



# **Planning Committee**

## **Agenda**

**Monday, 3rd February, 2020**

**\*at approximately 10.15 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 application 19/00351/RMM – King's Lynn as listed on the agenda, prior to the meeting. It is aimed to commence the meeting at approximately 10.15 am when the Committee returns from the site visit.





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Telephone: 01553 616200  
Fax: 01553 691663

**PLANNING COMMITTEE AGENDA**

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

Please ensure that all mobile phones are switched to silent

**DATE:** Monday, 3rd February, 2020

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

**TIME:** 10.15 am

**1. APPOINTMENT OF VICE-CHAIR**

To appoint a Vice-Chair for the meeting.

**2. APOLOGIES**

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

**3. MINUTES**

To confirm as a correct record the Minutes of the Meeting held on 6 January 2020.

**4. 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.

**5. 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.

**6. 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.

**7. CHAIRMAN'S CORRESPONDENCE**

To receive any Chairman's correspondence.

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

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

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

The Committee is asked to note the Index of Applications.

**a) Decisions on Applications (Pages 8 - 137)**

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

**10. DELEGATED DECISIONS (Pages 138 - 163)**

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

**11. DECISIONS ON PLANNING & ENFORCEMENT APPEALS - QUARTERLY REPORT (Pages 164 - 172)**

To provide the Committee with the quarterly update covering performance for the period 1 October 2019 – 31 December 2019.

**To: Members of the Planning Committee**

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

**Major applications**

Please be advised that the Committee will visit the site of the major application 19/00351/RMM, from 9.15 am, prior to the meeting. The meeting will then commence at approximately 10.15 am when the application will be determined.

**Site Visit Arrangements for other applications**



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 that the visit takes place, where a decision on the application will then be made.

If there are any site inspections arising from this meeting, these will be held on **Thursday, 6 February 2020** (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, **Friday 31 January 2020**. Please contact [borough.planning@west-norfolk.gov.uk](mailto:borough.planning@west-norfolk.gov.uk) or call (01553) 616818 or 616234 to register.

**For Major Applications**

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

**For Minor Applications**

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

For Further information, please contact:

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

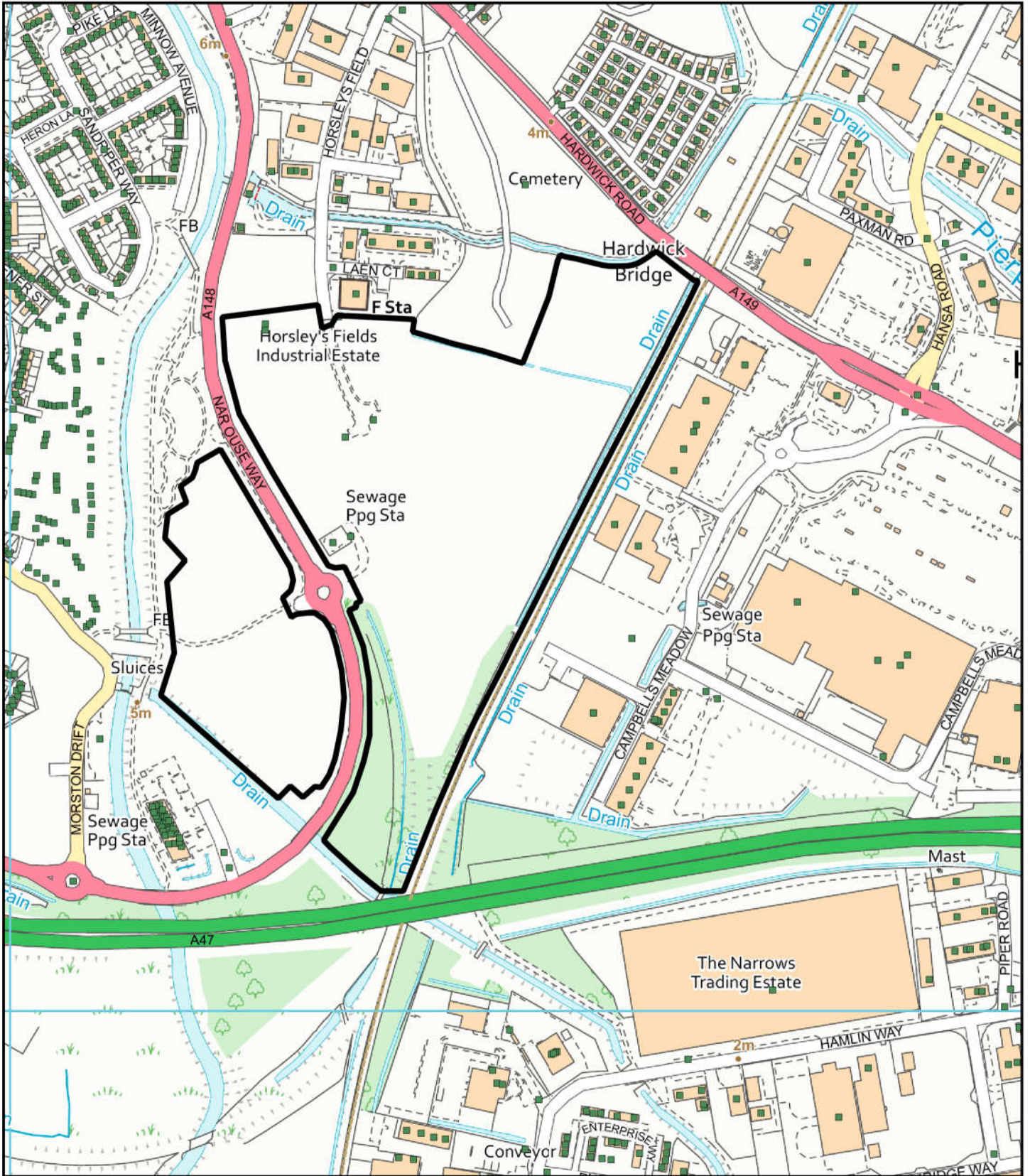
**INDEX OF APPLICATIONS TO BE DETERMINED  
BY THE PLANNING COMMITTEE AT THE MEETING  
TO BE HELD ON MONDAY 3 FEBRUARY 2020**

| Item No.      | Application No.<br>Location and Description of Site Development   | PARISH                | Recommendation      | Page No.  |
|---------------|---|-----------------------|---------------------|-----------|
| <b>9/1</b>    | <b>MAJOR APPLICATIONS</b>   |                       |                     |           |
| <b>9/1(a)</b> | <b>19/00351/RMM</b><br>The Nar Ouse Regeneration Area (NORA)<br>Wisbech Road<br>RESERVED MATTERS: Erection of mixed use units - Enterprise Zone   | <b>KING'S LYNN</b>    | <b>APPROVE</b>      | <b>9</b>  |
| <b>9/2</b>    | <b>OTHER APPLICATIONS/ APPLICATIONS REQUIRING REFERENCE TO THE COMMITTEE</b>  |                       |                     |           |
| <b>9/2(a)</b> | <b>19/01989/F</b><br>Church of St Mary Main Road<br>Installation of glazed access screen and removal of draft lobby   | <b>BRANCASTER</b>     | <b>APPROVE</b>      | <b>28</b> |
| <b>9/2(b)</b> | <b>19/01554/F</b><br>The Whale Bone 58 Bridge Street<br>Retrospective application for gate to approved garden wall  | <b>DOWNHAM MARKET</b> | <b>APPROVE</b>      | <b>40</b> |
| <b>9/2(c)</b> | <b>19/02077/CM</b><br>Land adjacent to West Hall Farm Springvale<br>COUNTY MATTERS APPLICATION:<br>Erection of a 210 pupil primary school and 56 place nursery, access associated car parking, playing fields and landscaping | <b>GAYTON</b>         | <b>NO OBJECTION</b> | <b>45</b> |
| <b>9/2(d)</b> | <b>19/01632/F</b><br>Plot adjacent the Homestead Sandringham Road<br>Construction of dwelling   | <b>HUNSTANTON</b>     | <b>REFUSE</b>       | <b>60</b> |
| <b>9/2(e)</b> | <b>18/01896/F</b><br>Land E of Cottage Farm Mews NE of Hillside And S of The Street The Street<br>Residential development for 8 new dwellings   | <b>MARHAM</b>         | <b>APPROVE</b>      | <b>76</b> |

| <b>Item No.</b> | <b>Application No. Location and Description of Site Development</b>  | <b>PARISH</b>             | <b>Recommendation</b> | <b>Page No.</b> |
|-----------------|--|---------------------------|-----------------------|-----------------|
| <b>9/2(f)</b>   | <b>19/01907/O</b><br>Land NE of 36 School Road<br>Proposed residential development   | <b>MARSHLAND ST JAMES</b> | <b>REFUSE</b>         | <b>91</b>       |
| <b>9/2(g)</b>   | <b>19/01609/CU</b><br>6 Sea Lane<br>Change of use of land from allotment to garden space   | <b>OLD HUNSTANTON</b>     | <b>APPROVE</b>        | <b>100</b>      |
| <b>9/2(h)</b>   | <b>19/01920/F</b><br>Charolois Low Road<br>Demolition of agricultural building and replacement with two dwellings  | <b>PENTNEY</b>            | <b>APPROVE</b>        | <b>110</b>      |
| <b>9/2(i)</b>   | <b>19/01526/F</b><br>The Cottage Welney Road Lakes End<br>Retrospective planning application for change of use of residential garden for use of dog kennels and runs | <b>UPWELL</b>             | <b>APPROVE</b>        | <b>128</b>      |

# 19/00351/RMM

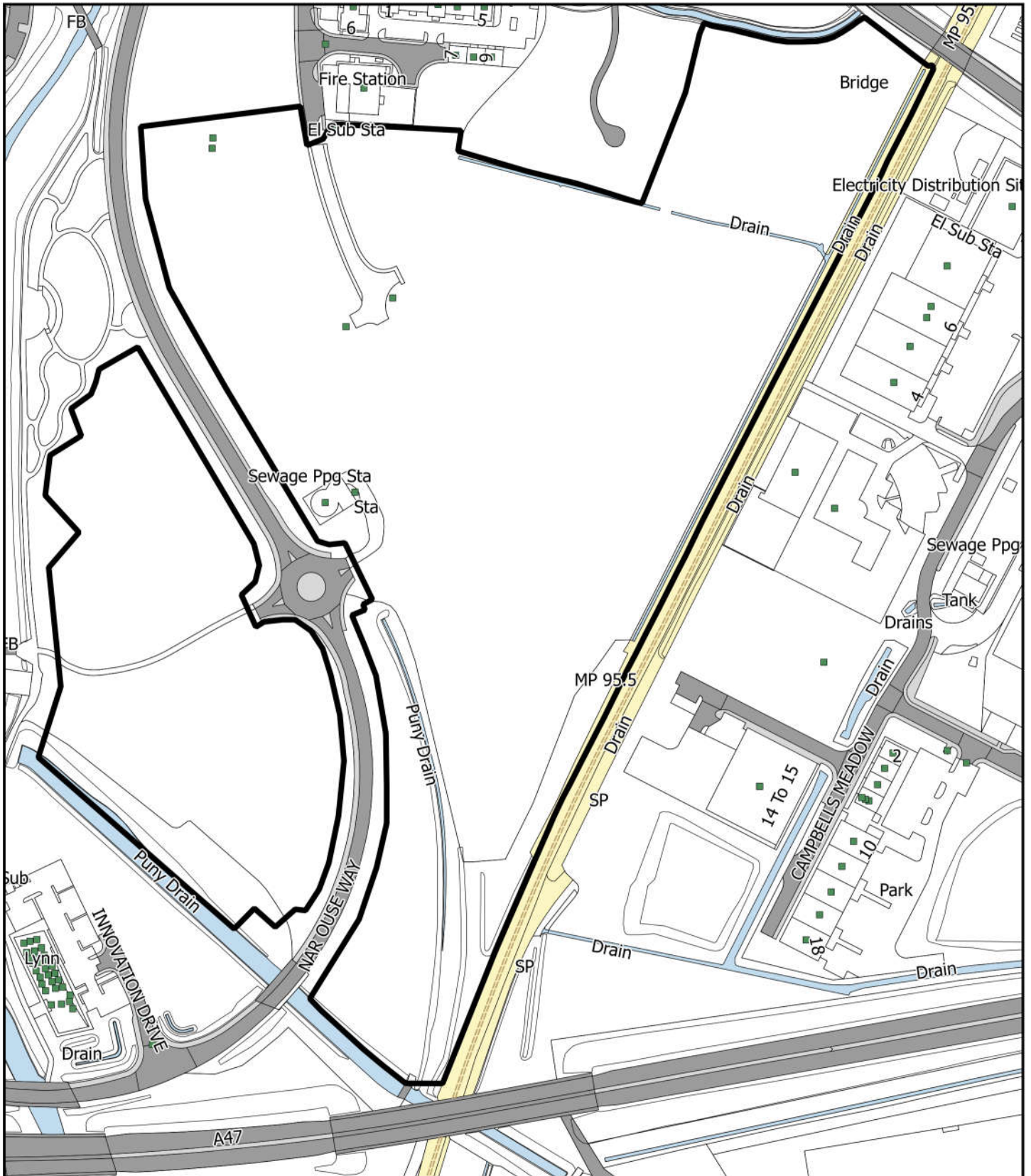
## Nar Ouse Regeneration Area (NORA) Wisbech Road





# 19/00351/RMM

## Nar Ouse Regeneration Area (NORA) Wisbech Road



|                      |   |   |
|----------------------|---|---|
| <b>Parish:</b>       | <b>King's Lynn</b>  |   |
| <b>Proposal:</b>     | <b>RESERVED MATTERS: Erection of mixed use units - Enterprise Zone</b>        |   |
| <b>Location:</b>     | <b>The Nar Ouse Regeneration Area (NORA) Wisbech Road King's Lynn Norfolk</b> |   |
| <b>Applicant:</b>    | <b>BCKLWN</b>   |   |
| <b>Case No:</b>      | <b>19/00351/RMM (Reserved Matters - Major Development)</b>                    |   |
| <b>Case Officer:</b> | <b>Mrs H Morris</b>   | <b>Date for Determination:<br/>4 June 2019<br/>Extension of Time Expiry Date:<br/>7 February 2020</b> |

**Reason for Referral to Planning Committee** – At the request of the Assistant Director

**Neighbourhood Plan:** No

**Case Summary**

The application site comprises part of the Nar Ouse Regeneration Area (NORA) situated on the eastern and western sides of Nar Ouse Way (A148), King's Lynn. To the east the site abuts the mainline railway line, to the west lies the River Nar, to the north lies Horsley's Fields Industrial Estate and Hardwick cemetery and to the south the site abuts the Puny Drain and A47.

There is an existing Restricted Byway (King's Lynn Restricted Byway 30) which runs through the site from north to south beginning at Horsley's Fields and terminating at the A47.

Reserved matters approval has previously been granted (18/01333/RMM) for access and site infrastructure for the Nar Ouse Enterprise Zone (NOEZ) along with full details (access, layout, scale, external appearance and landscaping) for the first phase of buildings for light industrial / office use (Plots A1, A2 and F1). This current reserved matters application seeks approval for minor amendments to the previously approved scheme together with full details of the remaining 28 plots of the Enterprise Zone. These will include a mix of the following uses as allowed for by outline planning permission 09/02010/F: Class B1 (office, light industrial and research and development), Class B2 (general industry) and Class B8 (storage and distribution).

NOEZ is an ambitious development comprising a mix of light industrial and office units, which has been conceived and designed to attract high quality employers to King's Lynn.

## **Key Issues**

The key issues identified in the consideration of this application are as follows:

- Principle of development;
- Design and impact on form and character;
- Flood risk and drainage;
- Highway safety;
- Residential amenity;
- Other considerations; and
- Crime and disorder

## **Recommendation**

**APPROVE** subject to conditions.

## **THE APPLICATION**

Reserved matters approval has previously been granted (18/01333/RMM) for access and site infrastructure for the Nar Ouse Enterprise Zone (NOEZ) along with full details (access, layout, scale, external appearance and landscaping) for the first phase of buildings for light industrial / office use (Plots A1, A2 and F1). This current reserved matters application seeks approval for the full details of the remaining 28 plots of the Enterprise Zone together with minor amendments to the details previously approved under reserved matters approval 18/01333/RMM. These will include a mix of the following uses as allowed for by outline planning permission 09/02010/F: Class B1 (office, light industrial and research and development), Class B2 (general industry) and Class B8 (storage and distribution)

Access to the Enterprise Zone will be gained off the existing roundabout towards the southern end of Nar Ouse Way (A148).

The application site comprises part of the Nar Ouse Regeneration Area (NORA) situated on the eastern and western sides of Nar Ouse Way (A148), King's Lynn. To the east the site abuts the mainline railway line, to the west lies the River Nar, to the north lies Horsley's Fields Industrial Estate and Hardwick cemetery and to the south the site abuts the Puny Drain and A47.

There is an existing Restricted Byway (King's Lynn Restricted Byway 30) which runs through the site from north to south beginning at Horsley's Fields and terminating at the A47.

## **SUPPORTING CASE**

This application is the second of two Reserved Matters applications working towards the delivery of the Nar Ouse Business Park which would result in around £25m being invested into the site.

The business park was designated Enterprise Zone Status by the government in 2016, this attracts a business rate relief incentive of up to £50,000 per year over the first 5 years for growing businesses occupying the site.

The previous application dealt with the infrastructure (roads and services) and the construction of 3 initial plots for light industrial and office units.

This application in the main deals with the remaining 28 units and some minor amendments to the previous application.

Initial consultation took place prior to last amendments following both restricted byway issues and private investor plot design.

Key Amendments:

- Orientation and position of Unit A1 has been changed to reflect the avoidance of existing byway which currently remains in situ.
- Minor changes to entrance way associated with the above following position changes.
- Unit B2 has been amended to meet the needs of a private investor looking to relocate to the site.

Key Notes:

- This application would set use class and masterplan layout for the whole Nar Ouse Business Park.
- Revisions will allow development to proceed in line with funding requirements.

## **PLANNING HISTORY** (relevant)

18/01333/RMM – Reserved Matters Major Application: Details of layout, scale and external appearance of buildings, means of access thereto and the landscaping of the site. Access and site infrastructure for the entire Enterprise Zone and buildings for the first phase – Approved – Committee Decision – 06.11.18.

09/02010/F – Variation of Condition 5 and removal of Condition 7 of planning permission 05/00691/OM – Approved – Committee Decision – 25.2.11.

05/00691/OM – Outline Application; Mixed use development comprising housing, live/work units, employment office, business, light industry and warehouse uses, leisure, retail, health, education and community facilities together with the provision of car parking, strategic landscaping, strategic highway and other associated infrastructure – Approved – Committee Decision - 08.02.2007

## **RESPONSE TO CONSULTATION**

**Highways England: NO OBJECTION.**

**Norfolk County Highways:** NO OBJECTION subject to the imposition of conditions relating to construction of the road(s)/footway(s)/cycleway(s) and access and parking; on-site parking for construction workers; and construction traffic management plan and access route.

**NCC Lead Local Flood Authority: NO OBJECTION.**

The LLFA previously responded to the related planning application 18/01333/RMM on the 04 October 2018 (our ref 18\_2\_7111). While we did not object to this application, we strongly recommended the applicant confirmed consent to discharge and, any agreed rates, to the River Nar, Pierpoint Drain and the Puny Drain. On reviewing the revised Flood Risk Assessment (FRA) titled Nar Ouse Enterprise Zone Flood Risk Assessment Addendum

Planning Committee  
3 February 2020



(WYG, Ref A102901, February 2019), the LLFA are pleased to see that the required consents have been obtained from the Environment Agency, King's Lynn Drainage Board and the East of Ouse, Polver and Nar IDB. We are also pleased to see appropriate consideration has been given to the SuDS discharge location hierarchy and water quality mitigation features. Sufficient space has been allocated for SuDS features within the preliminary drainage scheme layout. We therefore have no objection to this reserved matters application being approved.

**Norfolk County Public Rights of Way: NO OBJECTION.**

In reference to the amended details submitted for this application, Norfolk County Council has no objection to this application on Public Rights of Way grounds.

We are satisfied that the potential for the obstruction of Restricted Byway 30 has been adequately addressed by means of providing an alternative route for this through the site and a diversion order is to be made under the Town & Country Planning Act 1990 to divert the current definitive alignment onto the new route.

However the applicant must be made aware that no significant construction works that will obstruct the Restricted Byway in that it cannot be retained on its current definitive alignment can be started until the diversion order has been confirmed.

**Environment Agency: NO OBJECTION.** However, the resilience measures detailed in the Flood Risk Assessment are essential to reduce the impact of flooding, if the flood defences were to fail.

**Anglian Water: NO OBJECTION.**

**East of Ouse, Polver & Nar Internal Drainage Board (IDB): NO OBJECTION.** The Board does have concerns in relation to the long term maintenance of the onsite surface water features.

The Council will need to ensure that it establishes who will maintain the drainage system and when will a maintenance schedule be drawn up for the site.

The discharge into Punny Drain will also require the consent of the Board, which must be obtained before works start on site.

**Norfolk Constabulary: NO OBJECTION.**

**Network Rail: NO OBJECTION.**

**King's Lynn Civic Society:** The following concerns have been raised:

- King's Lynn Civic Society continue to have great concerns about the detail of this scheme and the increasing likelihood that as it is implemented it will leave much to be desired and represent more missed opportunities at NORA.
- We have particular concern about the integration of this scheme with adjacent areas. Who will ensure this is achieved? The planning committee must ensure that the red line site is thoroughly integrated with adjacent Highways and Environment Agency land, adjacent development sites and existing Borough infrastructure.
- We reserve views on the architecture of individual buildings. For a reserved-matters application we again note that proposals appear to be generic and unfixed – which is disappointing. We would ask that the planning committee seek assurances that samples of finalised elevations, cladding materials and signage are all provided for review (and preferably that they are also displayed for public comment). The goal must

Planning Committee  
3 February 2020

be to provide robust, low maintenance finishes that will stand the test of time – but importantly, provide a consistent quality and character across the site.

- We note there is some illustration of rooftop PV provision – but we have found precious little detail about any commitment to environmental sustainability. We are also unclear of the lifecycle planning for this development – but we assume at least 50 years? Our view is that BCKLWN should be seeking high sustainability criteria - and should assume that building regulation requirements will become more stringent in the next decade.
- We see that the planning officer and PROW officer have both noted that existing public rights of way are not indicated on current masterplans. We remain disappointed that the masterplan is not structured around cycle/ footpaths and that it is overwhelmingly centred on provision of car parking. It is also disappointing that the principal cycle / footpath access is beside the very busy spine road. Most of the provision indicated on the Access Strategy Plan is actually to be provided by others (ie this development appears to offer little or nothing to directly improve local public access, apart from anything that might be provided through S106 contributions). We think office workers and local residents would benefit from direct access paths to the adjoining cemetery, Nar Park and the Nar and Puny Drain corridors – but these are not indicated on the masterplan.
- We are now very concerned about the landscape presentation of this site. The principal frontages along the Nar Ouse Way all appear to be in County ownership – and we have heard that NCC have already been less than helpful in delivering meaningful tree planting along this corridor. There is a distinct likelihood we will end up with nothing more than grass verges – which is terribly disappointing. We attach our vision of how the Nar Ouse Way and Puny Drain corridor could be enhanced. There is no doubt in our view that such works would enhance the sale and value of the new business units.
- Tree and shrub planting within the site is not generous. Of 374 trees proposed on the site – 267 are cherries, 74 are birch and 33 are Sorbus. Of 23,000 shrubs there are only 7 species – one of which is arguably groundcover! Does this represent a resilient, sustainable, long-term approach to expanding the towns tree and landscape cover? No! It is unsettling that the landscape around the KLIC building has been used as an example of a good scheme – when in fact the main characteristic of the KLIC landscape scheme is that it is completely forgettable.

**BCKLWN Environmental Health & Housing – Environmental Quality: NO OBJECTION** on contaminated land or air quality grounds.

**BCKLWN Environmental Health & Housing – Community Safety and Neighbourhood Nuisance (CSNN): NO OBJECTION**, subject to imposition of conditions relating to: external plant and machinery; noise attenuation; storage of waste and recycling details; and external lighting details.

**BCKLWN Tree & Landscape Officer: NO OBJECTION.**

**BCKLWN Greenspace Officer: NO OBJECTION.**

**KLACC Planning Sub-group: NO OBJECTION.** However, concerns were raised in relation to the potential impact on nearby residential properties on NORA, Saddlebow Road and Hardwick Road. They would therefore like the impacts to be addressed and mitigated against in relation to: noise, dust, air quality, hours of working, protection buffer and noise barriers.

## **REPRESENTATIONS**

**Two** letters of **REPRESENTATION** have been received which make comments neither objecting to nor supporting the application. These can be summarised as follows:

- We support progress and providing new job opportunities for local people. However, our main worry is the future increase of traffic, in particular heavy goods vehicles travelling along the Hardwick Road. This will increase pollution and cause vibration to the park homes which back on to the Hardwick Road. Are there any plans to upgrade roads and routes?
- Suggest some form of traffic calming is used along Horseley's Fields as the new connecting road will ensure people wishing to avoid the Southgates roundabout and traffic lights will simply use the road as a 'rat run'. At least with traffic calming the road speed will be kept limited and may put people off taking the shortcut.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS03** - King's Lynn Area

**CS08** - Sustainable Development

**CS10** - The Economy

**CS11** - Transport

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

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

**DM2** – Development Boundaries

## **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

National Design Guide 2019

## **PLANNING CONSIDERATIONS**

The key issues identified in the consideration of this application are as follows:

- Principle of development;
- Design and impact on form and character;
- Flood risk and drainage;
- Highway safety;
- Residential amenity;
- Other considerations; and
- Crime and disorder

## **The Principle of Development**

Outline planning permission was granted in 2007 for a mixed use development for the wider NORA site (Ref 05/00691/OM). Subsequently an application was submitted to vary condition 5 (variation of Master Plan) and remove condition 7 (maximum heights of buildings) of that consent resulting in a new planning permission Ref 09/02010/F (the outline consent).

This application is submitted in accordance with the requirements of Condition 8 attached to planning permission 09/02010/F which relates to the specific mix of uses (and associated maximum floor space requirements) across the NORA site as a whole. The current proposals include a mix of B1 (office / light industrial use), B2 (general industry) and B8 (storage and distribution) uses.

The principle of the development has therefore been established and a previous reserved matters application (18/01333/RMM) has already been approved at Planning Committee in November 2018 for access and site infrastructure for the Enterprise Zone (NOEZ) along with full details (access, layout, scale, external appearance and landscaping) for the first phase of buildings for light industrial / office use (Plots A1, A2 and F1).

This current reserved matters application seeks approval for the full details of the remaining 28 plots of the Enterprise Zone together with minor amendments to the details previously approved under reserved matters approval 18/01333/RMM.

## **Design and Impact on Form and Character**

The overall layout for the site and the design of the site infrastructure and access roads has predominantly been led by the context and constraints of the site and was considered under the previously approved reserved matters application (18/01333/RMM) to achieve an appropriate form of development for the site and its surroundings. This previous application also approved full details (access, layout, scale, external appearance and landscaping) for the first phase of buildings for light industrial / office use on Plots A1, A2 and F1. This proposal seeks approval for the full details of the remaining 28 plots in addition to some minor changes to the previously approved details which include an amendment to the orientation of Plot A1 and slight adjustments to the entrance way.

As with the built form approved for Phase 1 (Plots A1, A2 and F1), the buildings proposed across the remainder of the NOEZ are relatively simple in their form, offer a unified and contemporary approach which will help to ensure design consistency and quality throughout the site, but also enable flexibility to attract a wider variety of future occupiers. A total of 10 no. building types are proposed which offer a variety of floorspace options and are either single storey or two storeys in height. Further flexibility can be offered by some of the unit types being paired to create a larger unit, if that suits the requirements of any future occupier.

The proposed building for plot B2 is of a slightly different design to the other proposed unit types as this has been designed specifically to meet the needs of a private investor looking

to relocate to the site. However, the overall form and design of the building is considered to be in keeping with the other unit types to ensure it integrates well with the Enterprise Zone as a whole.

A series of architectural principles were proposed under the previous reserved matters application (18/01333/RMM) within the submitted Design and Access Statement along with material principles which look to allow an element of variation for individual occupiers but will also secure the ambition of a coherent development by securing a limited material palette that fits the overall architectural concept. These principles were secured by condition on approval 18/01333/RMM along with the precise details of the external materials to be used for each unit or plot. It is therefore recommended that the same conditions are imposed on this application should it be approved.

Although parking would be located to front and sides of the proposed buildings this would be broken up and softened by the use of landscaping which would be secured by condition.

As part of the considerations by Members on the last reserved matters approval a condition was imposed that required the landscape buffer along the northern boundary of the site to be implemented prior to the first occupation of any building within the Enterprise Zone. It is therefore recommended that this is imposed on any new consent along with a condition requiring submission and approval of full details.

Overall it is considered that the proposed details for the remaining plots of the NOEZ and the amendments to the previously approved scheme will be in keeping with the existing KLIC building to the south west and will provide a high quality and attractive development that would enhance the visual appearance of the locality.

### **Flood Risk and Drainage**

The site is located in Flood Zone 3 of the Environment Agency's flood risk maps but is shown to lie within an area that benefits from flood defences. Employment land is classed as a 'less vulnerable' in respect of flood risk. The proposed development is therefore considered to be appropriate within Flood Risk Zone 1, 2 and 3a, as stated within Table 3 of the National Planning Policy Guidance on Flood Risk and Coastal Change.

A Flood Risk Assessment (FRA) has been submitted in support of the application which is an addendum to the Flooding and Drainage Assessment that was produced by Scott Wilson Kirkpatrick & Co Ltd in 2005 for the original outline planning application for NORA (05/00691/OM). Condition 33 of the latest outline planning permission (09/02010/F) requires finished floor levels to be at least 3.50m AOD and the submitted FRA takes account of this. The Environment Agency has been consulted on the proposal and has raised no objection to the application.

In accordance with the recommendations set out in the NPPF, the design of the new development will adopt measures to reduce the impact of surface water runoff through the use of sustainable drainage techniques, where possible. However, infiltration has been discounted as ground water levels are close to the surface (within 1m of the surface in places), the underlying materials are cohesive clays, peats and silts with some areas of contaminated ground.

The site is bound to the west by the River Nar, to the north by the Pierpoint Drain and to the south by the Puny Drain and therefore the proposed development drainage strategy utilises outfalls to watercourses. This approach was considered reasonable by the LLFA under the previous reserved matters application (18/01333/RMM) although they considered further details should be submitted in line with the design approach which were reserved by

condition. On reviewing the revised Flood Risk Assessment (FRA) prepared by WYG dated Feb 2019 submitted under this application the LLFA have advised they are pleased to see that the required consent have been obtained from the Environment Agency, King's Lynn Drainage Board and the East of Ouse, Plover and Nar IDB. They are also pleased to see appropriate consideration has been given to the SuDS discharge location hierarchy and water quality mitigation features. As a result they have raised no objection to the current proposals and have not requested the imposition of a condition requiring further details, although they do suggest consideration needs to be given to ongoing management and maintenance of drainage features over the lifetime of the development.

In light of the above and given that any approval of the current application would effectively result in a revised reserved matters approval for the whole Enterprise Zone, it is no longer considered necessary to impose the surface water drainage details condition previously imposed on approval 18/01333/RMM as the majority of these details have been satisfied. It is however recommended that a newly worded condition is imposed requiring submission and approval of a surface water drainage maintenance and management plan.

### **Highway Safety**

The site is directly accessed from the Nar Ouse Way via an existing roundabout and is based around a network of new estate roads, constructed to NCC Highways standards, which will provide direct vehicle access to the individual units and plots across the site.

Parking numbers have been based on NCC parking standards in accordance with condition 14 of outline planning permission 09/02010/F. A total of 1,147 spaces will be provided across the site.

A covered cycle parking allocation will also be provided close to the entrance of each individual light industrial and office unit. Provision of cycle storage facilities is already secured by condition 23 of the outline planning permission (09/02010/F).

Norfolk County Highways have raised no objection to the proposal subject to the imposition of conditions. Those relating to the laying out of the access and parking areas and construction to binder course surfacing level are matters already secured by conditions 19 to 22 on the outline planning permission (09/02010/F) therefore it is not considered necessary to impose them again. It is however considered reasonable to impose conditions requiring a scheme for on-site parking for construction workers and a Construction Traffic Management Plan and Access Route.

### **Residential Amenity**

The nearest neighbouring residential properties will be situated within the NORA phase 4 residential scheme recently permitted under 18/01750/RMM, however these are yet to be constructed. Other nearby residential properties are situated on Baines Road, Keene Road, Morston Drift, Morleys Leet and Sandpiper Way. However, it is important to note even the nearest properties are situated on the west side of the River Nar and are also partly separated from the enterprise zone by the existing NORA park and to some extent Nar Ouse Way itself.

The NOEZ has been earmarked for this site since outline planning permission was originally granted for the wider NORA site. The proposed mix of uses (Classes B1, B2 and B8) therefore accord with the requirements of Condition 8 attached to outline planning permission 09/02010/F which relates to the specific mix of uses and associated maximum floor space requirements.

Class B1 (office, light industrial and research and development) uses are considered to be appropriate in a residential area and the majority of units situated in close proximity to the western boundary of the Enterprise Zone i.e. closest to residential properties, would be Class B1 uses as outlined on the submitted Masterplan.

The option for Class B2 (general industry) is only proposed for 6 out of the total 30 units (plots A2, A3, A4, B2, D1 and F1). Plots A2, A3 and A4 front onto Nar Ouse Way immediately south of Horseley's Fields, Plot B2 lies to the south of Horseley's Fields and south west of the cemetery, Plot D1 lies adjacent to the mainline railway and Plot F1 is situated off the Nar Ouse Way roundabout.

The option for a Class B8 (storage and distribution) use is only proposed for 4 of the 30 units (plots B2, C2, C3 and C4). Plot B2 lies to the south of Horseley's Fields and south west of the cemetery and Plots C2, C3 and C4 are located in the northern part of the Enterprise Zone immediately adjacent to the mainline railway.

The Council's CSNN officer has raised no objection to the proposal on amenity grounds. A condition has been recommended in relation to submission and approval of external plant and machinery details to protect the amenity of residential properties nearby and this is considered reasonable. An additional condition has also been recommended that requires submission and approval of noise attenuation from the Plot B2 & B3 car parks and the Plot C4 loading bay due to the close proximity to the cemetery and the residential park home site on Hardwick Road.

KLACC Planning sub-group raised concerns in relation to the potential impact on nearby residential properties on NORA, Saddlebow Road and Hardwick Road specifically in relation to noise, dust, air quality and hours of working. The conditions recommended by the Council's CSNN officer are considered sufficient to prevent any significant dis-amenity to nearby residential properties. Furthermore, conditions 41 to 43 of outline planning permission 09/02010/F require submission and approval of a construction management plan, restrict hours of demolition and construction and also prevent burning or incineration of waste materials on site during the construction. It is not considered necessary to restrict the hours of use of the proposed units given the separation distance from residential properties and the imposition of the other noise protection conditions.

In terms of air quality the Council's Environmental Quality Officer has not raised an objection on air quality grounds and has not requested the imposition of any air quality condition. Furthermore impact on air quality would have been considered at outline stage and no condition was imposed on the outline consent requiring further assessment or monitoring.

### **Other Considerations**

In response to the concerns raised by King's Lynn Civic Society:

- The architectural principles for the individual buildings have previously been found to be acceptable through approval of the previous reserved matters application (18/01333/RMM). A materials condition is recommended to be imposed which requires accordance with the 'Materials Principles' set out in Section 5 of the submitted Design and Access Statement.
- Provision has been made within all building types for the provision of solar panels on the roof. Whilst Property Services will strongly encourage the use of solar panels it will ultimately depend on the future occupier of the units whether they include them.
- In terms of footpaths a 3m shared footway / cycleway is provided on the northern / western side of Nar Ouse Way between the A47 junction and the internal NOEZ roundabout, which is approximately central along Nar Ouse Way. North of the

roundabout, footways are provided on both sides of Nar Ouse Way, with the facility on the western side being a shared footway / cycleway. The site is therefore very well connected to existing pedestrian and cycle infrastructure as well as new infrastructure delivered as part of the first phases of NORA. The site is very accessible by foot and cycle from nearby residential areas and King's Lynn town centre.

- King's Lynn Restricted Byway 30 runs through the site from north to south. Norfolk County Council has no objection to this application on Public Rights of Way grounds. They are satisfied that the potential for the obstruction of Restricted Byway 30 has been adequately addressed by means of providing an alternative route for this through the site and a diversion order is to be made under the Town & Country Planning Act 1990 to divert the current definitive alignment onto the new route.
- A landscape masterplan and planting schedule has been provided for the whole NOEZ together with planting plans for individual plots which are considered to be acceptable. A condition is recommended to be imposed requiring further details of the proposed landscape buffer along the northern boundary adjacent to the cemetery.

There are no other material considerations relevant to this application.

### **Crime and Disorder**

There are no crime and disorder issues raised by this proposal. Norfolk Constabulary raise no objection.

### **CONCLUSION**

The principle of development and the mix of uses proposed have previously been established as acceptable under extant outline planning permission 09/02010/F for the wider NORA site. Furthermore, the access and site infrastructure together with the full details (access, layout, scale, external appearance and landscaping) for the first phase of buildings for light industrial / office use (Plots A1, A2 and F1) have previously been approved under application ref: 18/01333/RMM. This reserved matters application seeks approval for the remaining 28 plots and amendments to the previously approved scheme which include B1, B2 and B8 uses and comply with the thresholds set out under condition 8 of the outline planning permission (09/02010/F). Overall it is considered that the proposals would be appropriate for the site and its surroundings; would provide an attractive and high quality gateway into the NOEZ and are considered to be acceptable in terms of highway safety, residential amenity and flood risk and drainage.

On this basis, the development complies with the NPPF and NPPG, Policies CS01, CS03, CS08, CS10, CS11 and CS12 of the Core Strategy 2011 and Policies DM1, DM2, DM15 and DM17 of the Site Allocations and Development Management Policies Plan (2016). It is therefore recommended that reserved matters approval be granted subject to conditions set out below.

### **RECOMMENDATION:**

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

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

NOE-AHR-XX-XX-DR-A-10-003 Rev 7 Issue Status P - Masterplan (Reserved Matters)  
NOE-AHR-A1-XX-DR-A-20-100 Rev 4 – Plot A1 Site Plan

Planning Committee  
3 February 2020



NOE-AHR-A1-XX-DR-L-90-002 Rev P05 Issue Status P1 – Plot A1 Planting Plan  
NOE-AHR-A2-XX-DR-A-20-100 REV 3 Plot A2 Site Plan  
NOE-AHR-A2-XX-DR-L-90-002-P01 Site Planting Plan A2  
NOE-AHR-A3-XX-DR-A-20-100 Rev 2 Issue Status P – Plot A3 Site Plan  
NOE-AHR-A3-XX-DR-L-90-001 Rev P01 Issue Status P1 – Site Planting Plan 1 – Plot  
3  
NOE-AHR-A4-XX-DR-A-20-100 Rev 2 Issue Status P – Plot A4 Site Plan  
NOE-AHR-A4-XX-DR-L-90-001 Rev P01 Issue Status P1 – Site Planting Plan 2 – Plot  
A4

NOE-AHR-B1-XX-DR-A-20-100 Rev 4 Issue Status P – Plot B1 Site Plan  
NOE-AHR-B1-XX-DR-L-90-001 Rev P01 Issue Status P1 – Site Planting Plan 3 – Plot  
B1  
190811/10/01 Rev B – Plot B2 Proposed Site Plan  
190811/10/02 Rev B – Plot B2 Proposed Elevations, Floorplans and Section  
NOE-AHR-B3-XX-DR-A-20-100 Rev 3 Issue Status P – Plot B3 B4 Site Plan  
NOE-AHR-B3-XX-DR-L-90-002 Rev P01 Issue Status P1 – Site Planting Plan 5 – Plot  
B3 & B4  
NOE-AHR-B5-XX-DR-A-20-100 Rev 2 Issue Status P – Plot B5 Site Plan  
NOE-AHR-B5-XX-DR-L-90-001 Rev P01 Issue Status P1 – Site Planting Plan 6 – Plot  
B5

NOE-AHR-C1-XX-DR-A-20-100 Rev 2 Issue Status P – Plot C1 Site Plan  
NOE-AHR-C1-XX-DR-L-90-001 Rev P01 Issue Status P1 – Site Planting Plan 7 – Plot  
C1  
NOE-AHR-C2-XX-DR-A-20-100 Rev 2 Issue Status P – Plot C2 Site Plan  
NOE-AHR-C2-XX-DR-L-90-001 Rev P01 Issue Status P1 – Site Planting Plan 8 – Plot  
C2  
NOE-AHR-C3-XX-DR-A-20-100 – Rev 2 Issue Status P – Plot C3 Site Plan  
NOE-AHR-C3-XX-DR-L-90-001 Rev P01 Issue Status P1 – Site Planting Plan 9 – Plot  
C3  
NOE-AHR-C4-XX-DR-A-20-100 Rev 2 Issue Status P – Plot C4 Site Plan  
NOE-AHR-C4-XX-DR-L-90-001 Rev P01 Issue Status P1 – Site Planting Plan 10 –  
Plot C4

NOE-AHR-D1-XX-DR-A-20-100 Rev 2 Issue Status P – Plot D1 Site Plan  
NOE-AHR-D1-XX-DR-L-90-001 Rev P01 Issue Status P1 – Site Planting Plan 11 –  
Plot D1  
NOE-AHR-D2-XX-DR-A-20-100 Rev 2 Issue Status P – Plot D2 Site Plan  
NOE-AHR-D2-XX-DR-L-90-001 Rev P01 Issue Status P1 – Site Planting Plan 12 –  
Plot D2  
NOE-AHR-D3-XX-DR-A-20-100 Rev 2 Issue Status P – Plot D3 Site Plan  
NOE-AHR-D3-XX-DR-L-90-001 Rev P01 Issue Status P1 – Site Planting Plan 13 –  
Plot D3  
NOE-AHR-D4-XX-DR-A-20-100 Rev 2 Issue Status P – Plot D4 Site Plan  
NOE-AHR-D4-XX-DR-L-90-001 Rev P01 Issue Status P1 – Site Planting Plan 14 –  
Plot D4  
NOE-AHR-D5-XX-DR-A-20-100 Rev 2 Issue Status P – Plot D5 Site Plan  
NOE-AHR-D5-XX-DR-L-90-001 Rev P01 Issue Status P1 – Site Planting Plan 15 –  
Plot D5  
NOE-AHR-D6-XX-DR-A-20-100 Rev 2 Issues Status P – Plot D6 D7 Site Plan  
NOE-AHR-D6-XX-DR-L-90-001 Rev P01 Issue Status P1 – Site Planting Plan 16 –  
Plot D6 & D7

NOE-AHR-E1-XX-DR-A-20-100 Rev 2 Issue Status P – Plot E1 Site Plan

NOE-AHR-E1-XX-DR-L-90-001 Rev P01 Issue Status P1 – Site Planting Plan 17 – Plot E1  
NOE-AHR-E2-XX-DR-A-20-100 Rev 2 Issue Status P – Plot E2 E3 Site Plan  
NOE-AHR-E2-XX-DR-L-90-001 Rev P01 Issue Status P1 – Site Planting Plan 18 – Plot E2  
NOE-AHR-E3-XX-DR-L-90-001 Rev P01 Issue Status P1 – Site Planting Plan 19 – Plot E3  
NOE-AHR-E4-XX-DR-A-20-100 Rev 2 Issue Status P – Plot E4 E5 Site Plan  
NOE-AHR-E4-XX-DR-L-90-001 Rev P01 Issue Status P1 – Site Planting Plan 20 – Plot E4 & E5

NOE-AHR-F1-XX-DR-A-20-100 REV 3 Plot F1 Site Plan  
NOE-AHR-F1-XX-DR-L-90-002-P01 Site Planting Plan F1  
NOE-AHR-F2-XX-DR-A-20-100 Rev 2 Issue Status P – Plot F2 F3 F4 Site Plan  
NOE-AHR-F2-XX-DR-L-90-001 Rev P01 Issue Status P1 – Site Planting Plan 21 – Plot F2 & F3  
NOE-AHR-F4-XX-DR-L-90-001 Rev P01 Issue Status P1 – Site Planting Plan 22 – Plot F4 & F5  
NOE-AHR-F5-XX-DR-A-20-100 Rev 2 Issue Status P – Plot F5 F6 Site Plan  
NOE-AHR-F6-XX-DR-L-90-001 Rev P01 Issue Status P1 – Site Planting Plan 23 – Plot F6

NOE-AHR-T1.0-XX-DR-A-20-100 Rev 02 Issue Status P – Type 1.0 Elevations  
NOE-AHR-T1.0-00-DR-A-20-001 Rev 01 Issue Status P – Type 1.0 Building Plans Ground Floor  
NOE-AHR-T1.0-01-DR-A-20-00 Rev 01 Issue Status P – Type 1.0 Building Plans First Floor  
NOE-AHR-T1.0-02-DR-A-20-002 Rev 01 Issue Status P – Type 1.0 Roof Plan  
NOE-AHR-T1.0-XX-DR-A-20-200 Rev 01 Issue Status P – Type 1.0 Sections

NOE-AHR-T1.1-00-DR-A-20-001 Rev 01 Issue Status P – Type 1.1 Building Plans  
NOE-AHR-T1.1-02-DR-A-20-002 Rev 01 Issue Status P – Type 1.1 Roof Plan  
NOE-AHR-T1.1-XX-DR-A-20-1 Rev 01 Issue Status P – Type 1.1 Elevations  
NOE-AHR-T1.1-XX-DR-A-20-200 Rev 01 Issue Status P – Type 1.1 Sections

NOE-AHR-T1.2-00-DR-A-20-001 Rev 01 Issue Status P – Type 1.2 Building Plans Ground Floor  
NOE-AHR-T1.2-01-DR-A-20-001 Rev 01 Issue Status P – Type 1.2 Building Plans First Floor  
NOE-AHR-T1.2-02-DR-A-20-002 Rev 01 Issue Status P – Type 1.2 Roof Plan  
NOE-AHR-T1.2-XX-DR-A-20-100 Rev 01 Issue Status P – Type 1.2 Elevations  
NOE-AHR-T1.2-XX-DR-A-20-200 Rev 01 Issue Status P – Type 1.2 Sections

NOE-AHR-T2.0-00-DR-A-20-001 Rev 01 Issue Status P – Type 2.0 Building Plan Ground Floor  
NOE-AHR-T2.0-01-DR-A-20-001 Rev 01 Issue Status P – Type 2.0 Building Plan First Floor  
NOE-AHR-T2.0-02-DR-A-20-002 Rev 01 Issue Status P – Type 2.0 Roof Plan  
NOE-AHR-T2.0-XX-DR-A-20-100 Rev 01 Issue Status P – Type 2.0 Elevations  
NOE-AHR-T2.0-XX-DR-A-20-200 Rev 01 Issue Status P – Type 2.0 Sections

NOE-AHR-T2.1-00-DR-A-20-001 Rev 01 Issue Status P – Type 2.1 Building Plan Ground Floor  
NOE-AHR-T2.1-01-DR-A-20-001 Rev 01 Issues Status P – Type 2.1 Building Plan First Floor

NOE-AHR-T2.1-02-DR-A-20-002 Rev 01 Issues Status P – Type 2.1 Roof Plan  
NOE-AHR-T2.1-XX-DR-A-20-100 Rev 01 Issue Status P – Type 2.1 Elevations  
NOE-AHR-T2.1-XX-DR-A-20-200 Rev 01 Issue Status P – Type 2.1 Sections

NOE-AHR-T3.0-00-DR-A-20-001 Rev 01 Issue Status P – Type 3.0 Building Plan  
NOE-AHR-T3.0-00-DR-A-20-00 Rev 01 Issue Status P – Type 3.0 Roof Plan  
NOE-AHR-T3.0-XX-DR-A-20-100 Rev 01 Issue Status P – type 3.0 Elevations  
NOE-AHR-T3.0-XX-DR-A-20-200 Rev 01 Issue Status P – Type 3.0 Sections

NOE-AHR-T4.0-00-DR-A-20-001 Rev 01 Issue Status P – Type 4.0 Building Plans  
NOE-AHR-T4.0-XX-DR-A-20-002 Rev 01 Issue Status P – Type 4.0 Roof Plan  
NOE-AHR-T4.0-XX-DR-A-20-100 Rev 01 Issue Status P – Type 4.0 Elevations  
NOE-AHR-T4.0-XX-DR-A-20-200 Rev 01 Issue Status P – Type 4.0 Sections

NOE-AHR-T4.1-00-DR-A-20-001 Rev 01 Issue Status P – Type 4.1 Building Plans  
NOE-AHR-T4.1-XX-DR-A-20-100 Rev 01 Issue Status P – Type 4.1 Elevations  
NOE-AHR-T4.1-XX-DR-A-20-200 Rev 01 Issue Status P – Type 4.1 Sections

NOE-AHR-T4.2-00-DR-A-20-001 Rev 01 Issue Status P – Type 4.2 Building Plans  
NOE-AHR-T4.2-XX-DR-A-20-100 Rev 01 Issue Status P – Type 4.2 Elevations  
NOE-AHR-T4.2-XX-DR-A-20-200 Rev 01 Issue Status P – Type 4.2 Sections  
NOE-AHR-T4.3-00-DR-A-20-001 Rev 01 Issue Status P – Type 4.3 Building Plans  
NOE-AHR-T4.3-XX-DR-A-20-002 Rev 01 Issue Status P – Type 4.3 Roof Plan  
NOE-AHR-T4.3-XX-DR-A-20-100 Rev 01 Issue Status P – Type 4.3 Elevations  
NOE-AHR-T4.3-XX-DR-A-20-200 Rev 01 Issue Status P – Type 4.3 Sections

NOE-AHR-XX-XX-DR-L-90-003 Rev P05 Issue Status P1 – Planting Schedule and Key Plan  
NOE-AHR-XX-XX-DR-L-90-004 Rev P05 Issue Status P1 – Landscape Masterplan

320 Rev P2 – Drainage Strategy Drawing Sheet 1 of 4, Option 2  
321 Rev P4 - Drainage Strategy Drawing Sheet 2 of 4, Option 2  
322 Rev P2 - Drainage Strategy Drawing Sheet 3 of 4, Option 2  
323 Rev P2 - Drainage Strategy Drawing Sheet 4 of 4, Option 2

Highways General Arrangement 600 rev F

- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: Notwithstanding the approved plans, prior to the occupation of any building within the Enterprise Zone full details of the proposed landscape buffer along the northern boundary of the site shall be submitted to and approved in writing by the local planning authority. The details shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) and schedules of plants noting species, plant sizes and proposed numbers and densities.
- 2 Reason: 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.

- 3 Condition: Other than the landscape buffer along the northern boundary of the site dealt with by Condition 2, the landscaping for the site shall be carried out in accordance with the approved landscape masterplan; planting schedule and key plan; and individual site planting plans referred to in condition 1. The landscape buffer along the northern boundary of the site shall be implemented prior to the first occupation of any building within the Enterprise Zone. All other landscape works shall be carried out prior to the occupation of the building(s) on the plot to which it relates or in accordance with a programme to be agreed in writing with the Local Planning Authority prior to the first occupation of any building on the Enterprise Zone. 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.
- 3 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 4 Condition: A landscape management plan including long-term design objectives, management responsibilities, management and maintenance schedules for all landscape areas shall be submitted to and approved by the Local Planning Authority prior to the occupation of any building within the Enterprise Zone. The landscape management plan shall be carried out as approved.
- 4 Reason: To ensure that the landscaping is properly maintained in accordance with the NPPF.
- 5 Condition: Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.
- 5 Reason: To ensure adequate off-street parking during construction in the interests of highway safety. This needs to be a pre-commencement condition as it deals with the construction period of the development.
- 6 Condition: Prior to the commencement of any works a Construction Traffic Management Plan and Access Route which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway together with wheel cleaning facilities shall be submitted to and approved in writing by the Local Planning Authority together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic.
- 6 Reason: In the interests of maintaining highway efficiency and safety. This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.
- 7 Condition: For the duration of the construction period all traffic associated with (the construction of) the development will comply with the Construction Traffic Management Plan and use only the 'Construction Traffic Access Route' and no other local roads unless approved in writing with the Local Planning Authority.
- 7 Reason: In the interests of maintaining highway efficiency and safety.

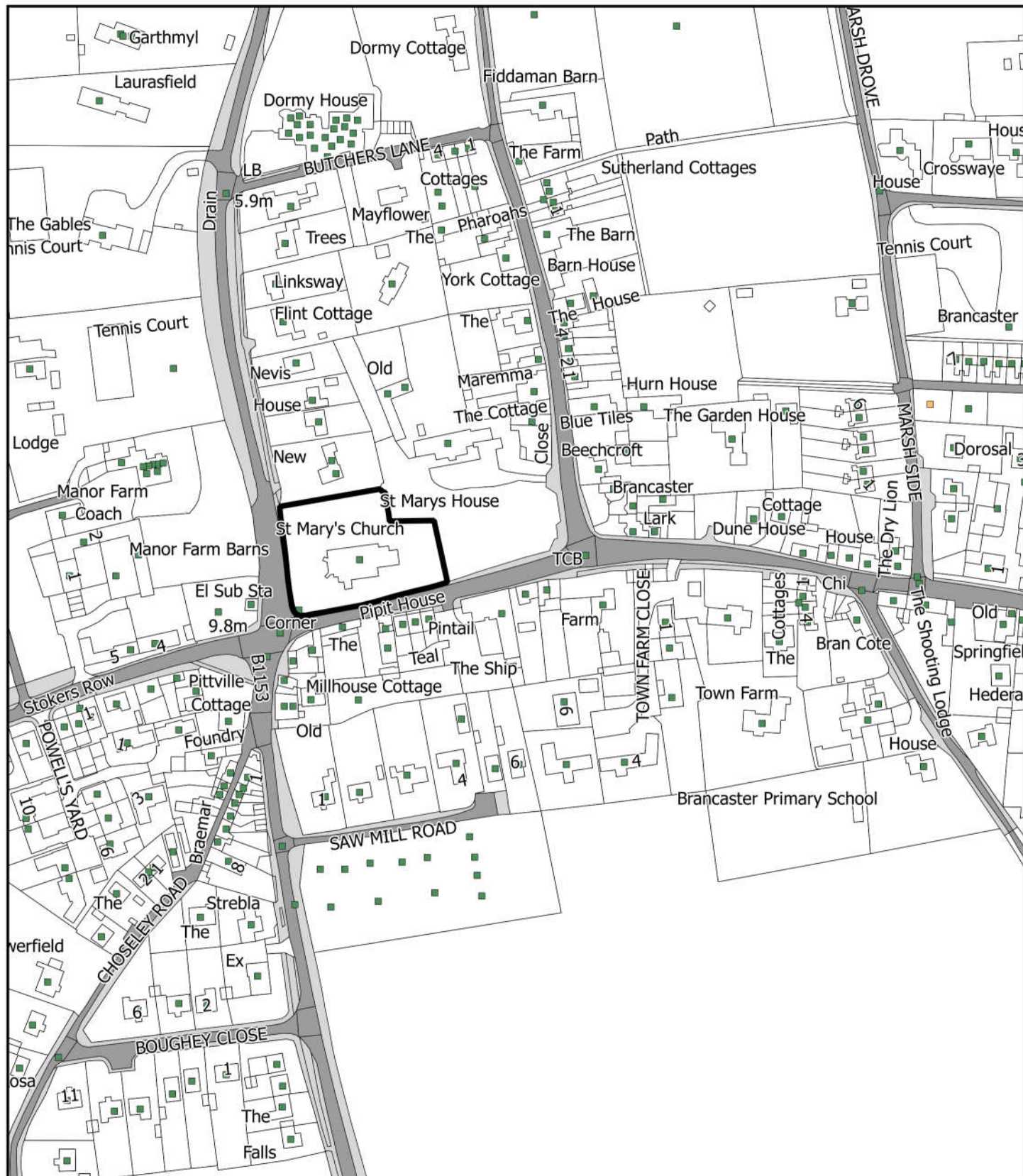
- 8 Condition: Prior to the occupation of each building a detailed scheme showing the siting of all external plant and machinery for that specific plot shall be submitted to and approved in writing by the local planning authority. This shall include an assessment of noise and vibration, any mechanical extract or ventilation systems, air conditioning units, air source heat pumps etc, and the insulation of the building(s) against the transmission of noise and vibration. The scheme shall be implemented as approved prior to the first occupation of the building it relates to and shall thereafter be maintained as such.
- 8 Reason: In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- 9 Condition: Prior to the occupation of the buildings on Plots B2, B3 and C4 a scheme detailing noise attenuation from the car parks and loading bay for that respective plot shall have first been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved prior to the first occupation of the building it relates to and shall thereafter be maintained as such.
- 9 Reason: In the interests of the amenities of the locality in accordance with the provisions of the NPPF.
- 10 Condition: Prior to the first occupation of any building within the Enterprise Zone, details of the method of lighting and extent of illumination to the access roads, footpaths, parking and circulation areas shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the phasing and timetable for implementation, type of lights, the orientation/angle of the luminaries, the spacing and height of the lighting columns, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site. The lighting scheme shall be implemented in accordance with the approved details and thereafter be maintained and retained as approved unless otherwise agreed in writing by the local planning authority.
- 10 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.
- 11 Condition: Prior to the installation of any external lighting on buildings details shall have first been submitted to and approved in writing by the local planning authority. This shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lighting columns, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the building. The lighting scheme shall be implemented in accordance with the approved details prior to the first occupation of the building to which it relates and shall thereafter be maintained and retained as approved unless otherwise agreed in writing by the local planning authority.
- 11 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.
- 12 Condition: Notwithstanding the details that accompanied the application hereby permitted, no development shall take place on any external surface of a building(s) until the type, colour and texture of all materials to be used for the external surfaces of the building(s) on that respective plot have been submitted to and approved in writing by the Local Planning Authority. The materials to be used shall accord with the 'Materials Principles' set out in Section 5 of the submitted Design and Access

Statement. The development shall be carried out in accordance with the approved details.

- 12 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 13 Condition: The buildings hereby approved shall only be used for the use class(es) specified for each individual plot in the submitted 'Nar Ouse Enterprise Zone – Masterplan Indicative Areas Schedule, Issue O dated 21.01.20' (as defined within the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and shall not be used for any other purpose, including any use permitted under Schedule 2, Part 3 'Changes of Use' of the Town and Country Planning (General Permitted Development) Order 2015, as amended, or any order revoking and re-enacting that Order with or without modification.
- 13 Reason: In order that the Local Planning Authority may retain control over the use of the premises where an alternative use otherwise permitted by the above mentioned Order would be detrimental to the amenities of the locality or would be contrary to the development mix permitted under condition 8 of outline planning permission 09/02010/F.
- 14 Condition: Unless otherwise agreed in writing by the local planning authority the development hereby permitted shall be carried out in accordance with the approved surface water drainage strategy set out in Section 5.0 of the 'Nar Ouse Enterprise Zone Flood Risk Assessment Addendum A102901' dated Feb 2019 and prepared by WYG Engineering Limited and the following approved plans:  
  
320 Rev P2 – Drainage Strategy Drawing Sheet 1 of 4, Option 2  
321 Rev P4 - Drainage Strategy Drawing Sheet 2 of 4, Option 2  
322 Rev P2 - Drainage Strategy Drawing Sheet 3 of 4, Option 2  
323 Rev P2 - Drainage Strategy Drawing Sheet 4 of 4, Option 2
- 14 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF.
- 15 Condition: Prior to the first occupation of any building on the Enterprise Zone a surface water drainage management and maintenance plan for the lifetime of the development shall be submitted to and approved in writing by the local planning authority. The management and maintenance plan shall be carried out as approved unless otherwise agreed in writing by the local planning authority.
- 15 Reason: To ensure that there is a satisfactory means of drainage for the lifetime of the development in accordance with the NPPF.
- 16 Condition: Prior to the occupation of any building hereby permitted, facilities shall be provided within the curtilage of the respective plot for the storage of recycling, refuse and waste materials in accordance with details to be submitted to and approved by the Local Planning Authority
- 16 Reason: In the interests of the amenities of the locality and to accord with the provisions of the NPPF.

# 19/01989/F

## Church of St Mary Main Road





# 19/01989/F

## Church of St Mary Main Road





|                      |  |   |
|----------------------|--|---|
| <b>Parish:</b>       | <b>Brancaster</b>  |   |
| <b>Proposal:</b>     | <b>Installation of glazed access screen &amp; removal of draft lobby</b> |   |
| <b>Location:</b>     | <b>Church of St Mary Main Road Brancaster Norfolk</b>                    |   |
| <b>Applicant:</b>    | <b>The PCC of St Mary's Church</b>                                       |   |
| <b>Case No:</b>      | <b>19/01989/F (Full Application)</b>                                     |   |
| <b>Case Officer:</b> | <b>Connor Smalls</b>   | <b>Date for Determination:<br/>13 January 2020<br/>Extension of Time Expiry Date:<br/>7 February 2020</b> |

**Reason for Referral to Planning Committee** – View of Historic England are contrary to the Officer Recommendation

**Neighbourhood Plan:** Yes

**Case Summary**

The application proposes to install a glazed access screen and remove a draft lobby at the Church of St Mary, Brancaster. The Church is a Grade 1 listed building and of significant importance both historically and as a community asset.

There is no accompanying listed building consent application as the works fall under 'ecclesiastical exemption'.

**Key Issues**

Principle of development  
Impact on Grade 1 listed church  
Impact on conservation area

**Recommendation**

**APPROVE**

**THE APPLICATION**

The application concerns the Grade 1 listed St Marys Church in Brancaster.

The proposal is for a glazed access screen forming new doors on the porch of the church as well as the removal of an internal draft lobby.

The Church is a Grade 1 listed building, the highest a graded building can be. The church also sits with the Brancaster conservation area.

## **SUPPORTING CASE**

### Introduction

Brancaster Church is a Grade I Listed Church and the proposal to infill the South Porch Arch with entrance doors will clearly affect the appearance of the Church.

Undoubtedly as Historic England Representative David Eve has indicated these structures were put up as shelters rather than enclosures in Medieval/Historic times and would normally take precedence as an open community area. However a Church building has modern needs and as such where an alteration can be introduced without compromising the physical fabric of the building but serving an actual modern need then this should be considered as a strong argument for provision of amended arrangements which allow the Church to evolve and to serve current appropriate needs. The modern expectation of the shelter is more demanding now and enclosure is a more accommodating arrangement.

Many other Churches have had enclosures introduced with timber framed doors and the PCC has considered both the all glass option and timber framed doors.

This has been accepted as an arrangement elsewhere and on a number of prominent Grade I churches which is often appropriate and for lesser reasons than for the Church at Brancaster.

An example of the glass door infill is Weybourne Church where this has been extremely successfully integrated into the Porch whereas many other doors infilling the Arches have been introduced with timber framing and half glazed or fully glazed doors – Old Catton, Grimston and Little Snoring are examples. This is not to say that Brancaster should necessarily follow their example but it is clear that this is found acceptable elsewhere and in Churches which have a similar category of Listing and prominence and similar arrangement.

Provision of disability access descending 800mm into the Church (currently with a step) is hindered substantially by the unsightly and impractical internal lobby. Studies were undertaken to try and retain this initially in a different format and showed that the provision is visually and physically devastating to the Church and the removal of the internal lobby has major benefits which outweigh a reversible provision for external porch doors.

### Summary

The reasons for the PCC pursuing the arrangement even in the light of issues of enclosure and affecting the historic status of the Church are set out in the Statement of Need but since there are essentially very good reasons for the proposal to enable removal of the poor Heath Robinson ugly and damaging internal lobby and that it is deliberately designed in order to be reversible without physically effecting the fabric of the building to its detriment. It is hoped that the Authorities would feel able to support the PCC in their endeavours to keep up with modern expectations, modern legislation and the demands of a congregation in order to encourage the Church mission with a solution which does not cause significant or permanent harm.

## **PLANNING HISTORY**

14/01176/F: Application Permitted: 10/10/14 - Erection of flagpole in churchyard

12/00132/TREECA: Tree Application - No objection: 08/01/13 - 1 x Sycamore and 2 x Cherry Trees to be felled as too close to church yard wall and causing overcrowding to other trees

11/00107/TREECA: Tree Application - No objection: 10/11/11 - Fell 1 x Sycamore Tree, 2 x Flowering Cherry Trees and 1 x Elm Tree in a conservation area

## **RESPONSE TO CONSULTATION**

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

Brancaster Parish Council totally supports this application which will be a great asset to the church.

### **Conservation Officer: SUPPORTS:**

The Church of St Mary is listed Grade I but the application for a faculty over rides the need to apply for Listed Building Consent.

With regard to the current planning application - I know that the matter of adding doors to the porch has been considered in the past but that Historic England have had serious concerns about such a proposal, primarily because medieval church porches were originally used as open community spaces and to enclose the porch would potentially change its historic use by bringing it into the sacred body of the church. The use of glass would also be alien in this environment.

Whilst understanding their concern, I take a slightly different view.

Many historic structures, including churches, have to adapt in order to remain in use and, whilst the NPPF sets out the desirability of sustaining and enhancing the significance of heritage assets it also notes that they should be put to viable use. The test of the acceptability of change is whether the proposal will harm the significance of the designated heritage asset and, if the harm is less than substantial, is there good justification and/or public benefit.(NPPF paras.193, 194, 196)

Enclosing the porch will clearly cause some harm in terms of changing its traditional use and it will also represent a change in the appearance of the Church so there will be some harm to significance. However, the proposed doors are quite elegant but unobtrusive, they can be fixed with little or no impact on historic fabric and they could also be removed very easily at a later date should the need arise. Furthermore they would remove the need for a visually unattractive and rather cumbersome internal storm porch. I would therefore consider the potential harm to the significance of the designated heritage asset to be less than substantial. In terms of public benefit, enclosing the porch will make the building as a whole a more user friendly space and, at a time when churches around the country are being used for more secular activities alongside regular worship in order to maintain viability, bringing the original use of the medieval porch into the body of the church seems to be perfectly reasonable.

I therefore consider that the proposal accords with NPPF and I fully support this application.

Planning Committee  
3 February 2020

For information – I believe that the Grade II\*listed Churches in Old Catton and Weybourne have already gone this route but I am not personally familiar with either.

Although St Marys is listed Grade I there is no corresponding application for LBC and I made comment on the planning application some time ago. However, we have now received a consultation response from Historic England stating that they are not able to support the granting of planning permission as the application currently stands which has prompted me to make further comment.

Work to listed churches often needs planning permission but does not need listed building consent because they benefit from what is termed as the 'ecclesiastical exemption', so instead they are subject to the Faculty Jurisdiction Rules 2015. This means that work to be carried out to consecrated buildings and land, which will usually include the church and churchyard and fixtures, fittings and furnishings requires a faculty – ie the Churches own form of LBC.

In most cases the faculty jurisdiction is exercised by the Chancellor of the Diocese. In determining an application for a faculty the Chancellor will have regard to advice from the Diocesan Advisory Committee for the Care of Churches, the DAC. The DAC reviews all faculty applications, and consists of a number of experienced advisors with wide ranging expertise on church buildings and furnishings. Members include the Archdeacons, several other clergy, architects and other specialists and a representative from Historic England.. The committee can call upon additional expert advice where necessary. Norwich DAC meets regularly, usually monthly, to consider faculty applications and the functions of the DAC are set out formally in the Care of Churches and Ecclesiastical Jurisdiction Measure 1991.

This proposal was considered by Norwich DAC on 28th October 2019 and granted a faculty on 18th November 2019. As you can see, the faculty authorises work in accordance with “the designs, plans and other documents accompanying the petition” and the work is described on page 2 as “position partially glazed door inside the porch as proposed by our Architects drawings”.

Historic England would have had input into the DAC meeting and the decision to grant faculty and that is why I am surprised that they are unable to support the planning application which, so far as I can tell, is for the same scheme.

Notwithstanding the comment from HE, I would still support a recommendation to approve this application for the reasons already given. However, I believe that should we chose to go against Historic Englands advice the decision may need ratification from Govt. Office.

**Arboricultural Officer: NO OBJECTION:**

**Historic Environment Service: NO COMMENTS:**

**Historic England: OBJECTS TO CURRENT PROPOSAL:**

Historic England Advice

The earliest building in the grade I listed parish church of St Mary the Virgin, Brancaster dates from the 12th century with the aisles added in the 14th and a grade tower with decorative flushwork and battlements in the 15th century. The south porch dates from the 14th century and features a elegant arched doorway with carved capitals and shafts and small attractive quatrefoil windows on the side walls.

In the medieval period church porches were usually built as open structures, not secured by heavy doors like the main doors to the church nave and tower. The porch was not a sacred,

Planning Committee  
3 February 2020

liturgical space but was used by the community as a functional, civic and ceremonial venue (for instance, in the earlier medieval period marriages were often officiated here). The porch at St Mary's is therefore an important element of the building not just because of its architecture but has a particular character and meaning.

The contribution made by open porches to the architectural and historic character of churches is reflected in our guidance, "New Work in Historic Places of Worship".

There we suggest that "Where the outer entrance of a porch has always been open this arrangement is best retained as part of the historic character of the building, reflecting its traditional pattern of use". It is likely that the porch at St Mary the Virgin has been open since its construction in the 14th century. The proposed glass doors would not only enclose the porch, changing the historic character of the building, but would do so with large areas of glazing. Glass is only found in historic churches in windows where small panes are set in patterns of lead work. The ability to use glass as the main material in doors is very recent as it follows developments in glass technology in the later 20th century. As well as being at odds with the character of the porch the proposed doors would be visually distracting because of this use of glass on an extensive scale.

The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to achieve sustainable development and that protection and enhancement of the historic environment is an overarching objective in this (paragraphs 7 and 8). The significance of listed buildings can be harmed or lost by alteration to them or development in their setting. The NPPF states that clear and convincing justification should be made for any such harm and that 'great weight' should be given to the conservation of listed buildings irrespective of the level of harm caused (paragraphs 193 and 194). This weight and the justification for harm should be especially convincing where harm to buildings of a high grade of listing is concerned.

We have considered this application in terms of this policy and conclude that the addition of a door to the porch of the grade I listed church would result in harm to its historic significance in terms of the NPPF, paragraphs 193 and 196. As such it would not achieve the NPPF's overarching aim of promoting sustainable development. In previous advice to the applicant we have recommended that either an internal 'draft lobby' is constructed inside the church door or at very least the design of new porch doors is amended so the inappropriate large sheets of glazing are broken up by more timber elements. This would make it more in sympathy with traditional church doors and at least reduce, if not remove, the harm. We would not support the application as it stands but if it were withdrawn would be keen to advise the Council on amended designs which could reduce the harmful impact and better achieve the NPPF's overarching aim of promoting sustainable development.

#### Recommendation

Historic England has concerns regarding the application on heritage grounds. We would not support the granting of permission as the current application stands, although significant amendment could reduce the level of harmful impact on the significance of the listed building. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 7, 8, 193 and 194 of the NPPF. In determining this application you should bear in mind the statutory duty of section 66(1) of the

Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.

**Norfolk Coast Partnership: NO OBJECTION:**

**National Amenity Societies: NO COMMENTS RECEIVED:**

## **REPRESENTATIONS**

**ONE** letter of **SUPPORT**

Churchwarden: No objection to this application. The glazed doors and internal work will add greatly to the welcome our church gives to all, local and visitors alike.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS12** - Environmental Assets

**CS13** - Community and Culture

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

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

**DM9** - Community Facilities

**DM15** – Environment, Design and Amenity

## **NEIGHBOURHOOD PLAN POLICIES**

**Policy 2** - Design, Style and Materials

**Policy 8** - Protection of Heritage Assets and Views

## **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

National Design Guide 2019

## **PLANNING CONSIDERATIONS**

1. Principle of development
2. Impact on Grade 1 listed church
3. Impact on conservation area

### **Principle of development**

Through policies in the Development Plan, the Borough Council will seek to maintain and enhance facilities to support rural communities. Brancaster church is a grade 1 listed building and development plan policies require protection of historic assets such as this. The principle of development is therefore fully supported subject to a consideration of the impact on heritage assets, which is the key issue in this case.

Members may also wish to note that the Diocese of Norwich has already granted faculty permission for these proposed works. This mitigates the need for listed building consent. Historic England are specialist advisers to the Diocesan Advisory Committee which resulted in the approval of this faculty application (please see further clarification in the Conservation Officers comments).

In terms of national policy on heritage assets, the NPPF places great weight in regards to the desirability of sustaining and enhancing the significance of heritage assets. It also places an emphasis that such assets should be put to a viable use. The test to determine if change is acceptable is whether the proposal will harm the significance of the heritage asset and, if the harm is less than substantial, if there is good justification and/or public benefit (NPPF paragraphs 193,194,196).

### **Impact on Grade 1 listed church**

This proposal aims to add a new glazed set of doors to the church porch. They will be slightly set back from the main arch and will be fixed in place with a method that avoids having to drill into the stonework.

This door will provide a new space for the church whilst ensuring the removal of an unoriginal draft lobby that is negatively affecting accessibility. The proposed doors can easily be removed should the need arise and will have little impact on historic fabric of the church porch.

The NPPF states that the significance of that harm needs to be weighed against the public benefit. The NPPF also states that the protection and enhancement of the historic environment is a key aim whilst also stating that 'great weight' should be given to the conservation of listed buildings no matter the level of harm caused, the justification of this harm should be especially convincing with higher grade buildings such as this church.

The design is considered to be of a complimentary nature to the character of the church and is of high quality. To echo comments made by the conservation officer this improvement will help to maintain viability by providing a modern solution to the needs for more space and incorporating this part of the church into the functioning whole of the overall building.

However, Historic England make a clear point that Medieval church porches, such as the one present on the application site, were open spaces separate from the main body of the inner church. They state the following advice;

“Where the outer entrance of a porch has always been open this arrangement is best retained as part of the historic character of the building, reflecting its traditional pattern of use”.

Historic England also raises an issue with the use of large expanses of glass. They emphasise that it is not in keeping with the character of the church and would be visually distracting. They also argue that it would enclose the porch. However, the use of glass in a modern design shows a clear modern addition instead of poorly replicating traditional style. Other churches, as referenced by the conservation officer, have successfully implemented similar schemes.

Historic England has recommended a reduction in glass with more wood incorporated in the design. However this would further reduce openness when compared with a large area of glass. Glass allows light to pass in and maintain an air of openness whilst ensuring the inside of the porch is protected from the elements and can be used as a functioning space in conjunction to the main church.

Another part of this application involves the removal of an interior lobby. This is an addition of no historical importance that will no longer be required should these exterior doors be granted. As such the lobby can be removed. This will further open the church up exposing a traditional doorway on the interior. It would also help to improve accessibility issues, a key consideration for an important community asset. A small amount of harm caused by the new doors would, on planning balance, be mitigated by the gains of the removal of this lobby and the improved viability of the community function.

A further point Historic England make is that the proposal is not NPPF policy compliant, specifically paragraphs 193 and 194. They quote

‘The significance of listed buildings can be harmed or lost by alteration to them or development in their setting. The NPPF states that clear and convincing justification should be made for any such harm and that ‘great weight’ should be given to the conservation of listed buildings irrespective of the level of harm caused.’

Whilst these are all considerations relevant to his application, paragraph 196 also states;

‘Where a development 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, where appropriate, securing its optimum viable use.’

The Borough Council’s conservation officer supports this application, also referencing paragraphs 193, 194 and 196.

The conservation officer concedes that there will be some harm caused by this proposal and the change in appearance will have a small effect on the church’s significance. However, it is argued that the harm is less than substantial and the public benefits, as outlined, far outweigh the harm caused. The conservation officer argues that the proposal is NPPF compliant and reiterates that other churches have successfully implemented this style of door. She also mentions the benefit of removing the internal draft lobby in terms of visual and character gain.

This proposal is considered to maintain openness whilst enhancing the area of the church for a more modern and practical use. Thus ensuring its viability as an environmental, community and cultural asset and therefore compliant with policy CS12, CS13 and the NPPF. This proposal is also deemed to comply with Brancaster neighbourhood plan poly 2



as the design is considered to compliment the church and be of high quality design. It is also considered to comply with policy 8 as the proposal is deemed to have respect and regard for the heritage asset and helps to maintain and enhance the building's character and features.

### **Impact on conservation area**

This proposal does present a physical change to Brancaster Church. As such there will be a noticeable change to the exterior of the church and as a result an impact on the conservation area.

However, as discussed this impact on the church will be minimal and the church will still retain its unique and important character. As a result the small change to the church would have a less than substantial impact on the conservation area. It is therefore considered to meet the legal test of preserving or enhancing the conservation area.

### **CONCLUSION**

By enabling this addition the viability and longevity of this community asset is promoted. Churches must now incorporate a wider community function than just traditional worship and by incorporating sensitive modern additions new functions can be enabled that further integrate the church into the community. This proposal is such an addition. The proposal will help to create a modern suitable space in conjunction with the main body of the church. It will also help to ensure the removal of the interior draft lobby; a current requirement to ensure the interior maintains heat and is protected from the elements. With the addition of these more modern doors on the exterior this lobby can be removed exposing traditional walls and doorways whilst helping the church to improve accessibility. This further supports the church becoming more viable by being able to cater to wider community needs.

However, Historic England argue there are problems with this application on heritage grounds. They state that this application presents a level of harm that could reduce the significance of this listed building. Historic England would like to see the porch maintain its historic use as an open space. However they also propose a more traditional alternative to the glazed door in the form of a more timber orientated door. This they state, would be more acceptable. Historic England argues that this application fails to meet the requirements of paragraphs 7, 8, 193 and 194 of the NPPF.

Overall, this application does create a small element of harm as explored in this report and by the conservation officer. However, the public benefit outweighs the limited amount of harm caused by the installation of the doors. A condition has been added to ensure that the existing lobby is removed within 3 months to ensure the improvements are carried out. As such this proposal is compliant with the NPPF (Paragraph 196) as well as the Brancaster neighbourhood plan policies 2: design, style and materials and 8: Protection of heritage assets and views. This proposal also supports the enhancement of the church as an environmental and cultural asset; again this is compliant with Local Plan policies CS12 and 13. The council places an emphasis on such enhancement where appropriate and as detailed, this proposal is appropriate and will be a benefit both to the church and the local community.

## 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: This Listed Building Consent relates only to works specifically shown on the approved drawing 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.
  - \* Proposed, Drawing number: 2/671/3B
  - \* Proposed Sketch, Drawing number: 2/671/11A
  - \* Site & Location Plans, Drawing number: 2/671/12
- 2 Reason: In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF.
- 3 Condition: All works shall be carried out in such manner that no unnecessary damage is caused to the fabric or decorative features of the building, and any damage so caused shall be rectified to the satisfaction of the Local Planning Authority.
- 3 Reason: To ensure that the fabric of the Listed Building is properly protected during the works in accordance with the principles of the NPPF.
- 4 Condition: Within 3 months of the installation of the glazed doors, the internal draft lobby as shown on 'Existing' Drawing number: 2/671/10 shall be demolished and removed as shown on 'Proposed' drawing number: 2/671/11A, unless otherwise agreed in writing by the Local Planning Authority.
- 4 Reason: Because the removal of the draft lobby was part of the planning balance in the consideration of this development and its removal helps to mitigate impact.

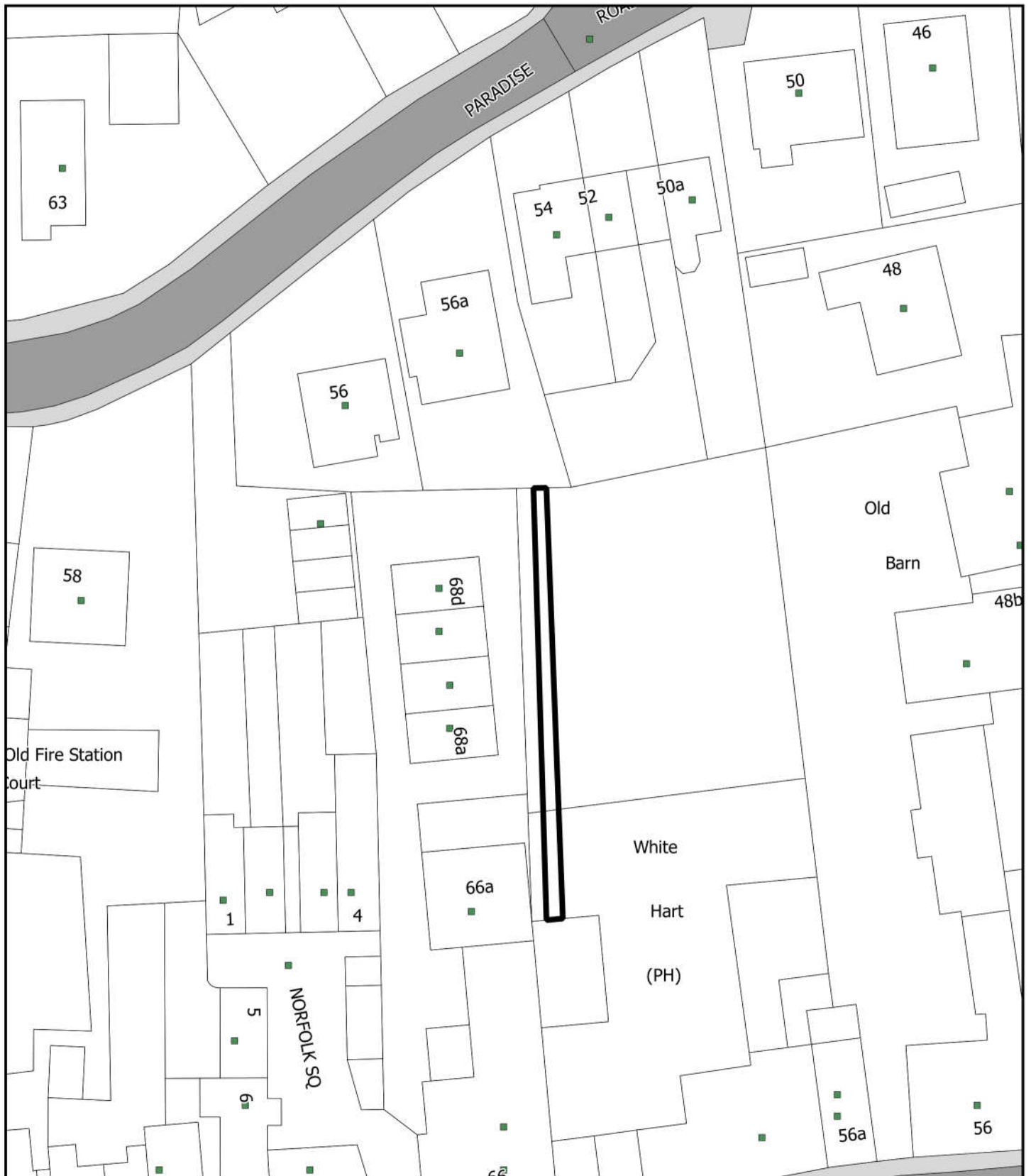
# 19/01554/F

## The Whale Bone 58 Bridge Street



**19/01554/F**

**The Whale Bone 58 Bridge Street**



|                      |   |   |
|----------------------|---|---|
| <b>Parish:</b>       | <b>Downham Market</b>   |   |
| <b>Proposal:</b>     | <b>Retrospective application for gate to approved garden wall</b> |   |
| <b>Location:</b>     | <b>The Whale Bone 58 Bridge Street Downham Market Norfolk</b>     |   |
| <b>Applicant:</b>    | <b>Mr Paul Gillings</b>   |   |
| <b>Case No:</b>      | <b>19/01554/F (Full Application)</b>                              |   |
| <b>Case Officer:</b> | <b>Bradley Downes</b>   | <b>Date for Determination:<br/>14 February 2020</b> |

**Reason for Referral to Planning Committee** – Called in by Councillor Don Tyler

**Neighbourhood Plan:** No

**Case Summary**

The application is for retrospective permission for the erection of a timber gate measuring approximately 2.1m high sited at the end of an existing boundary wall at the rear corner of the site. Behind this wall there is a strip of land owned by the pub and on the other side of this strip is the boundary of the neighbouring flats. The gate will be used to access the strip for maintenance purposes. The gate has no colouration. The site lies on Bridge Street in Downham Market, inside the Conservation Area.

**Key Issues**

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

**Recommendation**

**APPROVE**

**THE APPLICATION**

The application is for retrospective permission for the erection of a timber gate measuring approximately 2.1m high sited at the end of an existing boundary wall at the rear corner of the site. Behind this wall there is a strip of land owned by the pub and on the other side of this strip is the boundary of the neighbouring flats. The gate will be used to access the strip for maintenance purposes. The gate has no colouration. The site lies on Bridge Street in Downham Market, inside the Conservation Area.

Planning Committee  
3 February 2020

## **SUPPORTING CASE**

The White Hart [now called The Whale Bone] is located close to the centre of Downham Market within the conservation area, it is marked as a building of importance however it is not currently listed. The proposals involve minimal change to the approved scheme, an access door has been added to the furthestmost right hand side of the new garden wall that runs down the eastern edge of the site.

The door was added to the new approved garden wall so we could maintain, clear and keep clean the land between the back of the new wall and the existing boundary. It also was added to allow us to check that no infringements were happening on to our land behind the wall.

## **PLANNING HISTORY**

15/01369/DISC\_B: Discharge of Condition final letter: 27/11/17 - DISCHARGE OF CONDITIONS 3, 8, 10 AND 11 OF PLANNING PERMISSION 15/01369/F: Proposed internal alterations, single storey extension with associated mechanical plant and extract equipment - 58 Bridge Street, Downham Market, PE38 9DH

15/01369/F: Application Permitted: 06/11/15 - Proposed internal alterations, single storey extension with associated mechanical plant and extract equipment - 58 Bridge Street, Downham Market, PE38 9DH

## **RESPONSE TO CONSULTATION**

**Downham Market Town Council:** No response

**REPRESENTATIONS** None received

## **LDF CORE STRATEGY POLICIES**

**CS04** - Downham Market

**CS08** - Sustainable Development

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

**DM15** – Environment, Design and Amenity

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)  
National Design Guide 2019

## PLANNING CONSIDERATIONS

### The main considerations:

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

### Principle of development:

As part of the planning permission for application ref: 15/01369/F, condition 8 required details of the boundary treatment to be submitted to the LPA and approved. The condition also required that following its construction, it should be retained as approved thereafter. Details of the wall were agreed under 15/01369/DISC\_B. Effectively the application is seeking to vary that condition to amend the boundary treatment to allow the wall to be retained. The principle of such an application is allowed in planning law, and it will need to be assessed on its own merits.

### Impact on character and appearance:

The gate has been inserted in the rear left corner of the site. It is not readily visible from the street and it would have no material impact on the character and appearance of the Conservation Area.

### Impact on neighbour amenity:

As the height of the fence is the same as the height of the wall it replaced, the development would have no significant impact on the amenity of neighbouring occupiers. The increased use of the land in the gap between the two boundary treatments for maintenance purposes would not have any significant impact in terms of noise or disturbance.

### Crime and Disorder

There would be no impact on crime and disorder as a result of this gate.

## CONCLUSION

Overall, the development would not have any material impact on the character and appearance of the area or the Conservation Area, and it would not have any detrimental impact on neighbour amenity.

### RECOMMENDATION:

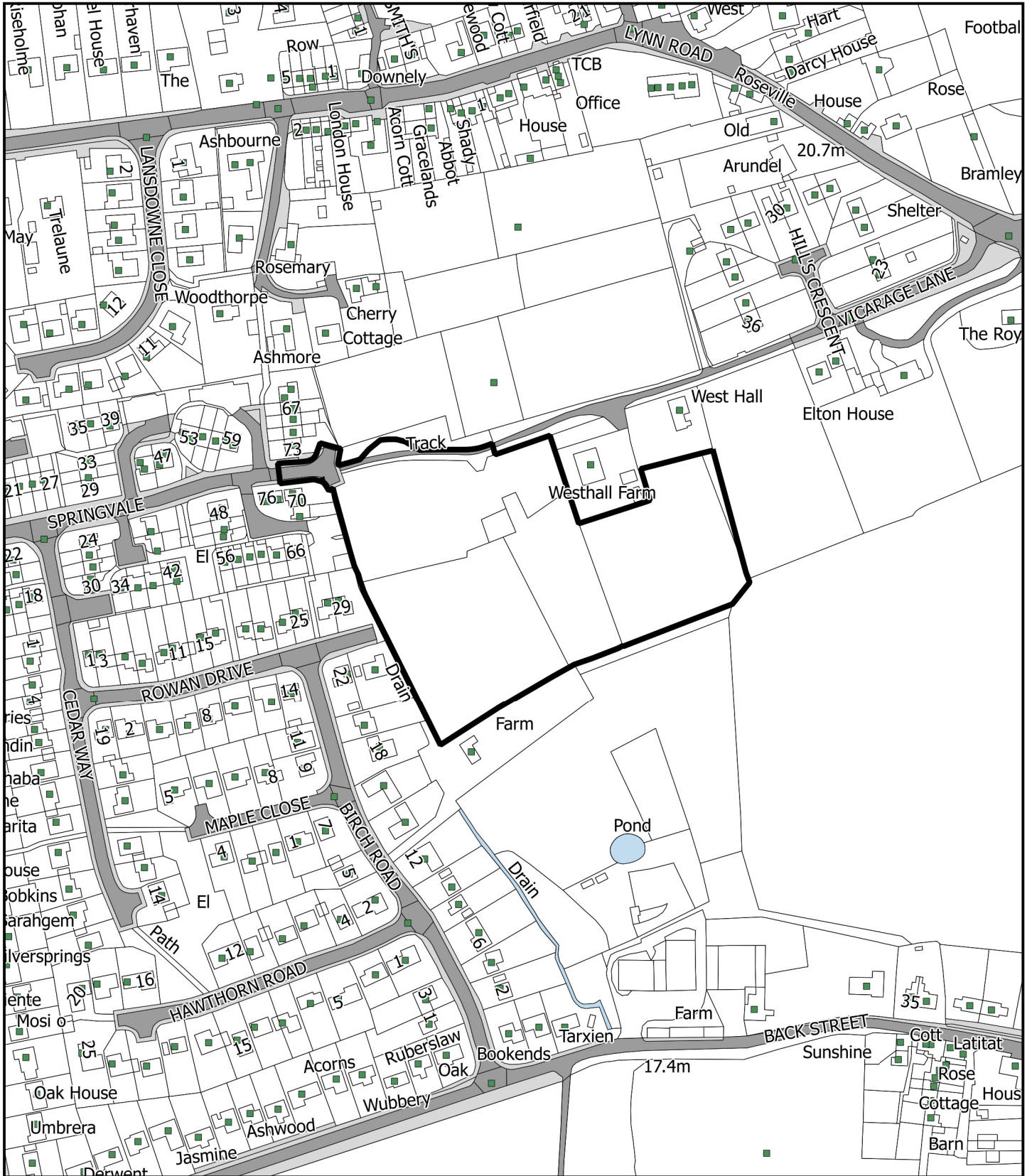
**APPROVE** subject to the imposition of the following condition(s):

- 1 Condition: The development is hereby permitted in accordance with the following approved plans. Dwg nos. 14012/500 (Location Plan and Proposed Site Plan), 14012/502 (Existing and Proposed Elevations), and 14012/501 (Existing and Proposed Floor Plans).
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.



19/02077/CM

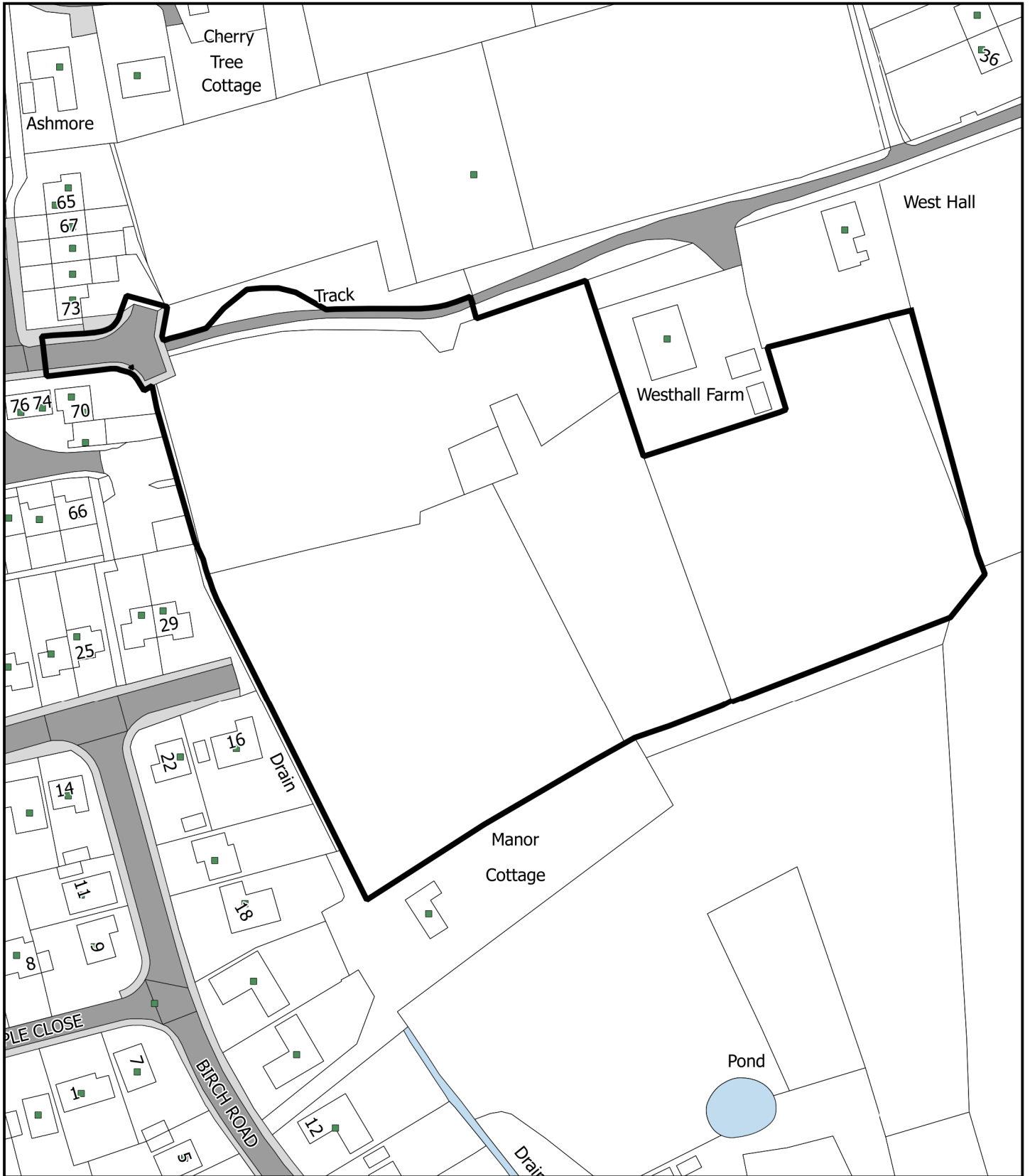
# Land adjacent to West Hall Farm Springvale





**19/02077/CM**

**Land adjacent to West Hall Farm Springvale**



|                      |   |   |
|----------------------|---|---|
| <b>Parish:</b>       | <b>Gayton</b>   |   |
| <b>Proposal:</b>     | <b>COUNTY MATTERS APPLICATION: Erection of a 210 pupil primary school and 56 place nursery, access associated car parking, playing fields and landscaping</b> |   |
| <b>Location:</b>     | <b>Land Adjacent To West Hall Farm Springvale Gayton Norfolk</b>  |   |
| <b>Applicant:</b>    | <b>Head of Children's Services</b>  |   |
| <b>Case No:</b>      | <b>19/02077/CM (County Matter Application)</b>  |   |
| <b>Case Officer:</b> | <b>Mrs N Osler</b>  | <b>Date for Consultation Response:<br/>30 December 2019</b> |

**Reason for Referral to Planning Committee** – At the discretion of the Assistant Director

**Neighbourhood Plan:** No

**Case Summary**

The application is a County Matters application for the erection of a new 210 place pupil primary school and 56 place nursery, access, associated car parking, playing fields and landscaping.

The site lies in a central location within the village in an area of undeveloped land outside of the development boundary. Residential development lies to the immediate west with two dwellings lying at the eastern end of the site.

This application is a County Matters application whereby Norfolk County Council is the Determining Authority and the Local Planning Authority is one of a number of statutory consultees.

**Key Issues**

- Principle of development
- Form and character
- Flood risk and Drainage
- Traffic & transport
- Neighbour Amenity
- Ecology and
- Other Material Considerations

**Recommendation**

**NO OBJECTION**

## THE APPLICATION

The site is an unoccupied parcel of land between the housing developments of Springvale, Rowan Drive and Birch Road to the west and West Hall Farm and West Hall Cottage to the east.

The site is relatively flat and consists of an area of grassland with trees and hedging, part overgrown and last used for grazing.

A public right of way runs to the north of the site offering pedestrian access from Lynn Road via Hills Crescent to the east to Springvale to the west.

The proposed development would provide a new 210 pupil place primary school to replace the existing Gayton Church of England Primary School.

The main school building will provide:

- 7 classrooms
- a central open plan library and resource area and
- a multipurpose assembly hall
- W/Cs, cloakrooms, storage and plant rooms
- a main office and head's office, staff room
- food tech / practical area and
- a re-heat kitchen.

The nursery building will provide:

- two children's rooms
- associated W/Cs and nappy change areas
- a kitchen area and storage and administration areas including manager's office and community room.

The school buildings are predominantly single storey with a parapet flat roof over the hall and kitchen areas. The elevated roof to the Assembly Hall (to accommodate indoor sports) is also stated to provide a focal point for the building with the teaching and staff areas formed under seam mono-pitched roofs. The mono pitched roofs are shown to have eaves of c.2.9m with the high point measuring c.5.9m. The main single storey elements are shown to be c.3.6m high with the Assembly Hall being c.6.5m high.

The school building façade will be clad with buff facing brick to the main elevations with coloured panels adjacent to the classroom windows. Stand-alone external canopies are provided to the reception and key stage 1 classrooms to provide covered play areas and will be powder coated to match the aluminium work of the glazing systems. The main hall will be predominately brick clad and will provide a prominent area on which to display the school sign, and is flanked by two strips of vertical glazing.

The nursery building will be similar to the main school building with buff facing brick and powder coated aluminium windows and doors. The nursery building includes a standing seam mono pitched roof and a standalone external canopy to provide covered play areas at the rear of the nursery. Both buildings will include a solid entrance canopy.

Vehicular access is proposed via Springvale, the existing estate road to the west of the site. The existing turning head will be extended into the site to allow a single point of access which will be adopted as a public highway. Several existing trees will need to be removed to facilitate the access. No vehicular access is proposed from the east via Vicarage Lane.

There will be no coach access into the site (as agreed with the Local Highway Authority) and coaches will park, drop-off and pick-up either in Springvale or Winch Road.

Pedestrian access will be from both the east and west. Access from the east shall be via Vicarage Lane and the public right of way. Access from the west shall be via the existing Springvale Estate public footpath.

The school and nursery will share a single car park within the site that will provide 37 car parking spaces for staff and visitors including 2 disabled spaces.

Stands for secure storage of up to 30 cycles and 40 scooters will also be provided.

Both the school and nursery will be fully accessible to wheelchair users and ambulant disabled persons.

Due to child welfare and security a 2.4m high weldmesh perimeter fence with matching pedestrian and vehicular weldmesh gates is proposed. Native shrub and hedgerow planting is proposed to soften the boundary.

## **SUPPORTING CASE**

The application has been supported by a raft of documents including a Planning Statement, Design and Access Statement, Transport Statement, Ecology Report, Flood Risk Assessment and Drainage Strategy, and Lighting Details.

The Planning Statement advises that Norfolk County Council (NCC) Children's Services has identified a need for a new primary school within the village of Gayton to replace the existing Primary School at Lynn Road. It currently has some 148 pupils on roll (May 2019). In view of the continuing demand for school places (including from planning housing developments) the current school facilities are inadequate. Therefore a new school is required to cater for the needs of the area. The existing Goslings nursery provision also required to be moved to the new site with the provision of a 52-place nursery.

To accommodate this growth, NCC has identified the need for a site of at least 1.6ha.

NPS, on behalf of NCC, undertook a site search to identify potential sites within Gayton to accommodate the new school. A School Site Assessment outlines the systematic exercise undertaken to identify a site to meet the client's need. It concludes that site 12 (the application site) is the most suitable site to accommodate the new school.

## **PLANNING HISTORY**

No recent relevant history

## **RESPONSE TO CONSULTATION**

**NB** The following consultation responses were sent directly to Norfolk County Council as the Determining Authority. The responses from other teams within the Local Authority have been given in full. This is because they are specifically referred to in the following report and your officers are requesting the inclusion of certain conditions they recommend if permission

is granted. The Parish Council's comments have also been given in full. All other consultee comments have been summarised giving only their overarching recommendation.

**Parish Council:** Gayton Parish Council voted to **APPROVE** the application, but does have some concerns which are listed below:

The Parish Council knows there were other sites within the village that may have been more suitable but understands that these sites have been considered and have not been found to be appropriate for developing further.

#### *Access*

The Parish Council are extremely concerned regarding the residents that live in Springvale and the surrounding area. The Parish Council would like assurance that a zero-tolerance approach will be achieved within the Traffic Management Plan whilst the build is taking place but also the situation will be addressed once the building is built so that these residents are not constantly disturbed. Some residents have suggested the use of double yellow lines down one side of the approach road but the Parish Council is aware that sometimes yellow lines can make the situation worse. The Parish Council would like monitoring to be on-going for the first year taking into account school / resident's views.

There were several comments regarding there only being one access and feel that other roads close by or around other entrance gates will be used as car parks. Could the access be modified to provide an in / out access ideally not both on Springvale?

#### *Turning Circle*

The Parish Council are concerned that it may cause congestion if not staffed correctly. The turning circle will go over a heritage footpath and the Parish Council would like the construction to cause minimum disruption to the area if it cannot be accommodated in another place or another way

#### *Coaches*

The Parish Council is concerned regarding children's safety because the access is not suitable for a coach to enter the site. Surely this should be a main requirement when building a new purpose built school. This could possibly be achieved if the in and out access was provided

#### *Car Parking*

The Parish Council understands that car parking wherever the school was to be built would be an issue mainly with parents unwilling or unable to walk. A walking bus scheme would be welcomed. Parishioners are asking what will happen with large school events, with parents, grandparents etc. all being present at the same time. Can another area on site or nearby be allocated for car parking?

#### *Loss of Green Space*

There will be significant loss of green space with the school being built in this position. The Parish Council understands that the school would like the landscaping undertaken to their specifications but not necessarily straight off. Could the Parish Council have assurance that the school will be able to access the landscaping provision within the first year?

There is an area owned by the County Council to the north of the proposed site. Could this be given to the village in mitigation for what has been lost? The Parish Council understands that this area might not be available if needed to address another issue raised, but if not the Parish Council would welcome the use of this area as additional green space. It would make a lovely area for parents to wait for their children come out of school, e.g. a few benches to allow for picnics etc. which would assist with socialising for parents and younger siblings assisting with parishioners' wellbeing. It could also be used as an additional outdoor classroom.

### *Highways*

The access to the proposed new school would be from Winch Road. Could consideration be given to lowering the speed limit to say 20mph around the vicinity of the entrance especially during school opening times?

### *Footpaths*

Parishioners would like to see a provision for walking / cycling to school e.g. no gravel and the footpaths to be kept in good order. There is also a large piece of carrstone that has been placed in the entrance to Vicarage Lane for an extremely long time; could this feature be retained within the build / site?

In conclusion, the Parish Council knows that the village is in desperate need of a new school but do not wish to upset the lives of other parishioners in the process. The Parish Council would like to send a representative to the planning meeting to explain the situation from the Parish Council / parishioners' point of view.

This is a substantial project much needed that will affect the lives of a considerable number of residents now and in the future, and the Parish Council hopes that the Planning Committee will take on board all of the concerns that have been raised and they can be addressed so that the project is talked about favourably for years to come.

## **Environmental Health & Housing – Environmental Quality (BCKLWN): NO OBJECTION**

### *Air Quality*

The proposal is for the construction of a new primary school and nursery in Gayton to replace the existing and limited site. The application includes a Transport Statement which details the inclusion of 37 parking spaces on the new site for staff and visitors. This allowance should result in an estimated AADT of 74 trips which is not deemed to be a significant change within EPUK and IAQM Planning for Air Quality Guidance. Moreover, background annual mean concentrations of nitrogen dioxide (8.83ug/m<sup>3</sup>) and particulate matter (14.09ug/m<sup>3</sup>) are both well below the national objective. Active transport will also be encouraged at the school, with secure storage for up to 30 bicycles and 40 scooters provided; encouraging active transport and contributing to the sustainable travel plan for the school. Additionally, due to its central location in the village, the site will also be accessible to pedestrians by a footpath and cycleway from neighbouring housing developments. Lastly, the inclusion of a turning loop for drop off should limit the demand for car parking and idling along the access road.

Air quality concerns from construction dust have been addressed within the Construction Consideration Statement. Dust will be monitored for the duration of the project, and a 5mph speed limit will be applied to reduce the risk of dust being produced by construction vehicles, with appropriate mitigation suggested if dust is produced. A thorough complaints procedure is also detailed. Based on the information provided I have no objections to the proposed

Planning Committee  
3 February 2020

development on air quality grounds. However we would welcome the addition of EV charging points / infrastructure within the development in line with NPPF para. 110(e) if this was feasible.

### *Contaminated Land*

The application includes a Preliminary Contamination and Geotechnical Risk Assessment undertaken by Hamson Barron Smith dated October 2018. The assessment report reviews documentary sources of information about the site's environmental setting and land-use. The report does not identify any major potential sources of land contamination, however it is likely that there will be some localised Made Ground in the area where former farm buildings have been demolished. The report sets out a preliminary risk assessment in a conceptual site model and recommends that the actual risks to the receptors would need to be determined by undertaking an intrusive ground investigation and laboratory analysis. Therefore I recommend that additional site investigation and risk assessment and any necessary remediation be carried out should permission be granted and that this be required by condition.

**Community Safety and Neighbourhood Nuisance (BCKLWN): NO                      OVERRIDING OBJECTION**

### *Site preparation/Construction phases*

The submitted Construction Consideration Statement ref 19-1-1044 P2 identifies a number of measures to control activities during the construction phase. However, we would require a more comprehensive document for such a development, and given the proximity to residential dwellings (either around the site or on the traffic route) we would not agree to the proposed working hours. Whilst workers could arrive at the site from 0730 hours weekdays, as well as no noisy work being commenced until after 0800 hours, we would wish to ensure that no deliveries or collections occurred before 0800 hours. We would request Saturday hours are amended to 0900-1300; 0730 hours is too early in this residential village location.

Where piling is required, this should be within the hours of 0900-1700 weekdays only. I welcome that residents will be notified of such activities. The Statement should also include that loads should not be dropped from height to limit dust and noise, and stockpiled soil, sand or other loose materials should be covered or contained to avoid wind blow. We would prefer that all vehicles can fully access the site to deliver/collect and should be able to turn around to exit in a forwards gear without reversing manoeuvres if possible, to limit engine and reversing beeper noise impact on residents.

Additional information is required in relation to the handling of waste and recycling on site. Waste/recycling will need to be stored in skips which are lidded or covered by tarpaulins or similar in order to ensure that no waste can drop, blow or be dragged out by wildlife, in order to prevent littering. Ideally these should be in a fenced compound. It would also be helpful for information on site lighting and site security to be included in the Statement so we can assess the potential impact on adjacent residents; what and where will lighting be located for construction worker safety/overnight site security? Will there be any alarms to secure containers or plant equipment, and if so how will they be controlled and responded to? We welcome revisions to the Construction Consideration Statement so that compliance with it can be conditioned, or otherwise we would request a condition requiring a more detailed document to cover the above aspects.

### *Traffic movements*

The Design & Access Statement states at page 18 that coaches will not be permitted to access the site and that they will pick-up and drop-off in Springvale or Winch Road. In order to assess the possible impact from noise of this proposal it would be useful for more information in the number of predicted journeys by coach per week/month. I am concerned that this will lead to buses idling and reversing onto the un-adopted estate roads in order to turn around. This will lead to an increase in noise for local residents during pick up and drop off. I would prefer a scheme where coaches are able to use the turning head to turn around. If the turning head isn't utilised a robust management plan to control coaches serving the school should be agreed. The management plan should also include details of how the proposed development will control visitors cars parking on the estate roads or blocking access to estate roads at peak times (beginning and end of the day) which could lead to complaints of Anti-social behaviour if not properly controlled.

### *Drainage*

I welcome and support the proposal to connect to the main foul sewer for foul water drainage. I consider that the proposal to use attenuation cell storage on site with a limited discharge via hydrobrake to the public surface water sewer for surface water, along with a swale to the west of the site to prevent any run-off to the residential area, a suitable system to handle surface water and land drainage. Full details of pipework and associated infrastructure can be supplied via a combined drainage condition.

### *Lighting*

The proposed lighting for the completed building and surrounding land is acceptable and should minimise any adverse impact on residents. I recommend lighting is conditioned to be in accordance with the submitted plan ref NPS-DR-E-(60)-005 Rev P1.

### *Noise*

I am unable to measure from the plans, but it appears that the air source heat pump compound west of the main school is around 14m from the boundary of the nearest dwellings on Rowan Drive (numbers 29 and 16). Information has been supplied for units with noise levels of 53dB and 74dB, but which units will be where is unclear. Based on the louder level of 74dB, without any acoustic attenuation, the noise level at the property boundaries calculates to be 43.1dB, which could be as high as 13dB above background levels. Information supplied indicates that units would operate day times only (0800-1700 hours weekdays) with a 'night set back' mode during the heating season. Drawing ref HBS-DR-L-800 Rev P3 (Landscaping) shows that the units will be housed in a 2.2m high acoustic timber fenced compound. So that we can be sure there will be no impact on residents, full details of the acoustic standard of the enclosure, the units proposed and distance from the units to the site boundary is required to enable accurate noise levels to be calculated. I therefore recommend that this is submitted under the control of an air source heat pump condition, assuming that it is too early in the planning process to finalise unit details.

Basic information on external plant to serve the kitchen etc. has been provided, including that it will be housed behind a roof parapet and that the kitchen will operate as a first heat kitchen. Other ventilation will be housed within the roof and attenuated. Initial assessments of this do not cause me any concerns in terms of noise or odour. Final details could be conditioned via an external plant condition.

**Arboricultural Officer (BCKLWN):** Verbal discussion – agrees within the findings of NCC's Natural Environment Team.



**Local Highway Authority (NCC): NO OBJECTION;** conditions requested

**Historic Environment Service (NCC): NO OBJECTION;** conditions requested

**Natural Environment Team (NCC): NO OBJECTION;** conditions requested

**Norfolk Fire and Rescue (NCC): NO OBJECTION;** conditions requested

**Lead Local Flood Authority (NCC): NO OBJECTION;** conditions requested

**Sport England:** Comments neither in support nor against were submitted

## **REPRESENTATIONS**

A number of third party representations have been made directly to Norfolk County Council as the Determining Authority.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS10** - The Economy

**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

**DM22** - Protection of Local Open Space

## **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  
Flood risk and Drainage  
Traffic & transport  
Neighbour Amenity  
Ecology and  
Other Material Considerations

### **Principle of development**

The site is in Gayton which is a Key Rural Service Centre within the settlement hierarchy. Accordingly the Council will support development of an appropriate scale necessary for a Key Rural Service Centre.

The spatial strategy for development in the Borough is set out in CS01 of the Core Strategy and is intended to direct development to the most sustainable location. Policy CS01 refers specifically to the strategy to improve facilities for all to services, including education.

Policy CS02 reinforces the need for limited growth of a scale and nature appropriate to secure the sustainability of each Key Rural Service Centre.

Policy CS13 refers to community and culture and supports the creation of sustainable communities through the provision of accessible and inclusive community infrastructure. The policy recognises the importance of community facilities and services in improving peoples' quality of life, reducing inequality and improving social cohesion.

Policy DM1 of the Site Specific Allocations and Development Management Policies Plan requires the Council to take a positive approach to the presumption in favour of sustainable development.

Policy DM2 guides development to within the development boundaries of settlements whilst acknowledging the enabling criterion of certain policies with The Development Plan such as CS13 for community facilities.

Policy DM9 encourages the provision of new community facilities, particularly in areas with poor levels of provision and in areas of major growth.

Policy DM22 relates to the protection of open space and resists any proposals that will result in the loss of access to locally important areas of open space unless offset by replacement provision or the wider benefits of allowing the development to proceed outweigh the value of the site as an area of open space.

The NPPF states (at paragraph 94) that: *"It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and  
b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.”

The site is in a central and accessible location and therefore, whilst outside of the development boundary, is considered to accord with enabling policies contained CS13 and DM9 and paragraph 94 of the NPPF.

The site currently forms an area of green space with trees and shrubs. However the site is not open to the public and therefore its wider amenity value (over and above visual) is limited. Its loss therefore would not constitute a reason for refusal. Furthermore the need for a new primary school site is recognised and the use of this site for a new school and nursery would bring new community facilities.

The principle of this use on this site is therefore supported in planning policy terms.

### **Form and character**

The site lies in a central location within the settlement of Gayton. It has no street frontage with access from the west via Springvale and from the east via Vicarage Lane.

There is existing open space to the north, east and south of the site with residential to the east, and northeast. The single storey buildings would be read in this context.

The Design and Access Statement states that the main elevations of the school and nursery buildings will be clad primarily in buff facing brick with powder coated aluminium windows and doors. The buildings include standing seam metal pitched roofs and stand-alone external canopies to provide covered play areas at the rear of the nursery, reception and year 1 classrooms. Both buildings will include a solid entrance canopy.

With the tallest element being the Assembly Hall at 6.5m in height, the proposed buildings will not be unduly dominant or conspicuous in their setting and should be in keeping with surrounding development.

### **Flood Risk and Drainage**

The site lies in Flood Zone 1 (lowest risk of flooding). Nevertheless given the size of the site (greater than 1ha) a flood risk assessment (FRA) is required.

A proportionate FRA was submitted the conclusion of which is that:

1. The site is not considered to be at risk of fluvial flooding
2. The site is not considered to be at risk of pluvial flooding
3. The site is not considered to be at risk of groundwater flooding
4. Ground conditions do not permit the use of soakaways for surface water disposal
5. Exceedance flow routes fall south away from the school building into the school playing fields
6. The drainage scheme is in compliance with the NPPF and NPPG as well as the non-statutory Technical Standards for Sustainable Drainage Systems
7. The proposed drainage for the site is appropriate and safe without increasing flood risk elsewhere
8. The development is appropriate for the site.

No objections appear to have been raised by statutory bodies in relation to the risks associated with flooding / drainage.

The Local Authority's CSNN team has requested full details of pipework and associated drainage infrastructure be supplied by condition if permission is granted.

### **Traffic & Transport**

The application is accompanied by a Transport Statement from which the following information has been obtained.

Vehicular access to the site will be via Springvale to the west with the adopted highway extended to create a turning loop. From this a gated access into the school site will be created. The turning loop will allow drop-off which should limit the demand for car parking on Springvale. This approach has evolved from discussions with the Highway Authority.

The turning loop results in an impact on the current alignment of the existing right of way (that extends in an east west direction from Vicarage Lane to the east). As a result the proposed design ensures that access to this defined restricted byway is maintained. Pedestrian accesses will be provided from the byway and footway on the turning loop using a dedicated entrance / gateway which will separate car borne and pedestrian movements and will create a more direct route for pupils arriving from the east.

This layout has been developed following consultation with the Public Rights of Way Officer and has established that the alternative / new route can be provided to benefit the public.

It is acknowledged that the school will lead to movements and disturbance for nearby residents at the beginning and end of the school day as a direct result of vehicular activity. However, it is hoped that this more centrally located site, with better pedestrian links (to that of the existing site), will be more attractive and accessible and thus result in more pupils arriving on foot, bike or scooter.

The CSNN team has requested additional information in relation to the coach drop-off and pick-up arrangements to prevent anti-social impacts from idling vehicles and vehicles blocking estate roads. If such information is not submitted prior to determination it is requested that it be covered by condition.

All construction traffic will access the site from the west from Winch Road and then Springvale. During the construction phase of any project it is also acknowledged that there is potential for noise and disturbance from activities and the passage of vehicles. To give some certainty around these issues a construction considerations statement has been submitted with the application. In regard to this statement the CSNN team has stated they object to the currently proposed working hours and have requested further information either prior to determination or via condition.

The NPPF identifies that "Development should only be prevented or refused on transport ground where the residual cumulative impacts of development are severe". From the information provided it is considered that the travel demand of the proposed development would not represent a severe transport impact and there are no significant issues raised from a traffic and transport perspective. The Local Highway Authority raises no objection.

### **Neighbour Amenity**

The proposed site adjoins existing residential development to the west and a couple of residential properties to the east. The proposed school and nursery buildings are separated

from the properties to the west by a distance shown to be in the region of 20 metres with significantly greater distance between buildings and existing residential to the east (in excess of 30m).

The relationship between the buildings as proposed and neighbouring properties has been examined and the impact upon the amenity of the occupants of these properties has been assessed. Consideration has been given to overlooking, overshadowing and whether the buildings are overbearing.

Given the distances involved and the limited height of the proposed buildings it is not considered there would be significantly detrimental impacts upon the amenity of the adjoining properties in terms of overlooking, overshadowing or overbearing impacts. Lighting details have been supplied and the CSNN team have requested these details be conditioned if permission is granted.

As stated in the previous 'Traffic & Transport' section it is acknowledged that there will be some disturbance to nearby residence at school drop-off and pick-up times.

The CSNN team has requested additional information, by condition in relation to air source heat pumps (including the acoustic standard of their enclosure) and other plant and machinery (primarily relating to that serving the kitchen).

In summary, the use of the site will generate a degree of noise and disturbance from day to day activity, play-times and outdoor activities as well as from mechanical and kitchen ventilation including air source heat pumps. However, these would not be excessive in level or duration.

A school use is generally considered to be compatible with existing residential uses and will not raise such significant amenity issues to warrant the refusal of planning permission subject to appropriate conditions being appended to any permission granted.

### **Ecology and Arboricultural Impacts**

The Natural Environment Team (NET) at NCC is satisfied that the ecology and arboricultural impact assessments submitted with the application are fit for purpose with adequate mitigation proposed.

The Local Authority's Arboricultural Officer agrees with the findings of the NET in relation to the impact on trees.

### **Other Material Considerations**

**Air Quality and Contaminated Land:** It is requested that the conditions recommended by the Local Authority's Environmental Quality Team relating to air quality and contaminated land are appended to any permission granted.

### **CONCLUSION**

A need has been identified for additional school places that cannot be accommodated at the current site. The proposed site, that has been picked via a specific site assessment process is within a central and accessible area of the Key Rural Service Centre of Gayton and would meet this identified need and provide a community facility.

The applicant has demonstrated that the proposal can overcome constraints including ecology, drainage and contamination subject to the imposition of appropriately worded planning conditions.

The development is acceptable from a traffic and transport perspective.

Subject to conditions it is not considered that the proposed development would not have any material detrimental impact on the amenity of the locality or, due to the distances involved, the amenity of any residential properties.

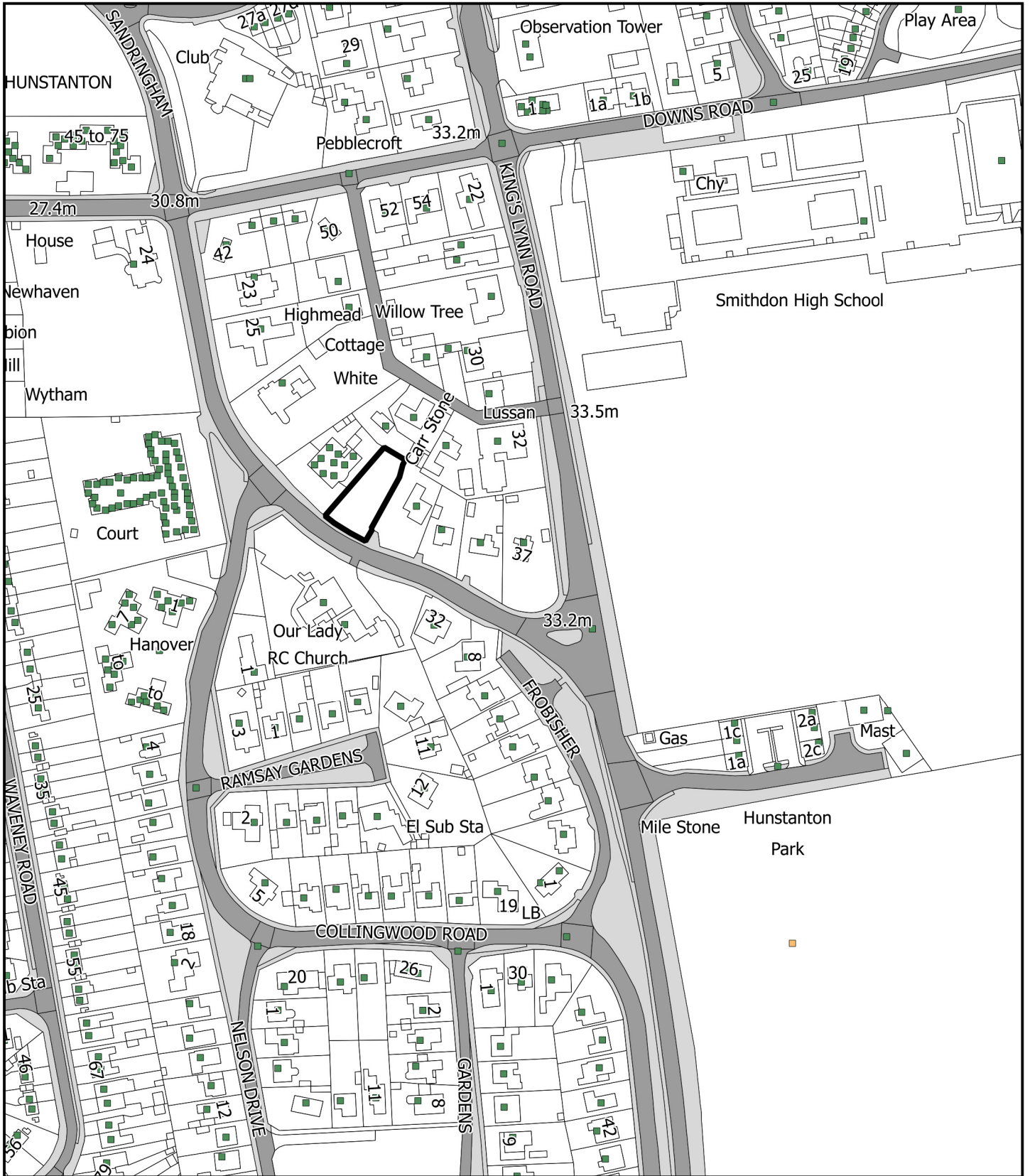
In conclusion the LPA considers that the proposed development accords with the overarching government guidance in relation to such proposals and that it would not result in any significant detrimental harm to the locality.

## **RECOMMENDATION**

**NO OBJECTION**, subject to conditions including those recommended by the Local Authority's CSNN and Environmental Quality teams in their direct comments to the applicant.

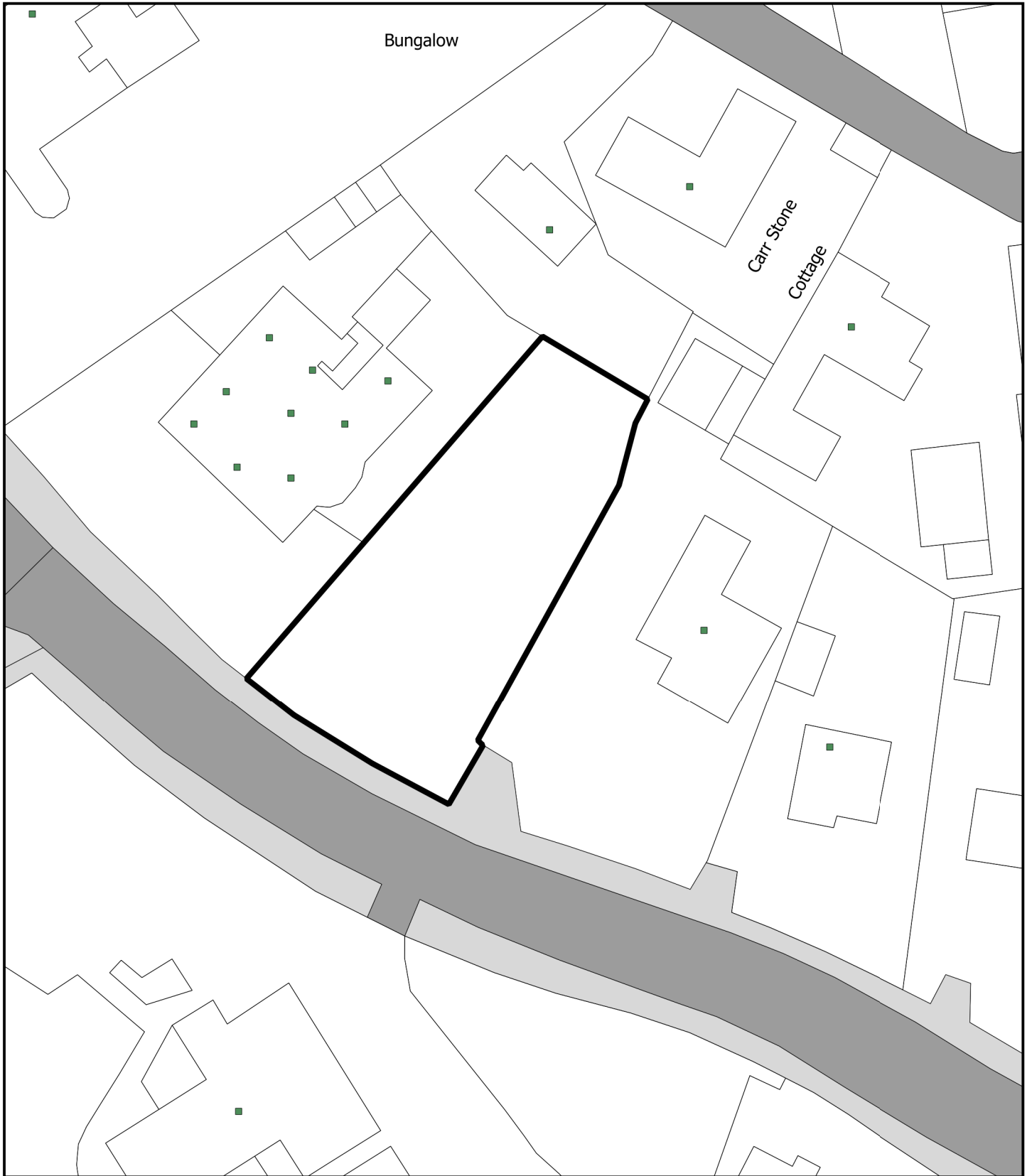
19/01632/F

# Plot Adjacent The Homestead Sandringham Road



**19/01632/F**

**Plot Adjacent The Homestead Sandringham Road**





|                      |  |  |
|----------------------|--|--|
| <b>Parish:</b>       | <b>Hunstanton</b>  |  |
| <b>Proposal:</b>     | <b>Construction of dwelling</b>                                |  |
| <b>Location:</b>     | <b>Plot Adjacent The Homestead Sandringham Road Hunstanton</b> |  |
| <b>Applicant:</b>    | <b>Mr Keith Anderson</b>                                       |  |
| <b>Case No:</b>      | <b>19/01632/F (Full Application)</b>                           |  |
| <b>Case Officer:</b> | <b>Mrs N Osler</b>   | <b>Date for Determination:<br/>18 November 2019<br/>Extension of Time Expiry Date:<br/>7 February 2020</b> |

**Reason for Referral to Planning Committee** – Officer Recommendation is contrary to Town Council Recommendation referred by Sifting Panel

**Neighbourhood Plan:** No

**Case Summary**

Full planning permission is sought for the construction of a dwelling on Sandringham Road, Hunstanton.

The site lies within the Conservation Area and contains a TPO cedar tree (2/TPO/00518).

The site lies within flood zone 1.

The application seeks to address the reasons for refusal and dismissal at appeal of application 14/01550/F (APP/V2635/W/15/3134206) – decision attached.

**Key Issues**

- Principle of Development
- Appeal History / Form, Character and Impact on Conservation Area
- Highway Safety
- Residential Amenity
- Tree Protection
- Other Considerations

**Recommendation**

**REFUSE**

## THE APPLICATION

Full planning permission is sought for the construction of a single-storey dwelling on Sandringham Road, Hunstanton within the curtilage of the donor property known as The Homestead.

The dwelling would be sited at the rear of the site and would be accessed via an access off of the donor property. The two-bed dwelling would be enclosed by a carrstone wall to create a private courtyard and allow for the removal of the recently erected 1.8m high close boarded timber fence between the site and the donor property. Parking is proposed within the courtyard area with a drive circling the protected Cedar tree occupying the front portion of the site.

The site lies within the Conservation Area and contains a TPO cedar tree (2/TPO/00518).

The development would result in the loss of one holly tree.

The whole of the site's carrstone wall fronting Sandringham Road would be retained.

The site lies within flood zone 1.

The application seeks to address the reasons for refusal and dismissal at appeal of application 14/01550/F (APP/V2635/W/15/3134206) for a *new chalet dwelling, garage and new vehicular entrance*.

## SUPPORTING CASE

Having read through the Inspector's response to the appeal it is clear that the inspector has assessed this site based on the submitted design only rather than assessing any development in principle at this location.

At no point within the text does the Inspector say "any development" it is always referred to as "the development".

This is evident throughout the whole text; for example in paragraph 2 the Inspector refers to "the development" rather than "any development". In paragraph 6 he says "The proposed one and a half-storey dwelling" rather than any and in paragraph 9 again the Inspector refers to "the proposed dwelling".

Further to this the Inspector does not say at any point within the text that the site should not be developed at all. He has assessed the site based on the submitted design only.

Paragraph 9 is the key paragraph:

"For these reasons, I consider that the introduction of the proposed dwelling in the space between Nos. 29 and 31 would detract from the setting of No. 29 and would be harmful to the Sandringham Road streetscene".

If the Inspector had felt that any development on the application site was not possible one would have thought this would have been summarised within the 'other matters section' and the above highlighted statement should have read: "the introduction of any proposed dwelling".

We do consider that the site can be developed in an appropriate manner through well considered appropriate design. We believe that the current proposed design addresses all

the issues raised by the Inspector including retaining all of the road side trees, retaining the existing front wall, preserving the open feel of the application site and enabling views of the decorative façade of No 29 to be retained while providing an additional dwelling.

Further to this we feel the proposed design will enable the former garden of No 29 to be maintained as a garden once again rather than as an undeveloped piece of land.

We hope the Planning Committee can approve the proposed scheme.

## **PLANNING HISTORY**

14/01550/F: Application Refused: 13/03/15 - New chalet dwelling, garage and new vehicular entrance; Appeal Dismissed 17/02/16

Adjacent site (donor property)

13/01206/LDE: Was Lawful: 08/10/13 - Certificate of Lawfulness: Continued use of building for flats

## **RESPONSE TO CONSULTATION**

**Parish Council:** **SUPPORT** on the basis that the size of the dwelling has been reduced, the egress from the plot has been changed and there will be no need for the removal of any of the trees on the plot boundary along Sandringham Road.

**Conservation Officer:** **OBJECTS** on the basis that the previous application for a dwelling on this site was refused in 2014 and the subsequent appeal dismissed in early 2016. This application shows a very different dwelling which the DAS comments take its lead from traditional coach houses which are a common feature of large houses in the locality. Its location has also been changed to position it to the back of the site and it is screened by a carstone wall to reduce its visual impact and give the front of the site an open feel.

However, I have to take account of the previous appeal decision and in particular the Inspectors comments regarding:

- The sites undeveloped character being a significant feature of the streetscene, giving the building a setting proportionate to its size and being a transition point between turn of the century houses and more modern bungalows (Para. 7)
- The prevailing character of this part of the CA being specifically defined by the two substantial properties in large plots and which significant space between them (Para.8)

Both of these comments are still relevant and so, whilst I really like the design of the proposed new dwelling, I am unable to support the application and recommend that it be refused.

**Arboricultural Officer:** **NO OBJECTION.** Having looked at the updated plans and the agents comments, I can confirm that I have no objections as long as the TPO'd tree and the road frontage trees are retained and suitably protected by condition.

**Highways Authority:** **NO OBJECTION.** I am able to comment that in relation to highways issues only that, as this proposal does not affect the current traffic patterns or the free flow of traffic Norfolk County Council does not wish to resist the grant of consent. Should your

Authority be minded to the grant of consent, I would seek to append a condition securing the on-site access and parking proposed.

**Natural England:** NO COMMENTS to make

**Environmental Health & Housing – Environmental Quality:** NO COMMENTS to make in relation to contaminated land or air quality

## REPRESENTATIONS

**Hunstanton Civic Society: OBJECT** stating: The Civic Society considers that the Conservation Area designated in 1984 and enlarged in 2009 to be very important. It is an area of special architectural or historic interest, the character and appearance of which it is desirable to preserve and enhance. The conservation of the historic environment is part of our quality of life, helping to foster economic prosperity and providing an attractive environment in which to live or work.

The quality and interest of a conservation area depends upon a combination of factors including the relationship and architectural quality of buildings, materials, spaces, trees and other landscape features, together with views into and out of the area.

The Conservation Area Character Assessment makes specific mention of 29 Sandringham Road. "The Convent of St. Teresa (number 27) and 29, on the east side are a continuous group of turn of the century carstone houses in substantial gardens with important trees and front walls."

The land adjacent to the Homestead, 29 Sandringham Road has been part of the garden of that property. The fact that it has been fenced off and used as a dumping ground is already degrading the Conservation Area because it is causing harm to the setting of the main house. The house has a decorative side elevation, the land in question gives the building a setting proportionate to its size which is consistent with the neighbouring Convent.

We consider that in-filling with the erection of any dwelling on this land would be harmful to the Sandringham Road streetscene. Although this harm may be less than substantial to the Conservation Area as a whole, paragraph 196 of the NPPF Feb. 2019 states that "this harm should be weighed against the public benefits of the proposal."

As no public benefit could accrue from this speculative proposal, it is contrary to the NPPF and should be REFUSED.

**Third Party Representatives:** Five letters of support (from three third party representatives) and 13 letters of objection (from eight third party representatives) have been received.

The letters of support can be summarised as:

- The site has been separated from No.29 [sold] and is therefore highly unlikely ever to be incorporated as garden land for the flats again
- The applicant is a local person and it will be their full-time home
- The new design overcomes all of the issues objectors have raised
- To leave the site an open space risks dereliction
- The proposed dwelling fits into the general streetscene and would enhance the area
- Other houses have been built in gardens in the locality; this is no different

- The flat owners should have bought the land if they wanted it for their communal garden
- A house of this size probably did have a coach house at some point
- When the site did form part of the curtilage to the flats it was used as an overflow car park rather than a garden
- The amended development achieves an open feel

The letters of objection can be summarised as:

- General neglect and use of the site for rough storage does not constitute a vacant parcel of land or make it appropriate for infill development
- Approval of the development would set a precedent
- Enforcement should end the separation [of the land from the donor property], protect the trees and reinstate the original character of the property
- The flat owners are freehold owners and do not agree to use of their access to serve the development
- Negative impact on the Conservation Area
- Loss of amenity grounds to neighbouring properties; five of the seven flats have no outdoor facilities
- The proposal still breaks the grounds cited in the Appeal dismissal
- The Homestead has never had a Coach House and therefore the inclusion of one would not compliment The Homestead
- Loss of light
- Access the property from the north will damage the entry pillars (which have been damaged in the past by vehicular activity)
- Damage and loss of trees
- There is a covenant on the garden to prevent it from development.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS05** – Hunstanton

**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

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)  
National Design Guide 2019

## **PLANNING CONSIDERATIONS**

The main considerations in the determination of this application are:

Principle of Development  
Appeal History / Form, Character and Impact on Conservation Area  
Highway Safety  
Residential Amenity  
Tree Protection  
Other Considerations

### **Principle of Development**

The site lies within the development boundary of Hunstanton, one of the Borough's main towns and thus an area where the principle of residential development is to be supported subject to compliance with other relevant planning policy and guidance.

### **Appeal History / Form, Character and Impact on Conservation Area**

The current proposal seeks to address the reasons for refusal of the previous application for a *New chalet dwelling, garage and new vehicular entrance* that was refused by planning committee on 13 March 2015 Ref: 14/01550/F.

The reasons for refusal were:

1. The part of the Hunstanton Conservation Area in which the proposed development is located is characterised by substantial houses in large gardens with trees, 29 Sandringham Road being one such house. The proposal to sub-divide the garden and construct a new property would result in a loss of spaciousness both in the street scene and within the setting of the donor property. Consequently, the proposal has an adverse impact upon both the setting of the donor property and upon the character of the Conservation Area and is contrary to paragraphs 131-134 of the National Planning Policy Framework; the National Planning Practice Guidance and Policy CS12 of the Local Development Framework Core Strategy 2011 and the Hunstanton Conservation Area Character Statement.
2. The design of the proposed dwelling takes references from adjacent dwellings that are outside of the Hunstanton Conservation Area rather than from dwellings in the Conservation Area itself. The proposal therefore fails to either preserve or enhance the character of the Conservation Area, contrary to paragraphs 131-134 of the National Planning Policy Framework; National Planning Practice Guidance and policies CS05 and CS12 of the Core Strategy and saved policy 4/21 of the King's Lynn and West Norfolk Local Plan 1998.

The application was appealed and the appeal was dismissed on 17 February 2016.

The Inspector considered that the main issue was the effect of the development on the character or appearance of the Hunstanton Conservation Area.

In relation to the description of the appeal site the Inspector stated: *“The appeal site originally formed part of the garden of No. 29 Sandringham Road which is a substantial Victorian property, currently in use as flats. It sits in a spacious plot on the edge of the CA and is one of a pair of properties of similar scale and character...To the front of the appeal site is a decorative wall behind which there is a row of mature trees. There is also a cedar tree towards the centre of the site.*

*The appeal site is currently separated from No. 29 Sandringham Road by fencing. The site is visible from the road through gaps in the trees and when approaching from both directions. Although the appeal site appears relatively underused and unmaintained, it is undeveloped and appears as a large domestic garden within the streetscene.”*

In relation to the impact of the development on the character or appearance of the Conservation Area, the Inspector states: *“In accordance with the statutory duty I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The Hunstanton Conservation Area Character Statement (2009) identifies No.29 Sandringham Road, together with the neighbouring property to the northwest, as important unlisted buildings and their large gardens and trees within them as contributors to the special character of the area.*

*The proposed one and a half storey dwelling would be set deep into the plot behind the existing cedar tree. This and the majority of the trees within the plot would be retained having the effect of partly screening the proposed development from the road. However to achieve the access a number of trees would be removed together with a small section of the decorative wall increasing the visibility into the site.*

*The verdant undeveloped character of the appeal site is a significant feature of the Sandringham Road streetscene. It is the point of transition between imposing turn of the century houses with substantial gardens to more modern bungalows in much smaller plots. The space between Nos.29 and 31 Sandringham Road also affords views of No.29's decorative side elevation and gives the building a setting proportionate to its size which is consistent with the neighbouring property to the northwest.*

*No.29 Sandringham Road would be substantially taller and wider than the proposed dwelling with only a small separation distance between the two buildings. The contrasting scale and form of development would result in a relationship that would appear awkward and at odds with the prevailing character of this part of the CA, which is specifically defined by the two substantial properties set in large plots with significant space between them.*

*For these reasons, I consider that the introduction of the proposed dwelling in the space between Nos.29 and 31 would detract from the setting of No.29 and would be harmful to the Sandringham Road streetscene. I consider that due to the partial screening provided by the trees along the frontage and the cedar tree within the plot, the harm to the CA would be less than substantial. It should therefore be weighed against the public benefits of the proposal.”*

Comparing and contrasting the dismissed scheme with that currently proposed:

*Similarities:*

- The site remains a transitional site between *'imposing turn of the century houses with substantial gardens to more modern bungalows in much smaller plots'*
- The space between Nos.29 and 31 Sandringham Road still *affords views of No.29's decorative side elevation and gives the building a setting proportionate to its size which is consistent with the neighbouring property to the northwest although the current scheme would enable greater views of this elevation'*
- Both schemes would remove a large proportion of the garden which is a key contributor to the character of the Conservation Area, although the current scheme proposes to remove the close boarded timber fence thus giving a more open feel
- Both dwellings are shown set deep into the plot behind the cedar tree, although the current scheme is set further back thus affording greater views of the eastern elevation of the donor property
- Both schemes show the majority of the trees within the site, including the cedar, as being retained, and thus both schemes offer partial screening of the development from the road
- No.29 Sandringham Road would still be substantially taller and wider than the dwelling proposed under the current scheme and there would still only be a small separation distance between the two buildings. The contrasting scale and form of development would therefore still result in a relationship that would appear awkward and at odds with the prevailing character of this part of the Conservation Area, which is specifically defined by the two substantial properties set in large plots with significant space between them
- The introduction of the dwelling proposed under the current scheme in the space between Nos.29 and 31 would still detract from the setting of No.29 and would therefore still be harmful to the Sandringham Road streetscene
- The partial screening provided will still result in less than substantial harm to the Conservation Area (Heritage Asset) and the proposal will therefore need to be weighed against the public benefits

*Differences:*

- No frontage trees are to be removed (although one holly tree on the boundary of the site with the donor property will be removed)
- No part of the decorative frontage wall of the site will be removed
- Greater views of the eastern elevation of the donor property would be enabled by virtue of the dwelling being set further back in the site and the removal of the close boarded timber fence that currently separates the curtilage from The Homestead
- The scheme will read as though The Homestead has a relatively large garden.

Your officers acknowledge the significant attempts made by the applicant / agent to address the Inspector's reasons for dismissal of the previous application. However, it is considered that the erection of any dwelling on the site would result in similar detrimental impacts on the character or appearance of the Conservation Area raised by the Inspector.

The public benefit would still be the provision of a single dwellinghouse; but as with the previous balance, *"this does not outweigh the weight to be given to the designated heritage asset's conservation."*

## **Policy Update**

Since the refusal and dismissal of the previous scheme the policy framework has altered at both the national and local level. The Site Specifics Allocations and Development Management Policies Plan has been adopted (Sept. 2016) with the saved policies of the Local Plan revoked and the NPPF has been updated (Feb. 2019). However, the emphasis of protecting and enhancing Conservation Areas still remains a policy consideration, and

Planning Committee  
3 February 2020



whilst policy numbering may have altered and the documents they are contained within updated, the policy considerations remain in their essence largely unaltered.

Of great significance is that at the time of the previous refusal the LPA could not demonstrate a five-year supply of housing land. Therefore, even given this lack of housing land supply the decision to build on this parcel of land was found to be of such detriment to the character or appearance of the conservation area that it did not weigh in favour.

Currently the LPA can demonstrate a five-year housing land supply well in excess of five-years.

### **Highway Safety**

The Local Highway Authority raises no objection to the amended plan, with access onto Sandringham Road via the existing access serving The Homestead, on the grounds of highway safety.

Parking provision and access across the site are also considered acceptable and accord with current standards.

There are therefore no highway safety implications with the proposed development.

### **Residential Amenity**

Whist the removal of the close boarded timber fence between the site and the donor property would give a more open feel to the setting of The Homestead this could result in unacceptable neighbour amenity issues. There would be no boundary between ground floor windows of the flats in The Homestead that face eastwards and essentially the garden of the new dwelling. This would not represent good design and would not be a relationship that your officers would find acceptable.

In other regards, given the low height of the proposed dwelling and location of fenestration it is not considered that issues of overbearing, overshadowing or overlooking would be material or of a level to warrant refusal.

### **Tree Protection**

Only one tree is proposed to be lost, this being a small holly tree on the boundary between The Homestead and the site. The tree offers limited amenity, and the Arboricultural Officer raises no objection to its loss.

In relation to the protection of the other trees, the Arboricultural Officer is satisfied that they can be suitably protected during construction and that the development would not have a detrimental impact on their long-term health.

### **Other Considerations**

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

- Approval of the development would set a precedent – every application needs to be assessed on its own merits
- Enforcement should end the separation [of the land from the donor property], protect the trees and reinstate the original character of the property – the erection of the fence falls within permitted development and therefore enforcement action cannot be taken

- The flat owners are freehold owners and do not agree to use of their access to serve the development – this is a civil matter that the grant of planning permission would not affect
- Access the property from the north will damage the entry pillars (which have been damaged in the past by vehicular activity)
- There is a covenant on the garden to prevent it from development - this is a civil matter that the grant of planning permission would not affect

### **Crime and Disorder**

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

### **CONCLUSION**

It is clear that the applicant / agent has gone to considerable lengths to address the Inspector's reasons for dismissing the previous appeal.

However the development of the site would result in unacceptable harm to the character or appearance of the Conservation Area by virtue of the loss of the garden that provides the spacing between properties [Nos.29 and 31] and is a specific contributor to the special character of this particular part of the Conservation Area as outlined in the Conservation Area Statement. Furthermore the contrasting scale and form of development (between the substantial building that is No.29 and the modest proposed dwelling) would result in a relationship that would appear awkward and at odds with the prevailing character of this part of the Conservation Area, which is specifically defined by two substantial properties set in large plots with significant space between them.

In summary the scheme would result in less than substantial harm to the Conservation Area that is not outweighed by public benefit of providing a single dwellinghouse.

It is therefore recommended that this application be refused for the reasons given below.

### **RECOMMENDATION:**

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

- 1 The verdant undeveloped character of the site is a significant feature of the streetscene and the space between Nos.29 and 31 offered by the site gives the building a setting proportionate to its size. The Hunstanton Conservation Area Character Statement (2009) identifies No.29 Sandringham Road together with the neighbouring property to the northwest as important unlisted buildings and their large gardens as contributors to the special character of the area. To build in this space would disrupt this important characteristic to the detriment of the setting of No.29 and the wider Sandringham Road streetscene. This would result in less than substantial harm to the Conservation Area that due to the limited benefit of a single dwellinghouse would not be outweighed by the public benefit. The proposed development is therefore contrary to the NPPF and Local Plan Policies CS01, CS08, CS12 and DM15.



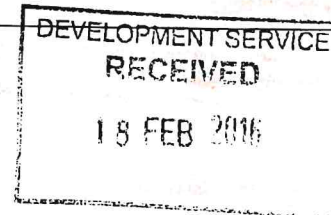
## Appeal Decision

Site visit made on 5 January 2016

by **L Fleming BSc (Hons) MRTPI**

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

Decision date: 17<sup>th</sup> February 2016



**Appeal Ref: APP/V2635/W/15/3134206**

**29 Sandringham Road, Hunstanton, Norfolk PE36 5DP**

- 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 Heista Real Estate against the decision of the Borough Council of King's Lynn and West Norfolk.
- The application Ref 14/01550/E, dated 28 October 2014, was refused by notice dated 13 March 2015.
- The development proposed is new single storey dwelling, garage and new vehicular entrance.

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the development on the character or appearance of the Hunstanton Conservation Area (CA)

### Reasons

3. The appeal site originally formed part of the garden of No. 29 Sandringham Road which is a substantial Victorian property, currently in use as flats. It sits in a spacious plot on the edge of the CA and is one of a pair of properties of similar scale and character. The neighbouring property to the east is a more modern detached bungalow outside of the CA set in a smaller plot in a row of bungalows of similar character and appearance.
4. To the front of the appeal site is a decorative wall behind which there is a row of mature trees. There is also a cedar tree towards the centre of the site. The appeal site is currently separated from No. 29 Sandringham Road by fencing. The site is visible from the road through gaps in the trees and when approaching from both directions. Although the appeal site appears relatively underused and unmaintained, it is undeveloped and appears as a large domestic garden within the street scene.
5. In accordance with the statutory duty I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The Hunstanton Conservation Area Character Statement (2009) identifies No. 29 Sandringham Road together with the neighbouring property to the north west as important unlisted buildings and their large gardens and trees within them as contributors to the special character of the area.



6. The proposed one and a half storey dwelling would be set deep into the plot behind the existing cedar tree. This and the majority of the trees within the plot would be retained having the effect of partly screening the proposed development from the road. However to achieve the access a number of trees would be removed together with a small section of the decorative wall increasing the visibility into the site.
7. The verdant undeveloped character of the appeal site is a significant feature of the Sandringham Road street scene. It is the point of transition between imposing turn of the century houses with substantial gardens to more modern bungalows in much smaller plots. The space between Nos. 29 and 31 Sandringham Road also affords views of No. 29's decorative side elevation and gives the building a setting proportionate to its size which is consistent with the neighbouring property to the north west.
8. No. 29 Sandringham Road would be substantially taller and wider than the proposed dwelling with only a small separation distance between the two buildings. The contrasting scale and form of development would result in a relationship that would appear awkward and at odds with the prevailing character of this part of the CA, which is specifically defined by the two substantial properties set in large plots with significant space between them.
9. For these reasons, I consider that the introduction of the proposed dwelling in the space between Nos. 29 and 31 would detract from the setting of No. 29 and would be harmful to the Sandringham Road street scene. I consider that due to the partial screening provided by the trees along the frontage and the cedar tree within the plot, the harm to the CA would be less than substantial. It should therefore be weighed against the public benefits of the proposal.
10. There would be some benefits such as one more house in the Borough the occupants of which might support local services in Hunstanton and the employment opportunities of building the dwelling. However, these advantages would not outweigh the great weight that should be given to the designated heritage asset's conservation.
11. It is also agreed that the Council cannot demonstrate a 5 year land supply of deliverable housing land. Therefore in accordance with paragraph 49 of the National Planning Policy Framework (the Framework) housing applications need to be considered in the context of the presumption in favour of sustainable development. However, for the reasons given above, the scheme would not meet the environmental dimensions of sustainable development and would harm a designated heritage asset. Consequently, the presumption in favour as set out at paragraphs 14 and 49 of the Framework does not apply in this case.
12. For these reasons, I therefore conclude that the character and appearance of the CA would not be preserved and the less than substantial harm to the character and appearance of the CA is not outweighed by the benefits of the development. The proposed development therefore conflicts with the design and conservation aims of saved Policy 4/21 of the King's Lynn and West Norfolk Local Plan (1998), Policies CS05 and CS12 of the Local Development Framework - Core Strategy (2011) and the Framework.

**Other Matters**

13. I acknowledge the pre application discussions prior to the application being determined by the Planning Committee and that the application was considered without an officer recommendation or any objections from the Council's Conservation Officer. I have also taken into account the amendments that have been made to the proposed development attempting to address concerns of local representatives and to take account of the advice received from officers. However these matters and the amendments made are not sufficient to overcome the harm I have identified.
14. I also note the comments with regard to the approval of the removal of a large tree nearby. I do not know the full details, but in any event I do not consider that the approved removal of this tree results in any material change to the character or appearance of the area that has any bearing on the decision that I have reached.

**Conclusion**

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

*L Fleming*

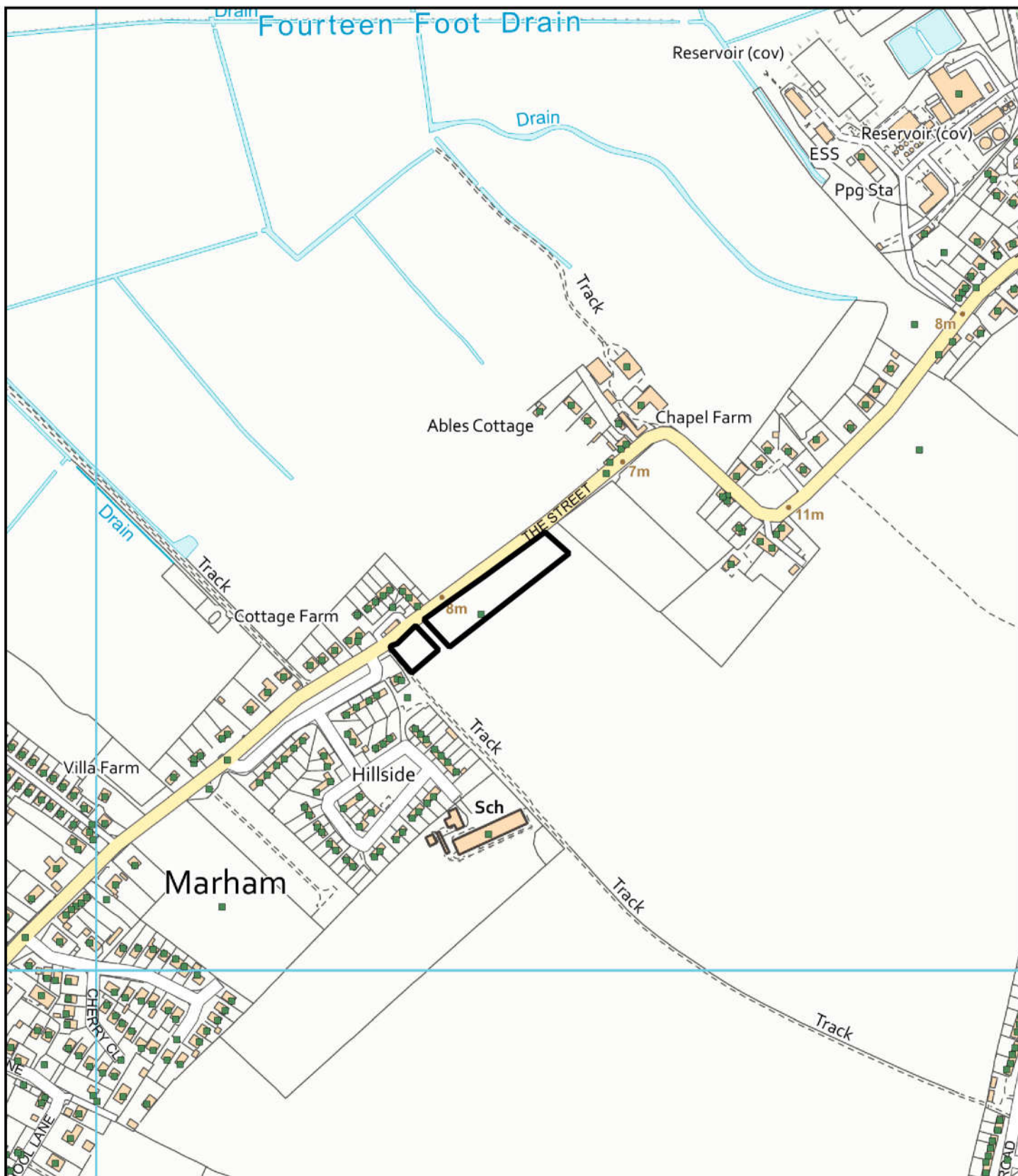
INSPECTOR





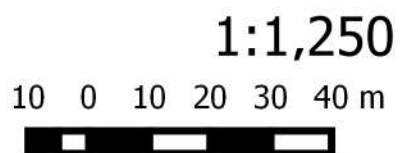
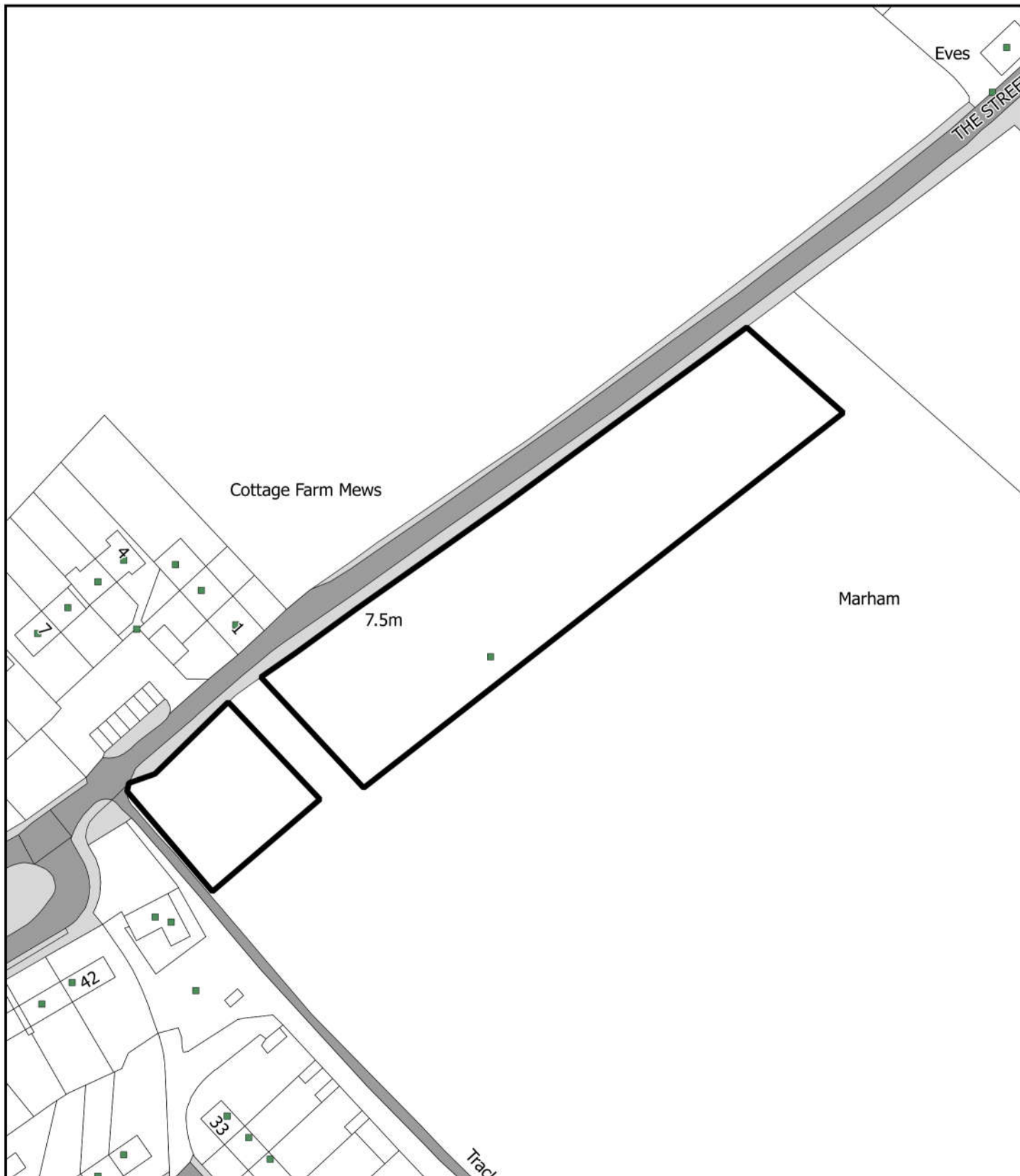
**18/01896/F**

**Land E of Cottage Farm Mews NE of Hillside and S of The Street**



**18/01896/F**

**Land E of Cottage Farm Mews NE of Hillside and S of The Street**





|                      |   |  |
|----------------------|---|--|
| <b>Parish:</b>       | <b>Marham</b>   |  |
| <b>Proposal:</b>     | <b>Residential development for 8 new dwellings, access road and car park, and associated works</b>  |  |
| <b>Location:</b>     | <b>Land E of Cottage Farm Mews NE of Hillside And S of The Street<br/>The Street Marham Norfolk</b> |  |
| <b>Applicant:</b>    | <b>Wales Family Partnership</b>   |  |
| <b>Case No:</b>      | <b>18/01896/F (Full Application)</b>  |  |
| <b>Case Officer:</b> | <b>Mrs C Dorgan</b>   | <b>Date for Determination:<br/>31 December 2018<br/>Extension of Time Expiry Date:<br/>7 February 2019</b> |

**Reason for Referral to Planning Committee** – Recommendation contrary to Parish Council

**Neighbourhood Plan:** No

**Case Summary**

The application site measures approximately 0.84ha in area and is located centrally in the northern part of the village of Marham, a Key Rural Service Centre (KRSC) in the adopted Local Plan. The site is accessed from The Street. The site has existing dwellings to the north and west and agricultural land to the south and east. There is an established footpath to the south of the application site and the Cherry Tree Academy Junior School is also located to the southwest.

The application seeks full planning consent for 8 dwellings fronting onto The Street, an access road and car park to serve the school and subsequent residential development, one affordable housing unit and a contribution to affordable housing provision, and associated development to include drainage features, footpath improvements, bus pull in lane and other works.

The application site forms part of the larger housing allocation G56.1 Land at The Street, Marham which is allocated for 50 dwellings in the Site Allocations and Development Management Policies Plan (SADMP). An illustrative masterplan has been submitted to demonstrate the intentions of the applicant to deliver the whole site, and that the number of units can be delivered on the allocation within a broadly acceptable scheme.

**Key Issues**

- \* Principle of Development
- \* Policy Requirements
- \* Highways and Access
- \* Form and Character
- \* Neighbour Amenity
- \* Drainage
- \* Other material considerations

## Recommendation

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

**B) REFUSE** is a Section 106 agreements is not completed within 4 months of the date of this resolution to approve, on the grounds of failure to secure a mechanism to provide affordable housing and the habitats mitigation payment.

## THE APPLICATION

The application site measures approximately 0.84ha in area and is located centrally in the northern part of the village of Marham, a Key Rural Service Centre (KRSC) in the adopted Local Plan. The site is accessed from The Street. The site has existing dwellings to the north and west and agricultural land to the south and east. There is an established footpath to the south of the application site and the Cherry Tree Academy Junior School is also located to the southwest.

The application site forms part of the larger housing allocation G56.1 Land at The Street, Marham which is allocated for 50 dwellings in the Site Allocations and Development Management Policies Plan (SADMP).

An illustrative masterplan has been submitted to demonstrate the intentions of the applicant to deliver the whole site, and that the number of units can be delivered on the allocation within a broadly acceptable scheme.

The application seeks full planning consent for 8 dwellings fronting onto The Street, an access road to serve the school and subsequent residential development, one affordable housing unit and a contribution to affordable housing provision, and associated development to include drainage features, footpath improvements, bus pull in lane and other works.

The dwellings proposed are traditional large detached two storey homes with 3-4 bedrooms and within generous sized plots, driveways are located to the front of the dwellings and the private amenity space to the rear. These dwellings all front onto The Street. There is a variation in the proposed house types and materials to add interest to the street scene with features such as oak porches, dentil courses and banding, feature chimneys, and plot 6 is proposed to be rendered with a brick plinth. The dwellings are between approximately 8m and 9.3m in height. Plots 2,3,7 and 8 include garages and car ports. Plots 4 and 6 include a garage, and plots 1 and 5 do not include a garage or car port.

## SUPPORTING CASE

This proposal seeks to contribute to Marham's 'sense of place' by providing an initial phase of 8 residential dwellings, including 1 affordable home and community benefits. The homes will follow the character of The Street and help to link the eastern and western aspects of the village. It is felt that the development will add character to the area with high quality dwellings to be constructed with traditional materials and local craftsmanship. Clayland Homes are a small local developer committed to the delivery of traditional homes in Norfolk and intend to deliver these homes and community benefits.

Furthermore, the implementation of ecology features and planting will significantly enhance the biodiversity of the site and surrounding area, with the allocation making provision for an ecology tree planted corridor in perpetuity.

The proposed site is part of a larger 3.6-hectare site which was allocated in the SADMP for at least 50 dwellings, together with a range of community benefits. These benefits included a mixed development of housing, an open recreation space, a bus stop, a new school access, path creation and enhancements, and the option of a school drop off space.

It is our intention to deliver these community benefits in a phased approach in order to make the scheme viable. This approach on deliverability should be supported by KLWN Council as it is in line with the mutually supportive criteria of the NPPF in delivering sustainable development through Economic, Social and Environmental objectives.

The proposal before you is Phase 1 of the site allocation, providing 8 dwellings and the construction of the access road to the larger site and school, School drop off area, bus stop, and footpath widening. We have worked closely with the Planning Team, Highways Officers and other consultees to gain support for this approach and ensure that the site allocation is deliverable in proportion with the provision of housing over 3 phases of development. The Parish Council supported the development of the site during the allocation process and welcomed the plethora of community benefits offered.

The site will be connected to the local Anglian Water Sewer which has assets nearby the site. If at detailed design stage upgrades are necessary to facilitate this connection they will be dealt with, although there are no known issues at this time.

In summary, it is considered that the objectives set out in the SADMP when allocating the 3.6-hectare site are achievable with this phased approach. This planning application provides the key benefits of the allocation as an initial phase, and ensures that the full 3.6-hectare site and outstanding community benefits will follow. The site is under single ownership and is available for immediate development.

## **PLANNING HISTORY**

None

## **RESPONSE TO CONSULTATION**

### **Parish Council: OBJECT**

The Council objects to this proposal for the following reasons:

No timescale for the affordable housing provision on this site has been indicated on the application.

The proposed application, although inclusive of an access road for future development, has been made purposefully as piecemeal development, as the proposed allocation appears not to allow for its original proposed planning and development, resulting in the potential loss of future affordable housing provision.

The proposed application, if permitted, would create a precedent for similar proposals. This proposal is considered to be contrary to the advice contained within the National Planning Policy Framework for Delivering Sustainable Development.

There has been a failure to recognise that there is no mains drainage in Marham.

**Highways Authority: NO OBJECTION**

Having examined the revised plan 02 Rev E and 19 Rev G we find that the access, parking and turning arrangements are now in accordance with the adopted standards and as a result I recommend conditions are attached.

**Environmental Quality: NO COMMENTS**

**Natural England: NO COMMENTS**

**Anglian Water: NO COMMENTS**

No comments given the number of dwellings proposed.

**Housing Enabling Officer: NO OBJECTION**

For 8 units the calculation will be 1.6 units (1 built unit plus £36,000). The unit meets the required size standard.

**Norfolk Fire and Rescue Service: NO OBJECTION.**

No objection subject to the inclusion of a fire hydrant and a condition should be attached to the consent to secure this. This is due to the number of dwellings proposed and the fact that there is not a hydrant nearby.

**Arboricultural Officer: NO OBJECTION**

Had a look at the hedge on the roadside and I think that the hedge would be ok if the footpath was widened but would like to see the contractors hand digging to avoid damaging the rooting area too much.

**Planning Policy Officer: NO OBJECTION**

Local Plan - The Borough Council Local Plan currently comprises the Core Strategy (CS) (2011) and the Site Allocations and Development Management Policies Plan (SADMP) (2016). The most recent Annual Monitoring Report (AMR) illustrates that the borough council is able to show a land supply in excess of the required amount.

The borough council is currently in the process of reviewing its Local Plan (both CS & SADMP). This will look beyond the current plan period (2026) a further 10 years to 2036. A draft version of the Local Plan review was published in 2019 for public consultation. It should be noted however that this is an early stage and therefore should currently carry no weight in the decision making process.

The Updated Planning Proposal - This proposal is for the residential development of 8 new dwellings. The site proposed is a smaller portion of the Local Plan allocation which was made for Marham as part of the SADMP. Policy G56.1 Marham – Land at The Street allocates land amounting to 3.6 hectares for at 50 dwellings. We previously commented on an earlier scheme and are pleased to see that this scheme has since been updated and now includes the bus layby, access road for the 8 dwellings, as well as the reminder of the site and access/drop off point to the school.

In addition an indicative proposal for the phasing of the reminder of the development has been provided. With this in mind the developers have now provided a greater degree of

certainty that the remainder of the development, and the associated benefits, as described by Policy G56.1 will be realised in the fullness of time. It is encouraging to see that one of sites within the borough council's adopted Local Plan is coming forward.

### **CSNN: NO OBJECTION**

Unfortunately clarification is needed over the foul water drainage for the site. The assets database does not show a main sewer running past the site in The Street, but does show one leading from the Chinese takeaway to the south west and then leading north west to a treatment works. Additionally the Parish Council state there is no mains drainage. However, the application form states connection will be to the mains, and site plan shows a sewer in The Street, which is validated by one public comment about Anglian Water having to deal with issues in the main sewer.

I note that Anglian Water have been consulted but are yet to comment. I strongly advise that they are asked to submit their comments as this will clarify if mains drainage is available for the site, and they will be able to advise if the capacity exists within the existing system, if applicable.

Conditions and informative should be attached to the consent covering issues including foul drainage, construction site hours and on-site parking scheme.

### **REPRESENTATIONS**

**6** letters of **OBJECTION** have been received and **ONE** letter of **SUPPORT**. The objection letters raise the following concerns-

- Views will be dominated by the new dwellings and these will block natural light particularly in the morning and evening to the dwellings opposite.
- Drainage in this area is poor with flooding occurring and backing up of foul water waste to neighbouring dwellings which is due to restricted drainage capacity. Any attempt to add new properties to the already stretched amenities will introduce liability and have a significant risk, leading to expensive repairs and extensive upgrades. Unacceptable to join to an ineffective system and should be septic tanks.
- Water and Drainage supplies, Anglian Water have had to repeatedly repair the ageing water main that runs through this postcode, and any further load on this supply with see it fail more regularly.
- Elsewhere in the village recent additional building, increased traffic and heavy rains have all helped to fill our receptors and septic tanks within weeks where they rarely needed draining in previous years.
- The highways and roads in this location are severely restricted, vehicular access to and from Cottage Farm Mews is already hazardous, by adding addition properties directly opposite will exacerbate this situation where the likelihood of accidents will increase significantly.
- Noise during the construction of the dwellings.
- There are far better, more suitable and practical locations for building new properties.
- Limited resources such as TV reception and telephone signal, all these will be impacted by additional dwellings.
- Property values will decrease.
- Loss of arable land when there are many brownfield sites available contrary to Section 11 of the NPPF.
- 120 empty dwellings at Marham to be sold off or rented (following retirement of the Tornado), and therefore there is no justification for this additional development. There is no local need.

- No plans to upgrade local infrastructure / facilities.
- Additional threat of the quarry to the village.
- Fails to accord with NPPF.
- Proximity of proposed homes to quarry plans means the houses would be unlikely to sell.
- Destroy views out of the village into the countryside.

The support letter states that the dwellings would be appropriate in that location, the construction of these create local jobs and bring new homes to the village.

## **LDF CORE STRATEGY POLICIES**

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS09** - Housing Distribution

**CS11** – Transport

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

**DM8** – Delivering Affordable Housing on Phased Development

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

**G56.1** - Marham - Land at The Street

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
 Planning Practice Guidance (PPG)  
 National Design Guide 2019

## **PLANNING CONSIDERATIONS**

The main considerations are:

- Principle of Development
- Policy Requirements
- Highways and Access
- Form and Character
- Neighbour Amenity
- Drainage
- Other material considerations

## **Principle of Development**

Paragraph 78 of the NPPF requires that to promote development in rural areas, housing should be located where it will enhance or maintain the viability of communities.

The application site is within the settlement of Marham which is categorised as a Key Rural Service Centre (KRSC) in the adopted Site Allocations and Development Management Policies Plan (SADMP). In line with Policies CS02 Settlement Hierarchy and CS06 Development in Rural Areas (from the adopted Core Strategy 2011) the strategy for growth in rural areas is such that development will be focussed in the most sustainable locations, the KRSCs. Provision has been made for new dwellings, in the form of allocations, within or adjacent to KRSC. In the case of Marham, Policy G56.1 allocates land for at least 50 dwellings, discussed in greater detail below.

Neighbour representations query the suitability of the location for new development. In broad terms however the proposed development is within a sustainable location, a KRSC, and forms part of a larger residential allocation as identified in the adopted SADMP (2016). In terms of the principle of development in this location, the principle has already been established via the allocation and the scheme is considered to be acceptable in line with the NPPF and Policies CS02, CS06 (Core Strategy 2011) and Policy G56.1 (SADMP 2016).

## **Policy Requirements**

Policy G56.1 of the SADMP (2016) states that 'land amounting to 3.6 hectares as identified on the Policies Map, is allocated for at least 50 dwellings, together with a range of community benefits.' It goes on to state that development is subject to the applicant meeting four specified criteria including safe access, affordable housing requirements and contributions to education and other infrastructure. Importantly criteria no.1 requires 'provision of a new road access to the school; new bus pull-in on The Street, improvements to the footpath between the old village and the airbase; a new footpath avoiding the double bends in The Street; and a community area including open space and a play area.' This range of community benefits justified the allocation of this site and was important in securing support for this scale of development during the Local Plan adoption process.

The applicant initially submitted the application for simply 7 dwellings fronting onto The Street, a new bus layby as required in the policy and a gap in the frontage for an access track to the remaining site/ school. However as a result of negotiation during the application process, the application has been further amended. The current scheme includes the 8 dwellings, one of which is an affordable unit, the bus pull-in facility and the new road access to the school. They have also provided an indicative plan of the development phases to illustrate how the rest of the site may be developed out.

The Parish Council has objected to the application on the basis that no timescale has been provided for the delivery of affordable housing on the site, the application represents piecemeal development resulting in the potential loss of future affordable housing provision and that the proposed application would set a precedent for similar schemes and is considered to be contrary to the NPPF.

The application submitted is only for a small number of the overall dwellings allocated and the affordable housing provision is commensurate to the number of dwellings proposed at this stage and fully meets the required number of units and standards. One built unit will be provided (plot 1) and a financial contribution of £36,000, the delivery of which will be secured by a Section 106 agreement.

The applicant has proposed the inclusion of the bus pull-in lane as required by the policy, at this stage. The applicant has also put forward the new road access to the school and car park which is located to the southwest of the site. This represents a significant upfront financial investment in the site again to meet the requirement of policy G56.1. The bus lane and access road both meet the standards required by the Local Highways Authority.

However given that they are developing only 8 dwellings at this time, the applicant has argued that it is not financially viable for them to provide all the community benefits required by the policy at this first stage of the development. Therefore the applicant has provided an indicative plan to illustrate how the rest of the site could be built out, securing the remaining community benefits with the purpose of demonstrating their intent to build out the whole site beyond this first phase.

The Council's preference would be for a scheme for the whole site, to ensure a comprehensive approach to the development of the site, in accordance with the SADMP Policy. However, on balance, it is considered that the applicant will be providing sufficient community benefits at significant cost to demonstrate their intention to build a second phase of dwellings beyond the first 8. This is reinforced by the indicative phasing / layout for the wider allocation. The planning consent is conditioned to ensure the school access road and car park would be provided prior to the occupation of the fourth dwelling. The affordable housing contributions and the Habitats Mitigation Fee will be secured via a Section 106 agreement.

In conclusion, on balance while the proposal does not accord with all the requirements of policy G56.1, the applicant will be providing sufficient community benefits that the application is considered acceptable.

### **Highways and Access**

The proposed dwellings will be accessed via single drives off The Street. The existing hedge at the front of the site cannot be retained due to the need to widen the footpath. It is proposed a new hedge will be planted with breaks for the access points. The proposed new access road from The Street to the south west of the site (the school access), is in accordance with Policy G56.1 and the Local Highway Authority required standards. The bus pull-in is proposed to the north of the site to the front of plots 1 and 2, where the existing bus stop is situated. The applicant is also proposing to widen the footpath which runs alongside The Street which will benefit both the proposed new residents and enhance the pedestrian route through the village.

Neighbour objections raise concerns about access off this road being hazardous. However the Local Highway Authority supports the application subject to the inclusion of a number of conditions. The conditions include standard Estate Road conditions for the access road to the school, for the frontage development conditions for sufficient visibility splays and for the offsite highway improvement works (frontage footway and accesses, and the bus pull-in). The scheme is in accordance with Policies CS11 (Core Strategy 2011) and DM15 and DM17 (SADMP 2016).

### **Form and Character**

The application site is located adjacent to existing residential development, with a mixture of housing types and styles including 1960s estate development, rural cottages and modern detached dwellings.

The proposed dwellings are all detached two storey dwellings within generous plots, with driveways and/or garages to the front and gardens to the rear. The low density reflects the



rural setting of the site. The style of dwellings and materials proposed with details such as oak porches, dentil courses and banding, and feature chimneys. The dwellings proposed are to be brick built with concrete pantiles and plot 6 is proposed to be rendered with a brick plinth, however exact materials are to be agreed and this will be required by condition. This variation across the site will add interest to the street scene.

In terms of form and character the scheme proposed is entirely acceptable in this location, and in accordance with the NPPF, and Policy DM15 of the SADMP 2016.

### **Neighbour Amenity**

There have been several objections made to the development from neighbouring dwellings which cover issues such as poor drainage, increased run off as a result of development, loss of views and natural light, noise and disturbance during the construction phase, limited resources available such as television and telephone signals and inadequate infrastructure in the village.

In terms of neighbour amenity the applicant has considered the drainage requirements and surface water run-off from the site and are satisfied that these can be adequately addressed for the eight dwellings proposed (please refer to 'Drainage' later in this report).

With regard to noise and disturbance during the construction of the site, CSNN have recommended conditions are attached to the planning consent restricting site hours and requiring details of an on-site parking scheme for construction workers to address these concerns.

There is sufficient separation between the dwellings proposed and the neighbouring existing dwellings that mean there will be no overlooking or overshadowing as a result of the proposed scheme.

The principle of development on this site has already been established by the allocation of the site in the adopted Local Plan. These issues are not considered to be detrimental to neighbour amenity and are not a reason for the refusal of the application. Therefore in terms of neighbour amenity the application is in line with the NPPF and Policy DM15 (SADMP 2016).

### **Drainage**

The Parish Council, neighbour objectors and CSNN have queried whether there is the ability and sufficient capacity to connect to the existing Anglian Water main sewer, to the north of the site. CSNN has requested that a condition is attached to the consent requiring full details of the foul water drainage arrangements should be submitted to and approved in writing by the LPA. The applicant has stated that they do intend to connect to the main AW sewer, that they are aware of the position of the assets and would accept a condition relating to this at detailed design. If at detailed design stage this mains route was not viable they have confirmed that they would resort to Package Treatment Plants on site. Anglian Water have no comments on the provision of 8 dwellings in this location. Therefore with the condition in place the drainage concerns can be resolved.

### **Other material considerations**

There have been neighbour objections received to the application. These third party comments are largely addressed within this report. However there are some outstanding issues identified and responded to below.

- Loss of arable land / Loss of views out of village into the countryside - The principle of development on this site has already been established by the housing allocation G56.1.
- Devalue properties – This is not a material consideration in the assessment and determination of the planning application.
- Limited local resources and infrastructure, with no evidence these will be upgraded – The new development will be subject to CIL payments, of which a proportion of the monies will go to the Parish Council to assist with the provision of necessary infrastructure.
- 120 empty dwellings surplus to requirements at Marham and therefore there is no local need – Notwithstanding any changes to operations on the RAF base, the Local Plan seeks to allocate land for the plan period (up to 2026) and has identified this location as a sustainable location for growth.
- Potential quarry plans near to the village – There is not a direct impact of any potential quarry plans on this application.
- Fails to accord to the NPPF – the scheme is in accordance with the adopted Local Plan and the NPPF as discussed within this report.

## CONCLUSIONS

The application site is part of a larger housing allocation, Policy G56.1 of the SADMP, and therefore the principle of residential development on the site has already been established. Policy G56.1 requires that specific community benefits will be delivered as part of a comprehensive development scheme for 50 dwellings. However, the applicant has come forward with an application for only 8 dwellings alongside improvements to the footpath along The Street, a new bus pull-in, and also a new access road and car park for the school. They make the case that it is unreasonable for them to provide all of the community benefits identified in the policy at this first stage of development, but that they do intend to deliver the whole site, and that the remaining benefits will come forward in the subsequent phases as identified in the indicative plan submitted.

The intention of the allocation policy was that the site would be delivered as a comprehensive scheme; however, as part of this application the applicant will deliver a number of the community benefits required at significant cost. On balance, it is considered the benefits of the proposed scheme are acceptable and it is recommended that the scheme is approved subject to conditions and the associated Section 106 agreement.

## RECOMMENDATION:

- A) APPROVE** subject to the completion of a Section 106 agreement within 4 months of the date of this resolution.
- 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.1842-02E, 1842-16E, 1842-19G, 1842-26C and 1842-27C received on 28 November 2019, 1842-01C and 1842-20D received on 22 November 2019, 1842-17A, 1842-18A, 1842-21, 1842-22, 1842-23, 1842-24 and 1842-25 received on 6 February 2019, 1842-05A received on 29 October 2018, 1842-03A,1842-04A, 1842-06, 1842-07A,1842-08, 1842-09A, 1842-10, 1842-11A, 1842-12, 1842-13A, 1842-14 and 1842-15 received on 24 October 2018.
- 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 water drainage arrangements for the site have been submitted to and approved in writing by the Local Planning Authority. This shall include ensuring that any foul drainage does not impact on other areas of the village. 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.
- 4 Condition: No works shall commence on the site until such time as detailed plans of the roads, car park, footways, cycleways, street lighting, 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.
- 4 Reason: This needs to be a pre-commencement condition to ensure fundamental elements of the development that cannot be retrospectively designed and built are planned for at the earliest possible stage in the development and therefore will not lead to expensive remedial action and adversely impact on the viability of the development.
- 5 Condition: Prior to the occupation of the final dwelling all works shall be carried out on roads/footways/street lighting/foul and surface water sewers in accordance with the approved specification to the satisfaction of the Local Planning Authority.
- 5 Reason: To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway
- 6 Condition: Before any dwelling unit is first occupied the road/footways shall be constructed to binder course surfacing level from the dwelling/industrial unit to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority.
- 6 Reason: To ensure satisfactory development of the site.
- 7 Condition: All footway(s) shall be fully surfaced in accordance with a phasing plan to be approved in writing prior to the commencement of development by the Local Planning Authority.
- 7 Reason: To ensure satisfactory development of the site.
- 8 Condition: Prior to the first occupation of the development hereby permitted 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 splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.

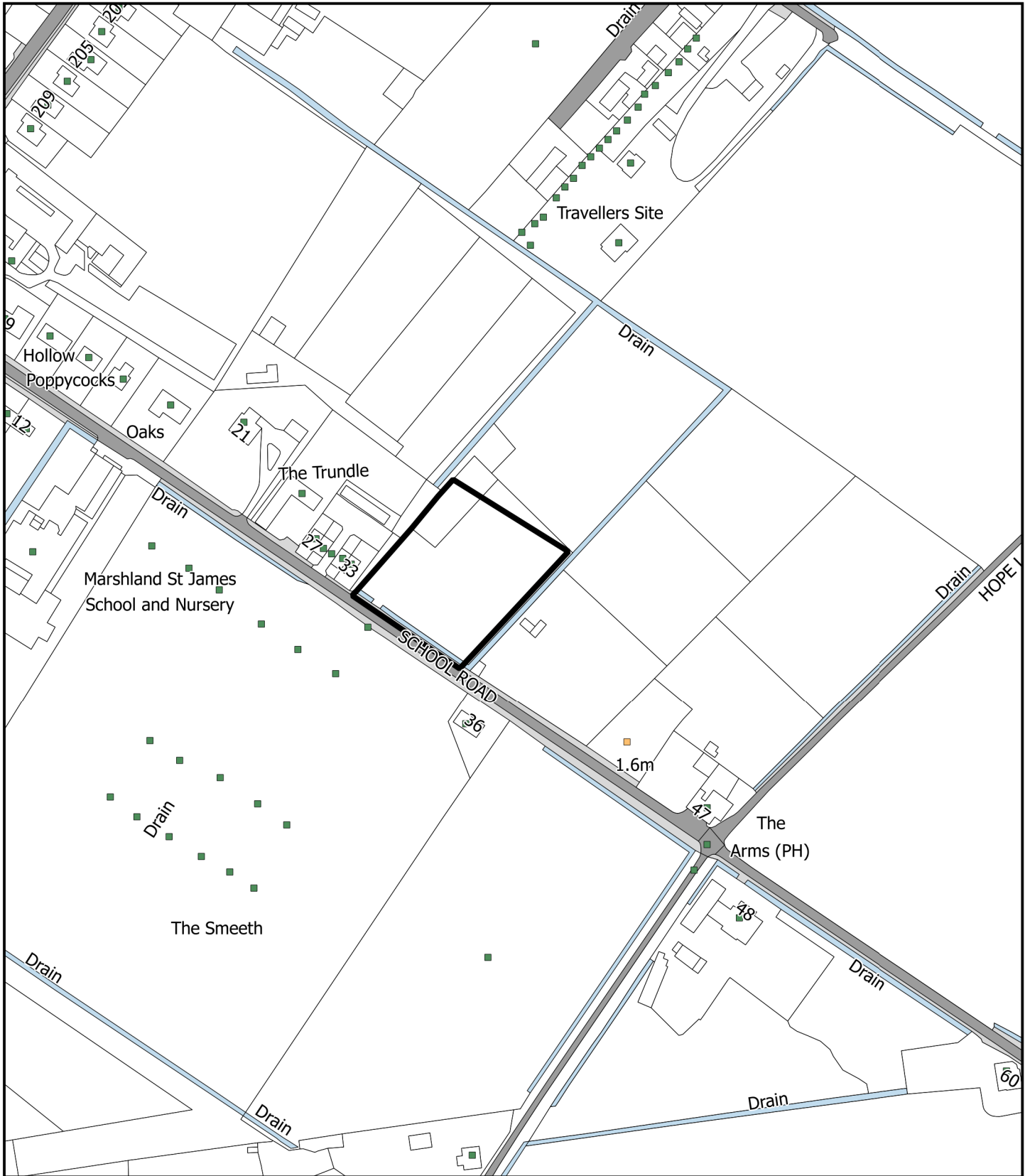
- 8 Reason: In the interests of highway safety in accordance with the principles of the NPPF.
- 9 Condition: Notwithstanding the details indicated on the submitted drawings no works above slab level commence on site unless otherwise agreed in writing until detailed drawings for the off-site highway improvement works as indicated on Drawing No.19 rev G (frontage footway and accesses, and bus pull-in) have been submitted to and approved in writing by the Local Planning Authority.
- 9 Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor.
- 10 Condition: Prior to the first occupation of the development hereby permitted the off-site highway improvement works referred to in Condition 9 shall be completed to the written satisfaction of the Local Planning Authority.
- 10 Reason: To ensure that the highway network is adequate to cater for the development proposed.
- 11 Condition: 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.
- 11 Reason: To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.
- 12 Condition: Development shall not commence until a scheme detailing provision for on-site parking for construction workers and delivery vehicles for the duration of the construction period has been submitted to, and approved in writing by, the LPA. The scheme shall be implemented until the development is completed.
- 12 Reason: To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.
- 13 Condition: The development shall not be brought into use until a scheme for the provision of fire hydrants has been implemented in accordance with a scheme that has previously been submitted to and approved in writing by the Local Planning Authority.
- 13 Reason: In order to ensure that water supplies are available in the event of an emergency in accordance with the NPPF.
- 14 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 buildings 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.
- 14 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 15 Condition: Notwithstanding the approved plans, 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 treatments to be erected. The boundary treatment shall be completed before the dwellings 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 and thereafter retained in perpetuity.

- 15 Reason: To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.
  - 16 Condition: Prior to the first occupation of the development hereby approved, full details of the planting scheme for the proposed native hedge on the north-eastern boundary of the site (fronting onto The Street) as identified on Drawing No. 1842-19G shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include planting plans, written specifications and schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate.
  - 16 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
  - 17 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 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.
  - 17 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
  - 18 Condition: The link road and car park identified on Drawing Numbers 1842-16E and 1842-26C and shall be constructed and made freely available for use by pedestrian and vehicular traffic between The Street and the south-western boundary of the site linking to the existing pedestrian access to Cherry Tree Academy Junior School no later than the occupation of the 4th dwelling on the site. Thereafter no dwelling shall be occupied until the said road and car park has been completed to the written satisfaction of the Local Planning Authority.
  - 18 Reason: To ensure the provision of a road and car park up to and abutting the southern boundary of the site so as to enable a link to be made through to the school for the proper planning of the area in accordance with the NPPF.
- B) REFUSE** if a Section 106 agreements is not completed within 4 months of the date of this resolution to approve, on the grounds of failure to secure a mechanism to provide affordable housing and the habitats mitigation payment.

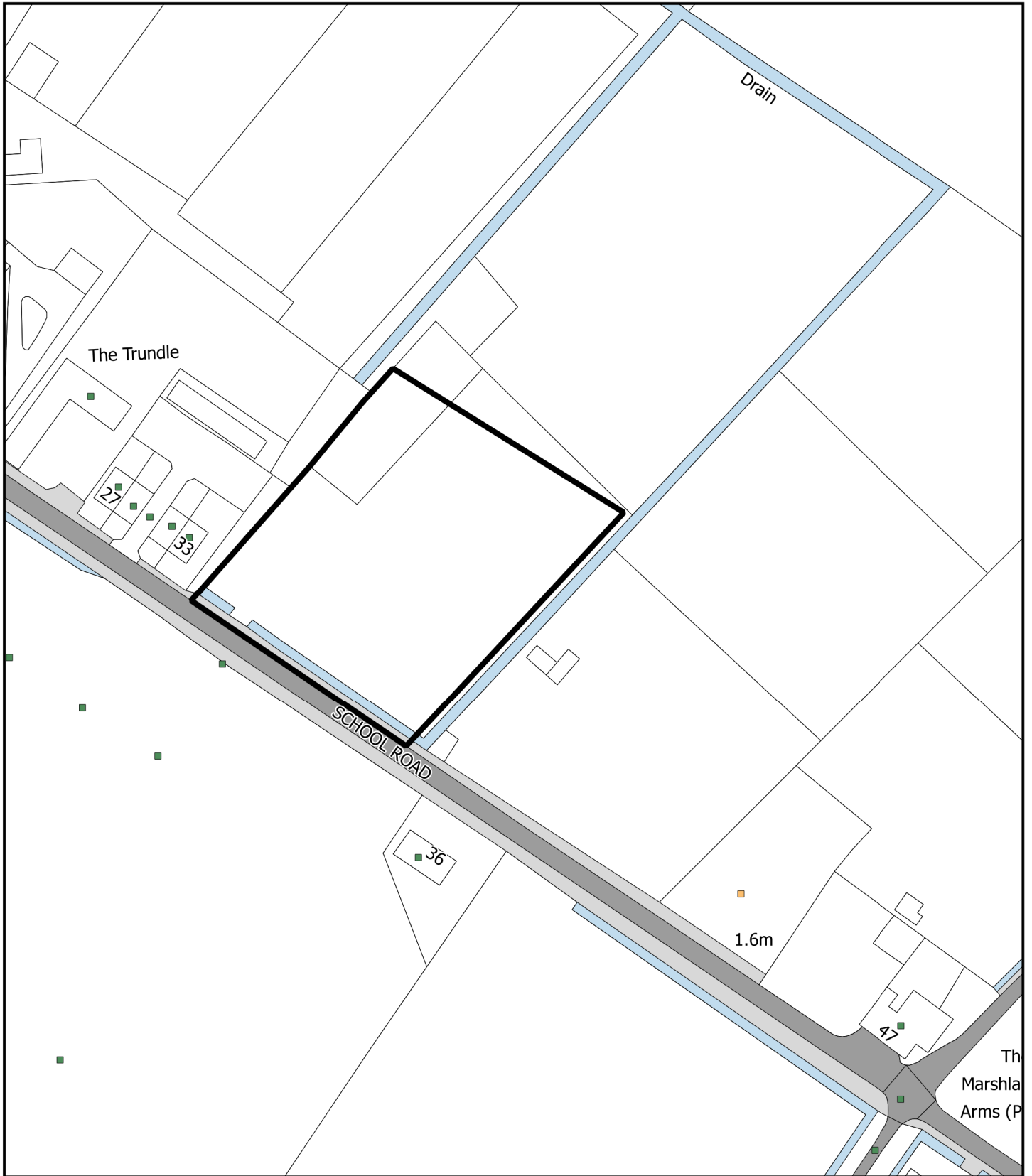
**19/01907/O**

**Land NE of 36 School Road Marshland St James**



**19/01907/O**

**Land NE of 36 School Road Marshland St James**



|                      |  |  |
|----------------------|--|--|
| <b>Parish:</b>       | <b>Marshland St James</b>                                    |  |
| <b>Proposal:</b>     | <b>Outline application: Proposed residential development</b> |  |
| <b>Location:</b>     | <b>Land NE of 36 School Road Marshland St James Norfolk</b>  |  |
| <b>Applicant:</b>    | <b>Mrs Janette Eileen Putt</b>                               |  |
| <b>Case No:</b>      | <b>19/01907/O (Outline Application)</b>                      |  |
| <b>Case Officer:</b> | <b>Mr K Wilkinson</b>  | <b>Date for Determination:<br/>30 December 2019<br/>Extension of Time Expiry Date:<br/>7 February 2020</b> |

**Reason for Referral to Planning Committee** – Called in at the request of Councillor Brian Long

**Neighbourhood Plan:** No

**Case Summary**

This application involves a 0.44Ha parcel of paddock land on the north-eastern side of School Road approx. 275m from the Hickathrift crossroad junction with Walton Road and Smeeth Road. It has a road frontage of some 52m and depth of 68m. Outline permission is sought for residential development with all matters reserved bar access. An indicative plan has been submitted showing the provision of 4 dwellings.

The site lies outside the defined village development boundary and within Flood Zone 1 of the Council-adopted Strategic Flood Risk Assessment.

**Key Issues**

Principle of development  
Other material considerations

**Recommendation**

**REFUSE**

**THE APPLICATION**

This application involves a 0.44Ha parcel of paddock land on the north-eastern side of School Road approx. 275m from the Hickathrift crossroad junction with Walton Road and Smeeth Road. It has a road frontage of some 52m and depth of 68m.

Planning Committee  
3 February 2020



Outline permission is sought for residential development. All matters are reserved for further consideration with the exception of the means of access which is to be determined at this stage. An indicative site layout plan shows 4 individual access points onto School Road serving four equal plots of 13m in width. New footpath provision is also indicated across the front of the site, together with road widening to create a 5.5m wide carriageway.

The site lies outside the defined village development boundary and within Flood Zone 1 of the Council-adopted Strategic Flood Risk Assessment.

The application is accompanied by a Design & Access Statement and a Flood Risk Assessment.

## **SUPPORTING CASE**

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

“The application site is adjacent to the 2-storey dwellings at 27- 33 School Road.

The site physically adjoins the established built form and is immediately opposite a proposed housing allocation, it cannot be considered as being within an isolated countryside location as per paragraph 79 of the NPPF. There is continuous residential development located on both sides of the highway to the north of the site and the proposed housing allocation MSJ1 is immediately opposite the site. This site is the preferred option currently.

Paragraph 11 of the NPPF states that there is a presumption in favour of sustainable development.

The site lies within Flood Zone 1 of the adopted Level 2 SFRA and is therefore in a sequentially preferable location in terms of flood risk.

Marshland St James/St John's Fen End with Tilney Fen End is identified as a Key Rural Service Centre within the Draft Local Plan. As per policy LP02, Key Rural Service Centres 'help to sustain the wider rural community'. It further states that the Council will seek to maintain and enhance facilities to support this function.

The proposal will also bring increased benefits to the area by means of CIL and Council Tax Income which will be paid in perpetuity.

In terms of social benefits, the proposal will integrate the existing housing to the south-east of the site with the remainder of the village. This will help to support the community as a whole and will promote the social objective as set out in paragraph 8 of the NPPF.

The proposal will bring economic benefits by reason of local expenditure and creation of employment and purchasing of local materials during the course of construction, thereby meeting the economic objective as set out in paragraph 8 of the NPPF.

The development will allow for enhanced landscaping within the site, promoting ecology and biodiversity within the area as well as improving visual amenities in general. The proposal therefore meets the environmental objective as set out in paragraph 8 of the NPPF.”

## **PLANNING HISTORY**

None recent

## RESPONSE TO CONSULTATION

**Parish Council: OBJECT** – the site is outside the development boundary of the village.

**Highways Authority: (Initial response) COMMENTS** - the width of the existing carriageway is rather narrow for housing at just 5.0m and in combination with the footway works should be widened to a minimum of 5.5m fronting the site so two vehicles can comfortably pass. I additionally observe that there is a proposed footway to front the site which is detailed on the submitted plans. This would need to extend and link in, with a crossing, to the new footway provision which will come forward with the housing development opposite.

The proposed development site is however remote from shopping; health provision and has restricted employment opportunities. The distance from service centre provision precludes any realistic opportunity of encouraging a modal shift away from the private car towards public transport.

It is the view of the Highway Authority that the proposed development is likely to conflict with the aims of sustainable development and you may wish to consider this point within your overall assessment of the site.

Should however your Authority seek to approve the application I would recommend that; given the highway conditions are found to be narrow in terms of both carriageway and footway width, the applicant be asked to provide further topographical survey detail of the existing site and locality conditions and demonstrate at this stage that carriageway widening and footway provision with link to upcoming provisions are feasible. Ultimately the applicant would need to undertake such work if the application is approved so it should not be abortive works for them.

(Revised plans): Comments are awaited at time of writing this report.

**King's Lynn Drainage Board: COMMENTS** - relating to byelaw issues, foul and surface water drainage details.

**Environmental Health & Housing – CSNN: NO OBJECTION** suggests conditions relating to foul & surface water drainage details, construction management plan, hours of construction; plus informative notes regarding Environmental Protection Act, Soakaways, and noise, dust & smoke from construction work.

**Environmental Health & Housing – Environmental Protection: NO OBJECTION**

**Environment Agency: NO OBJECTION**

**District Emergency Planning Officer: NO OBJECTION** suggests that occupiers should sign up to the EA flood warning system and a flood evacuation plan produced.

## REPRESENTATIONS

**Cllr Brian Long:**

“I would like for both the above applications [19/01907/O and 19/01906/O] to be considered by the Planning Committee.

Both seem to me to expand the village of Marshland out to existing build out of a previously allocated site opposite and also fill up to the former Pub that is now a normal dwelling. There has been a large amount of development within the village of late and this seems to me an opportunity to complete this part of the village, delivering much sought after new homes.”

**ONE** item of correspondence received from the Campaign for Protection of Rural England **OBJECTING** on the following grounds:

- The proposed site is outside the development boundary of Marshland St James and is not an allocated site for housing within the current Local Plan's adopted site allocations and development management policies plan (September 2016.) Therefore, the application site is classified as 'countryside' and is subject to Core Strategy Policy CS06 where "the strategy will be to protect the countryside for its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, and its natural resources to be enjoyed by all. The development of greenfield sites will be resisted unless essential for agriculture or forestry needs."
- The application is for market housing, not for much needed truly affordable housing.
- The Borough Council of King's Lynn and West Norfolk currently demonstrates that it has a housing land supply well in excess of 5 years. Moreover, sufficient sites have been allocated within the current Local Plan to deliver the necessary housing targets without the need for additional unallocated sites such as the proposed application site being developed.

**TWO** items of correspondence **SUPPORTING** on the following grounds:

- Over the last couple of years, there has been a large amount of development within the village of late and this seems to me a great opportunity to complete this part of the village, delivering much sought after new homes and if this application is permitted I hope that there will be restrictions on the hours of work/noise.
- Living down the road I think these properties would be great for the village to thrive. The village is currently very linear and more properties on School Road would help bring a balance, similar to Walton Road (opposite to Smeeth Road) where a number of larger properties have been built recently. Looking at the amount of land for the proposed development I think the application is very sympathetic. I would have no problem whatsoever with this application.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**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

**DM15** – Environment, Design and Amenity

### **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

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

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

National Design Guide 2019

### **PLANNING CONSIDERATIONS**

The key issues in assessing this application are considered to be as follows:

Principle of development

Other material considerations

#### **Principle of development**

The Borough Council Local Plan currently comprises the Core Strategy (CS) (2011) and the Site Allocations and Development Management Policies Plan (SADMP) (2016).

Marshland St. James is presently classed as a Rural Village in the Borough Council’s adopted Local Plan. The site itself is located outside of the development boundary, as indicated by Inset G57 on page 289 of the SADMP. This shows the village development area terminating at the SE side of ‘Little Oaks’ which is some 110m to the NW of the application site; however during the period when the Council could not demonstrate a 5 year supply of housing land two pairs of semi-detached houses (Nos. 27-33 School Road) were built on the parcel of land to the immediate NW of the application site extending the built-up area. Whilst adjacent to the current built-up area on the NE frontage of School Road, it is nevertheless outside the development area of the village. It is classed as a greenfield site and part of the countryside.

Policy DM2 – Development Boundaries states inter alia:

“The areas outside development boundaries (excepting specific allocations for development) will be treated as countryside where new development will be more restricted and will be limited to that identified as suitable in rural areas by other policies of the local plan...”

This proposal does not fall into the categories which are listed as permitted, and the principal of developing the site is contrary to the provisions of the adopted Local Plan.

The most recent Annual Monitoring Report (AMR) and the Housing Delivery Test Action Plan illustrate that the borough council is able to show a land supply in excess of the required amount of five years, with the position currently being 8.42 years’ worth of supply.

Members will note that since the 5 year supply of housing land shortfall in 2015-16, there have been in excess of 90 dwellings approved in the village, which is significantly in excess of the 25 units on allocated sites in the SADMP (Policies G57.1 & G57.2).

The Council is currently in the process of reviewing its Local Plan (both CS & SADMP). This will look beyond the current plan period (2026) a further 10 years to 2036. A draft version of the Local Plan Review was published in 2019 for public consultation. Significance is drawn by the agent to the allocation site on the opposite side of School Road (MSJ1) in the draft Local Plan Review. It should be noted however that this is at an early stage and therefore the draft proposals within it should currently carry minimal weight in the decision making process.

The proposal would be unjustified consolidated development and therefore be harmful to the character and appearance of the countryside.

It could also be argued that the intended 4no. substantial open market plots would not make a significant contribution towards local housing demands for smaller, more affordable units. Given the size of the site and number of dwellings proposed, no affordable housing would be necessary or provided as part of the scheme, and so there would not be any such benefit there either.

### **Other material considerations**

#### *Flood risk:*

The site lies in Flood Zone 1 of the Council-adopted Strategic Flood Risk Assessment, which is compatible to accommodate dwellings. A site specific Flood Risk Assessment has been submitted as part of this application which receives no objection from the Environment Agency. The District Emergency Planner suggests certain measures, as reported in the Consultation section above, which would normally be dealt with via an informative note attached to any permission. There are no known surface water drainage concerns relating to this specific site.

#### *Form & character, layout and amenity:*

This is an outline application seeking consent for the principle of developing the site. Whilst an indicative layout plan has been submitted as part of the application, all these matters (with the exception of access) are reserved for future consideration.

#### *Highway matters:*

The proposal indicates the provision of a 1.8m wide footpath along the road frontage of the site and extending onto the verge in front of Nos. 31 & 33 School Road; road width increased from 5.0m to 5.5m and there is an intention to finance a Traffic Regulation Order to extend the speed limit further along School Road to the SE. Access to the paddock land to the rear is retained by a new access alongside the NW side of the site. There would appear to be adequate land within the highway verge and the application site to accommodate the intended works to widen the carriageway and create a footpath. If there are any implications to existing culverted drains, byelaw issues will apply as inferred by the King's Lynn Drainage Board.

At the time of writing this report a response to revised plans from the Local Highway Authority is awaited. This will be reported as late correspondence.

*Crime & disorder:*

There are no significant crime and disorder issues related to this proposed development.

**CONCLUSION**

The proposal constitutes the development of a parcel of countryside with road frontage development, which would consolidate the built form outside the defined development area of the village, to the detriment of the appearance and character of the countryside. The Borough Council is able to show a land supply in excess of the required five years, with the current position being 8.42 years' worth of supply. The proposal is therefore not considered to be sustainable development and contrary to the provisions of the NPPF (paragraphs 11, 78 & 170), Core Strategy Policies CS01, CS02, CS06 & CS08 of the LDF and Policies DM1 & DM2 of the SADMP.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that an application must be determined in accordance with the development plan unless material considerations indicate otherwise. No material considerations have been proposed as part of this application to warrant a decision that is clearly contrary to the aforementioned policies contained within the Development Plan.

The application is therefore duly recommended for refusal.

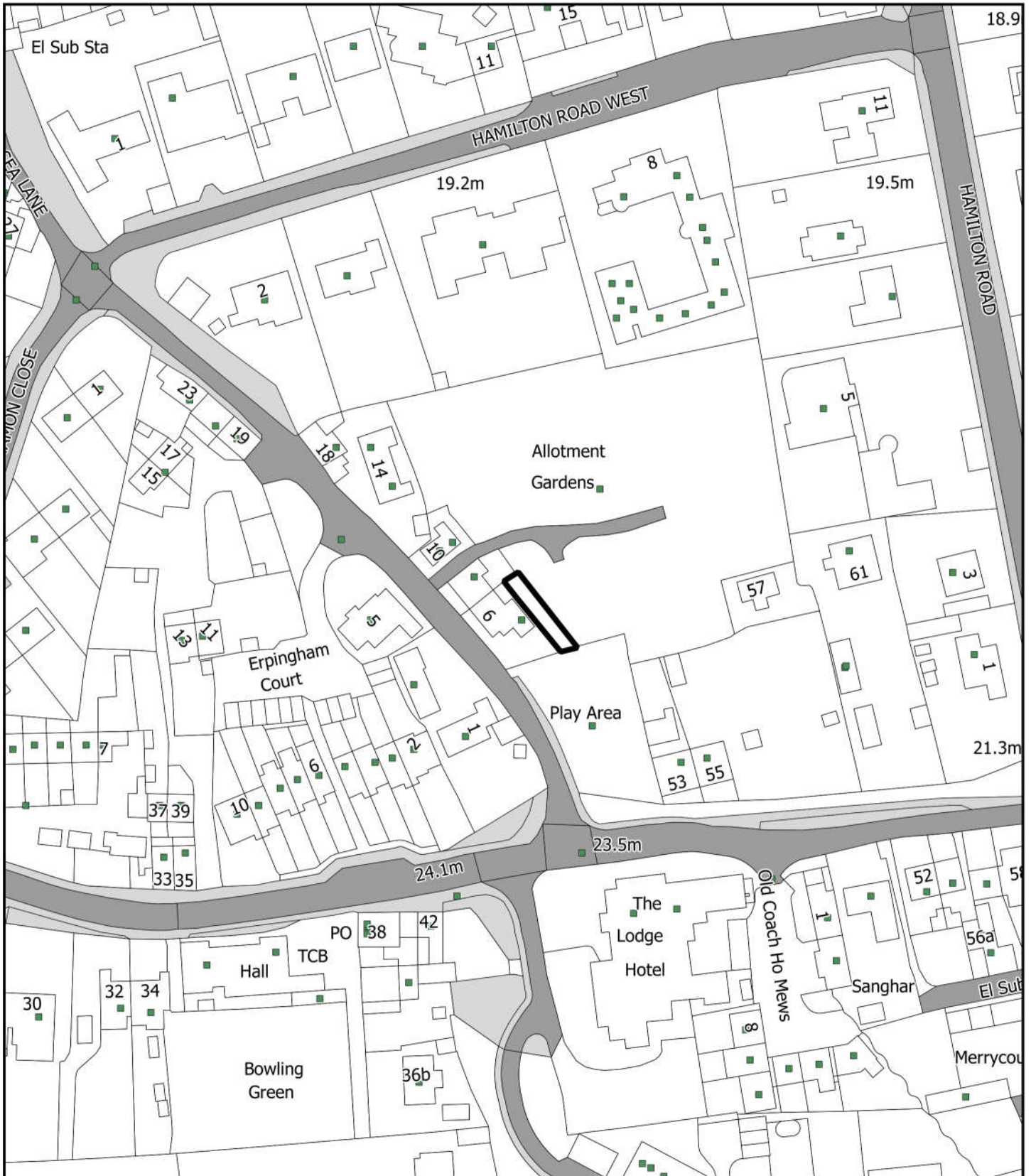
**RECOMMENDATION:**

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

- 1 The proposal constitutes the development of a parcel of open countryside with road frontage development, which would consolidate the built form outside the defined development area of the village, to the detriment of the appearance and character of the countryside. There are no material considerations to outweigh this in principle policy objection; the proposal is therefore not considered to be sustainable development and is contrary to the provisions of the NPPF (paragraphs 11, 78 & 170), Core Strategy Policies CS01, CS02, CS06 & CS08 of the LDF and Policies DM1 & DM2 of the SADMP.

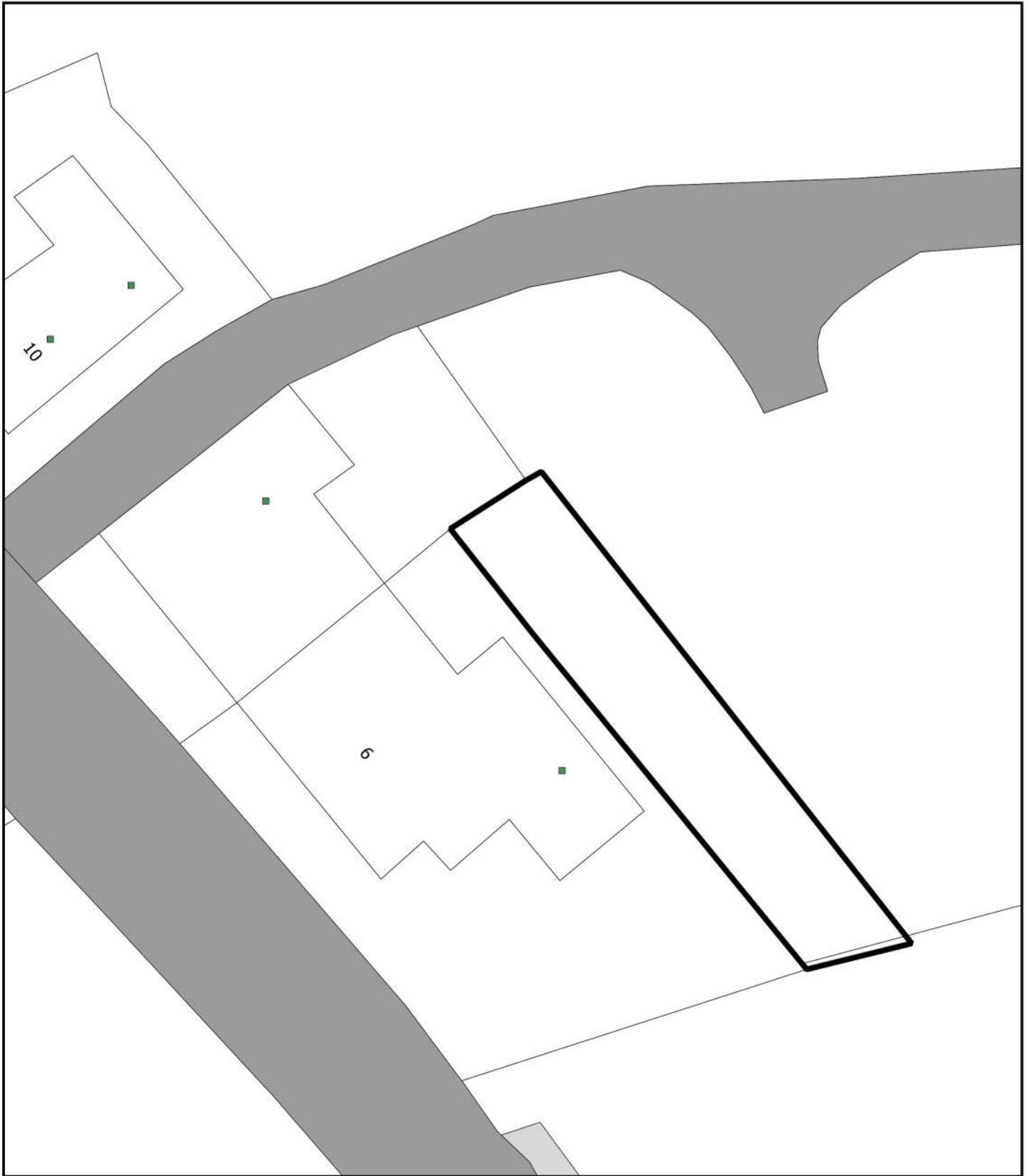
# 19/01609/CU

## 6 Sea Lane



# 19/01609/CU

## 6 Sea Lane





|                      |   |  |
|----------------------|---|--|
| <b>Parish:</b>       | <b>Old Hunstanton</b>                                       |  |
| <b>Proposal:</b>     | <b>Change of use of land from allotment to garden space</b> |  |
| <b>Location:</b>     | <b>6 Sea Lane Old Hunstanton Hunstanton Norfolk</b>         |  |
| <b>Applicant:</b>    | <b>Bespoke Norfolk Ltd</b>                                  |  |
| <b>Case No:</b>      | <b>19/01609/CU (Change of Use Application)</b>              |  |
| <b>Case Officer:</b> | <b>Mrs K Lawty</b>  | <b>Date for Determination:<br/>11 November 2019<br/>Extension of Time Expiry Date:<br/>17 January 2020</b> |

**Reason for Referral to Planning Committee** – Contrary to Parish Council recommendation

**Neighbourhood Plan:** No

**Case Summary**

The application proposes the change of use of a parcel of land (approximately 4m deep by 20m long) from allotment land to garden land. The proposed private amenity space would be for use in association with No. 6 Sea Lane, Old Hunstanton.

Currently the land is part of a larger allotment garden site which is privately owned and managed by Le Strange Estate. This piece of land is not currently actively used as an allotment and is part grassed and part overgrown and unmanaged.

The site is within the settlement boundary of Old Hunstanton, which is a 'Rural Village'. The property, No.6 Sea Lane, is within the Conservation Area whilst the allotment site lies adjacent to it.

The site is surrounded by No.6 Sea Lane to the west, allotment land to the north and east and a children's playground to the south.

**Key Issues**

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

- Principle of Development
- Loss of allotment land
- Impact upon Heritage Assets
- Other material considerations

**Recommendation**

**APPROVE**

## **THE APPLICATION**

The application proposes the change of use of a parcel of land from allotment land to private garden land. The proposed private amenity space would be for use in association with No. 6 Sea Lane, Old Hunstanton.

Currently the land is part of a larger allotment garden site which is privately owned and managed by Le Strange Estate. This piece of land is not currently actively used as an allotment and is part grassed and part overgrown and unmanaged.

The site is within the settlement boundary of Old Hunstanton, which is a 'Rural Village'.

The site is surrounded by No.6 Sea Lane to the west, allotment land to the north and east and a children's playground to the south.

## **SUPPORTING CASE**

Allotment area = 4340m<sup>2</sup>

Area proposed for change of use = 85.8m<sup>2</sup>

% of allotment to be lost = 1.98%

The proposal includes the change of use of 1.98% of allotment space in Old Hunstanton, to form garden space. These figures are based on the allotments having an area of 4340m<sup>2</sup>, and the area in question is 85.8m<sup>2</sup>. It should be noted that there is a covenant on the land stating owners must not build on the space, which shall of course be adhered to.

The land in question was used as an allotment for a short period in 2010. It was found to be full of brick rubble, slabs & roots, it was extremely difficult to clear and has therefore not been used as growing space since. The allotment holder was given another area within the allotment which one of the other allotment holders vacated.

There are 11 allotments in total. One of the other allotment holders has been keeping the area tidy to stop weeds but it has not been cultivated nor grown on for a number of years due to its condition. The site does not have a waiting list at present.

Given that it is such a small area of allotment, and it is not and hasn't been for a long time used for growing. The area is not in any state for such use, and it wouldn't be a detrimental loss to the allotment due to the above.

DM9 a) says loss of allotment space is acceptable if;

"a) the area currently served by it would remain suitably provided following the loss" which as aforementioned, it would be given that there is still 4254.2m<sup>2</sup> of allotment to be used, all of which is in a better state for growing and allotment use.

## **PLANNING HISTORY**

19/01455/F: Application Permitted: 27/09/19 - Single storey extensions, loft conversion, re-modelling of dwelling and widening of access including partial demolition of boundary wall - 6 Sea Lane, Old Hunstanton, Hunstanton Norfolk PE36 6JN

## **RESPONSE TO CONSULTATION**

**Parish Council: OBJECT** - Old Hunstanton Parish Council would be unhappy with the loss of allotment land, especially as a recent survey of residents conducted for the preparation of a Neighbourhood Plan found that 98% of respondents felt it important to maintain existing green and open spaces within the village. This would also be at odds with Government policy which views allotments as valuable community spaces that provide people with the opportunity to enjoy an active and healthy lifestyle, and as part of the long-term promotion of environmental sustainability. The Council would welcome clarification of the law relating to the disposal of allotments provided by a landowner.

The Council understands that the land in question is of poor quality and not under cultivation, which may influence the situation. If change of use were to be permitted, and the land used as a garden, the Council would wish there to be restrictions to prevent any future building on the land.

**Conservation Team: NO OBJECTION** - This site is well screened from the public domain by high walls and will therefore have minimal impact on the conservation area. This type of change of use will also have no impact on the nearby listed buildings.

**Natural England: NO COMMENTS**

## **REPRESENTATIONS**

No third party comments received.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS07** - Development in Coastal Areas

**CS08** - Sustainable Development

**CS12** - Environmental Assets

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

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

**DM9** - Community Facilities

**DM15** – Environment, Design and Amenity

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

**DM22** - Protection of Local Open Space

## **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

National Design Guide 2019

## **PLANNING CONSIDERATIONS**

The main issues in the determination of this application are:

- Principle of Development;
- Loss of Allotment Land;
- Other Material Considerations

### **Principle of Development**

The site is within the settlement of Old Hunstanton, which is a Rural Village. The site is not within, but does adjoin the Conservation Area.

The NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles. The provision of allotments is specifically referred to at paragraph 91 c).

Paragraph 91 refers: ‘Planning policies and decisions should aim to achieve healthy, inclusive and safe places which...c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.’

At a local level the importance of open spaces and landscaping is reiterated in the Core Strategy. Policy CS08 refers to the provision of green space to provide recreation opportunities and improve the quality of life for people living in the area. Policy CS13 refers to the need to promote healthy and active lifestyles and support proposals that protect, retain or enhance sports, leisure and recreation facilities.

In the SADMP Policy DM9 states that the Council will encourage the retention of existing community facilities and that development that leads to the loss of an existing community facility will not be permitted unless it is demonstrated that the area currently served by it would remain suitably provided following the loss, or if not, it is no longer viable or feasible to retain the premises in a community facility use.

Policy DM16 states that the Council will seek to resist the loss of allotments in areas where there is a current or predicted demand for such facilities, unless the loss were to be offset by alternative provision of an equal or higher quality in the vicinity.

Policy DM22 seeks the protection of open space and states that any open space will be assessed in terms of its public access, visual amenity, local distinctiveness, landscape character, recreational value, biodiversity and cultural value. Proposals that will result in the

loss or restriction of access to locally important areas of open space will be refused planning permission unless such loss can be offset by the replacement of equivalent or higher standard of provision or the wider benefits of allowing development to proceed outweigh the value of the site as an area of open space.

### **Loss of Allotment Land**

The proposal would result in benefits in terms of private amenity for the occupants of No. 6 Sea Lane which has a very modest amount of associated garden land. However, the proposal would also result in the loss of this strip of land for allotment purposes, and the Parish Council has objected to this. They claim that 98% of respondents during the preparation of the Neighbourhood Plan felt it was important to maintain existing green and open spaces within the village.

The applicant has provided information to state that the land in question was last used as an allotment for a short period in 2010. The applicant also states that the condition of the land is such that it would take significant time and effort to be able to use it for the growing of flowers, fruit or vegetables. Due to its condition the last allotment holder swapped this plot for another within the allotment site when it became available.

The applicant states that there are a total of 11 allotments on the allotment site and there is no waiting list for a plot. The supporting text explains that the whole allotment area amounts to 4340m<sup>2</sup> and the area proposed for the change of use is 85.8m<sup>2</sup>, which results in the loss of 1.98% of allotment land.

Policy DM9 states that 'development that leads to the loss of an existing community facility will not be permitted unless it is demonstrated that the area currently served by it would remain suitably provided following the loss, or if not, it is no longer viable or feasible to retain the premises in a community facility use.' The applicant claims that 4254.2m<sup>2</sup> of allotment land would remain and that the condition of the land is not appropriate for its purpose so there would be no conflict with this policy.

Whilst the allotment land clearly provides a recreational function for allotment holders and there are visual amenity benefits provided by their open character, this part of the allotments is less visible publicly than other parts of the allotment land. It is therefore considered that this strip of land provides very limited benefits in terms of visual amenity.

Policy DM16 states that the Council seeks the retention of allotments where an identified need is presented. In this case the applicant confirms there is no current waiting list for these allotments.

Policy DM22 states that 'Proposals that will result in the loss or restriction of access to locally important areas of open space will be refused planning permission unless such loss can be offset by the replacement of equivalent or higher standard of provision or the wider benefits of allowing development to proceed outweigh the value of the site as an area of open space.'

The value of allotment land in terms of promoting active and healthy lifestyles, providing a community facility as well as environmental benefits is acknowledged and national and local policies seek to resist their loss where possible. In this case, however, it is considered that the loss of this small parcel of land would not be of detriment to occupiers of adjacent dwellings or to the area as a whole. Accordingly it is considered the benefits to the private householder No. 6 Sea Lane (which currently has a very modest amount of associated garden land) outweigh the loss of a modest proportion of poor quality allotment land which, due to its location, offers only limited public visual amenity benefits.

## **Heritage Assets**

There are listed buildings in the vicinity on Sea Lane and Old Hunstanton Road, but these are not immediately adjacent to the site.

The Conservation Area boundary runs along the rear (north east boundary) of No.6 Sea Lane and its existing curtilage. The application site is outside the Conservation Area but, given that it adjoins the Conservation Area, consideration has to be given to its impact on heritage assets.

Para 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).

In this case the Conservation Officer raises no objection to the proposal stating that the site is well screened from the public domain by high walls and will therefore have minimal impact on the conservation area.

The Conservation Officer also confirms this type of change of use will have no impact on the nearby listed buildings.

In this case there are no implications for heritage assets.

## **Other Material Considerations**

The Parish Council has sought clarification on the law relating to the disposal of allotments. These allotments are privately operated by the Le Strange Estate. Private allotments do not face the same legal restrictions when it comes to the provision of allotment land. Unlike local authorities, private companies and individuals are not under any obligation to provide allotments. Additionally, unlike local authorities, it is not necessary for a private owner to seek the consent of the Secretary of State to use or dispose of the land for purposes other than allotments use.

If included within the curtilage of No.6 Sea Lane the land would benefit from certain permitted development rights. The Parish Council requests that, if supported, any permission should contain restrictions to prevent any future building on the land. It is agreed that development on this land may have visual amenity or neighbour amenity issues and it is recommended that a planning condition be imposed on any permission.

The site lies within 2km of a SSSI (The Wash SSSI). However, in this case the proposed development would not have a significant adverse effect on the features on which the SSSI is designated.

## **CONCLUSION**

The proposed use of this strip of land for garden land would provide private amenity benefits for the occupants of No. 6 Sea Lane. The quality of the land for allotment purposes is said to be poor and does not currently function as a working allotment plot. This parcel of land has not been used as an allotment since 2011. Therefore the recreational value of the land is currently limited.

The current existing parcel of allotment land is at the back of No. 6 Sea Lane and is not visible from main public views. Its visual amenity value is considered to be relatively low.

Neither is it highly visible in the Conservation Area. The loss of this parcel of land would therefore not be of any material detriment to the occupiers of adjacent dwellings or the character of the area as a whole.

There is no current waiting list for a plot on this private allotment site and no indication that such demand is likely to change in the future. Whilst Policy DM16 seeks the general retention of allotment land, this is in areas where an identified need is presented and that does not apply in this case.

Whilst policy requires that the Local Planning Authority should generally seek to retain open spaces, it is considered that, on balance, the loss of this small parcel of poor quality land would not have significant consequences. All other allotment plots on the larger allotment site will remain unaffected by the proposal and there is no evidence of current demand for plots on this private site.

The allotment use is recognised as a valuable community and asset and its loss may cause conflict with the provisions of Policies DM9, DM16 and DM22. However, given the individual circumstances, it is considered the benefits to the private householder No. 6 Sea Lane (which currently has a very modest amount of associated garden land) outweigh the loss of a modest proportion of poor quality allotment land which, due to its location, offers only limited public visual amenity benefits.

For the reasons given above, it is recommended that the application be approved subject to the following conditions.

#### **RECOMMENDATION:**

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

- 1 Condition: The development hereby permitted shall be 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 plan: Drawing No. 1964 100, Site & Location Plans.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Notwithstanding the provisions of Schedule 2, Part 1, Classes A and E of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the enlargement, improvement or other alteration to the dwellinghouse and the provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool shall not be allowed without the granting of specific planning permission.
- 3 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.
- 4 Condition: Prior to the first use of the site for domestic purposes, a scheme for the boundary treatment of the site shall be submitted to and be agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented within 3 months of

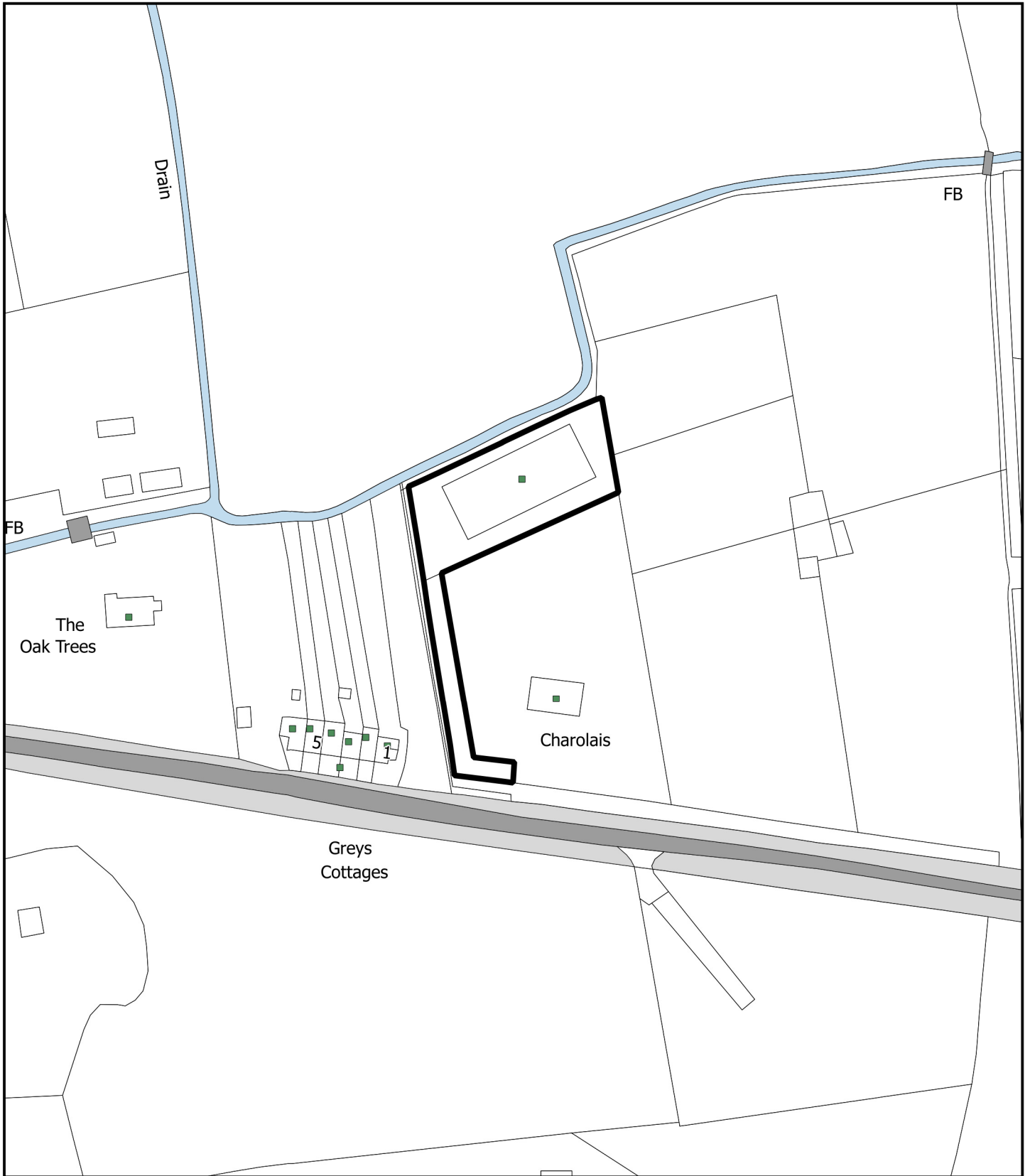
the first use of the site for domestic purposes and shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

- 4 Reason: To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.



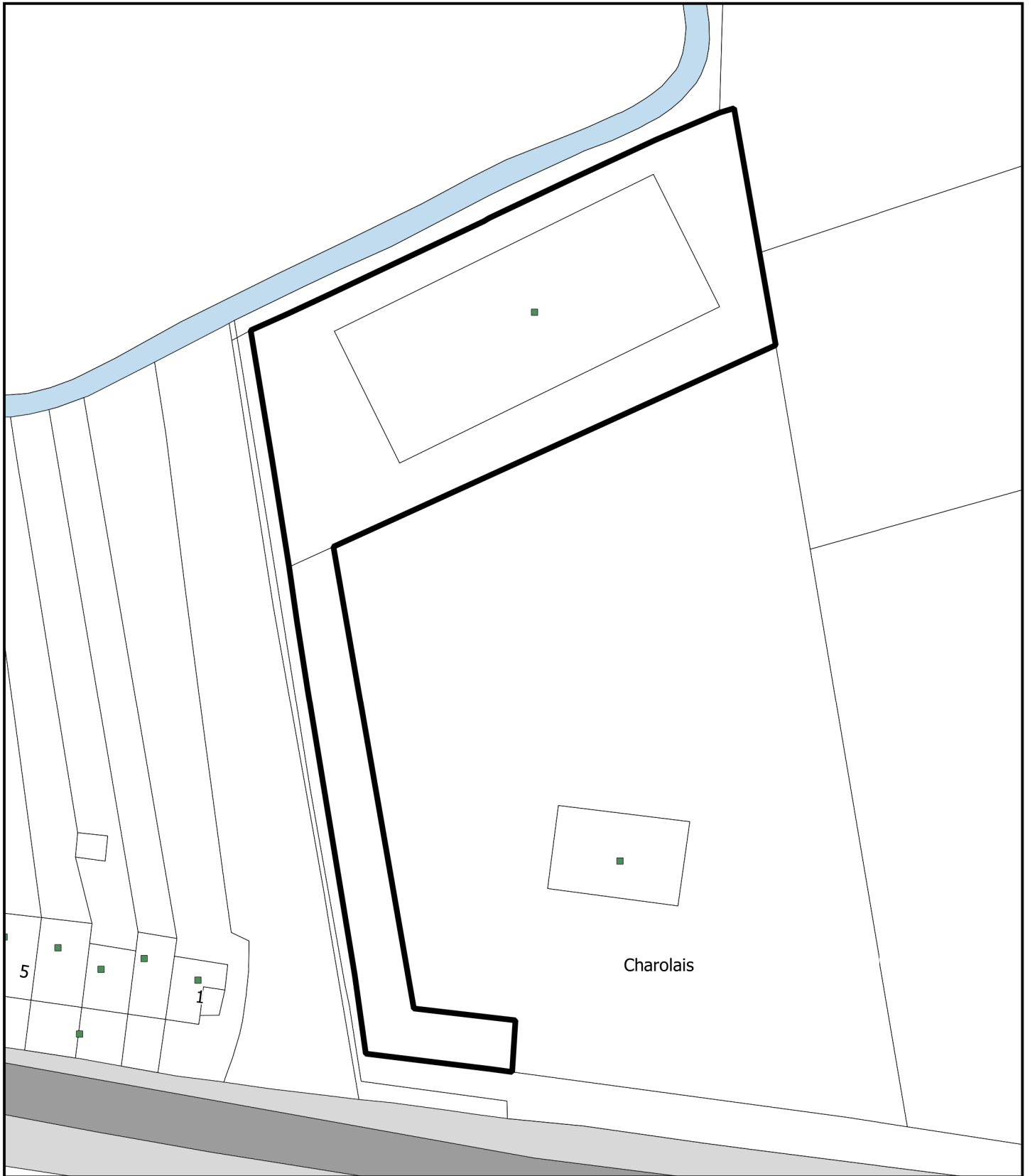
# 19/01920/F

## Charolais Low Road Pentney



# 19/01920/F

## Charolais Low Road Pentney



|                      |   |   |
|----------------------|---|---|
| <b>Parish:</b>       | <b>Pentney</b>  |   |
| <b>Proposal:</b>     | <b>Demolition of agricultural building and replacement with two dwellings</b> |   |
| <b>Location:</b>     | <b>Charolais Low Road Pentney King's Lynn</b>                                 |   |
| <b>Applicant:</b>    | <b>Mr &amp; Mrs S Voutt</b>   |   |
| <b>Case No:</b>      | <b>19/01920/F (Full Application)</b>  |   |
| <b>Case Officer:</b> | <b>Clare Harpham</b>  | <b>Date for Determination:<br/>9 January 2020<br/>Extension of Time Expiry Date:<br/>10 February 2020</b> |

**Reason for Referral to Planning Committee** – The Parish Council object to the proposal which is contrary to the Officer Recommendation

**Neighbourhood Plan:** No

**Case Summary**

The application site is located within the countryside and to the rear of the existing residential development along Low Road. The application is for the demolition of the existing agricultural building and construction of two dwellings. There is extant prior approval permission for the conversion of the existing agricultural building (formerly used for rabbit meat production) into two dwellings and this fall-back position is a material consideration of considerable weight.

**Key Issues**

- Planning History
- Principle of Development
- Design and Scale
- Neighbour Amenity
- Highways Issues
- Flood Risk
- Crime and Disorder
- Other material considerations

**Recommendation**

**APPROVE**

## THE APPLICATION

The application site is located on the northern side of Low Road, Pentney and to the rear of the dwelling known as Charolais, which is in the ownership of the applicant. It is accessed from the existing point of access, which also serves the existing dwelling, along the western boundary. Currently on site is a large single storey agricultural building which has wooden clad walls and a profiled fibre cement roof. The application site is screened to the south and the dwelling of Charolais by a large conifer/leylandii hedge.

This application relates to the demolition of the former agricultural building sited to the north of Charolois, and its replacement with two 'barn style' semi-detached dwellings.

## SUPPORTING CASE

The application seeks to replace the existing approval under Permitted Development rights for 2 No. 4 bedroom dwellings with full planning permission for 2 No. 3 bedroom dwellings.

The applicants purchased Charolais as a family home some 5 years ago without knowing the planning status of the rear part of the site which contains a vacant agricultural building. Having become aware of their rights under the Town and Country (General Permitted Development)

(England) Order 2015 they sought and obtained prior approval for conversion of the building to 2 No. four bedroom dwellings. That approval given on 29th April 2019 is current and merely requires an asbestos survey and method of removal to be agreed before work can start.

The applicants are life time residents of the local area and hail from the neighbouring parish of Narborough. They have an extended family locally and are very committed to this site. Whilst not usually a material planning consideration it does explain their attitude to the "fall-back position" in respect of this application. There is an existing substantial building on site which already has approval for conversion. They would however prefer to agree a smaller and better designed building in the local vernacular style with the planning authority. However, should this not be possible then the conversion will be executed. They have a young family to consider and this opportunity simply cannot be ignored.

The scheme as proposed is designed to better reflect the rural area it stands in. The materials chosen are found locally; brickwork, timber boarding and pantiles. Indeed the existing agricultural building it seeks to replace is wholly timber clad. The scale of the new building is respectful of its location. The floor area is some 39% smaller than the extant approval and the volume is 17% less. There is an increase in ridge height but this is merely to allow pantiles to be used on the roof instead of the corrugated fibre cement sheeting used on the existing building (which can accommodate a lower slope).

The proposed building lies fully within the footprint of the existing building. Concern has been raised about its possible impact on neighbouring properties. Apart from Charolais itself where there is a separation distance of 36m (and set at an angle) the nearest property is 1 Greys Cottages over 51m away and again set with a substantial offset to one side. The width of the proposed building (the predominate view seen from outside the site) is 9.3m, a reduction from 13.8m from the existing.

The area at present is not liable to flooding. However, to "future proof" the development, consideration must be given to the potential effects of climate change. When using the Council's own 100 year assessment, the north-east edge of the site may be affected by a 1

in 100 year flood but the building itself and the access drive still remain clear of a potential event. Whereas the approved conversion could prove to be more vulnerable.

Core strategy policy CS06 expects “more modest levels of development” to be permitted in rural villages, smaller villages and hamlets. SADMP Policy DM3 states that “New development in the designated Smaller Villages and Hamlets will be limited to that suitable for rural areas...” This proposal seeks to replace an existing approval with a scheme that is even more suited to its rural location.

SADMP Policy DM5 specifically allows for replacement dwellings in the countryside. So, if the existing building had already been converted to dwellings, then the concept of replacement with new dwellings would not be an issue, merely their appearance and scale. This application seeks a similar treatment; exchanging one potential scheme for another, rather than build twice. This surely reflects a more sustainable approach at a time when natural resources ought to be conserved.

## PLANNING HISTORY

18/00397/PACU3: Prior Approval - Refused: 23/04/18 - Prior Notification: Change of use of rabbit meat production unit to two dwelling houses - Building And Land N of Charolois And NE of Grays Cottages Low Road Pentney Appeal Allowed 29/04/19

## RESPONSE TO CONSULTATION

**Parish Council: OBJECT** for the following reasons:-

- Beyond building line of surrounding buildings.
- Insufficient detail in application (no measurements).
- Should have an ecological survey as suspect bats and newts are present on site.
- Out of keeping with surrounding buildings.
- We believe the hedge on the plan are Leylandii and not Yew as stated.
- Falls short of the emerging Neighbourhood Plan which has been informed by wide consultation with village residents e.g. be of high quality, heavily informed by immediate settings, generous use of local vernacular materials, provide evidence that due regard has been had to the contents of Pentney Heritage Character Appraisal, provide a comprehensive and locally informed scheme of soft landscaping.

**Highways Authority: NO OBJECTION** Having examined the information submitted I believe that ultimately accesses for the proposal would be safe and parking and turning for vehicles would accord for parking standards for Norfolk.

The site is remote from schooling, town centre shopping etc and as such the Highways Authority is of the view that the proposed development is likely to conflict with the aims of sustainable development. Should the application be approved conditions are recommended relating to the access/parking and turning.

**Environmental Health & Housing - Environmental Quality: NO OBJECTION** The information submitted does not indicate the presence of significant land contamination. However, the former use of the land for agriculture means that it's possible that some unexpected contamination could be present. Therefore I recommend a condition is applied relating to measures to be undertaken should unexpected contamination be encountered during development and an informative relating to asbestos.

**Natural England: NO COMMENT** please refer to Standing Advice.

Planning Committee  
3 February 2020

## **REPRESENTATIONS**

**FOUR** letters of **OBJECTION** covering the following:-

- Site is in an area which floods due to the dykes.
- More dwellings will add to traffic and water problems in Low Road.
- Low Road is unsuitable for more development, it's used by farm vehicles and as a rat run, is single track and has pot holes etc.
- Proposal is behind building line and would set a precedent, backland is not wanted in Pentney.
- Speculative development.
- Building was originally granted for meat production, as was the house on site. When the agricultural license finished the building should be removed.
- Concerns about asbestos dust when roof is removed.
- Concerned about position of access track in relation to dyke.
- Proposed building is higher than the existing building.
- Proposal is not infill.
- Not in keeping with planning regulations set out for Pentney nor the emerging Neighbourhood Plan.
- If the Parish Council had been aware of previous appeal then they could have presented objections.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**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

**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)

Planning Committee  
3 February 2020

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

National Design Guide 2019

## **PLANNING CONSIDERATIONS**

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

- Planning History
- Principle of Development
- Design and Scale
- Neighbour Amenity
- Highways Issues
- Flood Risk
- Crime and Disorder
- Other material considerations

### **Planning History**

In April 2019 prior approval was granted at appeal (appeal attached) for the change of use of the existing rabbit meat production unit to two dwellinghouses (18/00397/PACU3). This approval was granted under Class Q, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, as amended.

Applications under Part 3 of the GPDO allow for the change of use of certain buildings (following detailed regulations and conditions) and in the case of Class Q allows for the conversion of agricultural buildings which may be redundant for agricultural purposes into residential dwellings, which would not otherwise be permitted. Consequently while the conversion has not yet been carried out the principle of a residential use and conversion to two dwellings has been established and is extant.

Whilst there are strict criteria within the regulations governing what can be granted approval under Class Q, Part 3 this does not preclude an application for planning permission being submitted for building works which do not fall within the scope of permitted development to be made either at the same time, or after a prior approval application in respect of the change of use of the same building.

This application does not involve building works to the existing building, but involves the demolition of the existing agricultural building and its replacement with a new building forming two dwellings which will emulate an agricultural building, albeit of a different design to the existing building.

### **Principle of Development**

Pentney is classed as a ‘Small Village and Hamlet’ within the settlement hierarchy (Policy CS02) and as such is has no development boundary and is within an area designated as countryside. Whilst some residential development is allowed under ‘infill’ Policy DM3 of the SADMP this is not relevant in this case as the application site is to the rear of existing residential development and consequently does not represent a ‘sensitive infilling of a small gap in an otherwise built up frontage’. There are also objections both from the Parish Council

Planning Committee  
3 February 2020

and third party representations that the proposal does not comply with the Neighbourhood Plan, however whilst the neighbourhood area was designated on 19th January 2018 the Borough Council are still awaiting their draft proposal.

Notwithstanding the above, it is material consideration that there is prior approval permission at the application site for the conversion of the existing building to two residential properties. The applicant has a 'fall-back' position should this application be refused and in practical terms it means that the existing building could be converted into two dwellings which are actually larger in terms of footprint than what is now proposed.

The status of a fall-back development as a material consideration is not a new concept and has been applied in court judgements such as 'Samuel Smith Old Brewery v The Secretary of State for Communities & Local Government, Selby District Council and UK Coal Mining Ltd'. This decision states that for a fall-back position to be a 'real prospect', it does not have to be probable or likely: a possibility will suffice. It is also noted that 'fall back' cases tend to be very fact-specific and are a matter of planning judgement. Examples are given within the judgement where for instance there may be an old planning application which is still capable of implementation or where it could be argued that the impact of that which was permitted development would be much the same as the impact of the development for which planning permission was being sought.

The concept of 'fall-back' is also considered more recently in 'Michael Mansell v Tonbridge & Malling Borough Council' where approval was given for the redevelopment of the site of a large barn and a bungalow to provide four dwellings. The judgement covers more than one aspect of the decision but makes reference to Class Q of the GDPO as a 'fall-back' position and reiterates the comments made in the Samuel Smith Old Brewery case that the council should satisfy itself that there was a 'real prospect' of the fall-back development being implemented, although it was again reiterated that the basic principle is that 'for a prospect to be a real prospect, it does not have to be probable or likely; a possibility will suffice'.

Consequently taking the above into account it is considered that there is a 'real prospect' of the applicant implementing the fall-back position of converting the existing building given that the consent is extant and has over two years to run. This is therefore a material consideration of significant weight in the determination of this application.

The main issue therefore with regard to the determination of this application is whether the proposal would materially harm the character and appearance of the countryside. If the prior approval application was implemented and the applicant then decided to replace the building with two new dwellings, Policy DM5 of the SADMP would be relevant which states that proposals for replacement dwellings or extensions to existing dwellings will be approved where the design is of high quality and will preserve the character or appearance of the area in which it sits.

The proposal whilst large, actually has a smaller footprint to that approved under 18/00397/PACU3 and whilst it has a steeper pitched roof in order to accommodate pantiles it is not considered to materially harm the character or appearance of the surrounding countryside. Whilst it does incorporate a front projection (southern elevation), as this is screened by the existing dwelling known as Charolais it would not be visible in the wider countryside to the rear (north).

Consequently taking the above into consideration the proposal is considered acceptable in principle.



## **Design and Scale**

The proposed semi-detached dwellings are designed to emulate an agricultural building with horizontal wooden cladding atop a brick plinth and a pantile roof with vertically emphasised windows and large gable end glazed elements. There are objections from the Parish that there is insufficient detail in the application and no measurements, but the submitted plans are shown to a recognised scale and the floor plans show the building would be 30m in length which is less than the existing building on site. The Parish also object stating that the proposed building is not in keeping with surrounding buildings nor are the materials of a local vernacular. It is a consideration that there is already approval for conversion of the existing building which is also a horizontally clad wooden building and pantiles are a readily used local material in the area.

Overall the design and scale of the proposal is considered acceptable and complies with para 127 of the NPPF, Policies CS06 and CS08 of the Core Strategy and Policies DM5 and DM15 of the SADMP.

## **Neighbour Amenity**

The proposal is single storey in nature and located to the north and north-east of the dwellings which are fronting onto Low Road. Consequently there would be no material overshadowing or overlooking of the nearby residential properties by the proposal. The proposed building is 1.45m taller than the existing building still has relatively low eaves and would not have an overbearing impact upon any neighbouring dwellings.

Whilst the proposed access is along the western boundary which is between Charolais and 1 Greys Cottages, it is not considered that given the distance and the fact that it is for two dwellings that this would have a material impact. It is also of note that this is the position of the existing approved access. There is an objection that the access is close to a dyke but it is not clear why this would be considered unacceptable.

Objections have been received that the roof space could be converted to provide additional accommodation that would cause overlooking. Whilst this is unlikely given the restricted headroom, a condition is recommended which removes permitted development rights for roof alterations and therefore should any future changes be sought, planning permission would be required and any changes / impact could be assessed.

The proposal is therefore considered acceptable and complies with para. 127 of the NPPF, Policy CS08 of the Core Strategy and Policy DM15 of the SADMP.

## **Highways Issues**

There are no objections to the proposal from the Highways Officer on highway safety grounds. Whilst comment is made regarding the sustainability of the application site in relation to service provision, it is again of note that there is an extant prior approval permission and therefore the number of vehicular movements is not considered to be different to those already approved.

Objections have been received relating to the suitability of Low Road for serving additional development but there are no objections on this basis from the Highways Officer, nor does the proposal differ in terms of highways impact from that already approved.

Consequently the proposal complies with para. 109 of the NPPF, Policy CS11 of the Core Strategy and Policy DM15 and DM17 of the SADMP.

## **Flood Risk**

The application site is located within Flood Zone 1 of the SFRA 2018 however it is in an area which could be vulnerable to surface water flooding (1% AEP with climate change). The agent has submitted information which shows that the area which could potentially be affected by surface water flooding, to the north and west of the site and outside the area where the dwellings would be located and the access. In addition the agent has confirmed that the finished floor levels will be raised to 300mm above existing ground level. The flood risk mitigation is considered acceptable and complies with the Standing Advice from the Environment Agency.

Surface water is proposed to soakaway and foul drainage to package treatment plant which is considered acceptable in this area which is not served by mains drainage.

The proposal therefore complies with para. 155 of the NPPF, Policy CS08 of the Core Strategy.

## **Crime and Disorder**

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

## **Other material considerations**

The proposal is to demolish an existing building and there are objections from the Parish Council that an ecology survey has not been submitted as they suspect bats and newts are on the application site. Usually when an application for a barn conversion, or to demolish a barn is submitted an ecology survey is provided at validation stage; however when determining an application for prior approval, ecology is not a factor which can be considered within the Regulations (Class Q, Part 3, Schedule 2 of the GDPO). This does not mean that an applicant / developer does not need to take ecology and protected species into account as there is other legislation relating to protected species which prior approval does not preclude them from complying with. Consequently as there is an extant prior approval application at the site which could be implemented, an ecology survey has not been requested. Again, when carrying out development there is still a legal requirement to comply with the other relevant legislation.

Following the planning officer's site visit and comments received by the Parish Council, the agent has confirmed that the hedge marked on the plans as 'yew' and to the south of the application site, screening the proposal from Charolais, is in fact a leylandii hedge and not worthy of protection.

Objections have been received to the application by the Parish Council and some third party representatives and many of the issues raised are covered above. It was stated that the Parish Council did not know about the appeal (18/00397/PACU3) and therefore were not able to comment or object. It is indeed the case that Parish Councils are not statutory consultees within applications for prior approval and this is because the applications are assessed against the regulations, in this case Class Q, Part 3, Schedule 2 of the Town and Country (General Permitted Development) Order 2015, as amended.

Concerns have been raised regarding potential dust when removing the existing barn roof which is likely to contain asbestos. There is legislation within The Control of Asbestos Regulations 2012 that requires the suitable assessment of whether asbestos is present prior to demolition or other work is carried out and for the asbestos to be managed / removed properly. Environmental Quality have requested an informative be placed on the decision notice to this effect.

## CONCLUSION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that an application must be determined in accordance with the development plan unless material considerations indicate otherwise.

Whilst the proposal constitutes the re-development of a parcel of countryside to the rear of existing residential development which would be contrary to the development plan, it is a strong material consideration that the applicant has extant prior approval permission for the conversion of the existing building into two dwellings which are even larger than those proposed and that this has a real prospect of being implemented. Members are requested to have due regard to this position.

In addition the proposal is considered to have no material harm on the character and appearance of the countryside, neighbour amenity, highway safety or flood risk in the locality.

The application is therefore duly recommended for approval.

## RECOMMENDATION:

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

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans:-
  - Location Plan 'co-ordinates 573053,313435';
  - Drawing no. 501 'Floorplan';
  - Drawing no. 502 'Elevations';
  - Drawing no. 503-RevA 'Proposed Block Plan'; and
  - Drawing no. 506-RevA 'Proposed Cross Section.'
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 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.
- 3 Reason: To ensure the permanent availability of the parking / manoeuvring areas, in the interests of satisfactory development and highway safety.
- 4 Condition: Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, D and E of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the enlargement, improvement or other alteration of a dwelling house, the enlargement

of a dwelling house consisting of an addition or alteration to its roof, the erection or construction of a porch outside any external door of a dwelling house, or a building that is incidental to the enjoyment of the dwellinghouse, shall not be allowed without the granting of specific planning permission.

- 4 Reason: In order that the Local Planning Authority may retain control of development which might be detrimental to the amenities of the locality if otherwise allowed by the mentioned Order.
- 5 Condition: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with current best practice, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

- 5 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, 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.



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## Appeal Decision

Site visit made on 12 March 2019

by **Andrew Smith BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 April 2019

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**Appeal Ref: APP/V2635/W/18/3209994**

**Unit rear of Charolais, Low Road, Pentney, King's Lynn, Norfolk PE32 1JF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Mr & Mrs S Voutt against the decision of King's Lynn and West Norfolk Borough Council.
  - The application Ref 18/00397/PACU3, dated 27 February 2018, was refused by notice dated 23 April 2018.
  - The development proposed is change of use of rabbit meat production unit to 2 dwellinghouses.
- 

### Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) for a change of use of a rabbit meat production unit to 2 dwellinghouses at Unit rear of Charolais, Low Road, Pentney, King's Lynn, Norfolk PE32 1JF in accordance with the details submitted pursuant to Schedule 2, Part 3, Paragraph Q.2(1) of the GPDO, through application Ref 18/00397/PACU3, dated 27 February 2018. The approval is subject to the condition that the development must be completed within a period of 3 years from the date of this decision in accordance with Paragraph Q.2(3) of the GPDO and subject to the additional conditions listed at the end of this decision.

### Procedural Matters

2. The description of development has been clarified and amended, in agreement with both the Council and the appellant, during the course of this planning appeal. The appeal proposal was re-publicised on the basis of the description stated above. This was to ensure that all interested parties were aware that 2 dwellinghouses are indeed proposed, rather than the single dwellinghouse indicated on the Council's Decision Notice.
3. For the avoidance of doubt, the application made includes details of both the change of use of the building and the building operations necessary to convert the building. I have considered the appeal on this basis.

### Application for costs

4. An application for costs was made by Mr S Voutt against King's Lynn and West Norfolk Borough Council. This application is the subject of a separate Decision.



### **Main Issue**

5. The main issue is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO.

### **Reasons**

6. Paragraph Q.1 of the GPDO sets out various requirements that, if not met, result in development not being permitted by Class Q. The Council refused to grant prior approval on the sole basis that they consider the proposal fails to comply with Criterion Q.1(a) of the GPDO, which states agricultural use requirements, and thus does not constitute permitted development. From the evidence before me, the main parties to this appeal do not dispute that the proposal meets all other requirements as set out under paragraph Q.1. I have considered the appeal on this basis.
7. As set out under Criterion Q.1(a) of the GPDO, development is not permitted if the site was not used solely for an agricultural use as part of an established agricultural unit on 20 March 2013, or in the case of a building which was in use before that date but was not in use on that date, when it was last in use.
8. It is acknowledged by both main parties to this appeal that the appeal building is not currently used for agricultural purposes, nor was it so on 20 March 2013. From the evidence before me, the building was last used for such purposes in 1992 when it is understood that rabbit meat production at the site ceased. As set out in the GPDO, an established agricultural unit means agricultural land occupied as a unit for the purposes of agriculture. I am content from the evidence before me, that, when last operated to produce rabbit meat, the appeal site was used solely for an agricultural use as part of an established agricultural unit.
9. On this basis and in accordance with the requirements of Criterion Q.1(a), it is important to understand how the appeal building has been used since rabbit meat production ceased in 1992. Its past agricultural use must constitute the building's last use for the relevant requirements of Criterion Q.1(a) to be appropriately met. The appellant has referred to the appeal building having been used for domestic storage purposes, yet only to a limited degree and extent such that a change of use of the building has not resulted. The Council consider that this demonstrates that the appeal building has been used for purposes alternative to agricultural trade or business. Furthermore, the Council has noted that the building is large and weatherproof such that it is reasonable to consider that the building has been actively used for domestic purposes since the cessation of the agricultural business on the site.
10. Whilst in relatively good condition, the building is simple and rustic in form and appearance. From internal inspection, some domestic paraphernalia was present. This consisted of such items as bicycles, firewood and a small chicken coop. These items occupied only a small percentage of the overall internal floorspace, the extent of domestic storage/activity was limited therefore. Otherwise, the inside of the building was predominantly vacant and large portions of it appeared, due in part to its undisturbed soiled flooring, not to have been regularly visited in recent times. To further substantiate this finding, I noted that metal wires, which I understand relate back to former rabbit meat production activities, continue to be hung from the roof structure across much of the building's internal area.

11. My single visit inside the building cannot be relied upon to confirm precisely the activities carried out inside since 1992, and I acknowledge that there is limited evidence before me to clearly indicate how the building has been used over the subsequent intervening period. Equally however, there is no alternative evidence before me to confirm that the extent of domestic storage has ever been notably greater since rabbit meat production ceased at the site. On this basis, and following my own site inspection, I do not consider that the presence of limited domestic paraphernalia has resulted in a change of use of the building.
12. I note that the Council has referred in evidence to a February 2018 appeal decision at North Walsham, Norfolk, where a proposal made under Schedule 2, Part 3, Class Q of the GPDO was dismissed. However, that appeal was made on different terms and would have been accompanied by different supporting evidence. The appellant in that case sought to demonstrate that the particular barn in question was in use as part of an established agricultural unit on 20 March 2013, which is not the case here. I am indeed sufficiently satisfied, from consideration of the evidence before me, that the appeal building made up part of an established agricultural unit when it was last actively used in an agricultural capacity.
13. A Certificate of Lawful Development, granted in December 2013, has also been referred to in evidence. I am of the understanding that this certified the lawful occupation of the dwelling (Charolais) on an unrestricted basis (as opposed to being limited to persons only employed in agriculture). Whilst this provides assurances that the former rabbit meat production use at the appeal site has indeed ceased, it does not automatically follow that the appeal building's status or lawful use is altered. Indeed, the building appears physically separate to Charolais and, as discussed above, I am content that any small-scale domestic use of the appeal building has not resulted in a change of its use.
14. For the above reasons I conclude that the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO.

#### **Other Matters and Conditions**

15. It has been queried by a third party to this appeal whether the building is suitable for habitation. It is stated in the Council's officer report that, on the basis of the information submitted, it would appear that the building is capable of conversion without any structural elements being required. From the evidence before me and my own inspection, I find no reason to disagree. I also note that paragraph Q.1(i) allows for some building operations to be undertaken to the extent reasonably necessary for the building to function as a dwellinghouse.
16. The provisions of paragraph Q.2 of the GPDO require the local planning authority, where development is permitted, to assess the proposed development based on several different matters. These are the transport and highways impacts of the development, noise impacts, contamination risks, flooding risks, the design or external appearance of the building and whether the building's location makes it otherwise impractical or undesirable for the proposed residential use.
17. I do not consider, with respect to the transport and highways impacts of the proposal, that the introduction of 2 dwellings would lead to an undue increase

in traffic upon the local road network. This is notwithstanding the single lane nature and potential maintenance requirements of Low Road. I note that the Council, nor the Highway Officer, has not raised concerns in this context. I also note that, given the limited extent of building operations proposed, associated construction traffic would be expected to be minimal.

18. Paragraph W (13) under Schedule 2, Part 3 of the GPDO allows conditions to be imposed that are reasonably related to the subject matter of the prior approval. It would be reasonable in the interests of highway safety to apply a condition (as suggested by the Highways Officer) to secure the provision of the intended access/parking/turning/waiting arrangements before first occupation. I am content from the evidence before me that the access could be installed without prejudicing or interfering with any nearby ditch or dyke and note that neither has the Council raised any concerns in this regard.
19. With regard to contamination risks, the Council's Environmental Quality Officer has highlighted the potential for asbestos to be contained within the building's roof. A condition securing that a survey be undertaken and action plan be formulated in this regard would be a reasonable requirement in the interests of guarding against any potential harm to human health.
20. With respect to flooding risks, I acknowledge that drainage issues and past instances of flooding on the site and nearby have been referenced by third parties to this appeal. These reported issues and instances have not been evidenced in any detail however and it is apparent that the site is located within Flood Zone 1 (the lowest risk zone). The Council has confirmed that there are no identified flood risks raised by the application. In such circumstances, it is not reasonable or necessary to secure full details of the intended surface water and foul water drainage arrangements by condition. There are relevant drainage requirements contained within the Building Regulations, against which the proposal would also need to be assessed.
21. Notwithstanding the rural location of the site, the building's location would not make it otherwise impractical or undesirable for the proposed residential use. I note that the Council has not raised concerns in either a noise or design/external appearance context and I find no reason to disagree with their assessment in these regards. To ensure certainty, noting that building operations form part of the proposal, a condition setting out the approved plans is required.
22. Concerns raised with respect to the site's position behind frontage development, to potential loss of privacy, and to other applications that have been (or could be) made in the locality are not relevant to my determination of this appeal. Unlike where an application for planning permission has been submitted, my considerations are necessarily limited to the provisions of Schedule 2, Part 3 of the GPDO and, more specifically, to the relevant matters listed under paragraph Q.2.

### **Conclusion**

23. For the reasons set out above, the appeal is allowed and approval is granted.

*Andrew Smith*

INSPECTOR



### **Schedule of Conditions**

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (Scale 1:10,000); OS Plan (Scale 1:1250); 103; 102.
- 2) Prior to the first occupation of the development hereby permitted the proposed access / on-site car parking / turning / waiting area shall be laid out, levelled, surfaced and drained in accordance with the submitted Proposed Block Plan (Ref 103) and retained thereafter for that specific purpose.
- 3) Prior to the commencement of the development hereby permitted, a survey specifying the location and nature of asbestos containing material and an action plan detailing treatment, safe removal and disposal of asbestos containing materials shall be submitted to and approved in writing by the local planning authority. The details of the approved action plan shall be fully implemented prior to the first occupation of each dwelling hereby permitted and evidence shall be kept and made available for inspection until the local planning authority has confirmed that the works have been implemented.



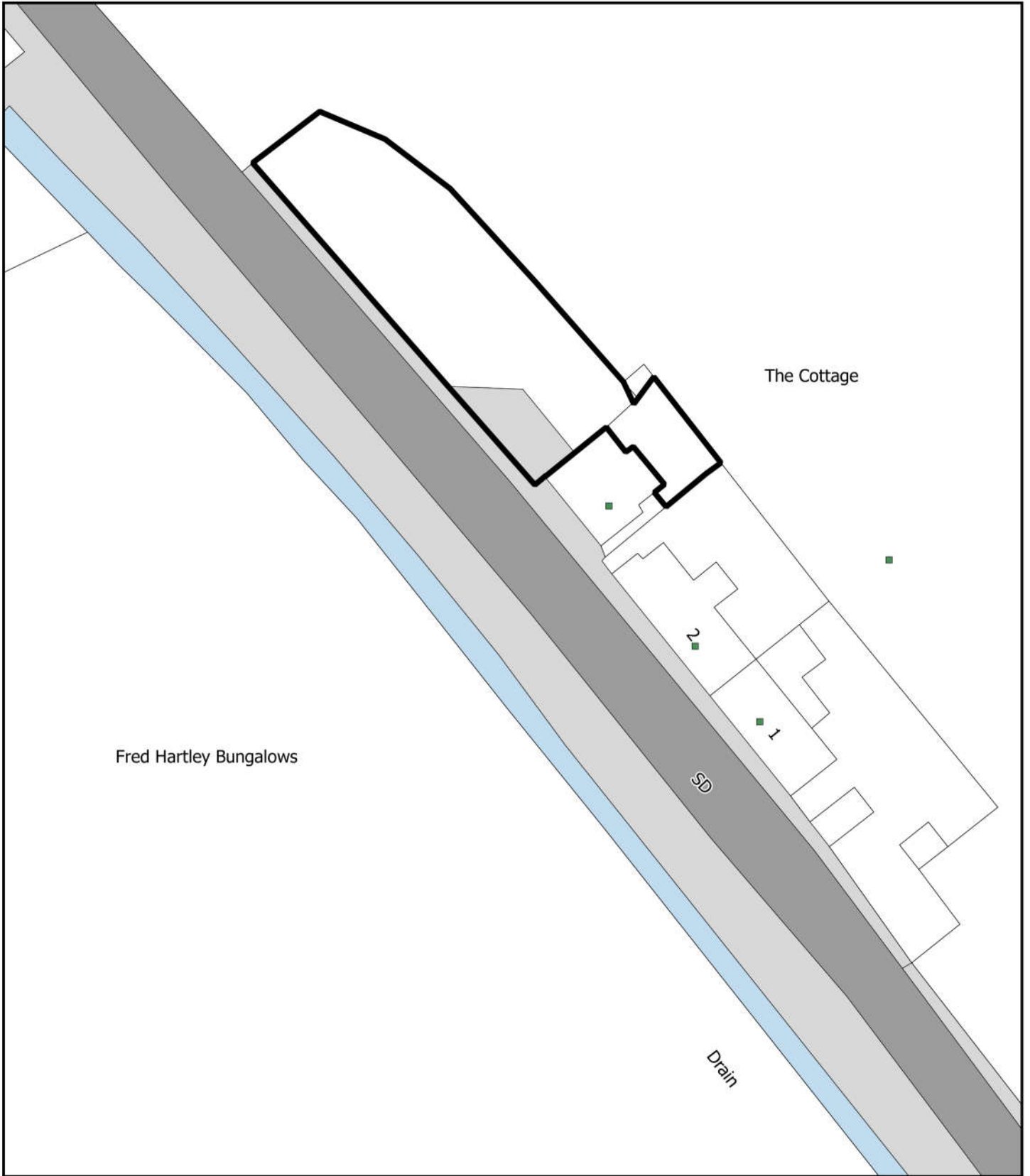
# 19/01526/F

## The Cottage Welney Road Lakes End



**19/01526/F**

**The Cottage Welney Road Lakes End**



|                      |  |  |
|----------------------|--|--|
| <b>Parish:</b>       | <b>Upwell</b>  |  |
| <b>Proposal:</b>     | <b>Retrospective planning application for change of use of residential garden for the keeping and breeding of dogs and part retrospective permission for the erection of kennels and runs.</b> |  |
| <b>Location:</b>     | <b>The Cottage Welney Road Lakes End Norfolk</b>   |  |
| <b>Applicant:</b>    | <b>Mrs S Millington</b>  |  |
| <b>Case No:</b>      | <b>19/01526/F (Full Application)</b>   |  |
| <b>Case Officer:</b> | <b>Bradley Downes</b>  | <b>Date for Determination:<br/>11 November 2019<br/>Extension of Time Expiry Date:<br/>7 February 2020</b> |

**Reason for Referral to Planning Committee** – View of Parish Council contrary to Officer Recommendation and application was referred to Planning Committee by Sifting Panel

**Neighbourhood Plan:** No

### Case Summary

The site lies in the countryside on the east side of Wisbech Road, approximately 160m south of Lakes End and 1.6km north of Welney. The proposal is for the retrospective change of use of part of the residential garden of The Cottage, Wisbech Road for the keeping of dogs for commercial breeding purposes. The business currently has 16 adult dogs with a license for 20, however the application is for no more than 16 adult dogs (reduced from 20 originally applied for). The application is also for part retrospective permission for the erection of kennels and associated facilities (grooming room etc).

### Key Issues

Principle of development  
Noise and disturbance of neighbours  
Highway safety and access  
Form and character

### Recommendation

**APPROVE**

### THE APPLICATION

The site lies in the countryside on the east side of Wisbech Road, approximately 160m south of Lakes End and 1.6km north of Welney. The proposal is for the retrospective change of

Planning Committee  
3 February 2020

use of part of the residential garden of The Cottage, Wisbech Road for the keeping of dogs for commercial breeding purposes. Lakes End is classified as a rural village and hamlet in the Core Strategy 2011, as such it doesn't have a development boundary.

The business currently has 16 adult dogs with a license for 20, however the application is for no more than 16 adult dogs (reduced from 20 originally applied for). The application is also for part retrospective permission for the erection of kennels and associated facilities (grooming room etc). The business expects up to 25 puppies per year, however there are rarely more than 10 on site at once. The business has a 4 star license which means it is rated above average for animal welfare and management.

## **SUPPORTING CASE**

The existing site had a small holding licence in 2010 which consisted of 7 dogs, puppies, pigs, poultry, and pony's. Since 2010 the number of animals on site has reduced and the number of adult dogs has increased from 7 to 16. Since 2010 the client has not had any complaints regarding smells, noise, vermin, or flies. There have only been complaints since this application has been submitted.

Throughout this application, we have worked with the Planning Officer and Consultants to improve the site to make everyone happy. This also includes relocating already built dog kennels away from the neighbouring boundary, adding additional off-road parking for visitors and also installing sound acoustic fences to further decrease noise.

In 2019 my client had 16 adult dogs and over the entire year had 4no litters (25 puppies total for the year). There is normally only 1no litter at any one time. My client has an up to date Noise Management Plan which has been approved by the Community Safety & Neighbourhood Nuisance department as well as the Licencing Team which was required for their Licence.

My clients dogs are Kennel Club Assured and council licenced breeders and exhibitors of German Shephard Dogs, Miniature Longhaired Dachshunds and Miniature Pinschers. All of the puppies are born and raised in my clients home and are out of health tested parents. They breed first for health, temperament and fit for function. They believe health and temperament as well as a low inbreeding co-efficiency are the cornerstones of healthy pedigree dogs.

The site since 2010 has always had dog kennels / other animal encloses which have been replaced with block-built Kennels to improve the facilities which also allows for improved noise transference, and improved security. The northern and western boundary is made up of either 1.8m High close boarded fences or is screened by dense vegetation (very High Conifer Trees) with the proposed southern boundaries being 2m high Acoustic Fencing.

**PLANNING HISTORY** No relevant planning history

## **RESPONSE TO CONSULTATION**

**Parish Council: OBJECT** for the following reasons:

- Noise from dogs on site affecting neighbours.
- Does not appear to be an exercise area for the dogs other than their runs which is inadequate (a concrete hardstanding does not seem appropriate if this is the intention).

- Concern regarding disposal of dog waste. The plans appear to show that dog waste from the kennel block adjacent to the road is washed into a single drain to a septic tank, but there is no provision for such disposal for the other kennels on site.
- Other than the 'private garden' this is over development of the site for kennels.
- The car parking arrangement and access is unsuitable as visitors will have to reverse park in the proposed parking area to enable emergence onto the A1102 in forward gear. There is evidence that claims visitors are currently parking on the side of the road.
- If permission is granted, soiled bedding and waste should be kept in a covered skip and emptied when full.
- No amount of fencing of any type would stop the noise and disturbance of barking dogs.

### **Highways Authority: NO OBJECTION**

On the basis of the information submitted, it would appear the site is used for the breeding and sale of dogs only. The resultant traffic generation would be low. I suggest a condition to restrict the use of the site to breeding only as boarding of third party dogs and grooming would result in undesirable traffic.

### **CSNN: NO OBJECTION**

The agent has provided information which addresses the queries that I had and indicates that there are a number of control measures on site and within the operation of the business which should help to control noise etc. I therefore have no grounds to object.

Many of the points the applicant has included in their noise management plan are not enforceable. To strike a balance and to protect the nearest residents from an adverse impact I would recommend the following changes;

- A condition that states dog will be confined to their kennel between the hours of 21.30 hrs to 08.00hrs unless there is an emergency would be suitable.
- A condition that is timed relating to the insulation and acoustic fencing would also be suitable.
- A condition stating that one person will be on site at all times is also suitable. It does not need to be the applicant but one person should be on site and responsible for the dogs at all times.
- The point in the NMP regarding the dog exercise area is also enforceable and should be included as a condition as long as the dog exercise area is clearly referenced from a submitted drawing.

Lastly I would recommend that a timed condition be applied to requiring a noise management plan to be submitted to and approved by CSNN. This will allow our team to have details to refer to should a complaint be received but would not be an ongoing planning condition.

It is also requested that an informative relating to nuisance issues relating to kennels is included on any decision notice. Without the support of this condition there is no guarantee noise can be controlled.

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

The site is located within Flood Zone 3 of our Flood Map for Planning. The EA's Fenland Hazard Mapping shows the site could flood to a depth of up to 0.5m with velocities of up to 0.3m/s in the event of a breach of the Ouse Washes defences in a 1 in 100 year event. We have no objection to the proposed development on flood risk safety grounds, because an

emergency plan has been submitted by the applicant. We have not made an assessment of the safety of the route of access / egress from the site in a flood event. Our involvement during an emergency will be limited to delivering flood warnings to users covered by our flood warning network.

Your authority must be satisfied with regard to the safety of people (including those with restricted mobility) and the ability of emergency services to access such buildings and rescue/evacuate people. It is the responsibility of the Local Planning Authority to determine if the sequential test has to be applied.

**Emergency Planning: NO OBJECTION** Due to the location in an area at risk of flooding it's advised that the occupants' sign up to the EA FWD service and prepare a flood evacuation plan. The submitted flood evacuation plan is fit for purpose.

**Natural England: NO COMMENT** Please refer to Standing Advice.

**Licensing: NO OBJECTION** The premises was inspected last year and met the higher standards. It is a condition of the license that dogs are exercised at least once a day. If the welfare conditions are not being met then licensing can inspect and take action.

## REPRESENTATIONS

**13** different letters were received in total, with **12 OBJECTING** to the application, and **1 SUPPORTING**.

The supporting letter raises the following points:

- One of the people objecting to the application has acted unreasonably.
- Apparently many people don't have a problem with Mr and Mrs Millington and their plans, as they have heard no dog noise.
- I see no foundation to the claims that the dogs cause any disturbance, beyond the amount of barking that would be found from any household.

The 12 letters of objection raise the following concerns:

- There is excessive noise coming from the property from the dogs, and shouting from Mr and Mrs Millington to shut the dogs up.
- With more dogs the noise would be horrendous.
- Dog noise significantly reduces quality of life.
- Having 20 dogs of different character and temperament means there is limited opportunity for normalisation of noise omitted from the property.
- No noise assessment has been undertaken so there is no basis on which to make an informed decision as to whether the proposed mitigation will be effective.
- Pet dogs in surrounding properties are continuously getting wound up by the barking.
- The intensity and frequency of the impacts have disproportionately increased over the last 18 months.
- Feel driven from home by the noise, but fear will not be able to sell.
- Doesn't seem to be enough space in the garden for runs.
- The parking situation is ridiculous, customers often use neighbouring drives.
- Constant barking disturbs sleep of children in neighbouring properties.
- Site has been left unattended for hours in the past.
- Mr Millington ripped down the site notice so neighbours couldn't complain.
- Change of use from residential to commercial will significantly devalue houses in the area.



- Doesn't meet requirements of Policy DM15 because there would be significant noise impact.
- Proximity of breeding kennels results in odours that impact upon enjoyment and amenity of garden.
- The kennels do not provide an adequate range of accommodation and exercise areas to meet the needs of a range of dogs, in the Model License Conditions and Guidance for Dog Boarding Establishments 2016.
- At 90 degrees from the highway, the parking does not meet the minimum 6m length.
- Acoustic fencing doesn't always work, it depends how much is put up and the height.
- What is proposed is not enforceable and there is no guarantee that it will be implemented.

## **LDF CORE STRATEGY POLICIES**

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

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

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
 Planning Practice Guidance (PPG)  
 National Design Guide 2019

## **PLANNING CONSIDERATIONS**

### **The main considerations:**

- The principle of development
- Impact on character and appearance
- Impact on neighbour amenity
- Highway Safety

### **Principle of development**

The site doesn't lie in any development boundary so it is subject to those policies which seek to restrict development in the countryside to that which is identified as suitable in rural areas as set out in other policies of the Development Plan. In this case, Policy CS10 of the Core Strategy 2011 is relevant, which concerns economic development. The policy makes an allowance for rural employment sites in the countryside, with the criteria that the operation should be appropriate in size and scale to the local area, it should be adjacent to the settlement, and the proposed development would not be detrimental to the local residents. However, the NPPF says that planning decisions should enable the sustainable growth of all

types of business in rural areas and there are many cases of kennels in rural areas in the borough.

It is considered the principle of a business use such as this qualifies as suitable development in a rural area. The key issue in this case is the impact on the amenity of neighbours, which is considered later in the report.

#### **Impact on character and appearance:**

The development involves part retrospective permission for the facilities on site (more to be erected). Since the business has been running since 2010, it is likely that much of the existing building work on site is lawful. For the avoidance of doubt, all of the buildings existing and proposed will be considered as part of this application.

The small scale of the buildings means that they are not easily visible from the street, as the site is screened by a 2m fence and tall trees along the roadside. There is also a row of vegetation on the east side of the site, screening the development from the countryside. It is considered overall the proposed development would have no significant impact on the character or appearance of the area or the wider countryside.

#### **Impact on neighbour amenity:**

The proposed kennels, grooming room and run etc are not considered to pose any significant overshadowing, overbearing or overlooking concerns due to their small scale and location away from the boundaries of neighbouring dwellings. It is considered waste will be adequately managed as there is an existing septic system. The main issue relating to amenity with this application is the potential for noise and disturbance from the dogs on the site. There are 3 residential neighbours in close proximity to the site. These neighbours include Stanborough which is approximately 40m away to the north west on the other side of Wisbech Road, and Nos 2 & 1 Fred Hartley Bungalows which are approximately 25m and 40m away from the site respectively. The applicant's dwelling, The Cottage lies between the application site and Nos 1 & 2 Fred Hartley Bungalows.

There have been objections to the proposal relating to noise and disturbance issues. During the course of this application, certain aspects have been amended in order to mitigate the noise impact as far as is practicable. This has included reducing the total number of adult dogs from 20 down to 16, moving the puppy area further away from the boundary with the neighbour to the south, and adding acoustic fencing between the kennels and the neighbour to the south.

The submitted noise management plan sets out the strategies to be employed to further mitigate noise on site. This management plan mentions that there is a daily routine, daily exercise and socialising; and it sets out the building attenuation details, acoustic fencing details, hours that the dogs are confined to their bed areas, the maximum number of dogs permitted in the exercise area at once and the hours they may be in this area, and states that at least one member of staff will live on-site to attend to any barking incident. The welfare of the dogs and the general management of the site are not planning considerations, but it is acknowledged they have an impact on the overall noise generated by the site. The welfare of the dogs and the management of the business is monitored by Licensing and they are responsible for its enforcement, hence it is considered there is sufficient mitigation to avoid detrimental impacts on surrounding neighbours

In terms of noise impacts, the Community Safety and Neighbourhood Nuisance team has no objection to the planning application. The CSNN team also recommend a number of conditions to further mitigate noise. These conditions include the use of the site being limited

to keeping and breeding of the applicants dogs only, with no boarding or grooming of third party dogs allowed, customer visiting time hours limited, maximum number of adult dogs permitted on site, and a condition that the business is run in accordance with the noise management plan. However, a condition binding the current noise management plan would not be enforceable given its present contents, and this is discussed later in the report.

### **Highway safety:**

The development is not likely to pose a risk to highway safety due to the relatively low number of trips generated from the business. In accordance with the comments of the highway officer, the decision should be conditioned so that no boarding or third party grooming takes place. Public comments have raised concerns regarding the parking arrangements, however the parking spaces proposed are adequate to serve the needs of the business, and there is no objection from the County Highway Officer.

### **Specific comments or issues:**

There have been a number of misconceptions about the proposal throughout this application. Firstly, the use of the site is for keeping and breeding dogs owned by the applicant only. No boarding is proposed of other dogs. Secondly, this planning application does not involve an increase in the number of dogs from how many are currently (unlawfully) housed on site for breeding purposes. There are currently 16 adult dogs, and this figure will be conditioned as the maximum adult dogs allowed. The additional facilities to be constructed as part of the development are to accommodate and better attenuate the impact of the existing dogs, not to provide facilities for additional dogs.

One of the concerns among third party representations was the sale value of surrounding properties, however this is not a material planning consideration.

Much of the currently submitted noise management plan is not enforceable from a planning point of view. Kennel staff implementing a daily routine, dogs given opportunities to exercise and socialise with staff and other dogs, keeping a stock of toys, and how noisy dogs are to be dealt with are not enforceable. However, the Licensing department already enforces those aspects of the business relating to management of the site and welfare of the animals, and there shall not be duplication of controls. As such, it is considered that a condition binding the whole current noise management plan is not necessary. Some elements included in the noise management plan will be conditioned though, including the exercise area time and dog limit, having at least one staff member on site, and having the dogs confined to their kennels at certain times.

It is not reasonable to condition the maximum number of puppies because it is not pre-determinable how many puppies a litter will contain. It is considered the limit to the number of adult dogs will naturally keep the number of puppies relatively low as they will be sold so as to not contribute to the number of adult dogs.

## **CONCLUSION**

The principle of the proposed development is considered acceptable. The key issue is consideration of potential impact on neighbours from the operation of the business. Officers consider that due to the existing controls in place by the Licensing team and the further mitigation proposed in the form of acoustic fencing and insulation to the kennels, it is considered the operation of the business would, on balance, not have such a detrimental impact on the amenity of neighbouring occupiers to warrant the refusal of permission. The development would pose no material impact on the character and appearance of the area

and would not be detrimental to highway safety. The recommendation is, therefore, to approve the application.

**RECOMMENDATION:**

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

- 1 Condition: The development hereby permitted shall be carried out and completed in accordance with the following approved plans. Dwg nos. 19/P25/PL001B (Location Plan only), 19-P25-PL003B (Proposed Site Plan and Typical Kennel Section), 19-P25-PL002A (Existing and Proposed Elevations), and 06 J7/01043 (Acoustic Fencing Details).
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: The use of the kennels, with associated infrastructure and grooming room, hereby approved shall be for the sole use of the occupiers of the dwelling and remain linked to the donor dwelling, and shall at no time be separated or sold as a separate business site. No boarding, grooming or day care of dogs not owned by the applicant is permitted.
- 2 Reason: For the avoidance of doubt and to safeguard the amenities of the locality in accordance with the NPPF.
- 3 Condition: Customers may only visit via appointment between the times of 9am - 6pm Monday to Saturday and 11am - 4pm on Sundays.
- 3 Reason: For the avoidance of doubt and to safeguard the amenities of the locality in accordance with the NPPF.
- 4 Condition: The change of use of the land is for the keeping and breeding of dogs owned by the occupiers of The Cottage only, and the maximum number of adult dogs (exceeding 6 months in age) on site shall not exceed 16.
- 4 Reason: For the avoidance of doubt and to safeguard the amenities of the locality in accordance with the NPPF.
- 5 Condition: Within 3 months from the date of this decision, the kennel buildings shall be insulated as per dwg no. 19-P25-PL003B and acoustic fencing installed in accordance with dwg nos. 19-P25-PL003B and 06 J7/01043.
- 5 Reason: For the avoidance of doubt and to safeguard the amenities of the locality in accordance with the NPPF.
- 6 Condition: \*Unless there is an emergency, dogs shall be confined to the areas indicated as kennels on the proposed site plan (not including the kennel runs) between the hours of 21:30 pm and 08:00 am.

\*At least one member of staff shall be on site at all times to be responsible for the dogs and attend incidents of barking.

\*Only 4 dogs shall use the area indicated as 'dogs exercise area' at any one time. The exercise area shall only be used by the dogs between the hours of 09:00 am and 17:00 pm.

- 6 Reason: For the avoidance of doubt and to safeguard the amenities of the locality in accordance with the NPPF.

## **PLANNING COMMITTEE – 3 FEBRUARY 2020**

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

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#### **PURPOSE OF REPORT**

- (1) To inform Members of the number of decisions issued between the production of the January Planning Committee Agenda and the February agenda. 109 decisions issued 102 decisions issued under delegated powers with 7 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 17/12/2019 - 20/01/2020

|              | Total      | Approved  | Refused   | Under 8 weeks | Under 13 weeks | Performance % | National Target | DCB decision |         |
|--------------|------------|-----------|-----------|---------------|----------------|---------------|-----------------|--------------|---------|
|              |            |           |           |               |                |               |                 | Approved     | Refused |
| <b>Major</b> | 1          | 1         | 0         |               |                | <b>100%</b>   | 60%             | 0            | 0       |
| <b>Minor</b> | 49         | 40        | 9         | 45            |                | <b>92%</b>    | 70%             | 7            | 0       |
| <b>Other</b> | 59         | 58        | 1         | 59            |                | <b>100%</b>   | 80%             | 0            | 0       |
| <b>Total</b> | <b>109</b> | <b>99</b> | <b>10</b> |               |                |               |                 |              |         |

Planning Committee made 7 of the 109 decisions, 6%

## PLANNING COMMITTEE – 3 FEBRUARY 2020

### APPLICATIONS DETERMINED UNDER DELEGATED POWERS

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#### PURPOSE OF REPORT

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

#### RECOMMENDATION

That the report be noted.

#### DETAILS OF DECISIONS

| DATE RECEIVED | DATE DETERMINED/<br>DECISION               | REF NUMBER  | APPLICANT<br>PROPOSED DEV  | PARISH/AREA |
|---------------|--|-------------|--|-------------|
| 15.11.2019    | 07.01.2020<br><b>Application Permitted</b> | 19/01977/LB | St Marys House London Street<br>Brancaster King's Lynn<br>Listed Building Application: Minor internal alterations at ground floor level to form an ensuite bedroom, enlarge side entrance hall and relocate WC | Brancaster  |
| 18.11.2019    | 16.01.2020<br><b>Application Permitted</b> | 19/01986/A  | Beersheba Town Lane Brancaster<br>Staithe King's Lynn<br>ADVERT APPLICATION: Non illuminated advertisement board for new development measuring 1.8 x 2.4 metres  | Brancaster  |

|            |   |                |   |                |
|------------|---|----------------|---|----------------|
| 26.11.2019 | 20.01.2020<br><b>Application Permitted</b>    | 19/02040/F     | 7 Roman Way Brancaster King's Lynn Norfolk<br>Extensions and alterations to bungalow  | Brancaster     |
| 10.12.2019 | 17.12.2019<br><b>TPO Approved</b> <b>Work</b> | 19/00117/TPO   | The Rectory Broad Lane Brancaster King's Lynn<br>2/TPO/00039: (T1) - Bay:<br>Reduction to 2 metres in height  | Brancaster     |
| 21.11.2019 | 16.01.2020<br><b>Application Permitted</b>    | 19/02013/F     | 8 Mill Green Burnham Market King's Lynn Norfolk<br>Proposed single storey extension and alterations   | Burnham Market |
| 02.04.2019 | 17.01.2020<br><b>Not Lawful</b>               | 19/00608/LDE   | Naseby Tower Road Burnham Overy Staithe KINGS LYNN<br>Lawful development certificate for the continued use as two separate dwellings  | Burnham Overy  |
| 28.10.2019 | 20.12.2019<br><b>Application Permitted</b>    | 19/01859/F     | 32 New Road Burnham Overy Staithe King's Lynn Norfolk<br>Single storey rear extension and installation of wood burning stove  | Burnham Overy  |
| 21.11.2019 | 16.01.2020<br><b>Application Permitted</b>    | 19/02012/LB    | Mill House Mill Farm Mill Road Burnham Overy Town<br>Listed building application for the installation of 2no. Conservation Roof Windows   | Burnham Overy  |
| 13.12.2019 | 08.01.2020<br><b>Application Permitted</b>    | 18/01857/NMA_1 | Fishers East Harbour Way Burnham Overy Staithe Norfolk<br>NON-MATERIAL AMENDMENT TO PLANNING CONSENT<br>18/01857/F: Changes to porch fenestrations to maximise light in main dwelling | Burnham Overy  |



|            |  |             |  |                |
|------------|--|-------------|--|----------------|
| 10.10.2019 | 17.12.2019<br><b>Application Permitted</b> | 19/01762/F  | The Old Post Office Walsingham Road Burnham Thorpe Norfolk<br>Proposed loft conversion   | Burnham Thorpe |
| 30.10.2019 | 18.12.2019<br><b>Application Permitted</b> | 19/01872/LB | The Lord Nelson Walsingham Road Burnham Thorpe Norfolk<br>Refurbishment and extension to Grade II listed Public House (amendments to approved scheme 17/01754/LB)  | Burnham Thorpe |
| 30.10.2019 | 23.12.2019<br><b>Application Permitted</b> | 19/01873/F  | The Lord Nelson Walsingham Road Burnham Thorpe Norfolk<br>Variation of conditions 2-14 inclusive of planning permission 17/01753/F: Erection of single, part two storey rear extension and two single storey side extensions with installation of new kitchen, internal alterations, improvements to car park and installation of replacement LPG tank following demolition of two storage sheds | Burnham Thorpe |
| 04.11.2019 | 24.12.2019<br><b>Application Permitted</b> | 19/01898/F  | 1 Walsingham Road Burnham Thorpe King's Lynn Norfolk<br>Demolition of lean-to at Hobson's Cottage (no.2 Walsingham Road) and construction of a single storey extension linking Hobson's to No.1 Walsingham Road to create a single dwelling. Erection of a single storey external store and minor internal alterations.  | Burnham Thorpe |
| 31.10.2019 | 08.01.2020<br><b>Application Permitted</b> | 19/01883/F  | 8 Rookery Close Clenchwarton King's Lynn Norfolk<br>Extension  | Clenchwarton   |

|            |  |              |  |                |
|------------|--|--------------|--|----------------|
| 08.11.2019 | 24.12.2019<br><b>Would be Lawful</b>       | 19/01945/LDP | 11 Woodside Avenue Dersingham<br>King's Lynn Norfolk<br>Proposed garage conversion   | Dersingham     |
| 14.10.2019 | 08.01.2020<br><b>Application Permitted</b> | 19/01785/F   | 10 Bradmere Lane Docking King's<br>Lynn Norfolk<br>Two storey side extension, single<br>storey rear extension and<br>alterations                                       | Docking        |
| 11.11.2019 | 24.12.2019<br><b>Application Permitted</b> | 19/01951/F   | 13 Northcote Brancaster Road<br>Docking King's Lynn<br>Proposed two storey side<br>extension   | Docking        |
| 18.11.2019 | 15.01.2020<br><b>Application Permitted</b> | 19/01984/F   | Glamping Site West of Fakenham<br>Road Fakenham Road Stanhoe<br>Norfolk<br>VARIATION OF CONDITION 2 OF<br>PLANNING PERMISSION<br>17/01709/F: Proposed Glamping<br>Site | Docking        |
| 28.10.2019 | 20.12.2019<br><b>Application Permitted</b> | 19/01861/O   | Between 91 & 93 Ryston End<br>Downham Market Norfolk<br>Outline application with some<br>matters reserved for construction<br>of one dwelling                          | Downham Market |
| 06.11.2019 | 18.12.2019<br><b>Application Permitted</b> | 19/01923/F   | 1 Pine Close Downham Market<br>Norfolk PE38 9PW<br>Rear single storey extension to<br>form kitchen and dining areas  | Downham Market |
| 08.11.2019 | 14.01.2020<br><b>Application Permitted</b> | 19/01944/F   | Donnadell Howdale Road<br>Downham Market Norfolk<br>Construction of two dwellings and<br>garages following demolition of<br>existing bungalow                          | Downham Market |

|            |  |                 |   |                |
|------------|--|-----------------|---|----------------|
| 25.11.2019 | 16.01.2020<br><b>Application Permitted</b>           | 19/02031/F      | 99 Bexwell Road Downham Market Norfolk PE38 9LJ<br>Extension and alterations to dwelling and construction of detached garage  | Downham Market |
| 03.12.2019 | 20.01.2020<br><b>Application Permitted</b>           | 19/02092/F      | 5 Churchill Way Downham Market Norfolk PE38 9RW<br>Extension to dwelling  | Downham Market |
| 13.12.2019 | 19.12.2019<br><b>Application Permitted</b>           | 19/01079/NMA_1  | 43 High Street Downham Market Norfolk PE38 9HF<br>NON-MATERIAL AMENDMENT TO PLANNING CONSENT 19/01079/F: To change window styles and size of window in apartment 3 extended | Downham Market |
| 06.01.2020 | 14.01.2020<br><b>Tree Application - No objection</b> | 20/00001/TREECA | 19 Lynn Road Downham Market Norfolk PE38 9NJ<br>(C1) - Wisteria - See attached report for details   | Downham Market |
| 06.01.2020 | 14.01.2020<br><b>Tree Application - No objection</b> | 20/00002/TREECA | 19 Lynn Road Downham Market Norfolk PE38 9NJ<br>T1 Buddleia - Fell and treat stump to combat subsidence damage  | Downham Market |
| 06.11.2019 | 14.01.2020<br><b>Application Permitted</b>           | 19/01930/F      | 61 Town Close East Winch King's Lynn Norfolk<br>Construction of Conservatory (retrospective)  | East Winch     |
| 28.11.2019 | 18.12.2019<br><b>Consent Required Not</b>            | 19/02056/AG     | Common Farm Main Road West Bilney KINGS LYNN<br>AGRICULTURAL PRIOR NOTIFICATION: Proposed potato store  | East Winch     |

|            |  |                |   |                  |
|------------|--|----------------|---|------------------|
| 14.11.2019 | 19.12.2019<br><b>Was_Would be Lawful</b>           | 19/01973/LDE   | Longacre 75 Church Road Emneth Norfolk<br>Certificate of Lawfulness: Use of buildings to be used for parking our cars in since July 2008  | Emneth           |
| 27.11.2019 | 03.01.2020<br><b>Prior Approval - Not Required</b> | 19/02049/PAGPD | 1 Archers Avenue Feltwell Thetford Norfolk<br>Single storey rear extension which extends beyond the rear wall by 5.1 metres with a maximum height of 4 metres and a height of 2.5 metres to the eaves                               | Feltwell         |
| 29.10.2019 | 20.12.2019<br><b>Application Permitted</b>         | 19/01871/F     | Flint House 46 Station Road Great Massingham King's Lynn<br>Proposed porch extension  | Great Massingham |
| 08.11.2019 | 24.12.2019<br><b>Application Permitted</b>         | 19/01942/F     | Shrublands 7 Weasenham Road Great Massingham Norfolk<br>Proposed Side & Rear Extensions   | Great Massingham |
| 05.12.2019 |  | 15/00883/NMA_2 | 2 Castleacre Road Great Massingham King's Lynn Norfolk<br>NON-MATERIAL AMENDMENT to Planning Permission 15/00883/F: Demolition of side extension, rear conservatory. Extension of existing dwelling to side and rear and new garage | Great Massingham |
| 12.11.2019 | 09.01.2020<br><b>Application Permitted</b>         | 19/01960/RM    | 52 Lynn Road Grimston King's Lynn Norfolk<br>Reserved matters application for new dwelling and detached garage  | Grimston         |

|            |  |                |  |         |
|------------|--|----------------|--|---------|
| 03.10.2019 | 19.12.2019<br><b>Application Permitted</b> | 19/01721/F     | Stable & Laurel Cottage 11 Back Street Harpley Norfolk<br>VARIATION OF CONDITION 3 OF PLANNING PERMISSION<br>2/02/0636/CU: Change from Holiday units to Holiday / Agricultural Tied Units                  | Harpley |
| 28.10.2019 | 20.12.2019<br><b>Application Permitted</b> | 19/01858/F     | 51 North Beach Heacham King's Lynn Norfolk<br>Proposed Extension and Alterations   | Heacham |
| 08.11.2019 | 07.01.2020<br><b>Application Permitted</b> | 19/01943/F     | 40 Poplar Avenue Heacham King's Lynn Norfolk<br>Conversion of outbuildings to annex  | Heacham |
| 15.11.2019 | 14.01.2020<br><b>Application Refused</b>   | 19/01975/F     | 43 North Beach Heacham King's Lynn Norfolk<br>Part demolition of and re-building of a detached three bedroom dwelling  | Heacham |
| 20.11.2019 | 15.01.2020<br><b>Application Permitted</b> | 19/02005/F     | 10 Pocahontas Way Heacham King's Lynn Norfolk<br>Single Storey Front Extension   | Heacham |
| 07.11.2019 | 18.12.2019<br><b>Application Permitted</b> | 19/01934/F     | 3 Fairview Cottages Engine Road Ten Mile Bank Downham Market<br>Single storey side extension and first floor balcony   | Hilgay  |
| 05.12.2019 | 14.01.2020<br><b>GPD HH extn - Refused</b> | 19/02108/PAGPD | 9 Manor Road Hilgay Downham Market Norfolk<br>Single storey rear extension which extends beyond the rear wall by 4.23 metres with a maximum height of 2.75 metres and a height of 2.75 metres to the eaves | Hilgay  |

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| 24.09.2019 | 17.12.2019<br><b>Application Permitted</b> | 19/01662/F   | Studley Cottage & Kitley Cottage 1 & 3 Westgate Holme next The Sea Norfolk<br>Construction of new porch, modifications to windows and doors, reconstruct ground floor bathroom with more appropriately pitched roof above, modifications to existing garage | Holme next the Sea |
| 22.10.2019 | 17.12.2019<br><b>Was_Would be Lawful</b>   | 19/01833/LDP | 1 & 3 Westgate (Studley Cottage & Kitley Cottage) Holme next The Sea Norfolk<br>Application for a Lawful Development Certificate for the proposed amalgamation of two dwellings   | Holme next the Sea |
| 22.11.2019 | 16.01.2020<br><b>Was Lawful</b>            | 19/02025/LDE | Seasplurge 25 Beach Road Holme next The Sea Norfolk<br>Lawful Development Certificate: Breach of condition 2 of planning permission 2/74/2188/F - Permanent and full time occupation in breach of a season occupancy condition in excess of 10 years        | Holme next the Sea |

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| 12.12.2019 | 08.01.2020<br><b>Application Refused</b>             | 19/00723/NMA_1  | Visitor Centre The Firs Broadwater Road Holme next The Sea<br>Non-material amendment to planning permission 19/00723/F: 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 |
| 13.12.2019 | 13.01.2020<br><b>Tree Application - No objection</b> | 19/00212/TREECA | 10 Barnwell Cottages Aslack Way Holme next The Sea Norfolk<br>Tree in a Conservation Area: Snow Gum (Eucalyptus). This tree is about 6-7 metres high (Photo: 10 Aslack Way Doc 2), and during high winds it waves about alarmingly. Either taking 3-4 metres off the top to make a better shaped and safer tree or to be removed altogether. | Holme next the Sea |
| 01.10.2019 | 16.01.2020<br><b>Application Permitted</b>           | 19/01701/F      | The Terrace 46A Westgate Hunstanton Norfolk<br>Variation of condition 5 of planning permission 14/01749/F: New cafe on land adjacent - To extend current opening hours   | Hunstanton         |
| 05.11.2019 | 24.12.2019<br><b>Application Permitted</b>           | 19/01909/F      | First Floor Flat 2 Le Strange Terrace Hunstanton Norfolk<br>Conversion of existing building into 6 flats   | Hunstanton         |

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| 26.11.2019 | 17.01.2020<br><b>Application Permitted</b> | 19/02037/F      | 4 Old Town Way Hunstanton Norfolk PE36 6HE<br>Roof extension, porch and associated works   | Hunstanton     |
| 16.12.2019 | 10.01.2020<br><b>Application Withdrawn</b> | 19/02156/F      | 6 Princess Drive Hunstanton Norfolk PE36 5JG<br>Front Extension  | Hunstanton     |
| 01.10.2019 | 16.01.2020<br><b>Application Permitted</b> | 19/01693/F      | Aldorcar Coaly Lane Ingoldisthorpe King's Lynn<br>Removal of condition 1 of planning permission DG2731 to remove the agricultural and forestry worker occupation condition   | Ingoldisthorpe |
| 21.10.2019 | 20.12.2019<br><b>Application Permitted</b> | 19/01817/F      | The Old Hall The Drift Ingoldisthorpe Norfolk<br>Construction of new boiler house and to demolish existing outbuilding and form new wall to tennis court   | Ingoldisthorpe |
| 26.11.2019 | 02.01.2020<br><b>Application Permitted</b> | 18/02200/NMAM_1 | Land Around Pond And W of 30 Hill Road Lynn Road Ingoldisthorpe Norfolk<br>Non-material amendment to planning permission 18/02200/RMM: Reserved Major application: Residential development and new public amenity area | Ingoldisthorpe |



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| 25.01.2019 | 24.12.2019<br><b>Application Permitted</b> | 19/00151/F  | Hillington Square King's Lynn Norfolk<br>Variation of conditions 1, 4, 5 and 11 of planning permission 16/01832/F: Variation of condition 1 of planning consent 15/00252/F to allow the drawings to be amended to alter frame configurations to ground floor units, addition of obscure glazing to lower panels and change of pattern of some entrance door styles | King's Lynn |
| 13.05.2019 | 20.12.2019<br><b>Application Refused</b>   | 19/00852/F  | Vacant 23 Tuesday Market Place King's Lynn Norfolk<br>Subdivision of the existing Class A3 Use (Restaurant) at ground floor with internal alterations and a change of use in respect of the ground, first and second floors to Class C3 Use (Dwellinghouses) to form a total of 5 No. Flats  | King's Lynn |
| 16.05.2019 | 04.12.2019<br><b>Application Permitted</b> | 19/00872/LB | Vacant 23 Tuesday Market Place King's Lynn Norfolk<br>LISTED BUILDING APPLICATION - Subdivision of the existing Class A3 Use (Restaurant) at ground floor with internal alterations and a change of use in respect of the ground, first and second floors to Class C3 Use (Dwellinghouses) to form a total of 5 No. Flats  | King's Lynn |

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| 18.07.2019 | 19.12.2019<br><b>Application Permitted</b>                | 19/01266/FM | Omex Agriculture Ltd Estuary Road King's Lynn Norfolk<br>Demolition of an existing single storey shed and construction of a new industrial building to accommodate offices, workshop, storage and laboratories all associated with the site | King's Lynn |
| 30.09.2019 | 16.12.2019<br><b>Split Decision - Part approve_refuse</b> | 19/01690/BT | Public Payphones Throughout The Borough<br>Removal of 21 public payphones   | King's Lynn |
| 09.10.2019 | 23.12.2019<br><b>Application Permitted</b>                | 19/01752/CU | 10 Old Market Street King's Lynn Norfolk PE30 1NL<br>Change of use from residential to hair and beauty salon  | King's Lynn |
| 11.10.2019 | 09.01.2020<br><b>Application Permitted</b>                | 19/01766/F  | Greenwoods 44 - 46 Broad Street King's Lynn Norfolk<br>Change of use of first and second floors from shop storage to 3 apartments   | King's Lynn |
| 14.10.2019 | 19.12.2019<br><b>Application Permitted</b>                | 19/01794/F  | 65 Regency Avenue King's Lynn Norfolk PE30 4UH<br>Proposed side extension, loft conversion and internal alterations   | King's Lynn |
| 21.10.2019 | 23.12.2019<br><b>Application Refused</b>                  | 19/01820/F  | Site Adj To Riverside Cross Bank Road King's Lynn Norfolk<br>To retain mobile unit on site  | King's Lynn |
| 21.10.2019 | 10.01.2020<br><b>Application Permitted</b>                | 19/01824/F  | 109 - 110 High Street King's Lynn Norfolk PE30 1DA<br>Demolition of part of the existing extension, amendments on the fire exit and construction of a glass pergola at the yard of the property   | King's Lynn |

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| 29.10.2019 | 18.12.2019<br><b>Application Refused</b>   | 19/01870/LB | 11 Portland Street King's Lynn Norfolk PE30 1PB<br>Listed building application for proposed change of use from office to two flats   | King's Lynn |
| 30.10.2019 | 08.01.2020<br><b>Application Permitted</b> | 19/01876/F  | Musgrave House 5 King Street King's Lynn Norfolk<br>Minor internal and external alterations, including the replacement of five windows   | King's Lynn |
| 30.10.2019 | 07.01.2020<br><b>Application Permitted</b> | 19/01877/LB | Musgrave House 5 King Street King's Lynn Norfolk<br>Listed building application for minor internal and external alterations including replacement of five poor-quality modern windows in generally poor condition with more sympathetic alternatives and opening up of a bricked-in Georgian fireplace that has been bricked up restoring the opening to its original, early Georgian proportions, suitable for use with an iron fire basket | King's Lynn |
| 04.11.2019 | 23.12.2019<br><b>Application Permitted</b> | 19/01896/CU | Greenland House 28 Bridge Street King's Lynn Norfolk<br>Change of use to D2 (a yoga and holistic therapies centre)   | King's Lynn |
| 08.11.2019 | 24.12.2019<br><b>Application Permitted</b> | 19/01937/A  | Campbells Business Park<br>Campbells Meadow King's Lynn Norfolk<br>ADVERT APPLICATION: 2 x internally illuminated totem signs  | King's Lynn |

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| 08.11.2019 | 16.01.2020<br><b>Application Permitted</b> | 19/01946/F   | Bensons For Beds 9 Campbells Meadow King's Lynn Norfolk<br>Change of use from A1 (retail) to D2 (gym) and the installation of a mezzanine floor   | King's Lynn |
| 15.11.2019 | 08.01.2020<br><b>Application Permitted</b> | 19/01980/F   | 19 Chapel Street King's Lynn Norfolk PE30 1EG<br>Variation of condition 2 of planning permission 19/00532/F:<br>Conversion of existing building to create 6 no. residential flats   | King's Lynn |
| 19.11.2019 | 14.01.2020<br><b>Application Permitted</b> | 19/01999/F   | 13 Sydney Terrace King's Lynn Norfolk PE30 5BP<br>Front porch with bay windows either side  | King's Lynn |
| 21.11.2019 | 16.01.2020<br><b>Application Permitted</b> | 19/02015/F   | 17 Grafton Road King's Lynn Norfolk PE30 3HA<br>Extension and Alterations.  | King's Lynn |
| 03.12.2019 | 17.12.2019<br><b>TPO Approved</b> Work     | 19/00115/TPO | Street Record Larkspur Close Gaywood King's Lynn<br>2/TPO/00516: 2752 - Mature Oak - Clean out the crown of all deadwood, crossing and suppressed branches, 2753 - Sycamore - Carefully sever the ivy without damaging the tree's bark, 2754 - Sycamore - Carefully sever the ivy without damaging the tree's bark., 2755 - Sycamore - Carefully sever the ivy without damaging the tree's bark | King's Lynn |
| 07.10.2019 | 18.12.2019<br><b>Application Permitted</b> | 19/01736/F   | 14 Brookwell Springs Middleton King's Lynn Norfolk<br>Extensions and Alterations.   | Middleton   |

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| 28.08.2019 | 14.01.2020<br><b>Application Permitted</b> | 19/01513/F   | Ashleigh Downham Road Nordelph Downham Market Extensions and alterations to dwelling and construction of a detached car port garage with accommodation above  | Nordelph       |
| 01.11.2019 | 20.12.2019<br><b>Application Permitted</b> | 19/01888/F   | Four Winds 6 Frederick Close North Wootton King's Lynn Garage Alterations and New Pitched Roof with Room in Roof  | North Wootton  |
| 27.09.2019 | 24.12.2019<br><b>Application Permitted</b> | 19/01678/F   | Annex 1 Sea Lane Old Hunstanton Hunstanton Extensions and alterations to existing dwelling  | Old Hunstanton |
| 07.10.2019 | 23.12.2019<br><b>Application Permitted</b> | 19/01739/F   | 12 Hamon Close Old Hunstanton Hunstanton Norfolk Proposed two-storey extension and alterations to dwelling  | Old Hunstanton |
| 08.11.2019 | 06.01.2020<br><b>Application Permitted</b> | 19/01940/F   | Neptune Waterworks Road Old Hunstanton Norfolk Installation of gates.   | Old Hunstanton |
| 26.11.2019 | 17.01.2020<br><b>Application Permitted</b> | 19/02036/F   | Hunstanton Golf Club 37 Golf Course Road Old Hunstanton Norfolk Replacement fire escape stairs  | Old Hunstanton |
| 15.11.2019 | 09.01.2020<br><b>Was_Would be Lawful</b>   | 19/01978/LDE | Mushroom Farm The Common Upwell Wisbech Lawful development certificate: Continued occupation in excess of 10 years in breach of occupancy condition F/0599/81 | Outwell        |

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| 13.11.2019 | 18.12.2019<br><b>Application Permitted</b>           | 19/01967/F      | Hotel California 57 Pentney Lakes Common Road Pentney<br>Single storey extension and roof alterations to create additional living accommodation including balcony to first floor  | Pentney   |
| 21.11.2019 | 20.01.2020<br><b>Application Permitted</b>           | 19/02016/F      | 59 Pentney Lakes Common Road Pentney Norfolk<br>Continued use of land for stationing of a holiday lodge, including associated operations (foundations)  | Pentney   |
| 29.10.2019 | 17.12.2019<br><b>Tree Application - No objection</b> | 19/00176/TREECA | Sedgeford Road Farm Sedgeford Road Ringstead Hunstanton<br>T1 - Ash: Reduce by 3m all round crown, leaving a finished height of 12m and a finished radius of 6m. Lift by 5m within a Conservation Area                          | Ringstead |
| 04.11.2019 | 16.01.2020<br><b>Application Permitted</b>           | 19/01903/F      | The Gin Trap 6 High Street Ringstead Hunstanton<br>Alterations to an existing garden to the rear and bins & oil tank enclosures to the side   | Ringstead |
| 18.11.2019 | 17.12.2019<br><b>Tree Application - No objection</b> | 19/00192/TREECA | The Gin Trap 6 High Street Ringstead Hunstanton<br>Tree in a Conservation Area: T1 Ash - height reduction to 5m, tree has symptoms associated with ash dieback and the owner wishes to significantly reduce the tree in one go. | Ringstead |

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| 28.10.2019 | 02.01.2020<br><b>Application Permitted</b> | 19/01863/F  | Sandringham Visitor Centre<br>Scotch Belt Sandringham Norfolk<br>Alterations to external appearance of existing WC blocks adjacent to Visitor's Centre                 | Sandringham |
| 29.10.2019 | 02.01.2020<br><b>Application Permitted</b> | 19/01867/F  | Sandringham Visitor Centre<br>Scotch Belt Sandringham Norfolk<br>Alteration of door and window arrangements to entrance to existing Cafe, Tea Shop and Gift Shop       | Sandringham |
| 22.11.2019 | 16.01.2020<br><b>Application Permitted</b> | 19/02021/A  | Sandringham Visitor Centre<br>Scotch Belt Sandringham Norfolk<br>ADVERT APPLICATION: 6no Public Wayfinding/ Signboards located at vehicular and pedestrian entrances   | Sandringham |
| 19.09.2019 | 19.12.2019<br><b>Application Refused</b>   | 19/01640/F  | Washpit Cottage Snettisham Road<br>Sedgeford Norfolk<br>Proposed single-storey dwelling following sub-division   | Sedgeford   |
| 16.10.2019 | 24.12.2019<br><b>Application Permitted</b> | 19/01799/CU | Land S of Heacham Road<br>Sedgeford Norfolk<br>Retrospective application for change of use from grazing land to equestrian use   | Sedgeford   |
| 22.10.2019 | 16.01.2020<br><b>Application Permitted</b> | 19/01832/F  | Barn Adjacent To Thorpe Farm<br>Bungalow 15 New Road<br>Shouldham<br>Proposed conversion of existing barn into a one residential dwelling and construction of a garage | Shouldham   |

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| 05.11.2019 | 23.12.2019<br><b>Application Permitted</b> | 19/01915/F  | 12 Parkside Snettisham King's Lynn Norfolk<br>Ground floor rear extension   | Snettisham    |
| 06.11.2019 | 24.12.2019<br><b>Application Permitted</b> | 19/01921/F  | 3 Tapping Close Snettisham Norfolk PE31 7FF<br>Extension to dwelling  | Snettisham    |
| 08.11.2019 | 24.12.2019<br><b>Application Permitted</b> | 19/01936/F  | Land West of 6 Teal Close Snettisham Norfolk<br>Removal of condition 8 of planning permission 15/02006/OM   | Snettisham    |
| 02.09.2019 | 23.12.2019<br><b>Application Permitted</b> | 19/01546/AG | Land To North of Southgate Barn Southgate South Creake<br>Agricultural Prior Notification: Construction of a crushed concrete pad to house a shipping container for agricultural purposes | South Creake  |
| 11.09.2019 | 07.01.2020<br><b>Application Refused</b>   | 19/01590/F  | The Limes 8 Church Lane South Wootton Norfolk<br>New Dwelling.  | South Wootton |
| 02.10.2019 | 23.12.2019<br><b>Application Permitted</b> | 19/01703/F  | Land West of Bryanville 6 Ryalla Drift South Wootton King's Lynn<br>Construction of one residential dwelling and carport on land adjacent west of Bryanville 6 Ryalla Drift South Wootton | South Wootton |
| 02.10.2019 | 19.12.2019<br><b>Application Permitted</b> | 19/01705/F  | Windy Ridge 28 Church Lane South Wootton Norfolk<br>Proposed rear extension and internal alterations  | South Wootton |
| 11.10.2019 | 24.12.2019<br><b>Application Permitted</b> | 19/01776/F  | 63 Nursery Lane South Wootton King's Lynn Norfolk<br>Construction of wooden garage with car port to side  | South Wootton |



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| 14.10.2019 | 09.01.2020<br><b>Application Permitted</b>    | 19/01777/O   | 1 Ryalla Drift South Wootton<br>KINGS LYNN Norfolk<br>Outline Application: New Dwelling   | South Wootton |
| 30.10.2019 | 23.12.2019<br><b>Application Permitted</b>    | 19/01878/F   | Land To The Rear of Branscombe<br>44 Nursery Lane South Wootton<br>Construction of single dwelling and garage   | South Wootton |
| 18.11.2019 | 13.01.2020<br><b>Application Permitted</b>    | 19/01992/F   | 48 Willow Road South Wootton<br>King's Lynn Norfolk<br>Proposed extension and alterations   | South Wootton |
| 19.11.2019 | 24.12.2019<br><b>Application Permitted</b>    | 19/01998/F   | The Pines 13 Castle Rising Road<br>South Wootton King's Lynn<br>2 story rear extension and small front porch  | South Wootton |
| 29.11.2019 | 13.01.2020<br><b>TPO Approved</b> <b>Work</b> | 19/00112/TPO | Wootton Rectory 47 Castle Rising Road<br>South Wootton King's Lynn<br>2/TPO/00291: 4 x Oak trees numbered T5, T6, T7 and T8 -<br>Trees crowns to be lifted and partially reduced where needed to provide clearance of 5m over the road and 2.4m over the footpath | South Wootton |
| 06.01.2020 | 13.01.2020<br><b>TPO Approved</b> <b>Work</b> | 20/00001/TPO | 64 Deas Road South Wootton<br>Norfolk PE30 3PE<br>2/TPO/00082: (T1) -Oak Tree: To remove fractured limb which extends from within the crown out towards property and to remove numerous pieces of dead wood from within the crown                                 | South Wootton |

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| 29.10.2019 | 18.12.2019<br><b>Application Permitted</b> | 19/01868/F   | 67 Feltwell Road Southery<br>Downham Market Norfolk<br>Construction of<br>garage/studio/storage building   | Southery              |
| 30.10.2019 | 20.12.2019<br><b>Not Lawful</b>            | 19/01874/LDE | The Baptist Chapel 7A Gooding<br>Close Stow Bridge Norfolk<br>Application for a Lawful<br>Development Certificate for the<br>existing use as a holiday home<br>and art studio for no more than six<br>months in any twelve month period<br>since 1980 on an uninterrupted<br>basis | Stow Bardolph         |
| 22.11.2019 | 17.01.2020<br><b>Application Permitted</b> | 19/02022/F   | Holly Cottage Cuckoo Road Stow<br>Bridge King's Lynn<br>Retention of single storey rear<br>extension, proposed roof extension<br>and associated works  | Stow Bardolph         |
| 23.10.2019 | 18.12.2019<br><b>Application Permitted</b> | 19/01847/F   | 9 Bullock Road Terrington St<br>Clement King's Lynn Norfolk<br>Demolish existing conservatory,<br>new single storey extension,<br>replace all external joinery and site<br>dormers to the first floor existing<br>living area  | Terrington St Clement |
| 04.11.2019 | 18.12.2019<br><b>Application Permitted</b> | 19/01895/F   | 8 King William Close Terrington St<br>Clement King's Lynn Norfolk<br>Proposed extension and<br>alterations   | Terrington St Clement |

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| 30.10.2019 | 23.12.2019<br><b>Application Permitted</b> | 19/01879/F | Old Farm High Street Thornham Hunstanton<br>Demolition of northern gable wall and garage block, with extensions to the western and northern elevations. Erection of a boathouse/garage with ancillary rooms above. | Thornham           |
| 11.11.2019 | 15.01.2020<br><b>Application Permitted</b> | 19/01949/F | Tanglewood High Street Thornham Hunstanton<br>Alteration of existing dwelling and erection of three dwellings  | Thornham           |
| 15.11.2019 | 13.01.2020<br><b>Application Permitted</b> | 19/01982/F | Keepers Cottage Ringstead Road Thornham Hunstanton<br>Two storey extension to north, single storey terrace and demolition of existing extension  | Thornham           |
| 26.11.2019 | 17.01.2020<br><b>Application Permitted</b> | 19/02043/F | Drogheda 2 Council Houses Lynn Road Tilney All Saints<br>Single storey rear extension and alterations to dwelling  | Tilney All Saints  |
| 07.11.2019 | 16.01.2020<br><b>Application Permitted</b> | 19/01933/F | 1 Orchard Close Tilney St Lawrence KINGS LYNN Norfolk<br>Variation of condition 3 of planning permission 15/02086/F:<br>VARIATION OF CONDITION 2 ATTACHED TO PLANNING CONSENT 14/00404/FM to amend approved plans  | Tilney St Lawrence |
| 18.11.2019 | 14.01.2020<br><b>Application Permitted</b> | 19/01991/F | 71A School Road Tilney St Lawrence King's Lynn Norfolk<br>First floor extension to dwelling  | Tilney St Lawrence |

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| 10.09.2019 | 20.12.2019<br><b>Application Permitted</b> | 19/01588/O     | Land N of 134 And E of River Retreat School Road Upwell Norfolk<br>Outline Application: Construction of 2No. New Dwellings                                       | Upwell             |
| 19.09.2019 | 17.12.2019<br><b>Application Refused</b>   | 19/01644/F     | Rear of The Willows Workhouse Lane Upwell WISBECH<br>Residential development for 1No 2 bed bungalow with detached double garage                                  | Upwell             |
| 08.11.2019 | 18.12.2019<br><b>Application Permitted</b> | 19/01947/RM    | 100 Stonehouse Road Upwell WISBECH Norfolk<br>RESERVED MATTERS:<br>Construction of two dwellings   | Upwell             |
| 24.12.2019 | 15.01.2020<br><b>Application Permitted</b> | 19/00130/NMA_1 | Plot 12 25 Orchard Gardens Upwell Norfolk<br>NON-MATERIAL AMENDMENT TO PLANNING CONSENT<br>19/00130/F: Erection of house and detached garage                     | Upwell             |
| 25.09.2019 | 20.12.2019<br><b>Application Permitted</b> | 18/01769/NMA_1 | Atonement Barn Nest Clarks Cottages Bustards Lane Walpole St Andrew<br>NON-MATERIAL AMENDMENT TO PLANNING PERMISSION<br>18/01769/F: Convert barn into a dwelling | Walpole            |
| 14.11.2019 | 13.01.2020<br><b>Application Permitted</b> | 19/01971/F     | 28 Springfield Road Walpole St Andrew Wisbech Norfolk<br>Two Storey Extension to Dwelling  | Walpole            |
| 04.11.2019 | 24.12.2019<br><b>Application Permitted</b> | 19/01902/F     | 40 Station Road Walpole Cross Keys KINGS LYNN Norfolk<br>Construction of freestanding garden building  | Walpole Cross Keys |

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| 15.11.2019 | 13.01.2020<br><b>Prior Approval - Approved</b> | 19/01979/PACU3 | Quarles 9 Burrettgate Road<br>Walsoken Wisbech<br>Prior Notification: Change of use of agricultural buildings to two dwelling houses   | Walsoken   |
| 29.08.2019 | 20.01.2020<br><b>Application Permitted</b>     | 19/01539/F     | Land And Buildings On The South Side of Whin Common Road<br>Tottenhill Norfolk<br>Retention of earth bunding to the north of Thieves Bridge Road and East of Mill Road and completion and retention of earthworks to form elevated viewing for bird hide | Watlington |
| 02.10.2019 | 08.01.2020<br><b>Application Permitted</b>     | 19/01715/F     | Orchard House Bells Drove<br>Welney Wisbech<br>Retrospective application for a commercial building   | Welney     |
| 01.11.2019 | 20.12.2019<br><b>Not Lawful</b>                | 19/01892/LDE   | Silver Crest March Road Welney<br>Norfolk<br>Certificate of Lawfulness: Commercial use including storage and car sales for more than 10 years  | Welney     |
| 28.11.2019 | 15.01.2020<br><b>TPO Work Approved</b>         | 19/00111/TPO   | Field West of Fairmead Nowhere Lane Wereham<br>2/TPO/00186 - (T14) - Oak: Crown raise to 2m  | Wereham    |

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| 03.12.2019 | 14.01.2020<br><b>TPO Work<br/>Approved</b>               | 19/00114/TPO    | Holme Oak Stoke Road Wereham<br>King's Lynn<br>2/TPO/00538: T1 Sycamore T1 -<br>3m crown reduction. This tree has<br>been identified as causing an<br>obstruction between the<br>transmission equipment<br>(microwave dishes) between 2<br>Airwave telecoms sites. This<br>request is to perform a crown<br>reduction on the tree, however, it<br>should be noted that the tree has a<br>large cavity and the council may<br>decide on inspection, that felling<br>the tree would be the preferred<br>option | Wereham     |
| 20.12.2019 | 14.01.2020<br><b>Tree Application<br/>- No objection</b> | 19/00215/TREECA | Crown House Church Road<br>Wereham King's Lynn<br>Trees in a Conservation Area: Row<br>of Leylandii- to crown raise to 3.5m<br>to allow for improved visibility on<br>the public highway.  | Wereham     |
| 12.09.2019 | 23.12.2019<br><b>Application<br/>Permitted</b>           | 19/01596/F      | Harps Hall 306 St Pauls Road<br>South Walton Highway Norfolk<br>Proposed change of use of<br>workshop to annex and addition of<br>new garden building  | West Walton |
| 27.09.2019 | 20.12.2019<br><b>Application<br/>Refused</b>             | 19/01674/F      | Little Acorns 161 St Pauls Road<br>South Walton Highway Norfolk<br>Retrospective application for the<br>temporary siting of 1 residential<br>caravan   | West Walton |

|            |  |              |  |                       |
|------------|--|--------------|--|-----------------------|
| 08.11.2019 | 08.01.2020<br><b>Application Permitted</b> | 19/01938/F   | 22 Salts Road West Walton<br>Norfolk PE14 7EJ<br>Proposed rear single storey extension to form new master bedroom and additional living space.   | West Walton           |
| 07.05.2019 | 06.01.2020<br><b>Application Refused</b>   | 19/00818/F   | Miller Chicken Farm 80 Main Road<br>West Winch Norfolk<br>Use of land as an extension of the existing residential caravan park for the siting of 9 caravans                                      | West Winch            |
| 21.11.2019 | 13.01.2020<br><b>Was Lawful</b>            | 19/02017/LDE | Pankina 101 Fitton Road<br>Wiggenhall St Germans King's Lynn<br>Certificate of Lawfulness:<br>Continued occupation in excess of 10 years in breach of occupancy condition on DM 4034 and DM 4101 | Wiggenhall St Germans |

## PLANNING COMMITTEE

3 FEBRUARY 2020

**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 October 2019 – 31 December 2019.

**2. REPORT**

- 2.1 The Schedule is attached at Appendix 1 for the period 1 October 2019 – 31 December 2019 (Planning and Enforcement).

|                | <b>Valid appeals / appeals in progress</b> | <b>New valid appeals started</b> | <b>Appeals decided (or withdrawn / closed / invalid)</b> | <b>Valid appeals waiting for start date</b> | <b>Appeals in progress at end of period</b> |
|----------------|--|----------------------------------|--|---|---|
| 1 Oct – 31 Dec | 27   | 17                               | 24   | 7   | 20  |

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

|                | <b>Allowed</b> | <b>Dismissed</b> | <b>Total</b> | <b>Withdrawn / Closed</b> | <b>Invalid</b> | <b>Split</b> |
|----------------|----------------|------------------|--------------|---------------------------|----------------|--------------|
| 1 Oct – 31 Dec | 8              | 14               | 22           | 2                         | 0              | 0            |
|                | <b>36%</b>     | <b>64%</b>       |              |                           |                |              |

- 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.

|                | <b>Allowed</b> | <b>Dismissed</b> | <b>Total</b> | <b>Withdrawn / Closed</b> | <b>Invalid</b> | <b>Split</b> |
|----------------|----------------|------------------|--------------|---------------------------|----------------|--------------|
| 1 Oct – 31 Dec | 5              | 10               | 15           | 1                         | 0              | 0            |
|                | <b>33%</b>     | <b>67%</b>       |              |                           |                |              |

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

| <b>2019</b>     | <b>Allowed</b> | <b>Dismissed</b> | <b>Total</b> | <b>Withdrawn / Closed</b> | <b>Invalid</b> | <b>Split</b> |
|-----------------|----------------|------------------|--------------|---------------------------|----------------|--------------|
| 1 Jan – 31 Mar  | 1              | 13               | 14           | 1                         | 0              | 0            |
| 1 Jan – 30 Jun  | 3              | 15               | 18           | 1                         | 0              | 0            |
| 1 Jul – 30 Sept | 1              | 15               | 16           | 0                         | 0              | 0            |
| 1 Oct – 31 Dec  | 8              | 14               | 22           | 2                         | 0              | 0            |
| <b>Total</b>    | <b>13</b>      | <b>57</b>        | <b>70</b>    | <b>4</b>                  | <b>0</b>       | <b>0</b>     |
|                 | <b>19%</b>     | <b>81%</b>       |              |                           |                |              |

This data shows that for the final quarter of 2019 36% of all appeals were allowed. For the 12 month period to 31 December 2019 an average of 19% of all appeals were allowed. This is below the 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: 01/10/2019 to 31/12/2019

| Start Date | Appeal Ref.<br>APP/V2635/ | Appellant/Site | Development | Enforcement/<br>Planning Ref. | Method of Appeal | Hearing Date | Decision<br>Date/Decision |
|------------|---------------------------|----------------|-------------|-------------------------------|------------------|--------------|---------------------------|
|------------|---------------------------|----------------|-------------|-------------------------------|------------------|--------------|---------------------------|

## Live Cases -1 (Not including appeals received to end of previous quarter)

|            |              |  |  |             |                         |  |  |
|------------|--------------|--|--|-------------|-------------------------|--|--|
| 10/01/2019 | D/19/3237545 | Mr Chris Spearing<br><br>Strebla Mill Road Brancaster Norfolk PE31 8AW                               | Variation of condition 2 of planning permission 19/00041/F: To amend previously approved drawings for proposed materials | 19/01322/F  | Undefined               |  |  |
| 07/05/2019 | W/19/3223274 | Mr Chris Bradley<br><br>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 |  |  |
| 28/06/2019 | W/19/3219849 | Black Swan International Ltd<br><br>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<br><br>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 |  |  |
| 22/08/2019 | W/19/3234595 | Mr Hibble<br><br>Uanme 150 Main Street Hockwold cum Wilton Norfolk IP26 4NA                          | Erection of single story dwelling  | 19/00547/F  | Written Representations |  |  |
| 09/09/2019 | W/19/3235888 | Mrs Natasha Price<br><br>9 Lime Grove Gayton King's Lynn Norfolk PE32 1QU                            | Retrospective change of use for breeding and boarding of dogs with associated sheds, kennel and dog run                  | 19/00942/F  | Written Representations |  |  |

166

| Start Date | Appeal Ref.<br>APP/V2635/ | Appellant/Site  | Development   | Enforcement/<br>Planning Ref. | Method of Appeal | Hearing Date | Decision<br>Date/Decision |
|------------|---------------------------|---|---|-------------------------------|------------------|--------------|---------------------------|
| 27/09/2019 | W/19/3237042              | Whistle Wood And Reffley Wood Ltd<br>And Mr P De Gray Osborn<br><br>Land West of Knights Hill Village<br>Grimston Road South Wootton<br>Norfolk | Residential development of the land to provide up to 600 dwellings, incorporating affordable housing, together with a local centre for uses A1, A2, A3 and/or A5 (600m2) with the total quantum of A1 net sales area not to exceed 279m2 in the alternative, D2 | 16/02231/OM                   | Public Inquiry   | 14/01/2020   |                           |

### Live Cases -2 (Received in previous quarter)

|            |              |  |  |                 |                            |  |  |
|------------|--------------|--|--|-----------------|----------------------------|--|--|
| 11/10/2019 | W/19/3238794 | Mrs S Endresz & Mr A Travers<br><br>6 & 7 Burdock Close Downham<br>Market Norfolk PE38 9AZ                     | Retrospective change of use from open plan garden(s) to enclosed residential garden land | 19/01053/CU     | Written<br>Representations |  |  |
| 25/10/2019 | C/18/3216570 | A R & V Investments Limited<br><br>Land S of 38 To 42 Main Road<br>Holme next The Sea Norfolk PE36<br>6LA      | Appeal against   | 18/00319/UNAUTU | Informal Hearing           |  |  |
| 29/10/2019 | C/19/3224445 | Mr Justin Collison<br><br>2 White Horse Drive Dersingham<br>King's Lynn Norfolk PE31 6HL                       | Appeal against   | 18/00348/UNAUTU | Written<br>Representations |  |  |
| 29/10/2019 | X/19/3229884 | Mr & Mrs David and Patricia<br>Thompson<br><br>Oldfield Farm The Green Thornham<br>Hunstanton Norfolk PE36 6NH | LAWFUL DEVELOPMENT FOR<br>PROPOSED USE: Siting of a twin<br>unit caravan.                | 19/00039/LDP    | Written<br>Representations |  |  |
| 25/11/2019 | D/19/3237208 | Mr Dutton<br><br>5 Stainsby Close Heacham King's<br>Lynn Norfolk PE31 7BP                                      | Retention and completion of rear<br>extension  | 19/01064/F      | Undefined                  |  |  |

| Start Date | Appeal Ref.<br>APP/V2635/ | Appellant/Site  | Development  | Enforcement/<br>Planning Ref. | Method of Appeal           | Hearing Date | Decision<br>Date/Decision |
|------------|---------------------------|---|--|-------------------------------|----------------------------|--------------|---------------------------|
| 29/11/2019 | W/19/3238651              | Mr Craig Yarham<br><br>Goldcrest House Avondale Road<br>South Creake Norfolk NR21 9PH           | Extension of residential curtilage<br>for use as garden area   | 19/00806/CU                   | Written<br>Representations |              |                           |
| 04/12/2019 | W/19/3241725              | Mr K Norman<br><br>Bridge Bungalow Hardwick Road<br>King's Lynn Norfolk PE30 4HR                | Outline Application: Construction<br>of six dwellings  | 18/01331/O                    | Written<br>Representations |              |                           |
| 04/12/2019 | W/19/3239426              | Mr P Sprake<br><br>Barn North of Cresswell Cottage The<br>Street Marham Norfolk                 | Proposed demolition of redundant<br>farm building and replacement with<br>single storey residential dwelling<br>within footprint of demolished<br>building           | 19/00677/F                    | Written<br>Representations |              |                           |
| 04/12/2019 | W/19/3239965              | Mr C Fry<br><br>Waterloo Station Road Burnham<br>Market King's Lynn Norfolk PE31<br>8HA         | Retrospective application for<br>relevant demolition in a<br>Conservation Area: Removal of part<br>of the boundary wall for the<br>installation of a pedestrian gate | 19/01104/F                    | Written<br>Representations |              |                           |
| 04/12/2019 | W/19/3239194              | Mrs Emma Walting<br><br>Meadow View Farm Rustons Road<br>Marshland St James Norfolk PE14<br>8ER | Prior approval: Proposed change of<br>use from agricultural building to a<br>dwelling house  | 19/01125/PACU3                | Written<br>Representations |              |                           |
| 04/12/2019 | W/19/3239735              | PEP Builders<br><br>Land East of No's 3 And 4 Birch<br>Drive Roydon Norfolk                     | Retention of use of land for storage<br>of building material   | 19/01228/CU                   | Written<br>Representations |              |                           |

| Start Date | Appeal Ref.<br>APP/V2635/ | Appellant/Site  | Development  | Enforcement/<br>Planning Ref. | Method of Appeal           | Hearing Date | Decision<br>Date/Decision |
|------------|---------------------------|---|--|-------------------------------|----------------------------|--------------|---------------------------|
| 05/12/2019 | W/19/3227606              | Elm Park Holdings Ltd<br><br>Fosters Sports Ground North Field<br>Ferry Road Clenchwarton Norfolk<br>PE34 4BP | Outline Major Application:<br>Residential development of up to 40<br>dwellings consisting of 28 private, 8<br>affordable houses and 4 fully<br>serviced plots of 3 or 4 bedroom<br>detached self build units | 18/01252/OM                   | Informal Hearing           | 05/02/2020   |                           |
| 09/12/2019 | W/19/3240949              | Mr A Freeman<br><br>(Adjacent) 62 Salts Road West<br>Walton Norfolk PE14 7EJ                                  | Construction of 2No 3 bed semi-<br>detached dwellings  | 19/00979/F                    | Written<br>Representations |              |                           |
| 12/12/2019 | W/19/3240927              | Mr Bob Fidock<br><br>Land To The South of Prince Henry<br>Place Downham Market Norfolk                        | Proposed development of 19No. 2<br>and 3 bedroom dwellings (including<br>4No. affordable units) with<br>associated garages/parking, access<br>road, landscaping and open space                               | 19/00597/FM                   | Written<br>Representations |              |                           |
| 12/12/2019 | W/19/3239845              | S Richards<br><br>Willow Barn The Green North<br>Wootton Norfolk  | Extension of dwelling and change<br>of use from holiday let to residential<br>unit   | 19/01007/F                    | Written<br>Representations |              |                           |

### Appeals Decided ( Up to the end of previous quarter)

|            |                    |  |   |              |           |            |                  |
|------------|--------------------|--|---|--------------|-----------|------------|------------------|
| 25/10/2018 | APP/TPO/V2635/7015 | Mr Colin Davison<br><br>Rhinefield House 9 Hyde Close<br>Bircham Newton Norfolk PE31 6RB | 2/TPO/00525: T1 Scots Pine - Fell<br>and replace with a Scots Pine in<br>same location. | 18/00055/TPO | Undefined | 30/10/2019 | Appeal Dismissed |
|------------|--------------------|--|---|--------------|-----------|------------|------------------|

| Start Date | Appeal Ref.<br>APP/V2635/ | Appellant/Site   | Development  | Enforcement/<br>Planning Ref. | Method of Appeal           | Hearing Date | Decision<br>Date/Decision                              |
|------------|---------------------------|--|--|-------------------------------|----------------------------|--------------|--|
| 07/03/2019 | APP/TPO/V2635/7250        | Stanhoe PCC<br><br>Church of All Saints Church Lane<br>Stanhoe Norfolk   | 2/TPO/00573: No 67 & No69 2<br>horsechestnuts - Fell/remove both<br>trees to reduce risk to structure and<br>glass window on the North End of<br>Church Building | 19/00011/TPO                  | Written<br>Representations |              | 30/10/2019<br><br>Appeal Allowed                       |
| 25/04/2019 | X/18/3208572              | Miss Sarah Smith<br><br>The Toll House Lynn Road Middleton<br>King's Lynn Norfolk PE32 1RQ                       | Lawful Development Certificate:<br>Continued residential use of<br>caravan within curtilage of property  | 18/00417/LDE                  | Written<br>Representations |              | 16/10/2019<br><br>Appeal Allowed                       |
| 03/05/2019 | W/18/3219510              | A. R. & V. Investments<br><br>Homefields Peddars Way Holme next<br>The Sea Norfolk PE36 6LD                      | Demolition of existing dwelling and<br>outbuildings and erection of<br>replacement dwelling and garages<br>with revised highway access                           | 17/02359/F                    | Written<br>Representations |              | 18/10/2019<br><br>Appeal Dismissed                     |
| 07/05/2019 | D/19/3223368              | Ms Harriet Huntsman<br><br>4 Harbour View Terrace Main Road<br>Brancaster Staithe Norfolk PE31 8BY               | Conversion and extension of<br>outbuilding to form annex   | 18/00342/F                    | Written<br>Representations |              | 04/11/2019<br><br>Appeal Dismissed                     |
| 05/06/2019 | C/18/3212469              | Theresa Gregory<br><br>Horsemans Rest Littlemans Way<br>Stoke Ferry King's Lynn Norfolk<br>PE33 9UB              | Appeal against   | 17/00040/UNAUTU               | Written<br>Representations |              | 02/12/2019<br><br>Enf Notice Upheld<br>with Alteration |
| 05/06/2019 | X/18/3209664              | The Abbey Group (Cambridgeshire)<br>Limited<br><br>Land North of the Coach House High<br>Street Thornham Norfolk | Application for a Lawful<br>Development Certificate for the<br>existing use of land for garden<br>(domestic) purposes  | 17/00868/LDE                  | Written<br>Representations |              | 09/10/2019<br><br>Appeal Dismissed                     |

| Start Date | Appeal Ref.<br>APP/V2635/ | Appellant/Site   | Development  | Enforcement/<br>Planning Ref. | Method of Appeal           | Hearing Date | Decision<br>Date/Decision                              |
|------------|---------------------------|--|--|-------------------------------|----------------------------|--------------|--|
| 05/06/2019 | C/18/3210733              | Mr M J Palmer<br><br>Land To The South Side of<br>Washington 46 The South Beach<br>Heacham King's Lynn Norfolk PE31<br>7LH | Appeal against   | 18/00006/UNOPDE               | Written<br>Representations |              | 18/10/2019<br><br>Enf Notice Upheld<br>with Alteration |
| 05/06/2019 |                           | Mr M Rowell<br><br>50B North Beach Heacham Norfolk<br>PE31 7LJ   | Appeal against   | 18/00414/UNAUTU               | Written<br>Representations |              | 09/10/2019<br><br>Appeal Allowed                       |
| 06/06/2019 | W/19/3228111              | Mr & Mrs D J Harrington<br><br>Gate House Pentney Lane Pentney<br>King's Lynn Norfolk PE32 1JE                             | Proposed detached bungalow   | 18/01742/O                    | Written<br>Representations |              | 23/10/2019<br><br>Appeal Allowed                       |
| 04/07/2019 | Q/18/3218994              | J Clarke Builders Ltd<br><br>The Firs 68 School Road Runcton<br>Holme King's Lynn Norfolk PE33<br>0AQ                      | Modification of planning<br>obligation, reference<br>LC/S106/10/18 relating to planning<br>application reference 10/00327/FM | 10/00327/VAR1B                | Informal Hearing           | 16/10/2019   | 21/10/2019<br><br>Appeal Allowed                       |
| 12/07/2019 | W/19/3231108              | C/O Agent<br><br>Gomo Re Gumbo Station Road<br>Leziate Norfolk PE32 1EJ  | Removal of condition 3 of planning<br>permission 11/00546/CU:<br>Additional use of garden annex also<br>as a holiday let     | 19/00414/F                    | Written<br>Representations |              | 08/10/2019<br><br>Appeal Dismissed                     |
| 24/07/2019 | W/19/3227220              | West Side Property Development Ltd<br><br>Land South of 8 Chapel Lane<br>Ringstead Norfolk                                 | Construction of 10 dwellings   | 18/01093/FM                   | Informal Hearing           |              | 14/11/2019<br><br>Appeal Dismissed                     |
| 30/07/2019 | W/19/3231291              | Mr L Zipfell<br><br>Aradet 17 Main Street Hockwold cum<br>Wilton Norfolk IP26 4LB  | Two storey extension following<br>demolition of existing garage  | 19/00257/F                    | Undefined                  |              | 04/11/2019<br><br>Appeal Dismissed                     |

171

| Start Date | Appeal Ref.<br>APP/V2635/ | Appellant/Site   | Development  | Enforcement/<br>Planning Ref. | Method of Appeal           | Hearing Date | Decision<br>Date/Decision          |
|------------|---------------------------|--|--|-------------------------------|----------------------------|--------------|------------------------------------|
| 31/07/2019 | W/19/3231612              | Langton Homes Ltd<br><br>Land N of Manor Farm House E of<br>Manor Lodge And S of The Gables<br>Broad Lane Brancaster Norfolk | Erection of two detached dwellings<br>with associated parking and turning<br>space, with access from Broad Lane  | 19/00538/F                    | Written<br>Representations |              | 17/10/2019<br><br>Appeal Allowed   |
| 07/08/2019 | W/19/3234475              | Mrs Fowler & Mrs Howell<br><br>The Chalet 19 Golf Course Road Old<br>Hunstanton Norfolk PE36 6JH                             | Outline Application: Construction<br>of two dwellings following<br>demolition of existing dwelling and<br>garage | 18/01824/O                    | Written<br>Representations |              | 30/10/2019<br><br>Appeal Dismissed |
| 07/08/2019 | W/19/3234466              | Mr & Mrs Henson<br><br>The Retreat Lynn Road West Rudham<br>King's Lynn Norfolk PE31 8RN                                     | Outline Application: New dwelling  | 19/00846/O                    | Written<br>Representations |              | 23/10/2019<br><br>Appeal Dismissed |
| 19/08/2019 | W/19/3231993              | Mr Kevin Missin<br><br>Land Between 5 And 6 Hadley<br>Crescent Heacham King's Lynn<br>Norfolk PE31 7LG                       | OUTLINE APPLICATION: New<br>residential dwelling   | 19/00422/O                    | Written<br>Representations |              | 31/10/2019<br><br>Appeal Dismissed |
| 09/09/2019 | W/19/3235005              | Mr & Mrs Baker<br><br>21 Parkside Snettisham King's Lynn<br>Norfolk PE31 7QE   | New Semi Detached Dwelling   | 19/00401/F                    | Written<br>Representations |              | 10/12/2019<br><br>Appeal Dismissed |
| 11/10/2019 | W/19/3238179              | Mr David English<br><br>Land N of Beeches Little Lane Stoke<br>Ferry Norfolk   | OUTLINE APPLICATION:<br>Proposed new three bedroom<br>bungalow   | 19/00689/O                    | Written<br>Representations |              | 13/11/2019<br><br>Appeal Withdrawn |
| 21/10/2019 | C/19/3230404              | Mrs Eileen Goddard<br><br>Future Farm Burdock Lane Hockwold<br>cum Wilton Norfolk IP26 4JN                                   | Appeal against   | 18/00193/UNAUTU               | Written<br>Representations |              | 21/11/2019<br><br>No Code [CLOSED] |