of residence and the owners / operators shall maintain an up-to-date register of lettings / occupation and shall make this available at all reasonable times to the Local Planning Authority.
- 4 Reason: To define the terms of the permission in the interests of proper planning.

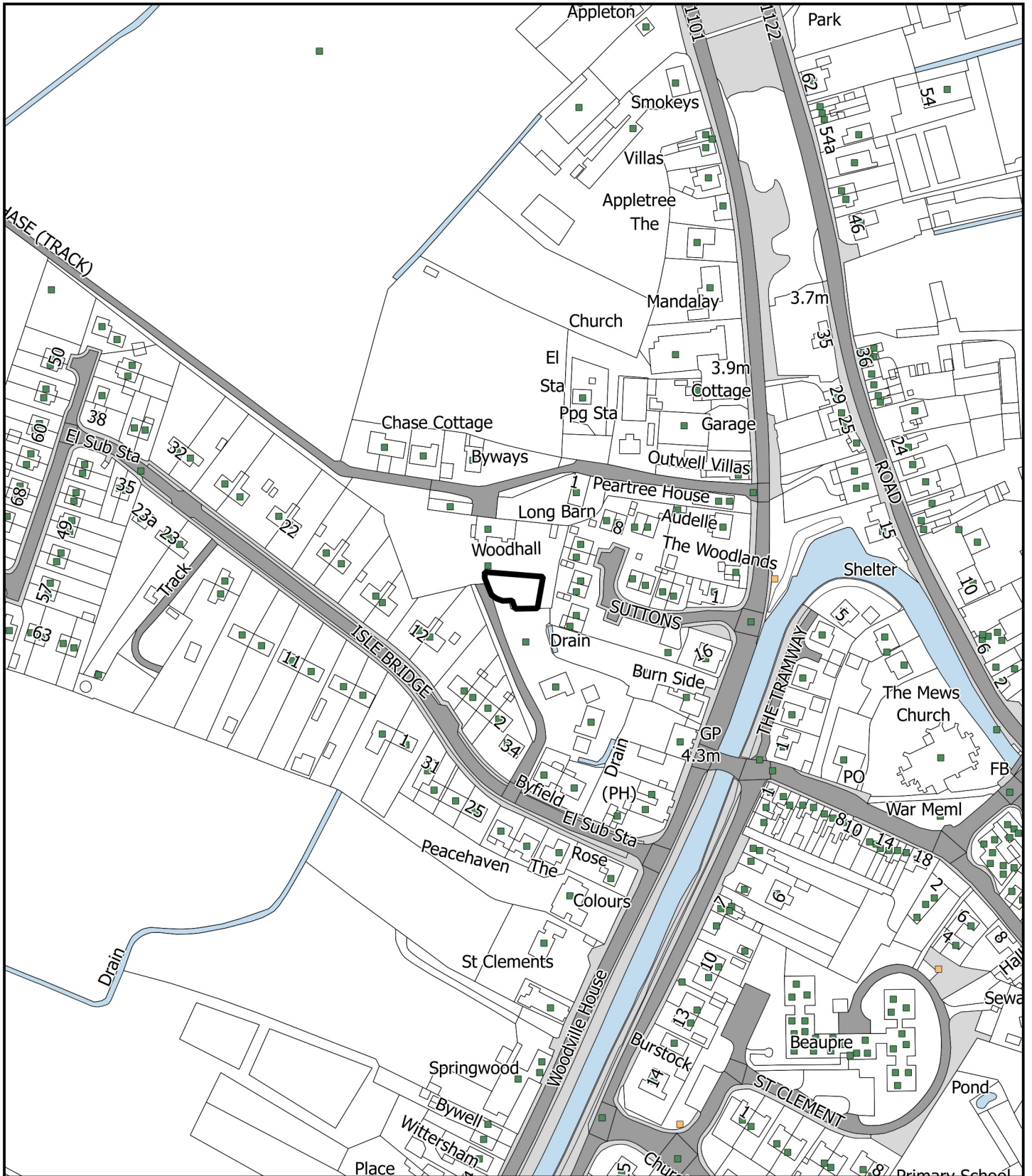
19/00857/O

Plot 4 Abbotts Court off Isle Bridge Road Outwell



19/00857/O

Plot 4 Abbotts Court off Isle Bridge Road Outwell



Parish:	Outwell	
Proposal:	Outline application with some matters reserved for site for construction of bungalow and garage	
Location:	Plot 4 Abbots Court Off Isle Bridge Road Outwell	
Applicant:	Mr D Cuckow	
Case No:	19/00857/O (Outline Application)	
Case Officer:	Lucy Smith	Date for Determination: 8 July 2019 Extension of Time Expiry Date: 2 August 2019

Reason for Referral to Planning Committee – The council’s recommendation is contrary to the views of the Parish Council.

Neighbourhood Plan: No

Case Summary

The application is for outline permission with all matters reserved apart from access at a site directly adjacent to Wood Hall, Outwell, a Grade II Listed Building. The site fronts Abbots Court (which is to the south of Wood Hall), approximately 100m north of the access with Isle Bridge Road.

Key Issues

- Principle of Development
- Planning History
- Impact on Listed Building
- Other Issues

Recommendation

REFUSE

THE APPLICATION

The land is situated to the north of existing dwellings fronting Abbots Court, off Isle Bridge Road, Outwell.

The site comprises part of the residential curtilage of Wood Hall, a Grade II Listed Building which is located directly north of the application site. Other un-associated residential properties and their gardens are located to both the east and west of the application site.

The application seeks outline permission with all matters reserved apart from access for the construction of one dwelling.

SUPPORTING CASE:

Abbots Court consists of 3 newly built bungalows to the south of Woodhall, a Grade II listed building.

In July 2009 Outline Planning Permission was granted for the construction of 5 bungalows under ref.08/01751/O. This was not implemented.

In February 2016 Outline Planning Permission was granted for the construction of 3 dwellings. Plot 1 has been completed and sold. Plots 2 and 3 are under construction.

The land to the north of plot 3 is vacant land and is the subject of this application. It is hoped to construct a modest, low pitched bungalow which would have a minimal impact on Woodhall.

As concern was raised by your Conservation Support Officer we intend to move the boundary line between the site and Woodhall back to where it was originally approved.

This will still leave sufficient space for a bungalow and complete the estate known as Abbots Court.

RELEVANT PLANNING HISTORY:

07/02051/O: Application Refused: 03/12/07 - Outline Planning Application for 5No. Bungalows with attached single garages – Delegated Decision

08/01751/O: Application Permitted: 17/07/09 - Outline Application: 5 detached bungalows with attached single garages – Committee Decision (Overturn)

2/93/0570/O: Application Refused: 06/07/93 - Site for construction of six dwellinghouses – Committee Decision

2/94/0061/O: Application Refused: 22/03/94 - Site for construction of six dwellinghouses – Delegated Decision

14/01385/F: Application Permitted: 14/11/14 - Build a detached double garage with study over – Delegated Decision

13/01574/F: Application Permitted: 23/12/13 - Change of use and extension of barn – Delegated Decision

13/01575/LB: Application Permitted: 23/12/13 - LISTED BUILDING CONSENT: Change of use and extension of barn – Delegated Decision

15/01968/O: Application Permitted: 17/02/16 - Outline application for site for construction of 3 dwellings – Delegated Decision

16/01450/RM: Application Permitted: 30/11/16 - RESERVED MATTERS: Construction of 3 dwellings and garages – Delegated Decision

CONSULTATIONS:

Parish Council: SUPPORTS. Outwell Parish Council accept this application on the lines that the other three properties on this site have been accepted.

Issues were raised to do with drainage. The Parish Council consider that the drainage board should have their say in the matter.

Local Highway Authority: NO OBJECTION.

Natural England: NO COMMENTS.

Environmental Quality: NO OBJECTION, recommended conditions relating to site characterisation, remediation scheme and unexpected contamination.

Historic Environment Service: NO OBJECTION, recommended conditions as detailed below.

The proposed development site lies on, or close to, the site of a medieval moat shown on the 1841 Tithe map. In addition, the adjacent Wood Hall is an early 17th century timber hall enclosing the surviving wall of a possible 14th century medieval aisled or raised aisled hall. Consequently there is potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance will be adversely affected by the proposed development.

If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigatory work in accordance with National Planning Policy Framework para. 199. We suggest that the following conditions are imposed:-

A) 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 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation and 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.

B) No development shall take place other than in accordance with the written scheme of investigation approved under condition (A).

C) 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 (A) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Conservation Officer: Recommends REFUSAL.

This application, together with the previously approved application for change of use to the adjacent barn (13/01575/LB) and the proposed building plot shown of the plan 19/5/2120 to the west of Woodhall, would completely destroy the setting of this listed building.

Whilst I understand that an application has been previously approved to build 5 bungalows to the south of Woodhall in 2008, this application site encroaches further onto the garden area and the proposed plot adjacent to Woodhall was not featured at that time.

It is expected that a large dwelling such as Woodhall would have a large garden area, but with all the proposed development surrounding this historic building, it would cause harm to the setting as set out in the NPPF paras 190, 193, 194, 195 and 196.

REPRESENTATIONS:

One neutral letter

- Concern over 16th century moat on site
- Potential for surface water flooding and adequate drainage in vicinity

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

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 (NPPF)
Planning Practice Guidance (PPG)

OFFICER ASSESSMENT:

The key issues are:

Principle of Development
Planning History
Impact on Listed Building
Other issues

Principle of Development:

The application is for outline permission with all matters reserved apart from access for the construction of one new dwelling, located within the development boundary for Outwell as outlined in the Site Allocations and Development Management Policies Plan (2016). The site is also within the curtilage of Wood Hall, a Grade II listed building which is protected through separate policies as detailed below.

Planning History:

A number of previous consents have been approved on the site. An outline application was submitted in 2008 for the construction of 5 houses and approved following an overturn at Committee, however a reserved matters scheme was never submitted and thus not built out.

A barn conversion to the west of Wood Hall was approved in 2013, with plans indicating the original extent of the barn was to remain. The retention of the majority of the existing form of the barn limited the impact of the barn conversion on the adjacent listed building and the application was approved on this basis. At this point, a significant area of land around the listed building and the adjacent barn remained.

An application for 3 bungalows to the south of Wood Hall was subsequently submitted and approved in 2015, with the closest dwelling proposed approximately 38m from rear of Wood Hall. The topography and layout of the site, with these properties proposed downhill from the heritage asset further limited the proposal's impact on the listed building.

Impact on Listed Building:

The proposal site is located within the established curtilage of Wood Hall, a Grade II Listed Building to the north of the site. In line with paragraph 192 of the NPPF (2019) and the Planning (Listed Buildings and Conservation Areas) Act (1990), there is a legal duty to protect listed buildings and their setting. S.66 of the Planning (Listed Buildings and Conservation Areas) Act (1990) states: 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority should have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historical interest which it possesses.'

The setting of a heritage asset is defined in the glossary of the NPPF (2019) as 'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.'

The NPPF makes it clear that the extent of the setting of a heritage asset is not fixed and may change as the asset and its surroundings evolve. Guidance published by Historic England in 2011 outlines the planning considerations relating to the conservation of listed buildings and their setting, with specific detail provided as to the potential impact of cumulative changes, stating:

'Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset'

Wood Hall is a late 17/early 18th century farmhouse with access via Robbs Chase, which runs to the north of the site. Whilst the existing bungalows to the south have had an impact on the setting of the Grade II listed building, proposed plans show the site positioned approximately 13m south of Wood Hall, significantly closer than the application approved in 2015 (38m) and taking up an important area of the property's garden, the extent of which has already been reduced as a result of previous applications as discussed above.

The importance of spaces around historic buildings and areas is well established within conservation policy and guidance. The immediate context around listed buildings can provide their lifeblood, identity and contribute to their significance. Proposed plans show the site positioned approximately 13m south of Wood Hall, significantly closer than the application approved in 2015 (38m), and taking up an important area of the property's garden, the extent of which has already been reduced as a result of previous applications as discussed above.

It is expected that a large dwelling such as Wood Hall would have a substantial garden area, however as a result of the cumulative impact of development in the immediate vicinity, including the barn conversion approved in 2013, and the previous application in 2015, the application would result in further loss of this curtilage and harm to the setting of the listed building and its curtilage and the application is therefore considered contrary to paragraphs 190, 193, 194, 195 and 196 of the NPPF, Policy CS08 and CS12 of the Core Strategy 2011, and Policy DM15 of the Site Allocations and Development Management Policies Plan (2016).

Other issues:

The Parish Council supported the application, however raised concerns surrounding drainage issues on the site. The site is located in Flood Zone 1 of the Borough Council's SFRA and a flood risk assessment is therefore not required to be submitted as part of this application. However, if the application were to be approved, drainage conditions would be added to the decision notice to ensure a satisfactory drainage strategy is in place prior to construction.

The Local Highway Authority states no objection to the application based on the existing site conditions. No highway conditions were recommended.

Conditions were suggested by the Environmental Quality team to ensure site characterisation and remediation schemes are submitted and implemented as detailed.

The supporting case stated an intention to submit amended plans to reduce the extent of the red line. At the time of writing this report, no amended plans have been submitted and detailed consideration of the potential revised proposal has therefore not taken place. Whilst reducing the extent of the red line would move the proposal slightly further away from the listed building, the size of the plot would be reduced, and there is the potential for this to lead to an overly cramped design and overdevelopment of the site.

Conclusion:

In conclusion, it is considered that by virtue of the proposed siting, in close proximity to the Grade II Listed Wood Hall, the development would cause harm to the setting of a designated heritage asset. Paragraph 193 of the NPPF states that when assessing the impact of a proposal on the significance of a heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 goes on to state that any harm to the significance of a designated heritage asset (from its alteration or

Planning Committee
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destruction, or from development in its setting), should require clear and convincing justification. In accordance with paragraph 196 of the NPPF, the limited public benefits provided by the proposed scheme through the provision of a single dwelling are not considered to outweigh the harm to the significance of the heritage asset in this case.

The proposal therefore fails to accord with the provisions of paragraphs 190, 193, 194 & 196 of the NPPF, Core Strategy Policies CS06, CS08 and CS12 of the LDF, and Policies DM2 and DM15 of the SADMP (2016). It is recommended that members refuse the application for the reasons discussed above and detailed below.

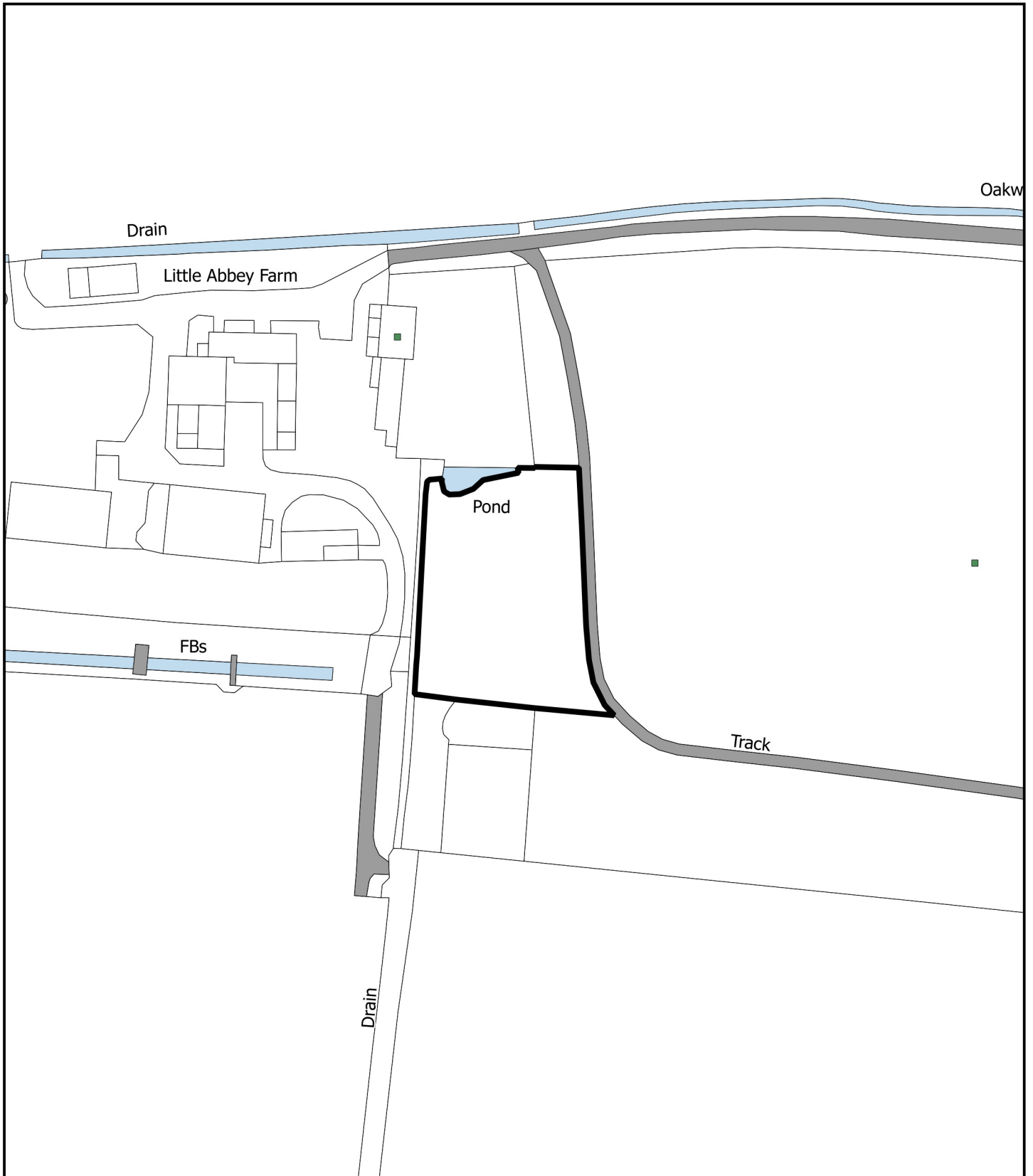
RECOMMENDATION:

REFUSE for the following reason:

- 1 The proposed new dwelling, by virtue of its siting in close proximity to the Grade II Listed Building known as Wood Hall would cause harm to the setting and character of the designated heritage asset. Therefore, the proposed development is considered contrary to paragraphs 190, 193, 194 & 196 of the National Planning Policy Framework 2018, Policies CS06, CS08 and CS12 of the KLWNBC Core Strategy 2011, and Policy DM15 of the Site Allocations and Development Management Policies Plan 2016.

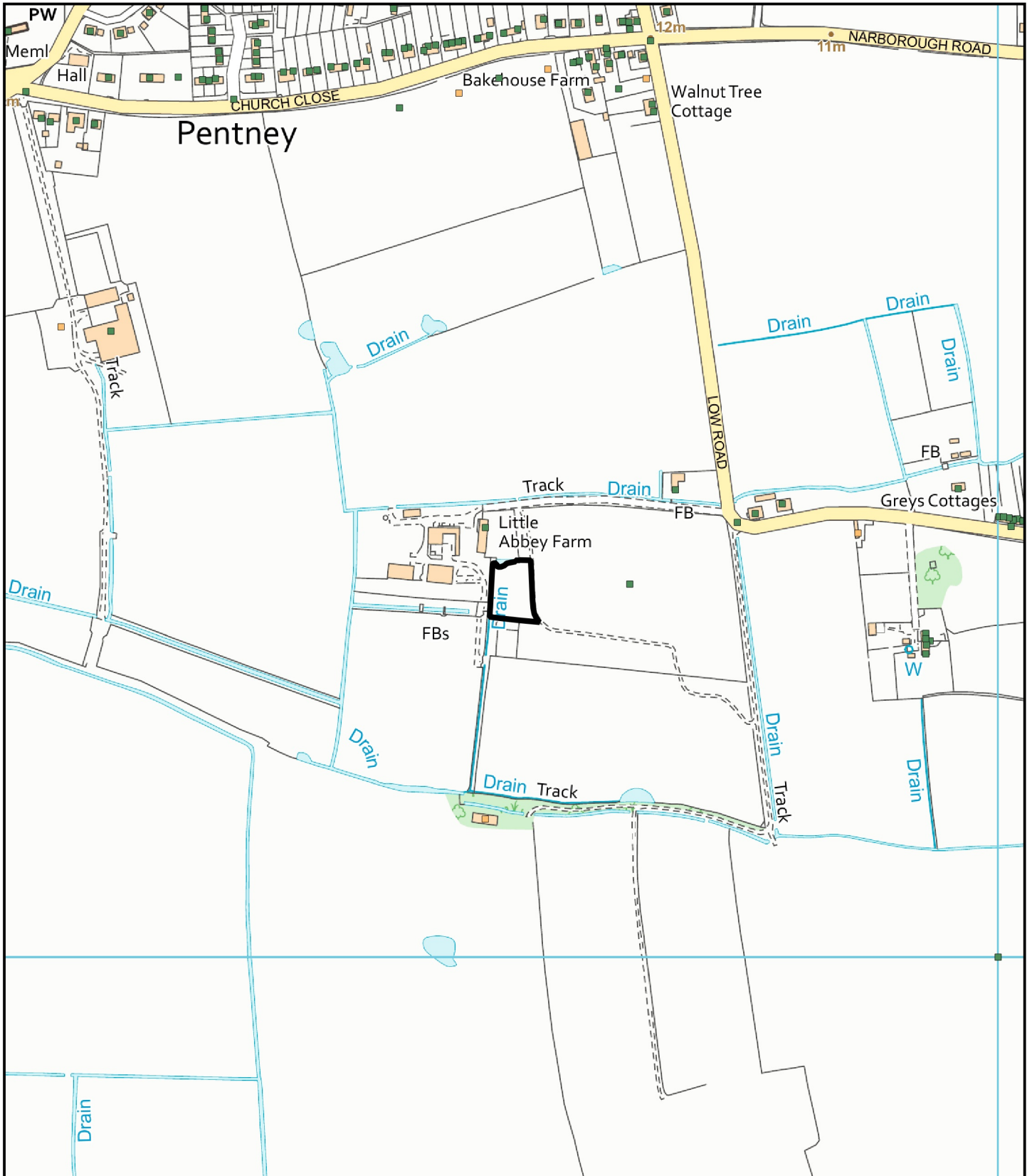
19/00053/F

Little Abbey Farm Golden Gym Pentney



19/00053/F

Little Abbey Farm Golden Gym Pentney



Parish:	Pentney	
Proposal:	Change of use from agricultural to holiday log cabins	
Location:	Little Abbey Farm Golden Gym Pentney Norfolk	
Applicant:	Mr Ben Howlett	
Case No:	19/00053/F (Full Application)	
Case Officer:	Clare Harpham	Date for Determination: 9 May 2019 Extension of Time Expiry Date: 5 August 2019

Reason for Referral to Planning Committee – The Parish Councils views are contrary to the officer recommendation

Neighbourhood Plan: No

Case Summary

The application is for the change of use of agricultural land immediately adjacent to a working farm with associated yard and an existing bed and breakfast business to provide two holiday 'log cabins' which would effectively constitute two additional bedrooms with ensuite for the existing bed and breakfast business. It is considered that the proposal complies with national and local development plans policies, as it promotes tourism and rural diversification and does not harm the landscape.

Key Issues

- Principle of Development
- Visual Impact
- Impact upon neighbour amenity
- Highways Issues
- Other material considerations
- Crime and Disorder

Recommendation

APPROVE

THE APPLICATION

The application is located within an existing agricultural field to the south of the applicant's dwelling (farmhouse) and to the south-east of the existing farm buildings. The access track is to the north of the farmhouse with parking made available within the farmyard to the rear of

Planning Committee
29 July 2019

the farmhouse. The site is currently bound to the western side by a drainage ditch and native hedging and to the north by an existing pond. To the west the site currently has post and wire to separate this land from the adjacent farmland which is being used to keep animals.

The application seeks full planning permission for the erection of two 'log cabins' which would be for holiday use in conjunction with the farms existing Bed and Breakfast.

SUPPORTING CASE

The main house of Little Abbey Farm was built in 1714 with stone from Pentney Abbey when it was dissolved. The hundred acre farm has paddocks, a pond and marked farm trails for a rustic walk. Children are particularly welcome and there is plenty for them to do at Little Abbey Farm, including motorized tractors, and lots of animals for them to see.

Tourism is incredibly important to West Norfolk. The 'staycation' is increasing year on year. The figures compare well with overall growth in England – the 12.1% increase in the number of overnight trips to Norfolk is against a background of a 3% increase in the same statistic across England as a whole. King's Lynn & West Norfolk Borough Council continues to pursue and support projects backing the tourism industry through their Destination Management Plan.

The present bed and breakfast accommodation at Little Abbey Farm is practically at full occupancy from Feb/Mar through to October. Bookings are already being taken for next year. This is the reason why the decision has been made to expand the available accommodation. The proposed additional accommodation would also result in additional employment of two local people. The main facilities already exist at the farm. The log cabins provide sleeping accommodation only.

Little Abbey Farm is situated between two very successful wedding venues. Furthermore, due to the success of these venues they too are increasing their available wedding days to include weekdays, which will in turn lead to more bookings for Little Abbey Farm. Little Abbey Farm also provides an important educational function giving people an insight into a fully working farm. People love the idea of staying and being involved with a traditional working farm.

The breakfasts provided at the Farm use all local produce which provides valuable income to the local economy, along with recommending other local businesses such as pubs and restaurants. The breakfasts receive hundreds of excellent reviews.

"It was wonderful to stay on an authentic English farm. We were very excited to see sheep right outside our window in the evening! Diane was very welcoming and recommended dinner at the Carpenters Arms which was probably only a 5 minute drive from the farm. After a peaceful night's sleep, we ate a delicious breakfast (the best on our two week trip throughout the UK!)." Trip Advisor May 2019.

King's Lynn & West Norfolk Borough Council are investing in maintaining, improving and expanding tourist facilities. They are striving to increase the facilities for visitors to enjoy and encourage them to stay longer and increasing all year round trade, which will offer greater employment opportunities in the area.

Little Abbey Farm is a success. It is that success that drives the need for sympathetically designed additional overnight accommodation. The demand is there and is an extension of a well-established business. We believe this is congruent with current planning policies.

The fact that the increase in overnight trips is four times the growth compared to England as a whole reflects Norfolk's unique visitor offering such as Blue Flag beaches, nature and a wide choice of places to stay and things to do.

The trend of holidaying at home, enjoyment of natural beauty as well as authentic experiences, has increasingly attracted people to Norfolk all year-round. Little Abbey Farm fits the bill.

PLANNING HISTORY

17/02120/F: Application Permitted: 08/01/18 - Retention of existing cattle shed & proposed extension. - Little Abbey Farm Golden Gym Pentney

17/01756/AG: Application Refused: 12/10/17 - Agricultural Prior Notification: Steel framed cattle shed - Little Abbey Farm Golden Gym Pentney

09/00976/F: Application Permitted: 13/08/09 - Single storey extension to existing dwelling - Little Abbey Farm Golden Gym Pentney

2/91/0755/CU: Application Permitted: 19/01/94 - Conversion of redundant farm buildings into 5 units of residential holiday accommodation - Little Abbey Farm Golden Gym Pentney

RESPONSE TO CONSULTATION

Parish Council: OBJECTION The proposal will increase traffic flow on a road already heavily used and with limited width. There are concerns at the already well provided holiday accommodation in the village becoming excessive.

Highways Authority: NO OBJECTION It is my understanding from you that the application would be limited to the two units, which would generate only light levels of traffic. On that basis I would not be against the principle of the application.

Community Safety & Neighbourhood Nuisance: NO OBJECTION Following the receipt of additional information I consider that we have no grounds to object subject to conditions being imposed relating to foul and surface water drainage and the use in conjunction with Little Abbey Farm.

Environmental Health & Housing - Environmental Quality: NO OBJECTION subject to condition.

The application includes a pre-determination questionnaire which shows the current land use to be grazing for livestock such as pigs and chickens. The land appears to consist of rough grassland and may contain some waste materials in the near surface soils. The questionnaire states that it is 'proposed to remove top 200mm of existing topsoil and replace with 200mm topsoil and seed for grass'. The NPPF states that planning decisions should ensure that a site is suitable for its proposed use taking into account ground conditions and any risks arising from contamination. This includes risks arising from former activities and any proposals for mitigation. Further site investigation is not considered necessary as the site can be made suitable for the proposed use with the proposed mitigation measure. Therefore a condition is required to ensure that the mitigation takes place.

Natural England: NO COMMENT refer to standing advice.

REPRESENTATIONS

No third party representations received.

LDF CORE STRATEGY POLICIES

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS10 - The Economy

CS11 - Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM2 – Development Boundaries

DM11 – Touring and Permanent Holiday Sites

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 issues to consider when determining this application are as follows:

Principle of Development
Visual Impact
Impact upon neighbour amenity
Highways Issues
Other material considerations
Crime and Disorder

Principle of Development

The application site is within the parish of Pentney which is classed as a 'small village and hamlet' within the settlement hierarchy established by Policy CS02 of the Core Strategy 2011 and is therefore within the countryside as there is no development boundary.

The application site is adjacent to the existing farmhouse 'Little Abbey Farm' which is a working farm which has an established bed and breakfast business. This application effectively seeks to add two additional 'rooms' which would both have an en-suite but rely upon the services of the bed and breakfast for management, cleaning of rooms, providing meals etc. Consequently the application seeks provide two 'cabins' in order to expand the existing business.

The NPPF is supportive of building a strong and competitive economy and this includes (para 83) supporting a prosperous rural economy which includes agricultural diversification and sustainable rural tourism developments which respect the character of the countryside. This is reiterated within Policy DM2 'development boundaries' of the Site Allocations and Development Management Plan (SADMP) 2016 which states that new development will be restricted in areas outside the development boundary and will be limited to those identified as suitable in rural areas by other policies within the local plan which include farm diversification and tourism facilities.

Policy CS06 of the Core Strategy 2011 is supportive of farm diversification schemes for business purposes provided it helps to sustain the agricultural enterprise, is consistent in scale with its rural location, is beneficial to the local economy and does not adversely affect the surrounding area or detract from residential amenity. The agricultural business has already diversified into providing bed and breakfast and this application seeks to expand this.

Policy CS10 of the Core Strategy 2011 states that smaller scale tourism opportunities will be supported in rural areas to sustain the rural economy, provided they are in sustainable locations and are not detrimental to the natural environment. New accommodation should be located in or adjacent to villages, should be of a high standard of design, not detrimental to the landscape and mechanisms will be put in place to retain the tourism related use. This is reiterated within Policy DM11 'Touring and Permanent Holiday Sites' of the SADMP 2016 which states that proposals for extensions to, or the intensification of existing holiday accommodation will not normally be permitted unless supported by a business plan, demonstrates a high standard of design / screening, can be safely accessed and is in accordance with policies on flood risk. Conditions will also be placed on any accommodation to ensure that the occupation is restricted accordingly.

Consequently the proposal is considered acceptable in principle.

Visual Impact

The proposed 'log cabins' are small in scale and of an interesting octagonal design incorporating a bedroom and en-suite (measure 4.9m in height and have an octagonal floor area of 5m x 5m, with an overhanging roof) with timber cladding and timber shingles on the roof. They would be viewed from across the fields in conjunction with the existing farm and associated buildings but it is also proposed to condition landscaping along the eastern side of the application site (agreed by the agent).

Overall it is considered that the proposal would not have an adverse impact upon the surrounding countryside.

Impact upon neighbour amenity

There are no immediate neighbours to the proposal. The closest neighbours are located to the north of the vehicular access on Golden Gym approximately 150m from the proposed cabins. It is therefore considered that the proposal would have no material impact upon neighbour amenity.

Highways Issues

The application site is accessed via Golden Gym and Low Road which are narrow and the Parish Council object on this basis, however the proposal is not considered to generate a significant level of traffic and there are no objections to the proposal from the Highways Officer. The proposal is for two 'log cabins' which constitute operational development and should the applicant wish to increase the number of log cabins on site further planning permission would be required.

Other material considerations

The proposal is within flood zone 1 of the SFRA 2018 and therefore no Flood Risk Assessment is required.

The agent has agreed to pre-commencement conditions relating to surface and foul drainage arrangements as whilst it is proposed to use a package treatment plant full details are not yet known.

A pre-commencement condition relating to implementing the topsoil replacement scheme submitted within the Pre-determination questionnaire has also been agreed with the agent.

Whilst the proposal is within a buffer zone of the River Nar SSSI (Grassland Habitat – floodplain grazing marsh) it is not considered that the proposal would adversely impact upon the SSSI.

Crime and Disorder

No issues relating to crime and disorder have are expected to arise due to this application.

Conclusion

The proposed holiday 'cabins' would constitute an expansion of an existing bed and breakfast facility which forms part of the diversification of an existing agricultural business. The proposal would not have an adverse impact on the surrounding countryside, nor neighbour amenity and can be conditioned for holiday use only in conjunction with the existing business. Overall the proposal is considered to comply with the principles of the NPPF 2018, Policies CS06 and CS10 of the Core Strategy 2011 and Policy DM11 of the SADMP 2016 and as such it is recommended that Members approve the application.

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.

Planning Committee
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- 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 GL7238/001RevB received by the Local Planning Authority on 1st July 2019.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: No development shall commence until full details of the foul and surface water drainage arrangements for the site, including percolation test results, 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.
- 3 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.

- 4 Condition: The topsoil removal and replacement scheme set out in Pre Determination Questionnaire dated 07/03/2019 must be carried out 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 works including chemical analysis of imported topsoil.

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

- 4 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.
- 5 Condition: Prior to the first use or occupation of the development hereby approved, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include finished levels or contours and any hard surface materials. The soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate and should ensure that adequate planting is in place along the eastern boundary of site in order to provide screening of the development hereby approved.
- 5 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 6 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

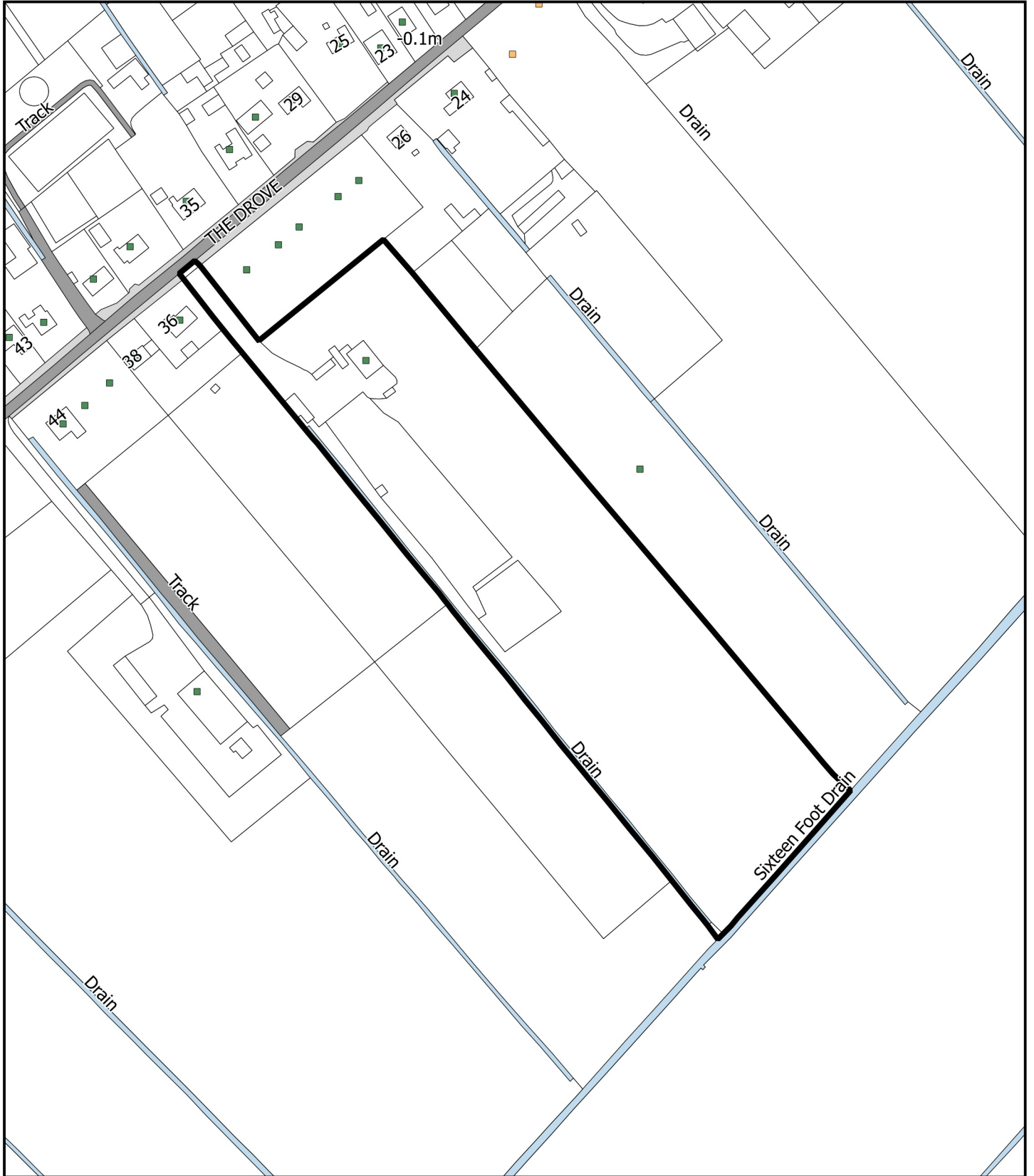
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the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.

- 6 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 7 Condition: The development hereby permitted shall remain in the ownership / control of the occupier of the associated dwelling known as Little Abbey Farm, Golden Gym, Pentney, and shall at no time become a separate commercial site.
- 7 Reason: For the avoidance of doubt and to ensure that the buildings are not used for unrelated purposes as that would require further consideration.
- 8 Condition: The accommodation hereby approved shall be occupied for holiday purposes only and shall be made available for rent or as commercial holiday lets;
The accommodation shall be for short stay accommodation only (no more than 28 days per single let) and shall not be occupied as a person's sole or main place of residence;
and
The owners / operators shall maintain an up-to-date register of lettings / occupation and shall make this available at all reasonable times to the Local Planning Authority.
- 8 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.

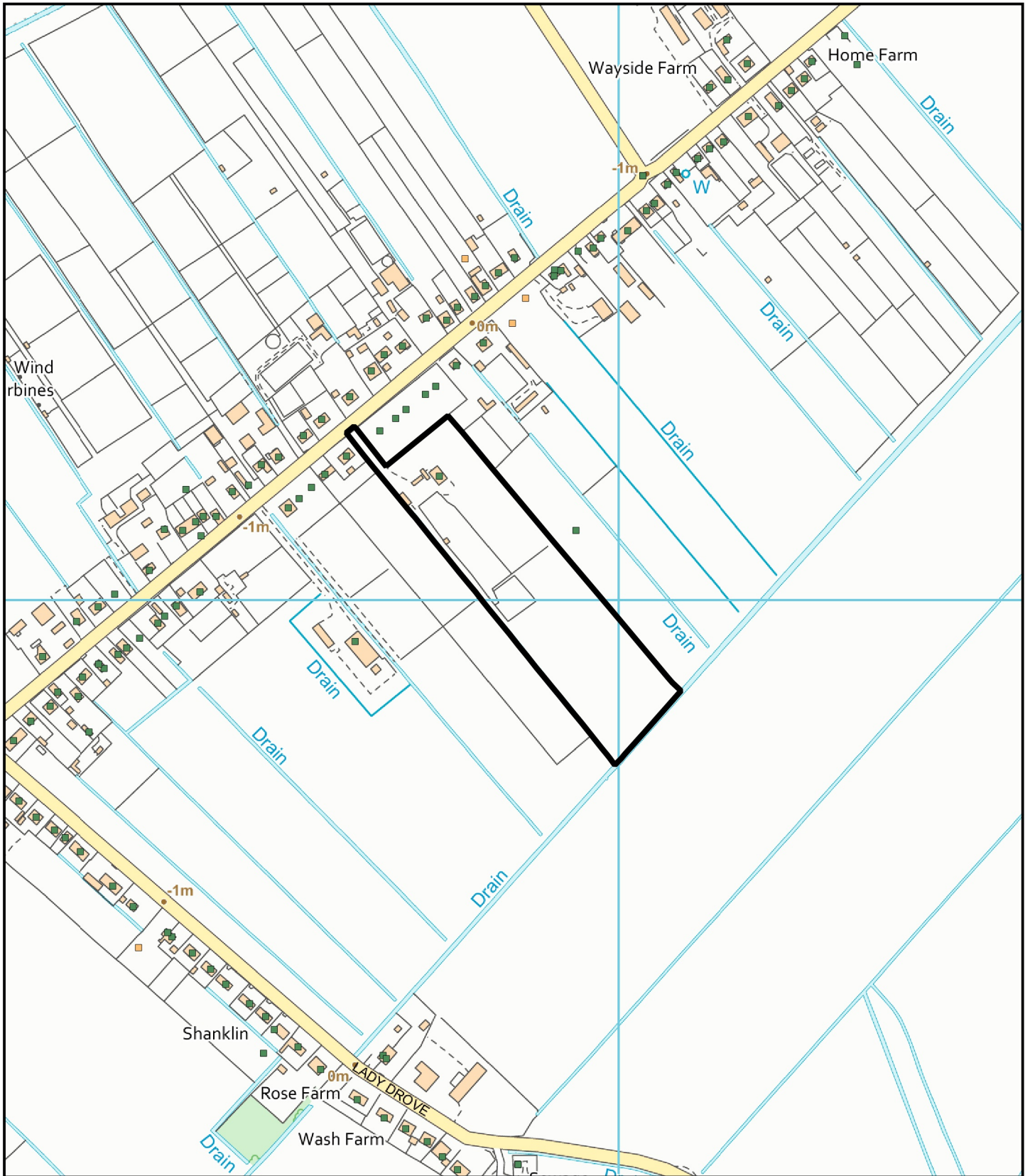
18/01957/F

Wilks Place 34 The Drove Barroway Drove



18/01957/F

Wilks Place 34 The Drove Barroway Drove



Parish:	Stow Bardolph	
Proposal:	Change of use of land from ostrich farm to ostrich farm, livery, dog walking field, storage of vintage vehicles and continued temporary retention of two mobile homes	
Location:	Wilks Place 34 The Drove Barroway Drove Norfolk	
Applicant:	Mrs J Wilks	
Case No:	18/01957/F (Full Application)	
Case Officer:	Mr K Wilkinson	Date for Determination: 27 December 2018 Extension of Time Expiry Date: 29 July 2019

Reason for Referral to Planning Committee – Deferred from 29th April 2019 Committee meeting

Neighbourhood Plan: No

Member Update

Members may recall that this application was referred to the Planning Committee at its meeting on 29th April 2019. It was resolved that the application be deferred in order to allow more information to be supplied on the business plan.

In the interim the proposal has now removed the contentious dog day care/boarding use, but maintains a dog walking/exercise use in the field to the rear/south-eastern quadrant of the site. The DIY livery has been increased from 4 to 5 horses in the modified stable block; and the storage of vintage vehicles in the unaltered main barn has increased from 2 to 5 (given the increased area due to the removal of the previously proposed runs and kennels).

Case Summary

The site lies on the south-eastern side of The Drove, Barroway Drove approx. 450m to the north-east of its junction with Lady Drove. It comprises an area of approx. 3Ha and contains two mobile homes and a collection of agricultural buildings. Vehicular access is gained from The Drove via an existing gated track.

The two mobile homes were granted temporary permission in September 2016 for a period of three years in order to establish an ostrich farm.

This proposal now seeks a further temporary permission for the retention of the mobile homes and diversification of the ostrich farm business to include DIY livery, dog walking field and storage of vintage vehicles.

Key Issues

Principle of development

Impact upon character and appearance of the countryside
Impact upon neighbouring properties
Flood risk
Other material considerations

Recommendation

APPROVE

THE APPLICATION

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The two mobile homes were granted temporary permission in September 2016 for a period of three years in order to establish an ostrich farm.

This proposal now seeks a further temporary permission for the retention of the mobile homes and diversification of the ostrich farm business to include DIY livery, dog walking field and storage of vintage vehicles.

SUPPORTING CASE

The agent has submitted the following statement in support of this proposal:

THE SITE

The site consists of approximately 8 acres in the area classed as countryside.

It is reached by a 10 metres wide access driveway from Barroway Drove, the driveway being approximately 48 metres long.

The land then widens out to a parcel of land approximately 90 metres wide by 350 metres long, as shown on location plan 18/8/2095.

There are numerous existing buildings on the land as shown on block plan 18/8/2095/1A which consist of a steel framed building and timber storage and stable buildings.

The land has been fenced into pens for retaining ostriches and emu's with the remainder left as paddock for both hay and horses.

THE PROPOSAL

The amended planning application number 18/01957/F is for

“The change of use of land from ostrich farm to ostrich farm, livery, dog walking field, storage of vintage vehicles and continued temporary retention of two mobile homes.”

In 2015 Mr & Mrs Wilks purchased the parcel of land in Barroway Drove with the intention of building a dwelling for their family of five children and to start up a business on the land to produce sufficient income to sustain the family.

Mr Wilks researched the possibilities of rear ostrich for both eggs and meat and the business commenced.

In February 2016 the planning permission for the dwelling was refused on appeal and the family were forced to continue living in the two mobile homes as they need to be on site to support the then established ostrich farm.

Temporary planning permission was granted for the mobile homes in September 2016 under reference number 16/00822/F to see if Mr Wilks could make a living from his ostrich farm.

Unfortunately on 17 January 2018 Mr Wilks took his own life leaving his wife and five children to try to carry on.

Rather than give up, Mrs Wilks has looked at ways of continuing the business by adding other projects such as horse stabling, kennels for dog day care, hay production & storage and selling duck, geese and ostrich eggs, plant growing and sales.

All of the above could be seen in Mrs Wilks business plan previously supplied.

The application was put before the planning committee on Monday 29th April 2019 and because of the local opposition to the doggy care proposal the decision was deferred for further consultation.

Mrs Wilks has now decided to abandon the doggy care proposal and substitutes the following in its place:-

1. Renting part of the field for a dog walking area.
2. Renting building C for storage of cars.

The new business plan now incorporates these changes.

PLANNING POLICY

The NPPF states that the rural economy should be supported, and a positive approach taken to sustainable new development.

Policy DM6 refers to the applicant providing clear evident that "The proposed enterprise has been planned on a sound financial basis," and the business plan does imply that it has.

Mrs Wilks is asking that she be given the time to prove that her business plan is sound and that she will be able to continue providing a home for herself and her children.

PLANNING HISTORY

16/00822/F: Application Permitted: 08/09/16 - Retention of two mobile homes

15/01273/O: Application Refused: 06/10/15 - Construction of 1½ storey dwelling - Appeal Dismissed 11/02/16

11/01351/F: Application Permitted: 04/10/11 - Retention of agricultural storage building

RESPONSE TO CONSULTATION

Stow Bardolph Parish Council: (Original scheme) NO OBJECTION- however, they wish it to be noted that they would be unlikely to support any further application for continued retention for the mobile homes until such time as the applicant can show the objectives of the business plan are being met and a sustainable income is being provided.

(Amended proposal)

To be reported as late correspondence

Highways Authority: (Original scheme) NO OBJECTION - The impact in relation to traffic generation from this application compared to the potential existing class uses is likely to be similar and as a result I would not wish to restrict the grant of permission. Condition that access gates are positioned a minimum of 5m from the near channel edge of the adjacent carriageway.

(Amended proposal)

With respect to the alterations for the dog walking proposals, I would not have an objection to the alterations and continue to recommend previous highway conditions.

Emergency Planning Officer: NO OBJECTION – Because of its location in an area at risk of flooding I would suggest that the occupiers: should sign up to the Environment Agency's flood warning system; and a flood evacuation plan should be prepared.

Environment Agency: (Original scheme) NO OBJECTION - Ultimately, we leave the local planning authority to make the decision as to whether this proposal in an area which is at tidal flood risk is acceptable to the safety of the future occupants. If permission is granted, we would recommend a time limit is placed on the siting of caravans at the site so that they are not used for longer than 3 years. After this point, a more sustainable proposal for the site must be put forward e.g. a residential dwelling which is designed in accordance with the King's Lynn and West Norfolk Flood Risk Design Guidance.

Internal Drainage Board: (Original scheme) NO OBJECTION - The Council should satisfy itself that there is a proper method of surface water disposal on the site.

Environmental Health & Housing – Community Safety & Neighbourhood Nuisance: (Original scheme) NO OBJECTION subject to conditions relating to noise mitigation measures, limit to number of dogs and horses, hours of operation, areas of exercising, waste disposal and foul & surface water disposal. Confirm the surrounding structure of the kennels element within the building (walls and ceiling) shall contain 150mm of Rockwool/fibreglass. This also applies to the external walls of the remainder of that building.

(Amended proposal)

To be reported as late correspondence.

Environmental Health & Housing - Licensing Officer: (Original scheme) NO OBJECTION - The new guidance requires that good levels of light are maintained for access to kennels; this can be natural or artificial. As for ventilation the requirement is for managed, fixed or portable air system to ensure appropriate temperatures are maintained in all weathers. This can be an air conditioning unit or use of removable fans. As good ventilation is important to maintain healthy dogs whilst avoiding exposing dogs to direct draughts.

(Amended proposal)

No longer relevant as dog day care/boarding has been removed from the development.

REPRESENTATIONS

A total of **eighteen** items of correspondence received **objecting** to the original scheme on the following grounds:

- Noise impact from dogs barking and visiting customers (both livery and dog day care);
- Agricultural building not suitable to accommodate kennelling;
- Waste disposal;
- Construction of kennelling and stables has already commenced;
- No licence for the proposed facilities;
- This is not an isolated location – close to dwellings both new and existing;
- Access does not meet County Highway standards with regards to visibility and surfacing (only 2.4m x 10-15m, not the required 45m);
- Dog care/kennelling does not conform to an agricultural enterprise and is inappropriate to CSNN guidelines;
- Building has restriction on it for use for agricultural purposes only (11/01351/F) – use for dog kennelling cannot be introduced;
- Precedent set for other agricultural businesses introducing kennels;
- Previous application for agricultural building showed existing sheds to be removed – still on site and converted to stabling;
- Adequate grazing for horses? Welfare guidelines for the British Horse Society indicate 0.5Ha per horse or 1 – 1.5 Acres per horse and there are 5 horses indicated in this proposal;
- Substandard size of stables;
- Wording of application very vague not clear for commercial use;
- Inconsistencies in the business plan do not correlate to discussions with CSNN – 5 stables livery but 3 horses mentioned to officer, 80 ostrich eggs quoted per year but only produce 25 eggs per year per bird;
- Flood area – finished floor levels of dwellings built on frontage of The Drove have been raised by 1325mm above ground level, yet mobile homes have not been raised to the same level;
- Costs of stable conversion and kennelling plus upgrading access have not included in the business plan;
- No lighting plan;
- Maximum income prediction of £8360 not a sustainable business income for a family to live on;
- Site has 8 year history of unauthorised uses and structures that the Planning Department has not dealt with issues arising;
- Notification of application was not directly received which is unlawful;
- Whilst appreciate personal difficulty for the applicant, personal circumstance cannot be taken into consideration when determining this application;
- Unauthorised signs already erected advertising businesses;
- Close to rear boundaries of dwellings under construction on frontage of The Drove (not shown on submitted plans);
- Mobile homes will overlook the dwellings being built on the road frontage;
- Application for a new dwelling on the site has already been sought, refused and dismissed on appeal;
- If business is viable at the end of this further temporary period, would the Council go further against planning policy and allow a dwelling to be built in this agricultural area behind the established building line?
- Unreasonable to allow a further attempt to establish the business and justify a dwelling when the business case is flawed;

- Do not believe the ostrich farm was viable previously;
- Failure to comply with occupancy restriction as both Mr & Mrs Wilks worked;
- Access way has increased in width – encroachment?
- Dyke filled in so drainage could be problem;
- Area of land does not correspond with previous applications;
- IDB objection withdrawn based on inaccurate information from agent;
- Inaccurate site block plan [OFFICER NOTE: amended plan requested to resolve this discrepancy];
- Suggest repositioning of custom-built kennels to rear of site some 300m away from nearest residents;
- Who will monitor and control conditions?
- EA already investigated the handling of black water on this site;
- Remain particularly concerned regarding the loss of residential amenity, weakness of the proposed business plan, precedent being set for similar developments, retention of the mobile homes in light of the tenuous/non-existent functional need for them;
- Consider that conditions should be tightened up;
- Considers that 100mm soundproof installation is only 2/3rds of that recommended by CSNN (and cites CSNN correspondence);
- Storage of vintage vehicles should be defined and controlled by condition limiting the number of vintage vehicles to 2 and specifying the buildings in which they will be stored;
- Applicant should be required to maintain a register of visitors for Council monitoring purposes;
- Impose a restrictive condition limiting activities that can be undertaken under the GDPO.
- Stipulations should be put in place to ensure the mixed-used balance of the site and to prevent further non-agricultural activities;
- Quantifiable success conditions (to demonstrate the viability of the business at the end of the three year period) and a requirement to demonstrate a clear functional need for the retaining the mobile homes in 2022;
- Foul water drainage conditions should be imposed;
- Condition 2 (occupancy condition) is vague and should be tightened up. Refers to Policy DM6 of the SADMP and queries why the condition has gone away from the existing occupational dwellings model;
- Disagrees with the NCC highways comments regarding the number of vehicular movements – client movements alone will be 32 vehicles per day. Visibility is also impaired when exiting the site;
- Visibility restricted to south-west of access along The Drove;
- The Environment Agency states that the mobile homes should not be used for longer than 3 years as a result of flood risk. The applicant has already had three years and the request to extend for a further 3 years increases the risk;
- No overnight accommodation is required;
- Lack of appropriate drainage to kennels;
- The business has not worked over the last 3 years and therefore Policy DM6 should not apply and there is no exceptional reason to give additional time;
- Failure to comply with the existing occupancy condition – believe that the primary income was from a secondary source and not the rural enterprise;
- The development is neither agriculture nor forestry and development should be resisted in accordance with CS06;
- Drainage and waste is not appropriate and there is no condition relating to drainage;
- Do not consider an additional 3 year presumption in favour of development acceptable nor does the business plan support any figures that would make it possible to build a dwelling for this business after an additional 3 years;
- Occupancy condition proposed this appears to be a relaxation of the existing agricultural restriction.

Three items of correspondence from sources wishing to remain anonymous raising the following matters additional to those raised above:

- Antisocial behaviour experienced.

One item received in **support** of the original application stating:

- Do not believe this will cause any significant extra vehicles or traffic;
- The land will be used to provide an income for this family who have shown commitment to the local community;
- Currently the whole community is dealing with extra vehicles and parking due to all the builders parking on the road and I believe any extra vehicles resulting from this application will be minimal compared to that; and
- The application will also provide a resource for those who live locally wishing to have day care for their dogs or stable facilities for their horses.

Responses to amended proposal:

None at the time of compiling this report, but may be forthcoming and reported as late correspondence.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS10 - The Economy

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM6 - Housing Needs of Rural Workers

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 considerations in assessing this application are as follows:

Principle of development
Impact upon character and appearance of the countryside
Impact upon neighbouring properties
Flood risk
Other material considerations

Principle of development

The National Planning Policy Framework (NPPF) is generally supportive of a prosperous rural economy and states:

“83. Planning policies and decisions should enable:

- (a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- (b) the development and diversification of agricultural and other land-based rural businesses;
- (c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- (d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

84. Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”

It will be noted from the History section above that the mobile homes were introduced in connection with establishing an agricultural enterprise (i.e. an ostrich farm). There was a functional need for a residential presence to ensure appropriate welfare for the livestock.

National policy has recently changed as stated above, and there is more scope for diversification and rural enterprises. The proposed livery would operate from stabling created from conversion of a former barn and a discretely positioned new structure, and the vintage vehicle storage would be contained within the existing portal framed agricultural building. The commercial storage of vehicles would be contained within the main barn (Building C) which would be self-restricting given the floorspace available.

The proposed enterprise therefore generally accords with the guidance in Paragraphs 83(a) & (b) of the NPPF.

The proposal must also be judged against Policy DM6 – ‘Housing needs of rural workers’ of the Site Allocations & Development Management Policies Plan which states inter alia:

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“...Temporary occupational dwellings

4. If a new dwelling is essential to support a new rural based activity, it should normally, for the first three years, be provided by a caravan, or other temporary accommodation.

5. New temporary dwellings should only be allowed to support rural based activities providing:

a. The proposal satisfies criteria 3a and 3b above [OFFICER NOTE: Inserted for ease of reference - 3a. there is a clearly established existing functional need, requiring occupants to be adjacent to their enterprises in the day and at night, 3b. The need could not be met by existing dwellings within the locality,]

b. The application is supported by clear evidence of a firm intention and ability to develop the enterprise concerned (for example significant investment in new farm buildings is often a good indication of intentions);

c. The application is supported by clear evidence that the proposed enterprise has been planned on a sound financial basis...”

With regards to criterion 5a, a functional need was established by the ostrich farm when the mobile homes were introduced onto the site. This has diminished somewhat given the reduced number of birds (3 ostriches & 1 Emu), however the applicant is licenced for up to 20 ostriches and as an agricultural use could be reinstated (it does not however feature in the business case going forward). The livery business, albeit DIY, reinforces the need for a residential presence in connection with animal welfare. The applicant does not own additional land or dwellings beyond this site. It has been argued that the need could be met by existing dwellings in the locality given the recent housing development in Barroway Drove, exploiting the 5 year land supply shortfall and infill policy (Policy DM3 of the SADMPP). However at the time of writing this report, an internet search reveals that there are three 3 & 4+ bedroomed houses currently on the market ranging in value between £260,000 - £560,000, which are likely to be beyond the means of a rural worker. Only one property is available for rent – a 3 bedroomed detached bungalow at £925 pcm (No.102 The Drove) which is approx. 0.7km away from the site and therefore considered to be impractical.

The applicant has invested in converting the older barn into stabling and an additional stable building, and fencing off paddocks. This indicates an intention to develop the enterprise in accordance with criterion b.

The application is now accompanied by an amended business plan which indicates the predicted income and expenditure of the enterprise on an annual basis. This indicates that the business would comprise production and sale of hay, DIY livery, dog walking field, egg sales, ‘over the gate’ plant sales and storage of vintage vehicles. Egg sales were a minor income last year of approx. £400 and going forward it is predicted to be £800 (50 eggs @ £16) it remains part of the mixed use of the overall site in planning terms (the previous two years accounts for the ostrich farm were requested but have not been forthcoming). Hay sales of £1,600 (comprising 400 bales @ £4 each); livery £13,000 (comprising 5 horses @ £50 per week for 52 weeks); storage of five vintage cars £6,000 pa; plant sales at £250 pa and rental of field for dog walking predicted at £520 pa (£10 per week). This provides a gross income of £22,170 per annum.

Expenditure is predicted at £6,816 per annum (comprising seeds at £600, insurance at £864, water at £600, electricity at £1,200, Council Tax at £3000, skip hire/waste removal at £360

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and animal feed at £192). Therefore a predicted profit of £15,354 is shown without the deduction of salary.

Criticism was levelled at the previous figures in that the expenditure was not comprehensive and rather conservative. It is not unknown for embryonic businesses to be non-profit making in the first year due to start up expenditure and then become profitable as they become established.

Although once again, not all the information requested has been submitted, the annual figures supplied predict a profit; there is usually a 'presumption in favour' when trying to establish a business.

Impact upon character and appearance of the countryside

The mobile homes have been located on the site for over 2 years and are seen in context with the existing agricultural buildings on the site. They are set well back from the road frontage and a degree of screening is afforded by a line of mature Poplar trees along the north-western boundary of the site parallel to the highway. Their retention for a further temporary period would not be significantly detrimental to the character and appearance of the countryside as to warrant refusal on that ground alone.

The new stable building is discretely positioned to the rear of the old barn, not open to direct public views, and is not out of character with this existing complex.

Impact upon neighbouring properties

This is the most contentious issue with regards to the grounds of objection. It will be seen in the Representations section above that concerns have been raised in relation to prospective noise and disturbance associated with the intended additional uses and visiting customers.

In response to the criticism received when the earlier proposal was aired at the Planning Committee, the applicant has now removed the dog day care/boarding element from the proposal. However a dog walking field is provided in the rear/south-eastern quadrant of the overall site. It is stated that this is to be used by occupiers of one of the new dwellings recently purchased on the road frontage who have several dogs. Access to the site would be on foot, so there would not be any vehicular movements associated with this specific use. Clarification of the operational details of this use (number of dogs at a time and times of use) have been sought, but have not been provided.

The site plan shows the gated access being modified to have the gates repositioned 5m back from the road to allow vehicles to pull clear of the highway. These gates are proposed to be opened prior to customers arriving, to allow them to pull up to the secondary gates further along the driveway and adjoining the complex/yard and further away from residences, in order to negate concerns regarding disturbance.

The removal of the dog day care/boarding use and increase in the DIY livery by one additional horse plus storage of three cars, is likely to constitute a net decrease in the number of commercial business visitors to the site and a more acceptable inter-relationship with adjoining residences.

Discussions have been undertaken with CSNN colleagues, and indications are such that they are once again likely to raise no objections. The removal of the dog day care/boarding is noted, and the operation of the remaining uses is acceptable, subject to certain conditions covering mitigation measures and hours of operation. Trying to control the dog walking field using conditions would fail the tests applied to their use in terms of enforceability. The best

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way forward would be an Environmental Protection Act informative note being added to any permission, as there are measures to act under Environmental Health legislation against statutory nuisance.

Confirmation of this will be reported as late correspondence.

Flood risk

The site lies within Flood Zones 2 & 3a and Hazard Zone of the Council-adopted Strategic Flood Risk Assessment. The application is accompanied by a site specific FRA which indicates that the floor levels of the mobile homes are set at 500mm above existing ground level and are anchored securely.

The Environment Agency (EA) currently raise no objection, but as stated above ultimately, it is left to the local planning authority to make the decision as to whether this proposal in an area which is at tidal flood risk is acceptable to the safety of the future occupants. If permission is granted, the EA would recommend a time limit is placed on the siting of caravans at the site so that they are not used for longer than 3 years. After this point, a more sustainable proposal for the site must be put forward e.g. a residential dwelling which is designed in accordance with the King's Lynn and West Norfolk Flood Risk Design Guidance.

The temporary use of the site was authorised by the earlier approval for the mobile homes. The applicant is aware of the implications, is signed up to the EA's Flood Warning Scheme, and there is a source of refuge on a mezzanine floor within the main barn above the predicted flood level at breach scenario. Any permission would be for a limited period as previously allowed.

In response to objections raised, there is a distinct difference between permanent housing and temporary accommodation. The new housing in the village has indeed been raised substantially in order to mitigate against extreme flood risk, as it will be there for some considerable time.

Other material considerations

Drainage:

At the time of compiling the first committee report it was understood that the foul water drainage matters were under investigation under the provisions of the Environment Protection Act. It appears that this investigation has not proceeded and the matter, along with surface water, can be covered via condition.

Encroachment on land: Civil matter between concerned parties; similar to ditch issue.

Highway issues: Highway issues were covered in the original report. Securing the repositioning of the front access gates was to be achieved via condition, to allow vehicles to pull clear of the highway. If visibility is impaired to the south-west of the access, it is by virtue of the neighbour's hedge encroaching over highway land. Should this have been an issue of concern to the LHA, it may have been cut back under their powers. The LHA raised no objection to this application.

Adequate grazing/stable sizes for horses: DIY livery is commonly defined as: 'a field or paddock and a stable are normally provided and the owner usually undertakes all care of the horse and provides all hay, feed and bedding'.

There is a distinct difference between acreage requirements for horses where the grassland is to provide total grazing keep for the animal and where it is only to provide supplementary grazing or turnout exercise. In the combined system of management, where the horses is stabled for part of the time, 1 acre per horse may be more than adequate. Even where adequate pasture is available, stabling the horse helps reduce the effects of long term grazing, giving the grass and ground a chance to recover (The British Horse Society – Welfare Dept. publication 2005).

Whilst certain sizes of stables may be suggested by the British Horse Society, these are not planning regulations and customers will assess the accommodation as to meeting their specific needs.

Lighting plan: Not considered to be necessary. Lighting attached to buildings does not require planning permission.

Notification of application: The application was publicised by way of a site notice and adjacent neighbours notified; the development of houses on the adjoining road frontage were not complete or registered for address points. The requirements for publicity were undertaken in accordance with the Town & Country Planning (Development Management Procedure) Order 2015 as amended.

Unauthorised signs: Signs at the entrance to the site, referring to the proposed new commercial uses, have now been removed as a result of an enforcement investigation.

Failure to comply with previous occupancy restriction: The previous temporary permission for the mobile homes contained the following condition:

“2. The occupation of the mobile homes shall be limited to a person solely or mainly working, or last working in the locality in agriculture or forestry as defined by Section 336 of the Town and Country Planning Act, 1990, or a widow or widower of such a person, and to any resident dependants.” The phrase ‘mainly working’ would not preclude secondary occupation/source of income as long as the rural enterprise is the primary source. The business case would however be based solely on the income from the enterprise. No previous concerns regarding breach of condition were forthcoming prior to this application.

Policy DM6 contains a section on the removal of agricultural occupancy conditions, however this relates to existing tied dwelling houses or bungalows, not temporary accommodation during the establishment of a rural enterprise.

Stricter conditions: This is a mixed use and therefore activities that can be undertaken by separate uses under the GDPO are not applicable; so there is no requirement for a restrictive condition. The uses put forward are considered to have adequate controls imposed given the proposed numbers of horses and dogs and limits imposed by conditions. The success of the business would be addressed after the establishment period. Indeed it would be expected to receive audited accounts at that point.

Crime and Disorder: There are no planning related crime and disorder issues raised by this proposed development.

CONCLUSION

The ostrich farm business operated for over two years and the associated mobile homes have a further short period to run, but that business has struggled to become established and profitable. The applicant is seeking to diversify with the introduction of DIY livery, dog walking field and vintage vehicle storage uses. Given the circumstances and if the above

Planning Committee
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operational and mitigation measures are secured via condition, on balance it is considered to be acceptable to allow a further 3 year temporary permission for the mobile homes in order to establish a profitable rural business.

RECOMMENDATION:

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

- 1 Condition: This permission shall expire on 28.07.2022 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 mobile homes shall be removed from the site,
 - (b) the use of the land for that purpose shall be discontinued, and
 - (c) there shall be carried out any work necessary to reinstate the application site to its condition prior to the mobile homes being brought onto the site.

- 1 Reason: In order that the Local Planning Authority may retain control over the development and allow the applicant to establish a viable rural enterprise in accordance with Paragraph 83 of the NPPF and Policy DM6 of the SADMPP.

- 2 Condition: The occupation of the mobile homes shall be limited to a person solely or mainly working, or last working, in the rural enterprise known as Wilks Place (hay, livery, dog walking field, eggs and storage of vintage vehicles) on the site indicated on Drawing No. 18/8/2095 Revision A, or a widow or widower of such a person, and to any resident dependants.

- 2 Reason: The site lies in an area where the Local Planning Authority would not normally grant permission for new dwellings. This permission is granted in recognition of the special need for the temporary dwellings in connection with a rural enterprise in accordance with the principles of the NPPF and Policy DM6 of the SADMPP.

- 3 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans: 18/8/2095 Revision A, 18/8/2095/1 Revision C, 18/8/2095/2 Revision A & 18/8/2095/3 Revision B.

- 3 Reason: For the avoidance of doubt and in the interests of proper planning.

- 4 Condition: No more than five horses are permitted to be accommodated on the site at any one time.

- 4 Reason: To define the terms of this permission and to accord with the provisions of the NPPF and Policy DM15 of the SADMPP.

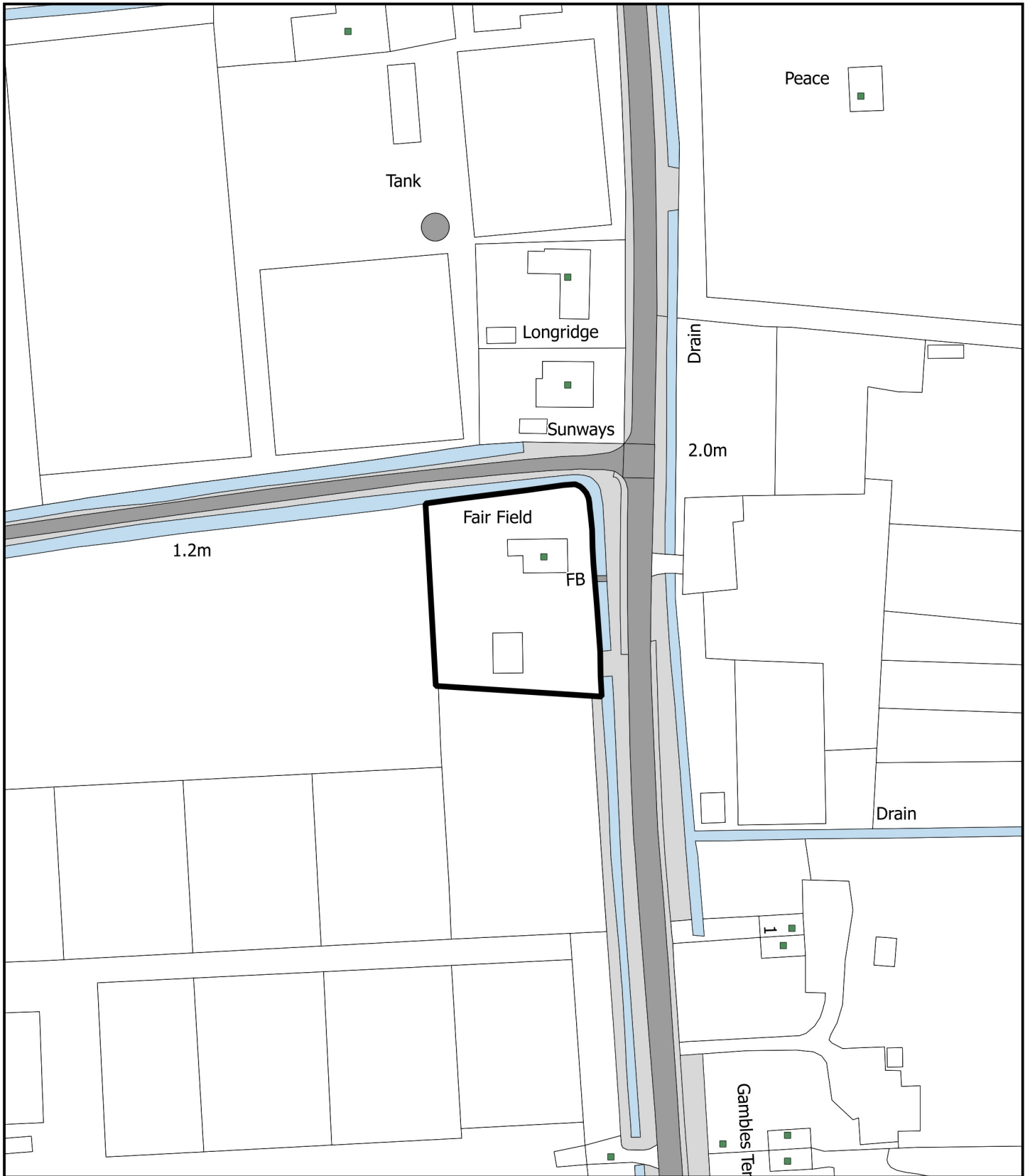
- 5 Condition: Horses shall only be delivered to or collected from the site between the hours of 0800 and 2000 Monday to Saturday, and the hours of 0900 and 1900 on Sundays and Bank/Public Holidays, strictly by appointment only. Owners/customers are only permitted on site to tend to or exercise their horses between the hours of 0800 and 2000 Monday to Saturday, and the hours of 0900 and 1900 on Sundays and Bank/Public Holidays.

- 5 Reason: To define the terms of this permission and to accord with the provisions of the NPPF and Policy DM15 of the SADMPP.

- 6 Condition: Within 1 month of the date of this permission, a skip for the storage and disposal of waste created by horses (including used bedding) shall be located on site. The skip shall be situated at least 10m from the boundary of the site with any neighbouring property. No incineration of horse faeces, bedding or other waste shall occur on site.
- 6 Reason: In order to secure appropriate waste disposal to meet the needs of this facility to accord with the provisions of the NPPF and Policy DM15 of the SADMPP.
- 7 Condition: Within 1 month of the date of this decision, the front gates shall be repositioned as per the approved plans (Drawing No. 18/8/2095/1 Revision C) with the access gates or other means of obstruction hung to open inwards, set back, and thereafter retained a minimum distance of 5 metres from the near channel edge of the adjacent carriageway.
- 7 Reason: In the interests of highway safety to enable vehicles to safely draw off the highway before the gates/obstruction is opened; to accord with the provisions of Core Strategy Policy CS11 of the LDF.
- 8 Condition: The commercial storage of motor vehicles shall be contained within Building C only, as defined on Drawing Nos. 18/8/2095/1 Revision C and 18/8/2095/3 Revision B.
- 8 Reason: To define the terms of this permission and in the interests of visual and residential amenity to accord with the provisions of the NPPF and Policy DM15 of the SADMPP.
- 9 Condition: Within 1 month of the date of this decision, full details of the foul and surface water drainage arrangements for the site shall be submitted to the Local Planning Authority. The scheme shall be implemented as agreed within a further month from the date of agreement and maintained thereafter.
- 9 Reason: To ensure adequate drainage facilities for the site in accordance with the provisions of the NPPF.

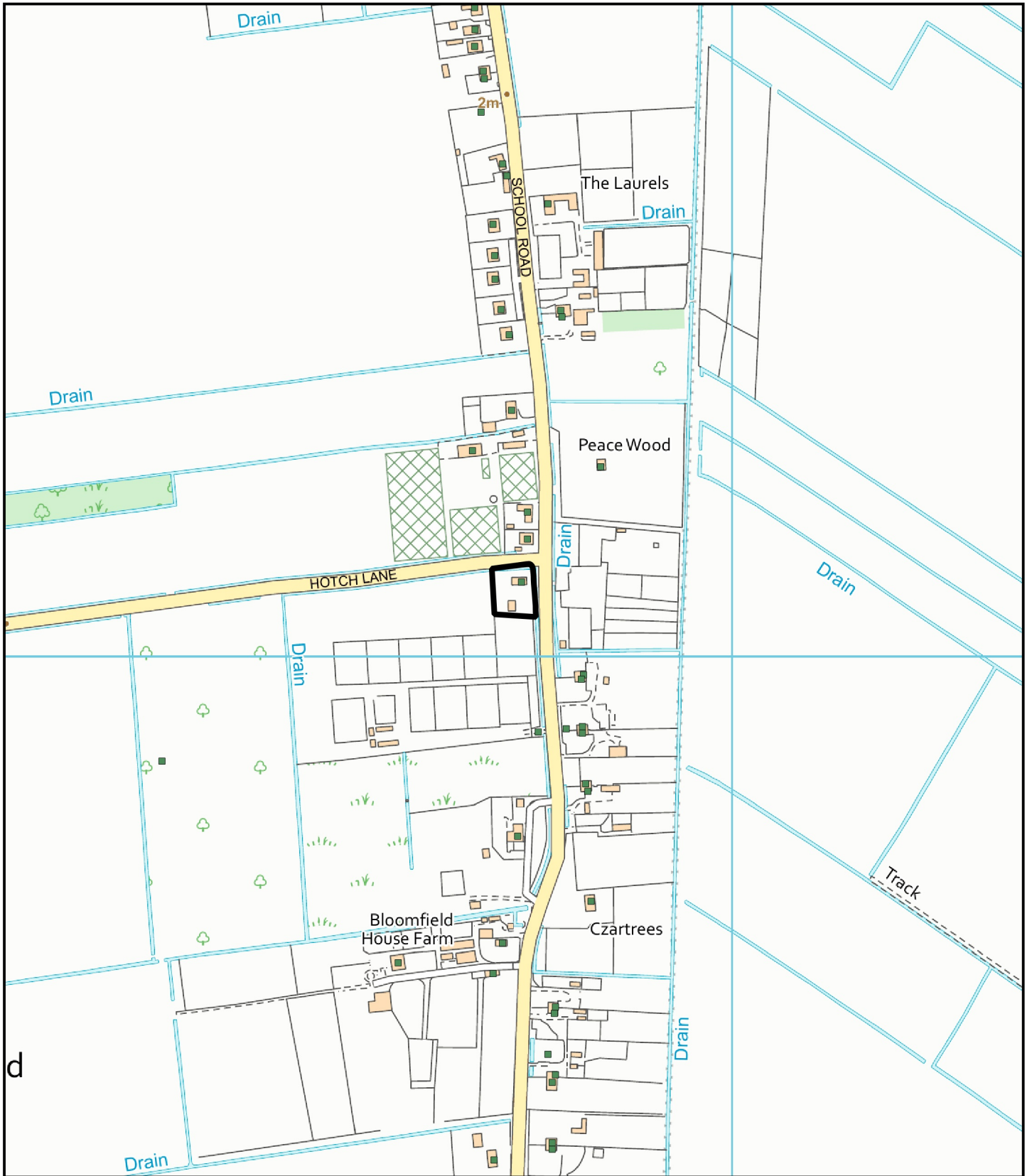
18/01720/F

Fairfield School Road Terrington St John



18/01720/F

Fairfield School Road Terrington St John



Parish:	Terrington St John	
Proposal:	Construction of replacement dwelling	
Location:	Fairfield School Road Terrington St John Norfolk	
Applicant:	Mrs J MacCallum	
Case No:	18/01720/F (Full Application)	
Case Officer:	Clare Harpham	Date for Determination: 23 November 2018 Extension of Time Expiry Date: 5 August 2019

Reason for Referral to Planning Committee – Sifting Panel referral

Neighbourhood Plan: No

Case Summary

Policy DM 5 of the Site Allocations and Development Policies Plan 2016 allows for the replacement of existing dwellings in the countryside provided the design is of a high quality and it will preserve the character and appearance of the area in which it sits.

Key Issues

Principle of Development
Form and Character
Design of Dwelling
Highways Issues
Flood Risk Issues
Other material considerations
Crime and Disorder

Recommendation

APPROVE

THE APPLICATION

The application site is located on the western side of School Road, immediately to the south of the narrow Hotch Lane. On site is a modest single storey dwelling with hipped roof and the site is bounded to the front (east) and north by a ditch with some intermittent hedging within the site which is predominantly conifers. To the western boundary is post and rail fencing and to the south the site is open to land which is in the ownership of the applicant which has an equestrian use.

This part of School Road is characterised by sporadic development with a mix of single storey detached dwellings and two storey semi-detached and detached dwellings. Immediately north of the site and to the north of Hotch Lane are some single storey dwellings and to the opposite side of the road to the south-east of the site are some modest two storey semi-detached fen cottages.

This application is for full planning permission to replace the existing single storey dwelling with a substantial two storey dwelling set back towards the rear of the plot. The two storey element of the dwelling would measure 21.25m in length and be up to 11m in depth. The height to the top of the parapets is 8.80m on plan (8.40m and 8.20m to ridge height) however taking into consideration the height of the finished floor levels which have to be set at 1.9m aOD this has the potential to raise the dwelling by a further 0.75m.

SUPPORTING CASE

The application seeks full planning permission to replace the existing bungalow at Fairfield with a 2-storey dwelling within a countryside location. Policy DM5 of the SADMPP allows for the replacement of dwellings in the countryside where the design is of a high quality and will preserve the character or appearance of the street scene or area in which it sits.

Paying homage to the rural locality, the proposed dwelling has been designed to have an agricultural/barn style appearance including full height glazing details and parapets which are typical traits of rural buildings. The general appearance of the dwelling is something you would typically expect to see in a countryside location, and is therefore sympathetic to the surrounding area. The proposal will present an improvement on the current situation by resulting in a building which is far superior in terms of thermal efficiency than the existing bungalow. This further promotes the quality of the scheme, in the spirit of policy DM5.

The new dwelling will be set back within the site to allow for the applicants to reside in the existing dwelling during the course of construction. The development will provide for three generations of the same family to reside within the property, allowing for an element of care for elderly relatives if and when necessary and for them to live next to their horses which are kept on the neighbouring field. The development provides sufficient parking, turning and private amenity space to serve the proposal in accordance with policies of the Development Plan and the existing landscaping will be retained as far as possible, thereby reducing the ecological impact of the proposal.

The proposal accords with policies of the Development Plan and it is therefore respectfully requested that the application is supported.

PLANNING HISTORY

17/02062/F: Application Permitted: 05/02/18 - Proposed Stable block and associated buildings to replace existing movable stables, the erection of a Manege including lighting to be used in association with the stables and the siting of a temporary Storage container until the Store rooms have been erected. – Fairfield School Road Terrington St John

17/01365/F: Application Permitted: 13/10/17 - Change of use of the land to Equestrian use and relocation of access – Fairfield School Road Terrington St John

RESPONSE TO CONSULTATION

Parish Council: SUPPORT provided the building materials are in keeping with the draft Neighbourhood Plan. This will enhance the street scene.

Highways Authority: NO OBJECTION to the principle. Condition recommended regarding parking and turning prior to occupation.

Environmental Health & Housing - Environmental Quality: NO OBJECTION The proposed development will include the demolition of the existing building. Given the age of the building it is considered highly likely that there will be asbestos containing materials within the building. Therefore an informative regarding the Control of Asbestos Regulations 2012 is requested.

Environment Agency: NO OBJECTION but recommend the mitigation measures proposed in the FRA are conditioned. It is for the LPA to determine whether the Sequential Test has to be applied.

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

DM5 – Enlargement or Replacement of Dwellings in the Countryside

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 issues to consider when determining this application are as follows:

- Principle of Development
- Form and Character
- Design of Dwelling
- Neighbour Amenity
- Highways Issues
- Flood Risk Issues
- Other material considerations
- Crime and Disorder

Principle of Development

The application site is outside the development boundary of Terrington St John as identified by Inset Map G94 of the Site Allocations and Development Management Policies Plan 2016. The principle of replacing existing dwellings in the countryside is acceptable provided they comply with Policy DM5 of the SADMP 2016 which states that replacement dwellings should be of a high quality design and should preserve the character or appearance of the street scene or area in which it sits. Schemes which fail to reflect the scale and character of their surroundings or which would be oppressive or adversely affect the amenity of the area or neighbouring properties should be refused.

The existing bungalow pre-dates the Town and Country Planning Act 1947 and therefore there are no restrictions on its occupancy and the proposal would therefore be for a replacement dwelling with no restrictions required. The application site is large in area but looking at the planning history and Google Earth the application site does look like it was all used as one unit and was likely to all be considered 'garden'. The area of rough grass to the rear of the existing 'barn' looks like a more recent occurrence but was previously more manicured.

Form and Character

This area of School Road is characterised by sporadic development. To the south-east on the other side of the road (opposite the applicant's equestrian use) are a group of relatively modest two-storey semi-detached dwellings which show evidence of extensions over time. To the south of the application site are open fields and stables which are in the ownership of the applicant.

To the north of Hotch Lane are some modest bungalows and agricultural land with associated structures and beyond this, further north are some new relatively large two storey dwellings which were approved when the Borough Council lacked a five year land supply.

The proposal would be much larger in scale than the neighbouring residential dwellings and also the bungalow which it will replace. However, consideration is given to the fact that it would sit relatively well within its large plot, being set back from the road and being screened to some degree to the south by the existing barn/storage building. Members are asked to consider whether the scale of the dwelling would lead to a form of development which would adversely affect visual amenity in the locality.

Design of Dwelling

The proposed dwelling is large in scale measuring 21.25m in length at two storey (24.25m in total) and the depth at two storey being 11m at its widest point. The ridgeline has been

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broken up to some degree by the parapet walls, with the ridge height on the northern end being slightly lower than at the southern end. The windows have been given a more vertical emphasis in order to make the proposed dwelling more 'barn style' on the front (eastern) elevation.

A number of amended plans have been received during the course of the application and these plans are considered acceptable, although given the large scale of the dwelling there will undoubtedly be a visual impact upon the locality and the rural area. The Parish Council support the application provided the materials are in keeping with the Parish draft Neighbourhood plan. Details of the materials are currently unknown but would be conditioned on any decision notice to ensure that they were acceptable.

Neighbour Amenity

There is a dwelling to the north of Hotch Lane and the impact upon this neighbour has been assessed. The proposed dwelling will be to the south-west of this neighbour and given the distance of just over 25m to the neighbouring dwelling (with a single storey garage in between) the proposal would not have a material impact with regard to being overbearing or overshadowing.

There is first floor window in the northern elevation which would serve bedroom 6 and this is 13m from the northern side of Hotch Lane. There are no direct window to window issues and the neighbouring dwelling is approximately 25m from the proposed window with a single storey garage in between. The neighbour has a boundary hedge and there are also some trees along the boundary to the application site which are proposed to be retained. Overall given the distance and the existing screening the proposed window is not considered to cause overlooking to the degree that would warrant a refusal.

There are no other dwellings which would be materially affected by the proposal due to their orientation and distance.

Highways Issues

There are no objections to the proposal from the Highways Officer. The existing access is acceptable and the new parking and turning arrangements will be conditioned.

Flood Risk Issues

The application site is located within Flood Zone 3 of the SFRA 2018. The application is for a replacement dwelling and therefore the sequential test does not need to be applied however the LPA does need to be satisfied that the proposal would be safe for its lifetime. A flood risk assessment was submitted with the application and there are no objections from the Environment Agency subject to the mitigation measures proposed being conditioned.

The finished floor levels will be raised to 1.90m aOD which will be approximately 75cm higher than surrounding ground level at the back of the site. The plans show that the dwelling would be accessed by a raised patio rather than a change in site levels which would be acceptable as they would not give rise to any overlooking issues given the distance to the boundaries (north).

The application form indicates that foul drainage is proposed to connect to the existing drainage system.

Other material considerations

The site has a number of trees and conifers on site, some of which it is proposed to retain. There is a particularly large oak tree to the north-western corner of the site and this is proposed to be retained and will not be affected by the proposal which is on the other side of the existing dwelling. Verbal confirmation was received from the Arboricultural officer that it was acceptable to remove the trees at the rear of the application site which are not protected.

The site has a very large tree to the north-eastern corner and it is not proposed that this tree will be altered. It is on the other side of the existing dwelling and therefore there would be no material impact caused by the proposed development.

The proposed dwelling is set close to the rear of the application site with much of the garden being located to the front of the dwelling. It would not be appropriate in this countryside locality to have close board fencing surrounding the site and therefore a condition would be placed on an approval requiring details of boundary treatments and withdrawing permitted development rights to erect a gate, fence or wall in order to ensure that inappropriate boundary treatment is not erected.

The applicant intends to live in the existing bungalow during construction and therefore a condition would be placed on an approval to ensure the existing bungalow is demolished within three months of the new dwelling being occupied.

Crime and Disorder

There are no issues related to crime and disorder which have arisen due to this application.

Conclusion

The application is finely balanced between the fact that it is acceptable to replace an existing dwelling in the countryside and that the application site is large, with the fact that the proposed replacement dwelling is very large in scale and would be visually prominent in this rural setting. Members are asked to consider these factors when making a decision however on balance it is considered that the application as proposed is acceptable.

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 SE-971/PP2100RevA and SE-971/PP1000Rev both received on 25th June 2019.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 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

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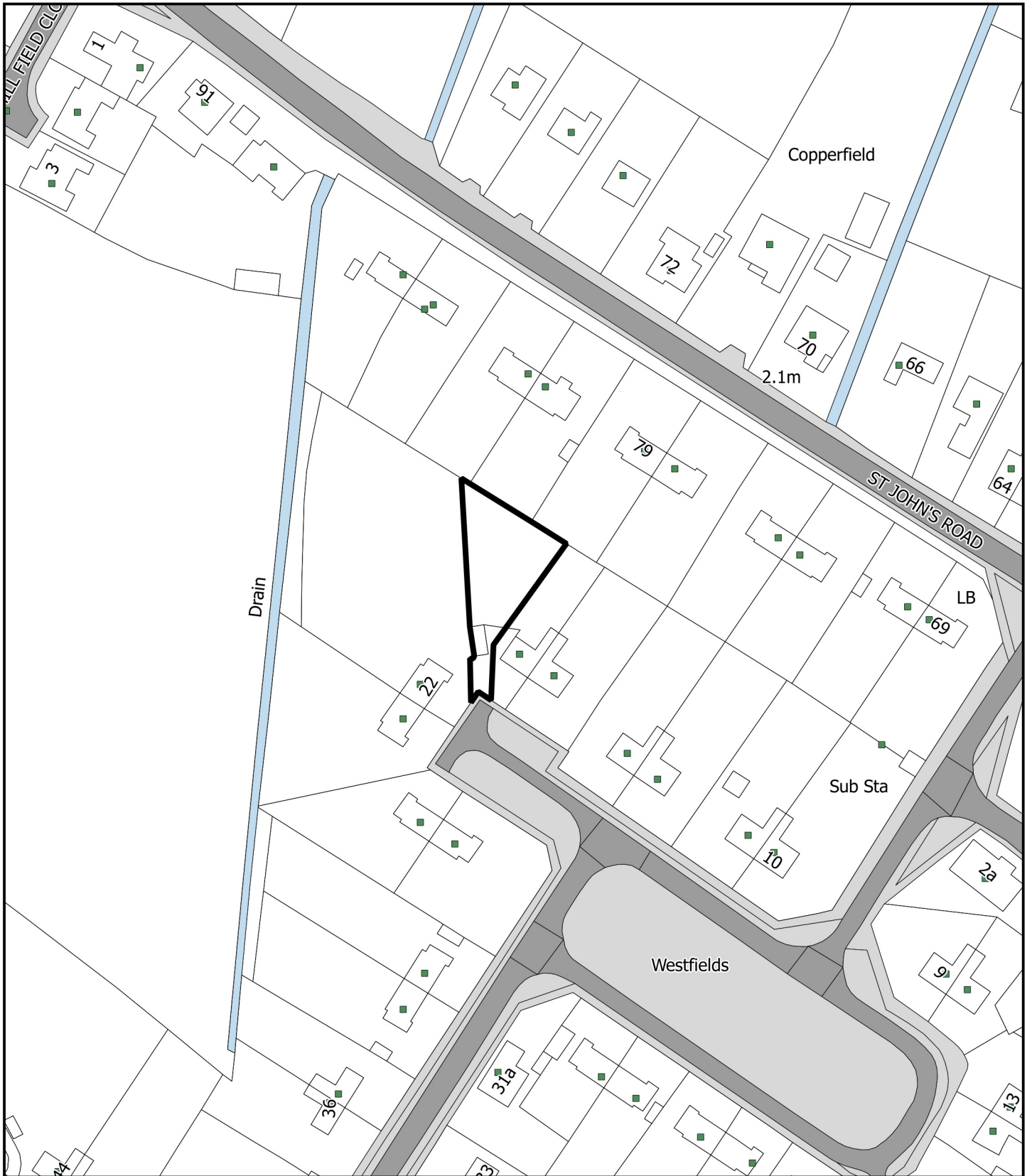
materials to be used for the external surfaces of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

- 3 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 4 Condition: Within three months of the date of first occupation of the dwelling hereby approved, the existing bungalow on the application site and shown on drawings SE-971/01 and SE-971/PP1000RevA shall be demolished and all the materials arising from the demolition shall be removed from the application site unless otherwise agreed in writing by the Local Planning Authority.
- 4 Reason: For the avoidance of doubt and to ensure that the existing dwelling is not used for unrelated purposes that would be incompatible with the provisions of the NPPF and policy DM5 of the Site Allocations and Development Policies Plan 2016.
- 5 Condition: The development hereby approved shall be carried out in accordance with the Flood Risk Assessment by Geoff Beel Consultancy dated July 2018:
 - Finished floor levels shall be raised to 1.90m aOD.
 - Flood Resilient Measures will be incorporated into the design and construction of the replacement dwelling up to 300mm above finished floor level.
 - Bedrooms will be located on the first floor of the dwelling.
- 5 Reason: In order to prevent an increased risk of flooding in accordance with the principles of the NPPF.
- 6 Condition: Prior to the first occupation of the development hereby permitted the proposed access / on-site car parking / turning area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 6 Reason: To ensure the permanent availability of the parking / manoeuvring areas, in the interests of satisfactory development and highway safety.
- 7 Condition: Prior to first occupation of the development hereby permitted, a plan shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, heights, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the occupation hereby permitted is commenced or before the building(s) are occupied or in accordance with a timetable to be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 7 Reason: To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.
- 8 Condition: Notwithstanding the provisions of Schedule 2, Part 2, 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) no fence, gate, wall or other means of enclosure shall be erected within the curtilage of the dwelling house without the granting of specific planning permission.

- 8 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.

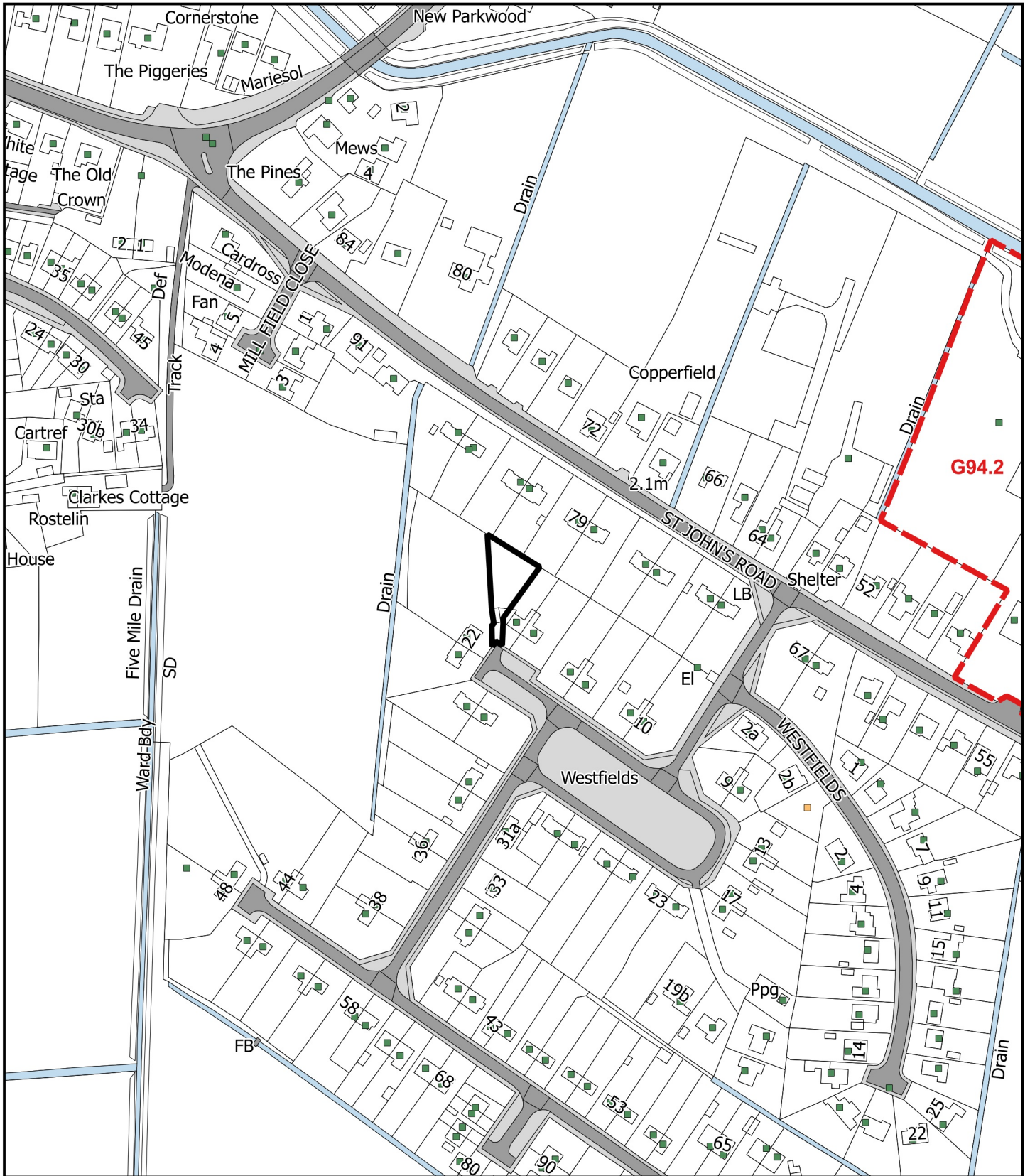
19/00619/F

20 Westfields Tilney St Lawrence



19/00619/F

20 Westfields Tilney St Lawrence



Parish:	Tilney St Lawrence	
Proposal:	Detached two storey dwelling with garage	
Location:	20 Westfields Tilney St Lawrence King's Lynn Norfolk	
Applicant:	Client of Ian J M Cable Architectural Design	
Case No:	19/00619/F (Full Application)	
Case Officer:	Lucy Smith	Date for Determination: 24 June 2019 Extension of Time Expiry Date: 2 August 2019

Reason for Referral to Planning Committee – The council's recommendation if contrary to the views of the Parish Council

Neighbourhood Plan: No

Case Summary

The proposal is for the construction of a detached dwelling in the curtilage of No. 20 Westfields, Tilney St Lawrence. The dwelling is proposed with access via the corner of the existing cul-de-sac. The site is surrounded by residential properties and their gardens on all sides.

The site lies within the development boundary for Tilney St Lawrence.

Key Issues

- Principle of Development
- Form and character
- Impact upon neighbouring properties
- Other material considerations

Recommendation

REFUSE

THE APPLICATION

This part of Westfields comprises semi-detached dwellings and their gardens. The proposed plot is located in a corner, between two pairs of existing dwellings located to the south east and south west.

It is proposed to construct a two storey detached dwelling in the northern corner of this part of Westfields, directly adjacent to No. 20 Westfields. Proposed plans show a detached garage to the rear of the property and parking/turning area to the front, in close proximity to the shared boundary with No. 20. The proposed dwelling measures approximately 8m by 8m, located with less than 1m to the west and 3.6m to the east boundary.

SUPPORTING CASE: None received at time of writing.

PLANNING HISTORY: No relevant planning history.

RESPONSE TO CONSULTATION

Parish Council: SUPPORTS

Local Highway Authority: NO OBJECTION. Recommended condition relating to laying out of access/turning area.

Environment Agency: NO OBJECTION subject to FRA conditions.

Environmental Quality: NO OBJECTION.

REPRESENTATIONS None received.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

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)

PLANNING CONSIDERATIONS

The key considerations when assessing this application are identified as follows:

Principle of development
Form and character
Impact upon adjoining properties; and
Other material considerations

Principle of Development:

The site lies within the development boundary for Tilney St Lawrence which is classified as a Joint Key Rural Service Centre along with Terrington St John and St John's Highway as outlined in CS02 of the Core Strategy (2011). In such areas residential development is therefore considered acceptable subject to accordance with other policies of the local plan. Whilst located inside the development boundary, as garden land, the site is not considered previously developed land for the purposes of the NPPF (2019).

Form and Character:

The importance of design and layout is supported within the revised NPPF (2019), Paragraph 127 states that planning decisions should ensure that developments are visually attractive as a result of good architecture and layout and are sympathetic to local character and the surrounding built environment.

Core Strategy Policy CS08 states: 'All new development in the borough should be of high quality design. New development will be required to demonstrate its ability to ... respond to the context and character of places in West Norfolk by ensuring that the scale, density, layout and access will enhance the quality of the environment.'

The site comprises part of the side garden of No. 20 Westfields, which is on the north side of a cul-de-sac that forms a spur off the rest of Westfields. The cul-de-sac is characterised by equally spaced two storey semi-detached houses that form a uniform pattern within the street scene.

Due to their overall orientation, the properties located in the corners of this part of Westfields are set within larger plots, with substantial side gardens. The construction of a dwelling in this location pays little regard to the prevailing character of the locality and is considered to lead to a cramped form of development to the detriment of the character and visual amenities of the area. The application is therefore considered contrary to policy CS08 of the Core Strategy (2011) which states that new development will be required to demonstrate its ability to respond to the context and character of the area by ensuring that scale, density, layout and access will enhance the quality of the environment. Policy DM15 of the Site Allocations and Development Management Policies Plan (2016) reinforces this, stating:

'The scale, height, massing, materials and layout of a development should respond sensitively and sympathetically to the local setting and pattern of adjacent streets including spaces between buildings through high quality design and use of materials.'

This proposal, located to the north of the donor dwelling within an established cul-de-sac formed of evenly spaced semi-detached dwellings is considered to result in a cramped form of development that is contrary to the form and character of the area. The application is therefore considered contrary to policy CS08 of the Core Strategy (2011) and DM15 of the Site Allocations and Development Management Policies Plan (2016).

Impact upon adjoining properties:

The proposed dwelling, located at an angle with access onto the adjacent cul-de-sac is orientated with windows on the front elevation facing towards the rear of the donor dwelling, providing a viewpoint towards this neighbouring property and its private amenity space. Whilst one window on the front elevation is proposed to be obscure glazed, with approximately 3.6m between the proposed dwelling and the shared boundary, the distance between dwellings is nominal. It is considered that the application would lead to an unneighbourly form of development to the detriment of the amenity of both existing and future occupiers. The potential for and perception of overlooking from both windows on the first floor front elevation (south east) of the property towards the neighbouring property and its private amenity space combined with the close proximity of the dwelling to the donor plot leads to negative impacts on the amenity of occupiers, contrary to policies CS06 and CS08 of the Core Strategy (2011) and DM15 of the SADMP (2016).

Highway Safety:

Changes to the existing access onto Westfields are proposed to allow space for the new dwelling's driveway and turning area. No objections were raised from the Local Highway Authority subject to conditions relating to the laying out of the access prior to occupation.

Flood Risk:

The site is located within flood zones 2 & 3 of the Borough Council's SFRA. An FRA was submitted with the application that has drawn no objection from the Environment Agency. Proposed floor levels are shown at 300mm above adjacent road levels, with 300mm flood resilient construction above FFL to mitigate against a breach of flood defences. The proposal is considered to pass both the sequential and exceptions tests, as there are no reasonably available sites located at a lower risk of flooding, and the site is located in a sustainable location as outlined with policy CS02 of the Core Strategy (2011).

Conclusion:

In conclusion, the proposed new dwelling is considered to constitute a cramped and unneighbourly form of development to the detriment of surrounding properties and the form and character of the area as a whole as outlined above.

The proposal therefore fails to accord with the provisions of the NPPF (2019), Core Strategy Policies CS06 and CS08 of the Core Strategy (2011), and Policies DM2 and DM15 of the SADMP (2016). It is recommended that members refuse the application for the reasons discussed above and detailed below.

RECOMMENDATION:

REFUSE for the following reason(s):

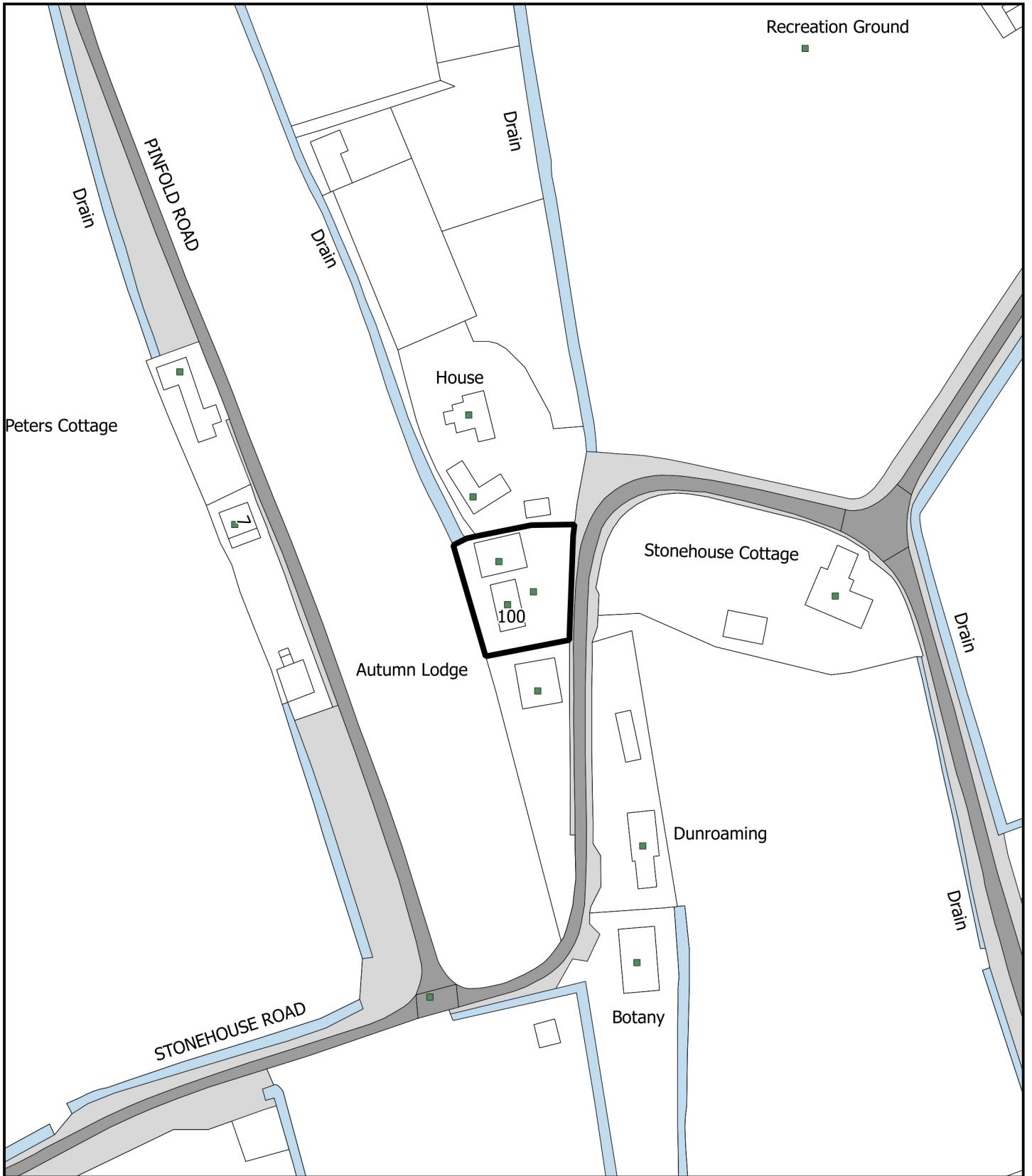
- 1 The prevalent character of this part of Westfields is regularly spaced semi-detached dwellings. The proposed construction of a dwelling in this position would constitute a piecemeal form of infill development that would pay little regard to the prevailing character of the locality. It would result in a comparatively cramped form of development and would fill a gap between properties in a way which fails to maintain the continuity of the street scene and would be inappropriate to its context.

The application is therefore considered contrary to the NPPF, Policies CS06 and CS08 of the Core Strategy (2011) and Policy DM15 of the Site Allocations and Development Management Policies Plan (2016).

- 2 The proposal represents an undesirable and unneighbourly form of development, detrimental to the amenities of the occupiers of adjoining residential properties particularly by reason of perceived overlooking and lack of privacy as a result of the close proximity of the dwelling to the donor plot. The development is therefore considered contrary to the wider aims of the NPPF (2019), policies CS06 and CS08 of the Core Strategy (2011) and Policy DM15 of the Site Allocations and Development Management Policies Plan (2016).

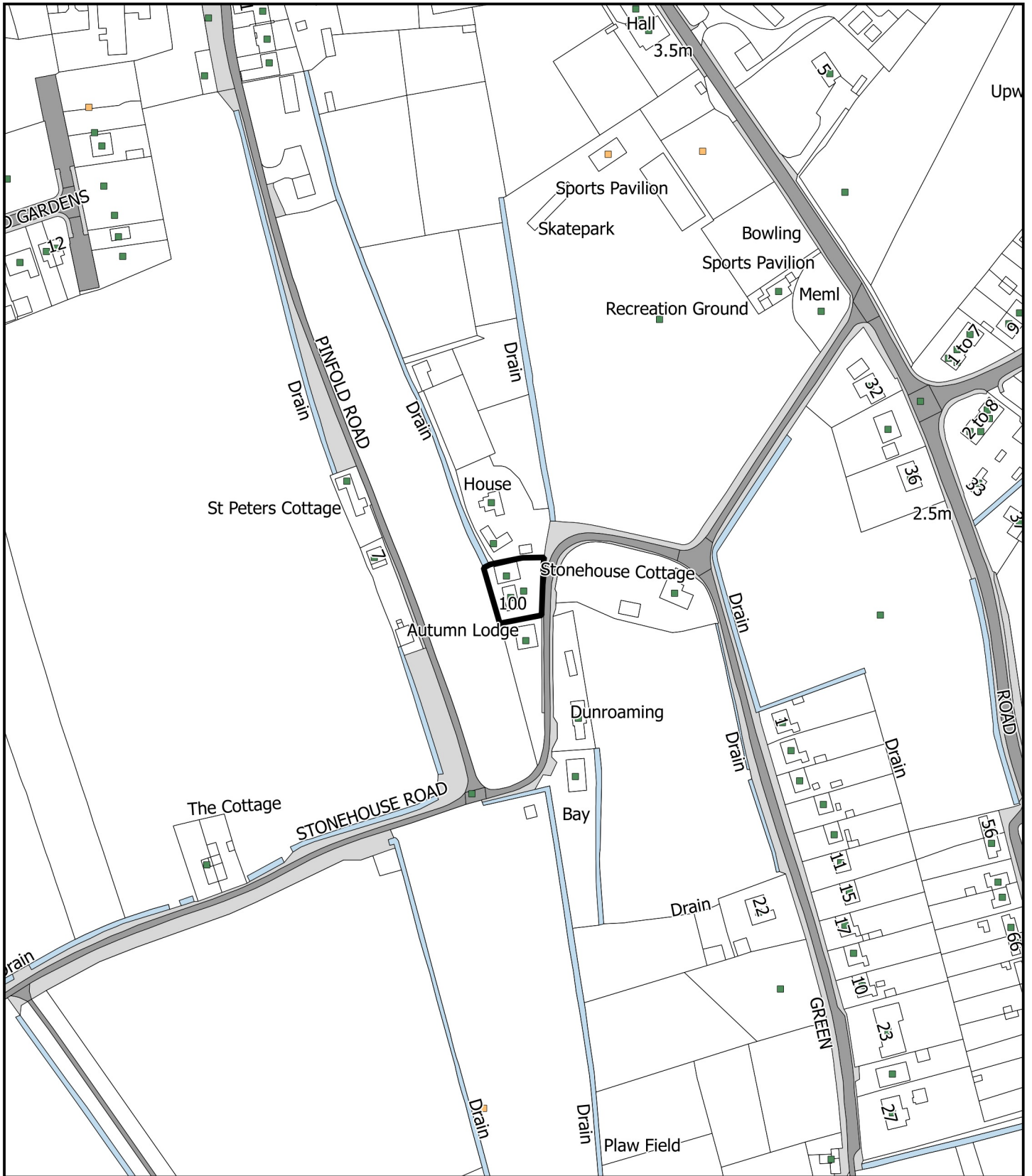
19/00475/O

100 Stonehouse Road Upwell



19/00475/O

100 Stonehouse Road Upwell



Parish:	Upwell	
Proposal:	Outline application: Construction of 2 dwellings to replace mobile residential units	
Location:	100 Stonehouse Road Upwell Wisbech Norfolk	
Applicant:	Stevens And Sharman	
Case No:	19/00475/O (Outline Application)	
Case Officer:	Mr K Wilkinson	Date for Determination: 27 May 2019 Extension of Time Expiry Date: 2 August 2019

Reason for Referral to Planning Committee – Referral from Sifting Panel

Neighbourhood Plan: No

Case Summary

The site lies on the western side of Stonehouse Road, Upwell, approx. 300m by road from the junction with New Road. It lies approx. 150m away from the nearest village development boundary on Green Lane to the south east and therefore is in an area classed as 'countryside' in the Development Plan.

The site comprises an area of approx. 665m² and contains two inhabited portacabins. The site has been a 'tolerated' Gypsy & Traveller (G&T) site without the benefit of planning permission due to the amount of time the units have been on site. It has been recognised as a single pitch with two units and been part of the Gypsy & Traveller Accommodation Assessment (GTAA) for years.

There is a house to the north, chalet to the south, G&T pitch almost opposite to the south-east and agricultural land to the rear/west.

Outline permission is now sought to develop the site with two dwellings; with the exception of the means of access, all other matters are to be reserved for future consideration.

Key Issues

- Planning history and status
- Principle of development
- Impact upon appearance and character of the countryside
- Other material considerations

Recommendation

APPROVE

THE APPLICATION

The site lies on the western side of Stonehouse Road, Upwell, approx. 300m by road from the junction with New Road. It lies approx. 150m away from the nearest village development boundary on Green Lane to the south east and therefore is in an area classed as 'countryside' in the Development Plan.

The site comprises an area of approx. 665m² and contains two inhabited portacabins/mobile homes. The site has been a 'tolerated' Gypsy & Traveller (G&T) site without the benefit of planning permission. It has been recognised as a single pitch with two units and been part of the Gypsy & Traveller Accommodation Assessment (GTAA) for years.

There is a house to the north, chalet to the south, G&T pitch opposite to the east and agricultural land to the rear/west.

Outline permission is now sought to develop the site with two dwellings; with the exception of the means of access, all other matters are to be reserved for future consideration.

The application is accompanied by an indicative block plan, which shows two dwellings with linked garages. The existing access is almost central to the frontage and is proposed to be widened from 6m to 8m. A site-specific Flood Risk Assessment also accompanies the application; the site lies within Flood Zone 1 of the Council-adopted Strategic Flood Risk Assessment.

SUPPORTING CASE

The applicants' agent has made the following statement in support of this application:

"...This planning statement supports the planning application reference number 19/00475/0 made by Stevens and Sharman the owners of the land at 100 Stonehouse Road, Upwell.

THE SITE

The site is at 100 Stonehouse Road, Upwell and consists of 2 mobile homes as shown on drawing numbers 19/3/2115/1 and 19/3/2115/2.

The mobile homes have been on the site for over 40 years and have been continually occupied by the Stevens and Sharman families, which can be verified by their payments to the Council over that period.

THE PROPOSAL

The planning application before you is to remove the old mobile homes and construct 2 new traditionally built bungalows in their place, as indicated indicatively on drawing number 19/3/2115/3.

The application has the support of the Upwell Parish Council and many residents of Upwell who would like to see this part of the village tidied up.

The application is the ideal opportunity to do just that.

In June 2003 planning permission was granted to Mrs Sharman's son & daughter-in-law to remove their mobile home and construct a bungalow to the south of the site under planning reference number 2/03/0409/F.

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The proposed dwellings would be in keeping with this bungalow.

The site is in Flood Zone 1.

The site has not been objected to by the N.C.C. Highways Officer.

The site has not been opposed by the Council's Environmental Scientific Officer."

PLANNING HISTORY

2/74/2391: Refused 03.06.75: Site for standing of 2 caravans (Delegated)

2/77/3317/O: Refused 09.03.78: Site for erection of dwelling (Delegated)

2/80/1851/F: Refused 23.06.80: Use of site for standing of two caravans (Committee) – Dismissed on appeal 19.11.80

2/82/0162/CU/F: Refused 03.02.82: Continued use of standing of 3 caravans (Delegated)

Neighbouring site to the immediate south:

2/02/1468/LD: Approved 02.12.02: Certificate of Lawful Use or Development - Use of land for standing of one mobile residential unit (Delegated)

2/03/0409/F: Approved 24.06.03: Construction of bungalow (Committee)

RESPONSE TO CONSULTATION

Parish Council: APPROVAL subject to the dyke in-fill being inspected upon completion to ensure free flow of water.

Highways Authority: NO OBJECTION subject to condition regarding parallel visibility splay provision.

Internal Drainage Board: No comments received

Environmental Health & Housing – Environmental Quality: No comments

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

DM2 – Development Boundaries

DM5 – Enlargement or Replacement of Dwellings in the Countryside

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.

PLANNING CONSIDERATIONS

The key considerations when assessing this application are identified as follows:

- Planning history and status
- Principle of development
- Impact upon appearance and character of the countryside
- Other material considerations

Planning history and status

It will be noted from the history section that this site has been the subject of previous applications, seeking consent for a building plot and to regularise the use for standing of caravans dating back to the mid-1970s. The former was refused and the latter was refused and dismissed on appeal. It appears from research into our archived records that enforcement action against the caravans was taken but the enforcement notice was withdrawn in August 1976. When the application ref: 2/82/0162/CU/F was refused, further enforcement action was authorised by the committee, but there is no evidence to indicate that this was formally pursued.

The site therefore became a ‘tolerated’ Gypsy & Traveller (G&T) site without the benefit of planning permission. It has been recognised as a single pitch with two units and been part of the Gypsy & Traveller Accommodation Assessment (GTAA) for decades.

With the passage of time the use of the land for the standing of caravans became lawful. This was established by the subsequent Certificate of Lawful Use or Development (ref: 2/02/1468/LD) on the southern portion of the overall site, where the adjoining bungalow with roof accommodation has been built.

The largest mobile home on the site appears to be a twin unit and its dimensions exceed the sizes defined in Section 13 (1) of the Caravan Sites Act 1968. It is therefore considered to be a ‘structure’ given its overall size and degree of permanence.

Principle of development

Whilst the site has been occupied by members of the G&T community, and been counted as a pitch in the GTAA, technically the occupancy of the units has not been restricted. The units on site could therefore be occupied by anyone.

New dwellings in the countryside are usually resisted; however the proposal effectively constitutes the substitution of two mobile homes with two dwellings. Policy DM5 of the SADMP applies which states:

“Policy DM5 – Enlargement or Replacement of Dwellings in the Countryside

Proposals for replacement dwellings or extensions to existing dwellings will be approved where the design is of a high quality and will preserve the character or appearance of the street scene or area in which it sits. Schemes which fail to reflect the scale and character of their surroundings or which would be oppressive or adversely affect the amenity of the area or neighbouring properties will be refused.”

In light of the above, the principle of the development is considered to be acceptable and the layout, appearance, scale and landscaping will be addressed at the reserved matters stage. There is an indicative block plan which shows two bungalows with roof space accommodation and linked garages. This may be a little overambitious given the size of the site and the need to accommodate adequate parking, turning and amenity space – the latter created by the infilling and culverting of a dyke. However the overall design can be negotiated and resolved at the reserved matters stage.

Impact upon character and appearance of the countryside

This will mostly be addressed at the reserved matters stage, but the existing homes are rather old and arguably detract from the amenity of this locality. The re-development of this site presents an opportunity to enhance the appearance and character of this part of the village.

Other material considerations

The Local Highway Authority is content with the proposed access to the site, but recommends a condition to secure a parallel visibility splay across the frontage of 2.4m set back from the carriageway.

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

There are no flood risk implications as the site lies within Flood Zone 1 of the Council-adopted Strategic Flood Risk Assessment.

Foul and surface water disposal are indicated to be via package treatment plan and soakaway respectively. Full details and implementation of these methods may be secured via condition.

The Parish Council recommends that the dyke in-fill is inspected upon completion to ensure free flow of water. This is a matter to be addressed by the Middle Level Commissioners under the provisions of the Land Drainage Act, as the culvert will require their consent.

CONCLUSION

Whilst the loss of a G&T site would normally be resisted as having a negative impact on the provision of pitches within the borough, with the passage of time the use of the land and

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unrestricted occupation of portacabin/mobile homes have become lawful. The principle of replacing two unrestricted units with two single storey dwellings is considered to comply with the provisions of Policy DM5 of the SADMP, and the application is duly recommended for approval subject to certain conditions stated below.

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: With regards to the means of access to the site only, the development shall accord with the approved plan Drawing No. 19/3/2115/3.
- 5 Reason: In the interests of clarity, and to define the terms of this permission.
- 6 Condition: Prior to the first occupation of the development hereby permitted, a 2.4 metre wide parallel visibility splay (as measured back from the near edge of the adjacent highway carriageway) shall be provided across the whole of the site's roadside frontage. The parallel visibility splay shall thereafter be maintained at all times free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.
- 6 Reason: In the interests of highway safety.
- 7 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.

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- 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.

Planning Committee

APPLICATIONS DETERMINED UNDER DELEGATED POWERS

PURPOSE OF REPORT

- (1) To inform Members of the number of decisions issued between the production of the 1 July Planning Committee Agenda and the 29 July agenda. 131 decisions issued 123 decisions issued under delegated powers with 8 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 15/06/2019 – 17/07/2019

	Total	Approved	Refused	Under 8 weeks	Under 13 weeks	Performance %	National Target	DCB decision	
								Approved	Refused
Major	4	4	0		4	100%	60%	1	0
Minor	71	63	8	70		90%	70%	2	2
Other	56	51	5	95		91%	80%	3	0
Total	131	118	13						

Planning Committee made 8 of the 131 decisions, 6%

PLANNING COMMITTEE -

APPLICATIONS DETERMINED UNDER DELEGATED POWERS

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

DATE RECEIVED	DATE DETERMINED/ DECISION	REF NUMBER	APPLICANT PROPOSED DEV	PARISH/AREA
20.03.2019	09.07.2019 Application Permitted	19/00513/F	1 Marsh Side Brancaster Norfolk PE31 8AD Timber framed outbuilding in rear garden	Brancaster
25.04.2019	19.06.2019 Application Permitted	19/00749/F	The Ship Hotel Main Road Brancaster Norfolk Erection of freestanding awning in rear garden area	Brancaster
16.05.2019	03.07.2019 Application Permitted	19/00874/F	Little Tenchleys Broad Lane Brancaster King's Lynn Variation of condition 2 of planning permission 19/00265/F: Construction of a replacement dwelling	Brancaster

05.06.2019	12.07.2019 Tree Application - No objection	19/00088/TREECA	Manor Farm Main Road Brancaster Norfolk T1 - larch beech and T2 - all pine : Remove both trees and replant multiple trees else where on the farm, trees of your recommendation, to counteract the loss within a Conservation Area	Brancaster
10.06.2019	02.07.2019 Application Permitted	18/00129/NMA_3	Peddars Main Road Brancaster King's Lynn NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 18/00129/F: Demolition of existing rear single storey extension and construction of new single story rear extension, refurbishment of existing dwelling adding loft room, demolition of detached garage and construction of new detached garage and associated works	Brancaster
13.06.2019	02.07.2019 Application Permitted	18/01503/NMA_1	Yasumi 8 Mill Road Brancaster King's Lynn NON-MATERIAL AMENDMENT TO PLANNING CONSENT 18/01503/F: Proposed two-storey and single-storey extensions, and alterations to dwelling.	Brancaster
28.05.2019	16.07.2019 Application Permitted	19/00946/A	16 - 18 North Street Burnham Market Norfolk Advertisement Application: two non-illuminated Fascia Signs	Burnham Market

03.06.2019	12.07.2019 Application Permitted	19/00983/F	Merrymeet 8 Kestrel Close Burnham Market King's Lynn Single storey rear extension to accommodate a new kitchen, with drainage into existing facilities, all as per attached drawings.	Burnham Market
10.04.2019	19.06.2019 Application Refused	19/00678/F	32 New Road Burnham Overy Staithe King's Lynn Norfolk 1.5 storey rear extension with side porch extension and internal alterations	Burnham Overy
20.05.2019	12.07.2019 Application Permitted	19/00900/F	Mays Way East Harbour Way Burnham Overy Staithe Norfolk Alterations to fenestration including new glazed gable and removal and replacement of porch	Burnham Overy
08.03.2018	08.07.2019 Application Permitted	18/00416/F	Alberma House Massingham Road Castle Acre Norfolk VARIATION OF CONDITION 24 OF PLANNING PERMISSION 16/02057/F: Variation of condition 34 of planning permission 15/00942/OM: Hybrid Application: Full Planning Application for the demolition of existing buildings and the erection of four dwellings (Class C3) with associated access, landscaping and infrastructure and Outline Planning Application (including Access) erection of up to 11 dwellings	Castle Acre

25.06.2019	11.07.2019 Tree Application - No objection	19/00099/TREECA	The Old Vicarage Priory Road Castle Acre King's Lynn T1-Ash tree and T2-Crab Apple tree along Little Lane: Partial crown reductions to allow access along the lane within a conservation area	Castle Acre
25.04.2019	19.06.2019 Application Permitted	19/00752/F	Havengate Lodge Lynn Road Castle Rising King's Lynn Proposed dwelling following sub- division, conversion of existing building and extension	Castle Rising
20.05.2019	25.06.2019 No objections to Crown application	19/00901/CM	Denver Voluntary Controlled Primary School 19 Ryston Road Denver Norfolk County Matters Application: Replacement surface from grass to soft play area	Denver
26.04.2019	21.06.2019 Application Permitted	19/00772/F	39 Philip Nurse Road Dersingham King's Lynn Norfolk Single storey rear extension and porch to front.	Dersingham
09.05.2019	21.06.2019 Application Permitted	19/00835/F	Whiteways 23 Woodside Avenue Dersingham King's Lynn Construction of an Annexe on the North Elevation and Internal Alterations to existing dwelling.	Dersingham
04.06.2019	11.07.2019 Application Permitted	19/00992/F	48 Doddshill Road Dersingham King's Lynn Norfolk Single and two storey rear extension and alterations including pitched roof over existing garage	Dersingham

21.03.2019	11.07.2019 Application Permitted	19/00528/FM	Whin Close Docking Road Sedgeford Norfolk Erection of 4 poultry sheds and associated development including the provision of 8 feed silos 2 weigh rooms a water storage tank propane gas cylinders and the enlargement of existing hardstandings and drainage works.	Docking
29.04.2019	24.06.2019 Application Permitted	19/00767/F	Oddfellows Manor Fakenham Road Stanhoe Norfolk Variation of condition 2 & 3 of planning permission 16/00965/F: Variation of conditions 2, 3, and 16 and removal of conditions 8, 10, 11, 13 and 14 of Planning Permission 13/01203/F: Construction of two dwellings	Docking
16.05.2019	05.07.2019 Application Permitted	16/00654/NMAM_1	Former Granaries Station Road Docking Norfolk NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 16/00654/FM: Construction of 77 dwellings and ancillary buildings	Docking
21.05.2019	12.07.2019 Tree Application - No objection	19/00084/TREECA	Docking Church of England Primary School And Nursery Well Street Docking Norfolk Trees in a Conservation Area: T1 - sycamore - fell. Included unions at base. T2, T3 and T4 - sycamore, horse chestnut and beech - Crown raise to approx 3/4 meters over playground.	Docking

21.05.2019	09.07.2019 Application Permitted	19/00909/F	School House Church Place Docking King's Lynn Proposed single storey extension	Docking
19.02.2019	21.06.2019 Application Permitted	19/00321/F	Crossing Veterinary Surgery 3 Fairfield Road Downham Market Norfolk Conversion of former veterinary surgery into one dwelling	Downham Market
18.03.2019	17.06.2019 Application Permitted	19/00495/F	Linden Lee 12 Wesley Close Downham Market Norfolk Residential development - construction of 5 detached bungalows with detached garages, along with formation of new access and driveway and associated works	Downham Market
01.05.2019	25.06.2019 Application Permitted	19/00801/F	18 Bridle Lane Downham Market Norfolk PE38 9QZ Variation of conditions 2 and 3 of planning permission 17/00134/F to change the approved plans to include minor changes to dwelling design and inclusion of detached garage	Downham Market
08.05.2019	18.06.2019 Application Permitted	19/00826/F	The Sovereign Centre Sovereign Way Trafalgar Industrial Estate Downham Market Standing of modular building for use as a Mens Shed meeting place	Downham Market
29.05.2019	26.06.2019 DM Prior Notification NOT Required	19/00970/DM	Public Conveniences Howdale Road Downham Market Norfolk Prior notification of proposed demolition of public toilets	Downham Market

12.10.2017	21.06.2019 Application Permitted	17/01914/F	Rear of The Lodge Cottage Main Road West Bilney Erection of storage building (retrospective)	East Winch
14.08.2018	04.07.2019 Application Permitted	18/01481/F	103A Elm High Road Emneth Wisbech Norfolk Continued use as Bed & Breakfast and retention of single storey extension	Emneth
17.04.2019	05.07.2019 Application Permitted	19/00717/F	68A Gaultree Square Emneth WISBECH Norfolk Variation of condition 5 of planning permission 16/01624/O: Two proposed dwellings	Emneth
05.06.2018	18.06.2019 Application Permitted	18/01027/F	Land Adjoining Skye Gardens Feltwell Norfolk Erection of seven dwellings and amendments to access	Feltwell
08.05.2019	03.07.2019 Application Permitted	19/00827/F	Poppy Cottage 17 Bell Street Feltwell Thetford Single storey extension to link main house to existing front annexe and extension to annexe.	Feltwell
01.04.2019	01.07.2019 Application Permitted	19/00596/RM	Ravenscroft Main Road Fincham King's Lynn Reserved matters application for two dwellings	Fincham
21.02.2019	25.06.2019 Application Permitted	19/00332/F	Plot S of Sunset View Winch Road Gayton Norfolk Construction of a dwelling	Gayton
16.05.2019	11.07.2019 TPO Approved Work	19/00049/TPO	Monks Hood Lynn Road Gayton King's Lynn 2/TPO/00304: T1- Beech: Trim back the overhanging branches	Gayton

14.03.2019	10.07.2019 Application Permitted	19/00476/F	Wood Cottage 123 Lynn Road Grimston King's Lynn Construction of wooden cabin and car port for use as a family annexe following demolition of existing outbuilding	Grimston
23.04.2019	12.07.2019 TPO Work Approved	19/00040/TPO	The Consulting Rooms Willow House Watery Lane Grimston King's Lynn 2/TPO/00109: T1 - Mature Ash: Removal of this large ash. T2 - Ash: Permission is sought for a framework pollard, helping ensure that future size and shape can be easily managed and maintained. T3 - Mature Ash: Permission is sought for the removal.	Grimston
07.05.2019	01.07.2019 Application Permitted	19/00824/F	Manor Farm Barn 25 Chequers Road Pott Row King's Lynn Single storey link extension and widen vehicular access	Grimston
24.04.2019	17.07.2019 Was Lawful	19/00737/LDE	60A Neville Road Heacham King's Lynn Norfolk Lawful Development Certificate: Use as a separate residential dwelling	Heacham
20.05.2019	25.06.2019 Application Permitted	19/00893/F	4 Robin Hill Heacham King's Lynn Norfolk Extension to dwelling	Heacham

12.06.2019	12.07.2019 Tree Application - No objection	19/00091/TREECA	Church House Church Lane Heacham King's Lynn T1 Pine - Fell as outgrown location. Several substantial limbs torn off in recent years causing damage to listed building/wall. Removing weight not a feasible option. Replant in rear garden with 2 new similar species. T2 Holm Oak - Re-pollard to original pollard points within a conservation area	Heacham
14.06.2019	12.07.2019 Tree Application - No objection	19/00092/TREECA	28 Hunstanton Road The Green Heacham Norfolk T1 - willow - fell. dead, T2 - sycamore - fell, T3 - laburnum, fell. in decline, G1 - sycamore (3 total) - fell, maintaining understorey, G2 - sycamore - (3 total) fell, maintaining understorey, T4 - ash - raise crown to 4 meters, Replant to replace all felled trees in suitable area in garden within a Conservation Area	Heacham
08.02.2019	11.07.2019 Application Permitted	19/00243/F	Wood Hall Woodhall Road Hilgay Downham Market Conversion of existing stables and out buildings into residential accommodation, and the provision of new garages, car parking and associated works	Hilgay
01.05.2019	24.06.2019 Application Permitted	19/00788/F	Three Gables Lawrences Lane Hilgay Downham Market Single storey side and rear extension to existing bungalow	Hilgay

13.05.2019	28.06.2019 Application Permitted	19/00851/F	Gilmarcy Church Road Hilgay Norfolk Extension to front of bungalow	Hilgay
21.02.2019	27.06.2019 Was Lawful	19/00345/LDE	Calledge Farm Cowles Drove Hockwold cum Wilton THETFORD Lawful Development Certificate for an existing use: Siting of two residential caravans within the site identified by the red line.	Hockwold cum Wilton
21.03.2019	05.07.2019 Application Refused	19/00534/F	129A Main Street Hockwold cum Wilton Norfolk IP26 4LX Retention of static caravan	Hockwold cum Wilton
20.05.2019	02.07.2019 Application Permitted	19/00892/F	Chess Piece 32 South Street Hockwold cum Wilton Norfolk Single storey front infill extension and raised roof with rear dormer to form 2 bedrooms	Hockwold cum Wilton
08.10.2018	18.06.2019 Application Refused	18/01799/A	The Poplars 42 Main Road Holme next The Sea Norfolk Retrospective free standing sign for The Poplars Campsite	Holme next the Sea
18.04.2019	03.07.2019 Application Permitted	19/00723/F	Visitor Centre The Firs Broadwater Road Holme next The Sea Internal and external alterations to visitor centre including the installation of shiplap cladding, reposition oil tank, enlarged store and changing of use from garage to an office	Holme next the Sea

23.04.2019	28.06.2019 Application Permitted	19/00729/F	Perijon 50 Main Road Holme next The Sea Norfolk Extensions and alterations to existing house and garden store (retrospective) and proposed new carport	Holme next the Sea
17.10.2018	18.06.2019 Application Permitted	18/01854/F	31 High Street Hunstanton Norfolk PE36 5AB 3 new AC condensing units to front (retrospective)	Hunstanton
23.04.2019	01.07.2019 Application Permitted	19/00744/F	Golden Lion Hotel 1 The Green Hunstanton Norfolk Alter existing bar to form 6 additional bedrooms with en-suites	Hunstanton
24.04.2019	02.07.2019 Application Permitted	19/00745/LB	Golden Lion Hotel 1 The Green Hunstanton Norfolk Listed Building Application: alter existing bar to form 6 guest bedrooms with en-suites and demolition of disused external shed	Hunstanton
25.04.2019	19.06.2019 Application Refused	19/00753/A	Waterside Bar Beach Terrace Road Hunstanton Norfolk Advertisement application: 2 internally illuminated hanging signs	Hunstanton
30.04.2019	12.07.2019 Application Permitted	19/00778/A	Vacant 15 The Green Hunstanton Norfolk Advertisement application for 1 x internally illuminated fascia sign	Hunstanton

22.05.2019	27.06.2019 Application Permitted	19/00916/F	1 Astley Crescent Hunstanton Norfolk PE36 6HA 3x3m summer house to be positioned to far end of enclosed walled garden at 1 Astley Crescent. Summer house to sit in front of primary front elevation of property.	Hunstanton
04.04.2019	21.06.2019 Application Permitted	19/00630/F	Hall Farm Brickley Lane Ingoldisthorpe Norfolk Variation of condition 2 of planning permission 18/00831/F: Change of use of land to enable siting of 7 holiday lodges (mobile)	Ingoldisthorpe
23.01.2019	09.07.2019 Application Permitted	19/00133/F	73 Friars Street King's Lynn Norfolk PE30 5AP Retention and completion of works: New windows to front, removal of render from front and side elevations and repaint front in cream and side in existing black	King's Lynn
11.02.2019	11.07.2019 Application Refused	19/00249/F	5 Wellesley Street King's Lynn Norfolk Proposed residential development (6 dwellings) following demolition of former vehicle service centre	King's Lynn
21.02.2019	21.06.2019 Application Permitted	19/00333/F	Wooden Tops 31 Norfolk Street King's Lynn Norfolk Part Change of Use from A1 to C3, internal alterations , part demolition and extension/renovation of existing buildings to create 6 apartments.	King's Lynn

12.03.2019	09.07.2019 Application Permitted	19/00448/F	53 Railway Road King's Lynn Norfolk To replace 2 front windows with 2 timber vertical slider sash windows	King's Lynn
21.03.2019	25.06.2019 Application Permitted	19/00532/F	19 Chapel Street King's Lynn Norfolk PE30 1EG Conversion of existing building to create 6 no. residential flats	King's Lynn
29.03.2019	04.07.2019 Application Permitted	19/00582/F	1 Lowfield King's Lynn Norfolk PE30 4RH Change of use of public open space to residential and re-positioning of existing boundary fence.	King's Lynn
25.04.2019	01.07.2019 Application Permitted	19/00754/LB	42 Chapel Street King's Lynn Norfolk PE30 1EF Listed Building Application: Internal alterations to building	King's Lynn
25.04.2019	03.07.2019 Application Permitted	19/00756/F	Tower Court Tower Place King's Lynn Norfolk Proposed demolition of building and re-development of site for 5no. town houses	King's Lynn
07.05.2019	21.06.2019 Application Permitted	19/00814/F	Endurance Care Ltd 25 Wootton Road Gaywood King's Lynn VARIATION OF CONDITION 2 OF PLANNING PERMISSION 18/02283/F: Change of use from D1 non-residential to C3. Internal alterations to provide supported living. Minor external amendments proposed	King's Lynn

07.05.2019	02.07.2019 Application Permitted	19/00815/F	135 Wootton Road Gaywood King's Lynn Norfolk Single and two storey extensions to rear of dwelling	King's Lynn
17.05.2019	25.06.2019 Application Permitted	19/00877/F	West's Renault 1 - 3 Scania Way Hardwick Industrial Estate King's Lynn Signage and display area lighting	King's Lynn
17.05.2019	25.06.2019 Application Permitted	19/00878/A	West's Renault 1 - 3 Scania Way Hardwick Industrial Estate King's Lynn ADVERT APPLICATION: 2 x Renault Fasca 1 x Dacia Fascia 1 x entrance panel 1 x Renault totem 1 x Dacia Totem 1 x display unit	King's Lynn
20.05.2019	09.07.2019 Permitted Development - App not reqd	19/00897/F	15 King Street King's Lynn Norfolk PE30 1ET Variation of condition 2 of planning permission 18/00028/F: Amendments to glazing and cladding to match as built	King's Lynn
22.05.2019	21.06.2019 GPD HH extn - Not Required	19/00920/PAGPD	51 Gaywood Road King's Lynn Norfolk PE30 2PS Single storey rear extension which extends beyond the rear wall by 5.5 metres with a maximum height of 3.68 metres and a height of 2.93 metres to the eaves	King's Lynn

23.05.2019	24.06.2019 NO OBJECTION TO NCC APP	19/00930/CM	Land To The North of Greenpark Avenue & The East of Columbia Way King's Lynn COUNTY MATTERS APPLICATION: Discharge of conditions 9 (sports pitch provision) and 21 (off-site highway works) of planning permission Y/2/2018/2002	King's Lynn
28.05.2019	02.07.2019 Application Permitted	19/00949/F	109 Gaskell Way King's Lynn Norfolk PE30 3SG Single story flat roof garden room extension to rear. Enclosed porch to front	King's Lynn
03.06.2019	25.06.2019 Application Permitted	19/00207/NMA_1	48 Langley Road South Wootton King's Lynn Norfolk NON-MATERIAL AMENDMENT TO PLANNING CONSENT 19/00207/F: Side Extension and internal works	King's Lynn
05.06.2019	16.07.2019 Application Permitted	19/00999/F	6 Suffolk Road King's Lynn Norfolk PE30 4AJ Extension and Alterations to dwelling	King's Lynn
11.06.2019	16.07.2019 Application Permitted	19/01041/F	The Care Company LTD 50 Norfolk Street King's Lynn Norfolk Modification to the first floor to form larger office space with a new dormer window installed within the rear roof slope	King's Lynn
20.11.2018	27.06.2019 Application Permitted	18/02084/F	Land Between 39 And 43 East Winch Road Ashwicken Norfolk New 4 bed detached house with separate garage	Leziate

01.03.2019	05.07.2019 Application Permitted	19/00379/F	Punch Lodge Station Road Little Massingham King's Lynn Outbuilding used for residential use to be converted to residential holiday accommodation	Little Massingham
25.04.2019	21.06.2019 Not Lawful	19/00755/LDP	Abbey House The Street Marham King's Lynn Application for a Lawful Development Certificate for a proposed natural swimming pond in garden	Marham
04.04.2019	28.06.2019 Application Permitted	19/00634/F	Fenhaven 326 Smeeth Road Marshland St James Wisbech Proposed manege	Marshland St James
24.04.2019	19.06.2019 Application Withdrawn	19/00740/F	Meadow View Farm Rustons Road Marshland St James Norfolk Change of Use of existing piggery to residential dwelling with all associated works.	Marshland St James
01.06.2018	09.07.2019 Application Permitted	18/00994/F	Fair View 8 Globe Street Methwold Thetford Construction of 4 dwellings following demolition of single dwelling	Methwold
24.01.2019	12.07.2019 Application Permitted	19/00144/F	Land W of Crown Street N of Hall Farm Bungalow Hall Farm Drive Methwold Norfolk Variation of condition 2 of planning permission 15/01683/FM to amend the approved plans	Methwold

05.04.2019	20.06.2019 Application Permitted	19/00639/F	Rosedene Farm Severalls Road Methwold Hythe Thetford Removal of Existing Lean To and Construction of a New Portal Frame Side Extension to form 700 tonne Box Potato Store and Undercover Access and Undercover Forklift Access and Empty Potato Box Storage Area	Methwold
12.06.2019	11.07.2019 GPD HH extn - Not Required	19/01061/PAGPD	83 Hythe Road Methwold Thetford Norfolk Single storey rear extension which extends beyond the rear wall by 4 metres with a maximum height of 2.65 metres and a height of 2.65 metres to the eaves	Methwold
27.02.2019	05.07.2019 Prior Approval - Approved	19/00365/AG	Nordelph Farm Reservoir Nordelph Farm Nordelph Norfolk AGRICULTURAL PRIOR NOTIFICATION: Proposed balanced cut and fill earthmoving project engineering the existing clay to form an impermeable structurally sound reservoir	Nordelph
18.03.2019	28.06.2019 Application Permitted	19/00497/F	Mill House Bothes Road Nordelph Downham Market Erection of 4 bedroom farmhouse and garages replacing the farmhouse that was destroyed by fire	Nordelph

26.04.2019	27.06.2019 Application Permitted	19/00758/F	Mayfield Silt Road Nordelph Norfolk 2nd storey side extension over existing garage with balcony to rear, new steel frame carport, steel to be clad in oak, single storey side extension to create a further bedroom for the annexe, a new porch will be added and rendered with contrasting cladding	Nordelph
11.06.2019	11.07.2019 GPD HH extn - Not Required	19/01049/PAGPD	Norfolk House 44 Rectory Lane North Runcton Norfolk Single storey rear extension which extends beyond the rear wall by 4.5 metres with a maximum height of 3.5 metres and a height of 3.5 metres to the eaves	North Runcton
01.05.2019	02.07.2019 Application Permitted	19/00795/F	31 Hayfields Road North Wootton King's Lynn Norfolk Single storey rear extension and chimney stack	North Wootton
10.05.2019	19.06.2019 Application Permitted	19/00848/F	1 Ford Avenue North Wootton King's Lynn Norfolk Extension and alterations to chalet bungalow	North Wootton
13.05.2019	19.06.2019 Application Permitted	19/00854/F	Northfield House Manor Road North Wootton King's Lynn Construction of first floor extension to rear and external cladding to dwelling	North Wootton
23.05.2019	09.07.2019 Application Permitted	19/00924/F	Meadow Rise Nursery Lane North Wootton King's Lynn Extension on existing conservatory base	North Wootton

29.05.2019	09.07.2019 Application Permitted	19/00957/F	Wynberry Nursery Lane North Wootton King's Lynn Single storey extension to form larger kitchen & dining area	North Wootton
23.04.2019	01.07.2019 Application Permitted	19/00731/F	High Fen Thornham Road Methwold Norfolk VARIATION OF CONDITION 2 attached to planning permission 14/01070/F: Construction of agricultural workers dwelling	Northwold
03.05.2019	27.06.2019 Application Permitted	19/00808/F	Old Hunstanton Social Club 36 Old Hunstanton Road Old Hunstanton Hunstanton Single and two storey extensions to social club	Old Hunstanton
17.05.2019	21.06.2019 Application Permitted	19/00881/F	Greenbank 12 Old Hunstanton Road Old Hunstanton Hunstanton Two storey extension to dwelling and internal alterations	Old Hunstanton
06.07.2018	20.05.2019 Application Permitted	18/01233/F	Mullicourt House Mullicourt Road Outwell Wisbech Variation of Condition 1 and 2 of Ref: 2/96/0977/F to change owner and increase number of dogs and retrospective application for the construction of 2 blocks of kennels and an outbuilding to be used as a grooming parlour	Outwell
23.04.2019	20.06.2019 Application Permitted	19/00730/F	The Grange Hall Road Outwell Wisbech Removal of condition 5 of planning permission 2/91/0544/O: To remove agricultural occupancy restriction	Outwell

22.05.2019	05.07.2019 Application Permitted	19/00918/F	Land Adjacent Moors Lodge Farm Marsh Road Outwell New agricultural access on to Marsh Road and roadway to serve farm buildings	Outwell
10.06.2019	09.07.2019 Application Refused	17/01048/NMA_1	Land E Church Field SW of 54 Well Creek Road And E of Baldwins Drove Outwell Norfolk NON-MATERIAL AMENDMENT TO PLANNING CONSENT 17/01048/F: Construction of general purpose agricultural barn	Outwell
21.05.2019	11.07.2019 Application Permitted	19/00906/F	15 Church Close Pentney King's Lynn Norfolk Proposed single storey front extension and internal alterations to extend existing lounge	Pentney
26.03.2019	19.06.2019 Application Permitted	19/00553/F	Agricultural Barn Fring Road Sedgeford Norfolk VARIATION OF CONDITION 2 OF PLANNING PERMISSION 15/00389/F: Conversion to residential of existing barn including provision of accommodation at lower ground floor	Sedgeford
20.05.2019	11.07.2019 Application Permitted	19/00903/F	17 The Green Shouldham Norfolk PE33 0BY Extension to dwelling	Shouldham
05.03.2019	21.06.2019 Application Refused	19/00401/F	21 Parkside Snettisham King's Lynn Norfolk New Semi Detached Dwelling	Snettisham

20.05.2019	09.07.2019 Application Permitted	19/00894/F	127 Station Road Snettisham King's Lynn Norfolk Proposed single storey rear extension and alterations including erection of timber car port	Snettisham
03.05.2019	12.07.2019 Application Refused	19/00806/CU	Goldcrest House Avondale Road South Creake Norfolk Extension of residential curtilage for use as garden area	South Creake
12.04.2019	21.06.2019 Application Permitted	19/00691/F	Fairway 15 Low Road South Wootton Norfolk Variation of condition 2 of planning permission 18/01600/F to allow external walls of extension to be built in block and then rendered	South Wootton
01.05.2019	17.07.2019 Application Refused	19/00789/F	The Limes 8 Church Lane South Wootton Norfolk New dwelling	South Wootton
13.05.2019	19.06.2019 Application Permitted	19/00856/F	30 Sandy Lane South Wootton King's Lynn Norfolk Extensions to dwelling	South Wootton
30.04.2019	24.06.2019 Application Permitted	19/00775/F	24 Feltwell Road Southery Downham Market Norfolk Dropped kerb and additional parking and turning area.	Southery
11.04.2019	05.07.2019 Application Refused	19/00689/O	Land N of Beeches Little Lane Stoke Ferry Norfolk OUTLINE APPLICATION: Proposed new three bedroom bungalow	Stoke Ferry
17.05.2019	02.07.2019 Application Permitted	19/00888/F	Holly Cottage Oxborough Road Stoke Ferry Norfolk Partial lowering of front side garden wall	Stoke Ferry

20.05.2019	05.07.2019 Application Permitted	19/00896/F	Lodge House Oxborough Road Stoke Ferry King's Lynn Proposed rear single storey flat roof extension with glazed lantern	Stoke Ferry
15.05.2019	04.07.2019 Application Permitted	19/00864/F	R G Auto Services Horizon Garage 226 The Drove Barroway Drove Demolition of existing concrete sectional workshop and replacement with wider and longer steel framed workshop	Stow Bardolph
19.03.2019	04.07.2019 Application Permitted	19/00503/RM	14 Hay Green Road North Terrington St Clement King's Lynn Norfolk Reserved Matters Application: construction of one dwelling	Terrington St Clement
29.04.2019	21.06.2019 Application Refused	19/00766/CU	Homefields Low Lane Terrington St Clement Norfolk Change of use from redundant agricultural land to domestic garden land associated with the dwelling of 'Homefields'	Terrington St Clement
02.05.2019	27.06.2019 Application Permitted	19/00805/F	Unit 2 The Mill Market Lane Terrington St Clement 2 no. windows either side of the existing door of unit 2	Terrington St Clement
29.05.2019	16.07.2019 Application Permitted	19/00954/F	The Old Vicarage Ringstead Road Thornham Hunstanton Removal of existing rotten timber gates and posts and erection of new timber gates c/w cut carr stone pillars and connecting carr stone walls	Thornham

04.06.2019	21.06.2019 Tree Application - No objection	19/00087/TREECA	Land Adjacent 6 Old School Court Thornham Norfolk T1 Silver Birch - Remove tree, T2 Beech Tree - Remove tree within a conservation area	Thornham
10.04.2019	20.06.2019 Application Permitted	19/00675/O	Land At Joyces Farm School Road Tilney St Lawrence Norfolk Outline Application: construction of two dwellings	Tilney St Lawrence
26.04.2019	17.06.2019 Prior Approval - Refused	19/00768/PACU3	Argricultural Packing Facility Salgate Farm Islington Road Tilney All Saints Notification for Prior Approval for change of use of agricultural building to 5 dwelling houses	Tilney St Lawrence
02.05.2019	25.06.2019 Application Permitted	19/00800/F	The Laurels 29 Church Road Tilney St Lawrence King's Lynn REMOVAL OR VARIATION OF CONDITION 2 OF PLANNING PERMISSION 15/01849/F: Proposed conversion of barns to dwelling and formation of new vehicular access	Tilney St Lawrence
08.07.2019	09.07.2019 Application Permitted	19/00800/NMA_1	The Laurels 29 Church Road Tilney St Lawrence King's Lynn NON-MATERIAL AMENDMENT TO PLANNING CONSENT 19/00800/F: REMOVAL OR VARIATION OF CONDITION 2 OF PLANNING PERMISSION 15/01849/F: Proposed conversion of barns to dwelling and formation of new vehicular access	Tilney St Lawrence

21.03.2019	04.07.2019 Application Permitted	19/00529/FM	RSPB Titchwell Marsh Nature Reserve Main Road Titchwell Norfolk Redesign of the freshwater reedbed and freshwater marsh habitats	Titchwell
04.06.2019	12.07.2019 Application Permitted	19/00994/F	Fieldfare Cottage Main Road Titchwell King's Lynn Proposed single storey rear extension and internal alterations (Re-design)	Titchwell
07.01.2019	11.07.2019 Application Permitted	19/00022/CU	Villetta The Common Upwell Wisbech Retrospective change of use of land to business use for the keeping of 40 adult dogs, breeding and commercial training of dogs	Upwell
14.03.2019	18.06.2019 Application Permitted	19/00472/RM	Plot 21-22 Land South of 21-42 St Peters Road Upwell Reserved Matters Application for plots 21-22	Upwell
29.03.2019	17.06.2019 Application Permitted	19/00588/F	Riverdale Organic Farm Pius Drove Upwell Wisbech Alterations and change of use of building and land to form dwelling and residential curtilage	Upwell
29.04.2019	05.07.2019 Application Permitted	19/00773/F	Norland 122 Croft Road Upwell Norfolk Continued temporary standing of mobile home during construction of dwelling	Upwell

01.05.2019	26.06.2019 Application Permitted	19/00794/F	The Old Piggery March Riverside Upwell Norfolk Replacement dwelling house and garage	Upwell
09.05.2019	04.07.2019 Application Permitted	19/00842/F	Last Bungalow Squires Drove Three Holes Wisbech Horticultural building	Upwell
06.06.2019	03.07.2019 Application Refused	19/00438/NMA_1	STREET RECORD Orchard Gardens Upwell Norfolk NON-MATERIAL AMENDMENT TO PLANNING CONSENT 19/00438/RM: RESERVED MATTERS: Erection of dwelling (Plot 19)	Upwell
25.04.2019	25.06.2019 Application Permitted	19/00751/F	West Elm Folgate Lane Walpole St Andrew Wisbech Annex extension to dwelling	Walpole
02.05.2019	05.07.2019 Application Permitted	19/00802/F	16 Chalk Road Walpole St Peter Norfolk PE14 7PN Proposed single storey rear extension	Walpole
11.01.2019	28.06.2019 Application Permitted	19/00063/F	Land S of 54 Sutton Road Walpole Cross Keys Norfolk Erection of 4 x 2 bedroom semi- detached houses	Walpole Cross Keys
11.01.2019	28.06.2019 Application Permitted	19/00064/F	Land S of 54 Sutton Road Walpole Cross Keys Norfolk Erection of 2 x 2 bedroom semi detached houses	Walpole Cross Keys
25.04.2019	04.07.2019 Application Permitted	19/00750/F	Crown Cottage 116 Sutton Road Walpole Cross Keys KINGS LYNN Demolition and reconstruction of end of terrace domestic dwelling following severe fire damage	Walpole Cross Keys

29.04.2019	27.06.2019 Application Permitted	19/00781/F	Kenilworth West Drove North Walton Highway Norfolk Replacement workshop and stables	Walpole Highway
02.05.2019	28.06.2019 Application Permitted	19/00797/F	Wayside Cottage Trinity Road Walpole Highway Wisbech Two storey extension to detached cottage	Walpole Highway
03.05.2019	28.06.2019 Application Permitted	19/00807/F	Endycott Ratten Row Walpole Highway Wisbech Proposed front and rear single-storey extension to dwelling.	Walpole Highway
15.05.2019	04.07.2019 Application Permitted	19/00865/F	The Gables Wheatley Bank Walsoken Wisbech Proposed side extension, and alterations to existing internal layout.	Walsoken
20.05.2019	04.07.2019 Application Permitted	19/00902/F	The Willows Hundred Foot Bank Welney Norfolk Single storey side extension and extension to raised patio	Welney
22.05.2019	02.07.2019 Application Permitted	19/00917/F	3 Warren Cottages Narford Road West Acre Norfolk Demolition and replacement of single and two storey extensions to side of property.	West Acre
10.05.2019	02.07.2019 Application Refused	19/00846/O	The Retreat Lynn Road West Rudham King's Lynn Outline Application: New dwelling	West Rudham
21.08.2017	02.07.2019 Application Permitted	17/01592/F	Land At Trafford Estate West Walton Norfolk Residential development of 8 dwellings	West Walton

03.08.2018	19.06.2019 Application Permitted	18/01421/RMM	Land To South of The Poplars Lynn Road Walton Highway Norfolk Reserved Matters Application: construction of 25 dwellings	West Walton
16.01.2019	21.06.2019 Application Permitted	19/00093/F	Welsommer Barn 182 Fitton Road Wiggenhall St Germans King's Lynn Creation of a fishing lake and an archery range with the addition of a welfare and storage cabin	Wiggenhall St Germans
07.02.2019	11.07.2019 Was Lawful	19/00236/LDE	Fitton Hall Farm 66 Fitton Road Wiggenhall St Germans King's Lynn Certificate of Lawfulness: The occupation of the dwelling in breach of DM4247 occupancy condition (No 3) has been continuing for in excess of ten years	Wiggenhall St Germans
31.01.2019	02.07.2019 Application Permitted	19/00194/F	Plot 4 Low Road Wretton Norfolk Construction of one detached dwelling and garage.	Wretton

AGENDA ITEM NO:

PLANNING COMMITTEE

29 JULY 2019

**DECISION ON PLANNING AND ENFORCEMENT APPEALS
- QUARTERLY REPORT -**

1. PURPOSE OF THE REPORT

1.1 To provide Members with the quarterly update covering performance for the period 1 April 2019 – 30 June 2019.

2. REPORT

2.1 The Schedule is attached at Appendix 1 for the period 1 April 2019 – 30 June 2019 (Planning and Enforcement).

	Valid appeals in system at beginning of period	New valid appeals started	Appeals decided (or withdrawn / closed / invalid)	Valid appeals in system at end of period
1 Jan – 30 Jun	24	24	19	29

2.2 For all appeals decided this quarter, the outcomes were as follows:-

	Allowed	Dismissed	Total	Withdrawn / Closed	Invalid	Split
1 Jan – 30 Jun	3	15	18	1	0	0
	17%	83%				

2.3 BVPI 204 was not retained as a new National Indicator although it has been retained as one of our local indicators. BVPI 204 was quite specific over which appeals it covers and for example does not include enforcement, advertisement, lawful development certificate, permitted development, hedge and tree appeals, this is reflected in the table below.

	Allowed	Dismissed	Total	Withdrawn / Closed	Invalid	Split
1 Jan – 30 Jun	3	13	16	1	0	0
	19%	81%				

2.4 For all appeals decided over the last 4 quarters, the outcomes were as follows:-

2018/19	Allowed	Dismissed	Total	Withdrawn / Closed	Invalid	Split
1 Jul – 30 Sept	5	5	10	0	0	0
1 Oct – 31 Dec	2	8	10	1	0	0
1 Jan – 31 Mar	1	13	14	1	0	0
1 Jan – 30 Jun	3	15	18	1	0	0
Total	11	41	52	3	0	0
	21%	79%				

This data shows that for the second quarter of 2019 17% of all appeals were allowed. For the 12 month period to 30 June 2019 an average of 21% of all appeals were allowed. This is below the 2017/18 national average figure of around 32% of all appeals allowed. With regard to withdrawals it should be noted that appeals can be withdrawn at any time, even after the statements have been exchanged or the appeal heard but whilst the Inspector's decision is awaited. At that stage the LPA has undertaken all the work but without any commensurate result.

- 2.5 All decisions are viewable on the councils web site located on the planning appeals page and are e-mailed directly to the ward member, Chairman and Vice-Chairman. Appeal documentation for applications made in 2004 onwards can also be viewed on Public Access using the planning application search facility.

Contact Officer: Lee Osler, Office Manager/Deputy SIRO
☎ 01553 616552

Planning and Enforcement Appeals

Report Date Range: 01/04/2019 to 30/06/2019

Start Date	Appeal Ref. APP/V2635/	Appellant/Site	Development	Enforcement/ Planning Ref.	Method of Appeal	Hearing Date	Decision Date/Decision
Live Cases -1 (Not including appeals received to end of previous quarter)							
25/09/2018	W/18/3204645	Mr N Bailey 6 Foxs Lane West Lynn King's Lynn Norfolk PE34 3LY	Outline application with some matters reserved for the construction of single dwelling with associate amenity, parking and turning spaces	18/00228/O	Written Representations		
25/10/2018	APP/TPO/V2635/7015	Mr Colin Davison Rhinefield House 9 Hyde Close Bircham Newton Norfolk PE31 6RB	2/TPO/00525: T1 Scots Pine - Fell and replace with a Scots Pine in same location.	18/00055/TPO	Undefined		
12/12/2018	C/18/3202136	Mr George Martin Deverick 18 Beach Road Snettisham King's Lynn Norfolk PE31 7RA	Appeal against	18/00008/UNAUTU	Written Representations		
11/01/2019	W/18/3219706	Mr George Deverick 18 Beach Road Snettisham Norfolk PE31 7RA	Removal of condition 4 of planning permission 14/00492/F to change to all year round occupancy	18/01465/F	Written Representations		
27/02/2019	W/18/2318937	Andrew Willie 41 Wildfields Road Clenchwarton King's Lynn Norfolk PE34 4DE	Change of use of annexe for use as a dwelling	18/01216/CU	Written Representations		
28/02/2019	W/19/3220293	T.M. Browne Ltd D Browne Land To The North Of Clear View Long Road Terrington St Clement King's Lynn Norfolk PE34 4JL	Change of use of land and building to commercial storage and construction of new shed	18/01218/F	Written Representations		

Live Cases -2 (Received in previous quarter)

Start Date	Appeal Ref. APP/V2635/	Appellant/Site	Development	Enforcement/ Planning Ref.	Method of Appeal	Hearing Date	Decision Date/Decision
25/04/2019		Mr G Jarvis Nulawn 31 Station Road Watlington King's Lynn Norfolk PE33 0JF	Appeal against	16/00483/UNOPDE	Written Representations		
25/04/2019	C/18/3206797	Mrs G S Stratford Nulawn 31 Station Road Watlington King's Lynn Norfolk PE33 0JF	Appeal against	16/00483/UNOPDE	Written Representations		
25/04/2019	X/18/3208572	Miss Sarah Smith The Toll House Lynn Road Middleton King's Lynn Norfolk PE32 1RQ	Lawful Development Certificate: Continued residential use of caravan within curtilage of property	18/00417/LDE	Written Representations		
25/04/2019	W/19/3226832	Mr Cook And Miss Gray Wyndfield Stanhoe Road Bircham Newton King's Lynn Norfolk PE31 6RQ	Outline application: Proposed residential development of 4 dwellings	18/01757/O	Written Representations		
03/05/2019	W/18/3219510	A. R. & V. Investments Homefields Peddars Way Holme next The Sea Norfolk PE36 6LD	Demolition of existing dwelling and outbuildings and erection of replacement dwelling and garages with revised highway access	17/02359/F	Written Representations		
07/05/2019	D/19/3223368	Ms Harriet Huntsman 4 Harbour View Terrace Main Road Brancaster Staithe Norfolk PE31 8BY	Conversion and extension of outbuilding to form annex	18/00342/F	Written Representations		
07/05/2019	W/19/3223274	Mr Chris Bradley The Poplars Long Road Terrington St Clement King's Lynn Norfolk PE34 4JN	Change of use to equestrian business utilising existing buildings & facilities	18/00784/F	Written Representations		

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Start Date	Appeal Ref. APP/V2635/	Appellant/Site	Development	Enforcement/ Planning Ref.	Method of Appeal	Hearing Date	Decision Date/Decision
07/05/2019	W/19/3225112	Mr J Neave Land And Ponds S of 52 Broadend Road E of Zoar Cottage And W of Turpitts Field Green Lane Walsoken Norfolk	Proposed change of use to site 3 static holiday homes (to fit within the definition of a caravan) to support existing fishing lake	18/01037/FM	Written Representations		
14/05/2019	W/19/3227184	Mr K Curson Shaveley 47 Gaultree Square Emneth Wisbech Norfolk PE14 8DA	Proposed bungalow with new shared access	18/00669/F	Written Representations		
14/05/2019	W/19/3227401	Mr Kevin Catton 13 Lime Kiln Road Gayton King's Lynn Norfolk PE32 1QT	Construction of dwelling house and new vehicular access to retained dwelling.	19/00189/F	Written Representations		
14/05/2019	W/19/3227348	Mr And Mrs J Butcher 14 Stoke Road Methwold Thetford Norfolk IP26 4PE	New dwelling and detached garage	19/00260/F	Written Representations		
22/05/2019	W/18/3210425	Mr D Lloyd The Bungalow Waterworks Road Old Hunstanton Hunstanton Norfolk PE36 6JE	Construction of 3 dwellings following demolition of existing bungalow.	18/00198/F	Written Representations		
23/05/2019	W/19/3223973	MJS Investments (March) Ltd Church Pightle Station Road Burnham Market Norfolk PE31 8HA	Demolition of a detached bungalow and the subsequent erection of 1 x 2- storey 5-bed dwelling, 2 x 2-storey 4-bed dwellings and 1 x garage	18/01525/F	Written Representations		

Start Date	Appeal Ref. APP/V2635/	Appellant/Site	Development	Enforcement/ Planning Ref.	Method of Appeal	Hearing Date	Decision Date/Decision
30/05/2019	C/18/3216570	Company Secretary Land S of 38 To 42 Main Road Holme next The Sea Norfolk PE36 6LA	Appeal against	18/00319/UNAUTU	Informal Hearing		
31/05/2019	W/19/3227314	Mr & Mrs R Raven 32C Kenwood Road Heacham Norfolk PE31 7DD	Proposed extension	18/02067/F	Undefined		
05/06/2019	C/18/3212469	Theresa Gregory Horsemans Rest Littlemans Way Stoke Ferry King's Lynn Norfolk PE33 9UB	Appeal against	17/00040/UNAUTU	Written Representations		
05/06/2019	X/18/3209664	The Abbey Group (Cambridgeshire) Limited Land North of the Coach House High Street Thornham Norfolk	Application for a Lawful Development Certificate for the existing use of land for garden (domestic) purposes	17/00868/LDE	Written Representations		
05/06/2019	C/18/3210733	Mr M J Palmer Land To The South Side of Washington 46 The South Beach Heacham King's Lynn Norfolk PE31 7LH	Appeal against	18/00006/UNOPDE	Written Representations		
05/06/2019		Mr M Rowell 50B North Beach Heacham Norfolk PE31 7LJ	Appeal against	18/00414/UNAUTU	Written Representations		
06/06/2019	W/19/3228111	Mr & Mrs D J Harrington Gate House Pentney Lane Pentney King's Lynn Norfolk PE32 1JE	Proposed detached bungalow	18/01742/O	Written Representations		

Start Date	Appeal Ref. APP/V2635/	Appellant/Site	Development	Enforcement/ Planning Ref.	Method of Appeal	Hearing Date	Decision Date/Decision
06/06/2019	W/19/3228998	Mr Mr G & Mr A Sharp The Breakers & The Sailings Main Road Brancaster Staithe King's Lynn Norfolk PE31 8BP	New one and a half storey dwelling on former garden land.	19/00219/F	Written Representations		
17/06/2019	W/19/3229183	Mr Andy Spooner 52 Lynn Road Grimston King's Lynn Norfolk PE32 1AA	Proposed residential development for 3 detached dwellings with garages	19/00182/F	Written Representations		
28/06/2019	W/19/3219849	Black Swan International Ltd Eastgate House 17 Littleport Street King's Lynn Norfolk PE30 1PP	Alterations to boundary wall and provision of additional car parking	18/00862/F	Written Representations		
28/06/2019	Y/19/3219851	Black Swan International Ltd Eastgate House 17 Littleport Street King's Lynn Norfolk PE30 1PP	Listed Building Application: Alterations to boundary wall and provision of additional car parking	18/00863/LB	Written Representations		
Appeals Decided (Up to the end of previous quarter)							
	W/19/3224205	Mr Dutton 5 Stainsby Close Heacham King's Lynn Norfolk PE31 7BP	Retention and completion of rear extension	18/01620/F	Yet to be determined		11/04/2019 No Code [CLOSED]
26/11/2018	W/18/3210673	Mr & Mrs Foden Laurel House Oxborough Road Boughton King's Lynn Norfolk PE33 9AH	Construction of single dwelling, self- build. Removal of outbuildings to allow access road	18/00396/F	Written Representations		13/05/2019 Appeal Dismissed
10/12/2018	C/18/3208505	Mr John Brook Scott White Dyke Farm Black Dyke Road Hockwold cum Wilton Norfolk IP26 4JW	Appeal against	15/00237/BOC	Written Representations		28/05/2019 Appeal Dismissed

Start Date	Appeal Ref. APP/V2635/	Appellant/Site	Development	Enforcement/ Planning Ref.	Method of Appeal	Hearing Date	Decision Date/Decision
10/12/2018	W/18/3204072	Mr J Scott White Dyke Farm Black Dyke Road Hockwold cum Wilton Norfolk IP26 4JW	Building of a new cattery to facilitate the relocation and expansion of the existing cattery business, re-siting of existing cattery pens and provision of car parking and revised access without complying with condition 2 of planning permission 14/00265/F	17/02154/F	Written Representations		28/05/2019 Appeal Dismissed
10/12/2018	W/18/3204083	Mr J Scott White Dyke Farm Black Dyke Road Hockwold cum Wilton Norfolk IP26 4JW	Building of a new cattery to facilitate the relocation and expansion of the existing cattery business, re-siting of existing cattery pens and provision of car parking and revised access without complying with conditions 5 and 6 of planning permission 14/0	17/02156/F	Written Representations		28/05/2019 Appeal Allowed
10/12/2018	W/18/3204079	Mr J Scott White Dyke Farm Black Dyke Road Hockwold cum Wilton Norfolk IP26 4JW	Building of a new cattery to facilitate the relocation and expansion of the existing cattery business, re-siting of existing cattery pens and provision of car parking and revised access without complying with condition 7 of planning permission 14/00265/F	17/02157/F	Written Representations		28/05/2019 Appeal Dismissed
08/01/2019	C/18/3210359	Marcus Mallett Holly House Farm Stow Road Wiggenhall St Mary Magdalen Norfolk PE34 3BD	Appeal against	17/00417/UNAUTU	Written Representations		30/04/2019 No Code [ENFQUA]

Start Date	Appeal Ref. APP/V2635/	Appellant/Site	Development	Enforcement/ Planning Ref.	Method of Appeal	Hearing Date	Decision Date/Decision
14/01/2019	X/18/3209994	Mr Scott Voutt Building And Land N of Charolois And NE of Grays Cottages Low Road Pentney Norfolk	Prior Notification: Change of use of rabbit meat production unit to two dwelling houses	18/00397/PACU3	Written Representations		29/04/2019 Appeal Allowed
14/01/2019	W/18/3216862	0Buck Estates Manor Bungalow Station Road Little Massingham Norfolk	Outline Application: Proposed Replacement Dwelling	18/00666/O	Written Representations		10/04/2019 Appeal Dismissed
21/01/2019	W/18/3210265	Mr Adrian Tofts 40 High Street Feltwell Thetford Norfolk IP26 4AF	OUTLINE APPLICATION ALL MATTERS RESERVED: For the construction of two dwellings, following demolition of existing dwelling and outbuildings	17/01984/O	Written Representations		11/04/2019 Appeal Dismissed
22/01/2019	W/18/3215836	Orchard Builders Ltd Land Adjacent Building 14 Stanhoe Road Bircham Newton Norfolk	Construction of two detached bungalows & a pair of semi- detached garages	17/02204/F	Written Representations		11/04/2019 Appeal Dismissed
22/01/2019	W/18/3205450	Mr Patrick Wales Land NW of Junction With Choseley Road And E of Track N of Orchard Cottage Main Road Titchwell Norfolk	Proposed development to a small commercial holiday business to include six accommodation lodges, a reception lodge and proposed parking area near entrance	18/00066/F	Written Representations		18/04/2019 Appeal Dismissed
22/01/2019	W/18/3217137	Mr & Mrs Carrick Orange House 53 Malthouse Crescent Heacham King's Lynn Norfolk PE31 7EG	Proposed development of two bungalows with integral garages	18/00468/F	Written Representations		22/05/2019 Appeal Dismissed

Start Date	Appeal Ref. APP/V2635/	Appellant/Site	Development	Enforcement/ Planning Ref.	Method of Appeal	Hearing Date	Decision Date/Decision
22/01/2019	W/18/3213256	Mr & Mrs P Carter Victory Lodge Eastmoor Road Eastmoor Barton Bendish Norfolk PE33 9PZ	OUTLINE APPLICATION SOME MATTERS RESERVED: Proposed residential development	18/00981/O	Written Representations		18/04/2019 Appeal Dismissed
23/01/2019	W/18/3218941	Mr & Mrs Miller Station Farm Cottage Station Road Stanhoe King's Lynn Norfolk PE31 8QN	The erection of a replacement dwelling	18/01521/F	Written Representations		16/04/2019 Appeal Dismissed
13/03/2019	W/19/3222486	Mr James Vickers Land E Church Field SW of 54 Well Creek Road And E of Baldwins Drove Outwell Norfolk	Construction of dog kennels for dog breeding purpose	18/01548/F	Written Representations		27/06/2019 Appeal Dismissed
19/03/2019	W/19/3220137	Mr T Hearth Hearth Manor 7 Belgrave Avenue Hunstanton Norfolk PE36 6DQ	First Floor Extension	18/01469/F	Undefined		14/05/2019 Appeal Dismissed
19/03/2019	D/19/3223922	Mr & Mrs S and J Copeland 1 South Moor Drive Heacham Norfolk PE31 7BW	Retrospective application for the erection of a timber boundary fence	18/01950/F	Undefined		14/05/2019 Appeal Allowed
09/04/2019	W/18/3217173	SGB Property (West Norfolk) Ltd Donnadell Howdale Road Downham Market Norfolk PE38 9AH	Construction of five bungalows and garages following demolition of existing bungalow and garage	18/01151/F	Written Representations		26/06/2019 Appeal Dismissed