

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



Planning Committee

Agenda

**Monday, 8th November, 2021
at 9.30 am**

in the

**Assembly Room
Town Hall
King's Lynn**



King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX
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, 8th November, 2021

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

TIME: 9.30 am

1. APOLOGIES

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

2. MINUTES

To confirm as a correct record the Minutes of the Meeting held on 11 October 2021.

3. DECLARATIONS OF INTEREST

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

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

Councillor appointed representatives on the Internal Drainage Boards are noted.

4. URGENT BUSINESS UNDER STANDING ORDER 7

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

5. MEMBERS ATTENDING UNDER STANDING ORDER 34

Members wishing to speak pursuant to Standing Order 34 should inform the Chairman of their intention to do so and on what items they wish to be heard before a decision on that item is taken.

6. CHAIRMAN'S CORRESPONDENCE

To receive any Chairman's correspondence.

7. RECEIPT OF LATE CORRESPONDENCE ON APPLICATIONS

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

8. INDEX OF APPLICATIONS (Pages 6 - 7)

The Committee is asked to note the Index of Applications.

a) Decisions on Applications (Pages 8 - 146)

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

9. DIRECT ACTION REPORT - LAND AT MARLIAN HOUSE, CHURCH ROAD, TERRINGTON ST JOHN (Pages 147 - 157)

To consider the attached report.

10. DELEGATED DECISIONS (Pages 158 - 188)

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

To: Members of the Planning Committee

Councillors F Bone, C Bower, A Bubb, G Hipperson (Vice-Chair), A Holmes, C Hudson, B Lawton, C Manning, E Nockolds, T Parish, S Patel, C Rose, J Rust, Mrs V Spikings (Chair), S Squire, M Storey, D Tyler and D Whitby

Site Visit Arrangements

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

If there are any site inspections arising from this meeting, these will be held on **Thursday, 11 November 2021** (time to be confirmed) and the meeting reconvened on the same day (time to be agreed).

Please note:

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

Please note that the deadline for registering to speak on the application is 12 noon the working day before the meeting, **Friday 5 November 2021**. Please contact borough.planning@west-norfolk.gov.uk or call (01553) 616818 or 616234 to register.

For Major Applications

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

For Minor Applications

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

For Further information, please contact:

Kathy Wagg on 01553 616276
kathy.wagg@west-norfolk.gov.uk

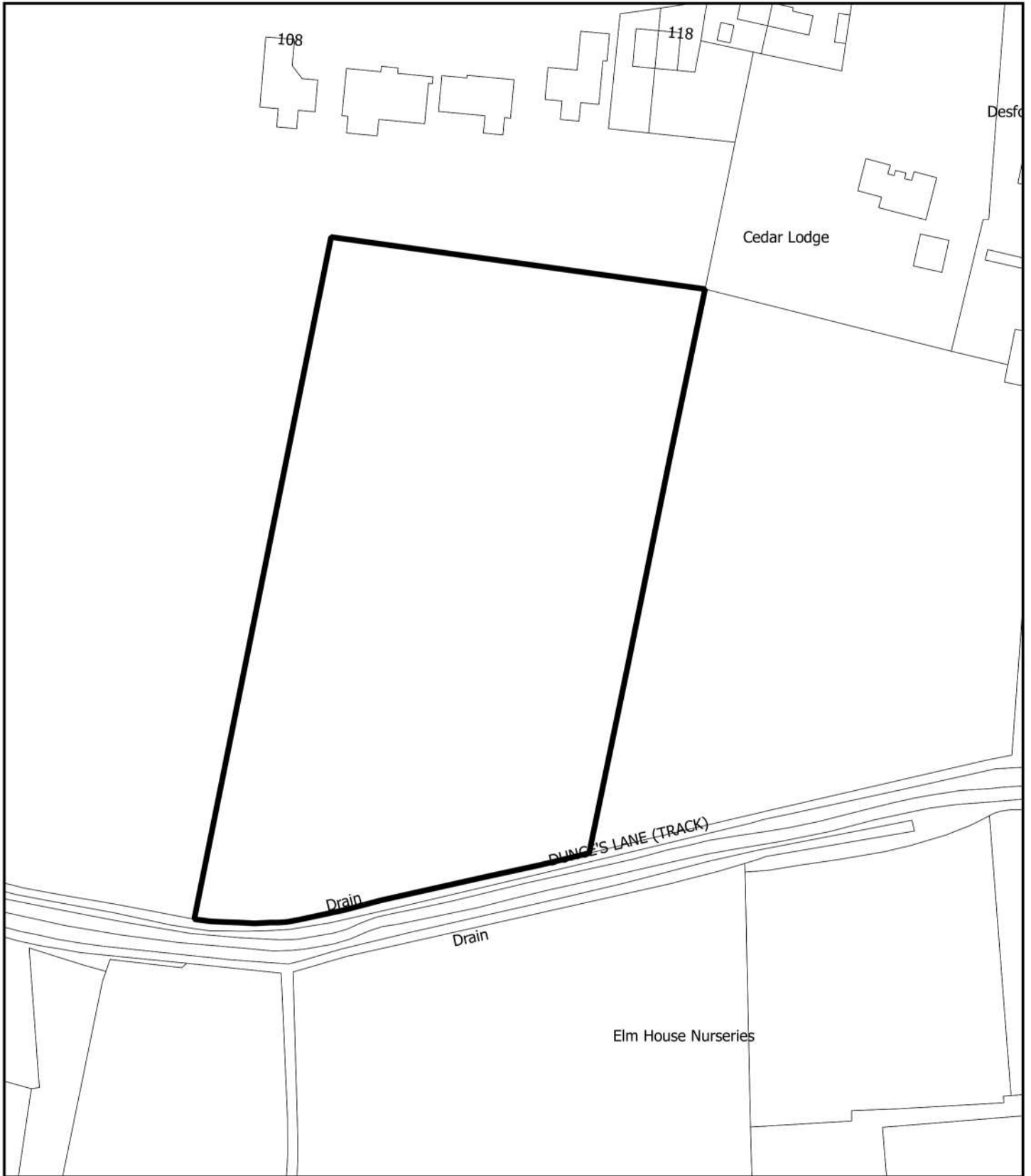
**INDEX OF APPLICATIONS TO BE DETERMINED BY THE
PLANNING COMMITTEE AT THE MEETING TO BE HELD ON
MONDAY 08 NOVEMBER 2021**

Item No.	Application No. Location and Description of Site Development	PARISH	Recommendation	Page No.
8/1	DEFERRED ITEM			
8/1(a)	21/01596/CU Land Off Church Road Walpole St Peter PE14 7PA Change of use from agricultural field to private equestrian paddock	WALPOLE	APPROVE	8
8/2	MAJOR DEVELOPMENTS			
8/2(a)	21/01069/OM 157 AND 159 Bexwell Road PE38 9LJ OUTLINE APPLICATION: Demolition of existing properties and construction of a 72 bedroom care home (C2 use class) with associated parking and development.	DOWNHAM MARKET	APPROVE	16
8/2(b)	21/00995/FM Land W of The Gardens Edward Benefer Way PE30 3RZ Proposed primary care centre, new access and associated facilities	SOUTH WOOTTON	APPROVE	35
8/2(c)	21/00794/FM The Piggeries 49 Methwold Road Whittington PE33 9TH Demolition of existing piggery buildings and construction of industrial buildings to provide additional warehousing/storage of timber based fuel and charcoal products, with associated processing (drying and saw/splitter) buildings, an office/amenity block, weighbridge, staff and visitor car parking, log storage lanes, and associated access, circulation, landscaping and drainage works.	NORTHWOLD	APPROVE	57
8/3	OTHER APPLICATIONS/ APPLICATIONS REQUIRING REFERENCE TO THE COMMITTEE			
8/3(a)	21/00903/F 14 Roman Way Brancaster PE31 8XA Extensions, alterations and re-modelling of dwelling	BRANCASTER	APPROVE	78

Item No.	Application No. Location and Description of Site Development	PARISH	Recommendation	Page No.
8/3(b)	20/00737/F Builders Yard Thornham Road PE36 6LR New dwelling following change of use of builders yard	HOLME-NEXT-THE-SEA	APPROVE	88
8/3(c)	21/01654/F Marriotts Warehouse South Quay PE30 5DT Glazed Balustrade Around Seating Area	KINGS LYNN	REFUSE	103
8/3(d)	21/00716/F Ingol Falls House Mill Gardens PE31 7UQ Proposed detached home study	SNETTISHAM	APPROVE	111
8/3(e)	21/01720/F Flint Farm Oxborough Road PE33 9QH Three holiday lets, visitor centre, access and car parking	STOKE FERRY	APPROVE	127
8/4	TREE PRESERVATION ORDERS			
8/4(a)	2/TPO/00609 Meadow Farm Lynn Road West Rudham PE31 8RW	WEST RUDHAM	CONFIRM WITH MODIFICATION	139
8/4(b)	2/TPO/00613 Rosedene 29 St Pauls Road North Walton Highway PE14 7DN	WEST WALTON	CONFIRM WITHOUT MODIFICATION	143

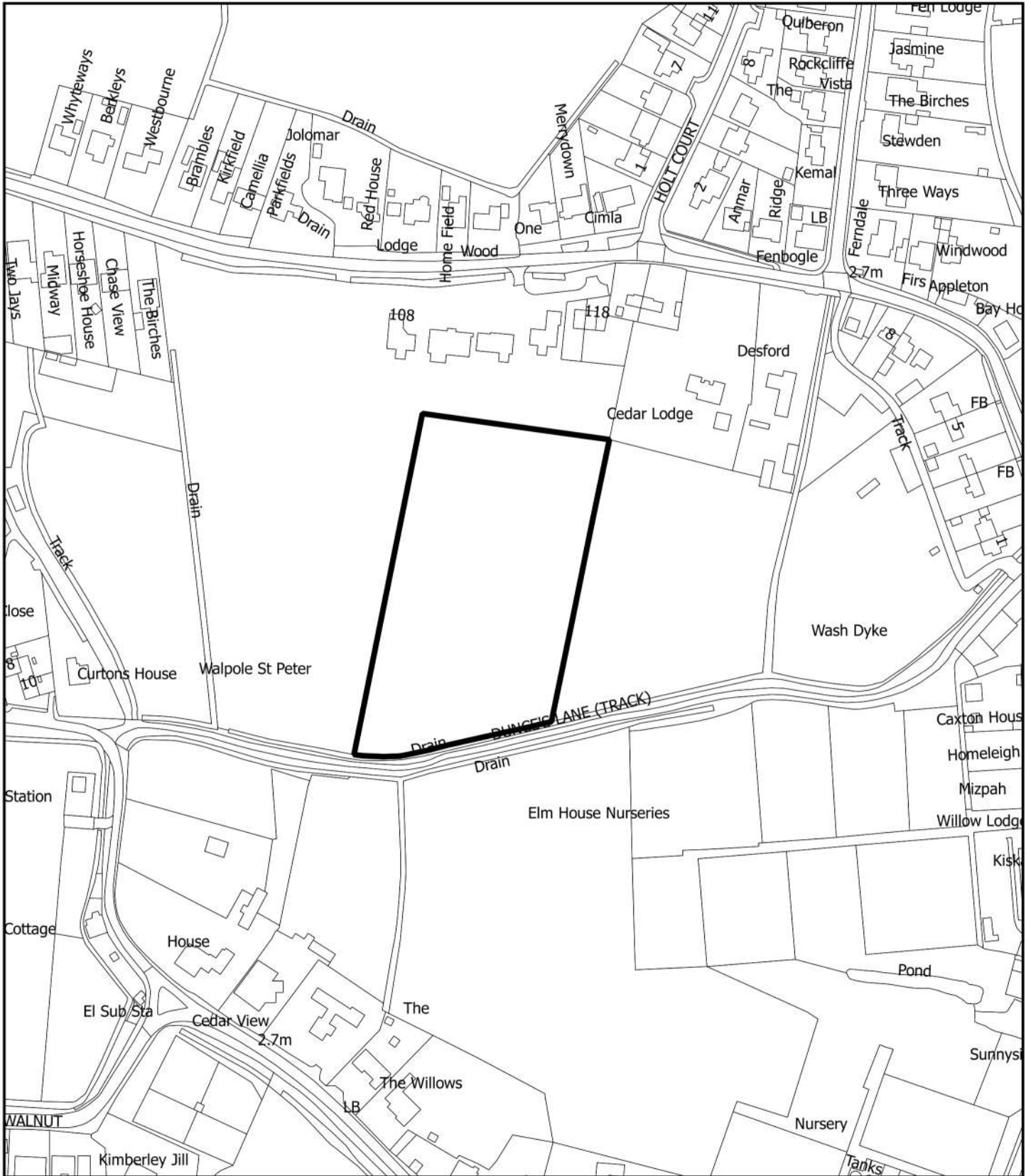
21/01596/CU

Land off Church Road PE14 7PA



21/01596/CU

Land off Church Road PE14 7PA



Parish:	Walpole	
Proposal:	Change of use from agricultural field to private equestrian paddock	
Location:	Land Off Church Road Walpole St Peter Norfolk	
Applicant:	Miss Katie McCoo	
Case No:	21/01596/CU (Change of Use Application)	
Case Officer:	Bradley Downes	Date for Determination: 5 October 2021 Extension of Time Expiry Date: 16 November 2021

Reason for Referral to Planning Committee – Called in by Cllr Blunt and deferred from the October Committee

Neighbourhood Plan: No

Members update:

Members will recall that this application was deferred in the October 2021 Committee. The reason given was to clarify which of the plans on the file was proposed and ensure the correct plan was published in consultations.

There are two plans on the file, one showing a larger extent of land including an access point onto Church Road, while the other plan shows a smaller extent of land accessed only from the rear garden of the dwelling. The plan showing larger extent was uploaded to the file 12/8 and the latter plan was uploaded 18/8. In the recommendation, condition 2 specifically refers to the plan uploaded 18/8. Following the October committee session an amended site notice was produced and posted on site and the Parish Council was re-consulted. It is considered this clarifies the matter.

New additional text is set out in bold.

Case Summary

The site lies in the countryside on the south side of Church Road, Walpole St Peter, to the rear of a row of dwellings recently permitted under 18/01472/RMM. The proposal is for the change of use of approximately 1.24 Hectares of the agricultural land to an equestrian paddock for private use. No operational development is involved in the planning application.

Key Issues

- Principle of development
- Form and character
- Impact on amenity of neighbouring occupiers
- Highway safety and access

Recommendation

APPROVE

THE APPLICATION

The site lies on the south side of Church Road, Walpole St Peter, to the rear of a row of dwellings recently permitted under 18/01472/RMM. Walpole St Peter is classified as a Rural Village in Policy CS02 of the Core Strategy 2011, and the site lies outside the development boundary for Walpole St Peter. The proposal is for the change of use of approximately 1.24 Hectares of the agricultural land to an equestrian paddock for private use. No operational development is involved in the planning application.

SUPPORTING CASE

PLANNING HISTORY

No relevant planning history

RESPONSE TO CONSULTATION

Parish Council: **SUPPORT**

Support the application on the understanding that any future buildings on the land will have the correct planning application as concerns are raised regarding stables/housing which would not be supported.

Highways Authority: **NO OBJECTION**

No objection being utilised for private use

Environment Agency: **NO COMMENTS**

Environmental Quality: **NO OBJECTION**

There is no known contamination or suspected contamination on the site based on the application form. This seems to correlate with the land historic use.

REPRESENTATIONS

6 letters have been received, one with neutral comments and **FIVE** which raise concerns. The neutral comments raised are as follows:

As ex horse owners and exhibitors it will be pleasant to see horses around again. Fencing has already begun and appears to be aligned with individual houses rather than to the applicants house.

The letters which raised concerns made the following points:

We wish for the matter to be referred to the planning committee as we have discovered from the original developer that the applicant has 3 relatives that occupy No. 100, 102 and 104. We hold a flood report from 2020 that shows flooding can and does occur and hold photographic evidence parts of our rear garden underwater and parts of adjoining land showing standing water.

Concerned if permission is granted it would create a precedent and could lead to development of the land and there is also the opportunity for conducting business, despite covenants of the property preventing business along with storage of caravans and trailers. Currently the site is accessed across a drainage dyke that is shared. Any increase in traffic such as heavier vehicles may ruin the integrity of the road surface. Neighbour's rear boundary fence lies adjacent to the land, there are fears it could be damaged.

Animal welfare would suggest the need for shelter added to the fact the storage of dry goods can attract vermin.

During the time of our purchase the developer assured that no development was possible. **The proposal is not in keeping with the area and as the direct neighbour will have a significant impact.**

When talking to the occupant of Church Road, I was advised that as an owner of land adjoining the paddock he would not object as it can only enhance the value of land. Why should that occur at the detriment of myself and direct neighbour.

The plan does not show the tall trees on the east boundary and mature hedgerow that fronts the drainage dyke at the rear of the property that is in place to alleviate the known flooding issue.

The applicants have not obtained a flood report whereas in 2020 we obtained a report that clearly shows that the land in question is liable to flooding. Access is dubious as the access is across a public bridleway. Our concerns are that the access from Church Road will be used for deliveries, collections and associated matters that will be a direct contravention of the covenants relating to the shared driveway.

No details have been provided where any waste will be stored and the impact resulting from waste such as unwelcome smells, insect activity and the frequency of removal that again ties in with the question of the inadequate access. There are potential wildlife considerations – bats are known to be in St Peters Church and at least one flies around our garden regularly in summer.

Site adjoins an open drainage dyke and recently water voles have been seen in the dyke in question and other drainage dykes on the development.

The vendor of the land included a provision that should any development occur that 40% of any revenue derived be paid over. This demonstrates the intent that the land in question remain as intended as agricultural land.

LDF CORE STRATEGY POLICIES

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:

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

Principle of development:

The site lies outside the development boundary for Walpole St Peter. In such areas, policies 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. Policy CS06 states that in the countryside, the strategy will be to protect the countryside for its intrinsic character and beauty. Given the proposed change of use relates to compatible development within the countryside, there would be no conflict in principle with the policies of the Development Plan or with the NPPF.

Impact on character and appearance:

The proposed change of use relates to 1.24ha of land and does not involve any operational development. The keeping of horses on the land is a common sight in the countryside and is not considered to result in any significant visual impact on the character and appearance of the countryside.

Concerns have been raised regarding the potential for buildings to be erected such as stables. It is considered that stabling would be compatible with the locality. However, this application is only for the keeping of horses on the land. Any subsequent development would require a planning application and, in that event, should be considered on its own merits.

Impact on neighbour amenity:

Due to the nature of the development there will not be any significant overlooking, overbearing or overshadowing impacts. It is considered the proposed use of the land for keeping horses for private use will not have any significant noise impact on neighbouring dwellings. The application will be conditioned to ensure it is private use in connection with the dwelling also owned by the applicant (as outlined in blue on the location plan). This

provides the required certainty that the land would not be used in connection with an equestrian business without planning permission.

At the October committee session Cllrs suggested a condition requiring details for the storage of waste. A third party has also raised concerns about waste and how it will be collected. The existing use of the land is agricultural and therefore it would be lawful if farming operations were to commence and associated waste associated with that use is not currently controlled. The proposed use of the site for the keeping of horses on the field for private non-business purposes is not considered to warrant the submission of details for the storage and collection of waste. Conditions relating to waste are more commonly placed on stables, which need to be cleaned out, and are sometimes in close proximity to dwellings. It is considered that any odour nuisance associated with the proposed development would be limited and would, in any event, be covered by the Environmental Protection Act should nuisance occur.

Highway safety:

The applicant has right of access from the rear using a shared track, or they can access the site through the rear garden of the dwelling. The agent has stated that either access may be used. The only time vehicles will need to visit the site in connection with the use are if horses need to be transported or dropped off. It is considered the use of the land for keeping horses for private purposes will not have any significant impact on highway safety. The Local Highway Authority do not object to this application on the basis of these access arrangements. Any increased use of the shared access track and subsequent costs for maintenance are a civil matter and not material to this application.

Other material impacts:

The historic use of the land has been agricultural with no known sources of contamination. It is considered the proposed change of use will not be at any significant risk from land contamination and no further assessment is deemed necessary. Environmental Quality do not object to the application.

The proposal is an application for minor development consisting of keeping horses in a field, and although the site lies in Flood Zone 3a, it is considered that a site specific Flood Risk Assessment is not necessary in this case. The use of the site for keeping horses for private purposes is a form of outdoor recreation, and therefore is classified as 'water-compatible development' under the EA Flood Risk vulnerability classification.

Specific comments or issues:

Concern was raised by third party regarding surface water flooding. The proposed use of the land for the private keeping of horses would not have any significant impact on surface water drainage. It is mentioned that covenants of the property are supposed to prevent business being carried out. The proposed development is for private purposes only, in any case covenants on the land are not material planning considerations and remain civil matters

Concern is also raised that since the land is proposed for keeping horses it is imperative buildings are also proposed to adequately house the horses from the elements and to store their food to prevent vermin. Regardless, the proposal to be considered is only for the change of use of the land. It is the applicant's prerogative whether to submit subsequent applications for any buildings, and these will be considered on their own merits.

Any damage that could be done to neighbour's fences by the use of the land for the keeping of horses for private purposes would be a civil matter and not a material planning consideration.

A third party raised concern regarding the proximity of the site to wildlife spotted in the area, including bats and potential water voles. It is considered the change of use of the land from agricultural to keeping horses for private purposes would not result in any significant adverse impact on biodiversity or the habitats of protected species.

Lastly, the third party raised concern that mature trees and hedgerow to the east and south boundary are not shown on the submitted plan. It is considered that due to the nature of the proposal for private equestrian purposes it would not be necessary or reasonable to require a tree survey. Furthermore it is considered that since no operational development is proposed, and due to the nature of the proposed use, that the application would not have any significant impact on the trees or hedgerows bounding the site.

CONCLUSION

The principle of the proposed development is considered acceptable. The proposed change of use will not have any significant adverse impact on the character and appearance of the area and will not have any significant impacts on the amenity of neighbouring occupiers. The proposal is in accordance with Policies CS06 and CS08 of the Core Strategy 2011 and DM2 and DM15 of the SADMPP 2016. The recommendation is to approve the application.

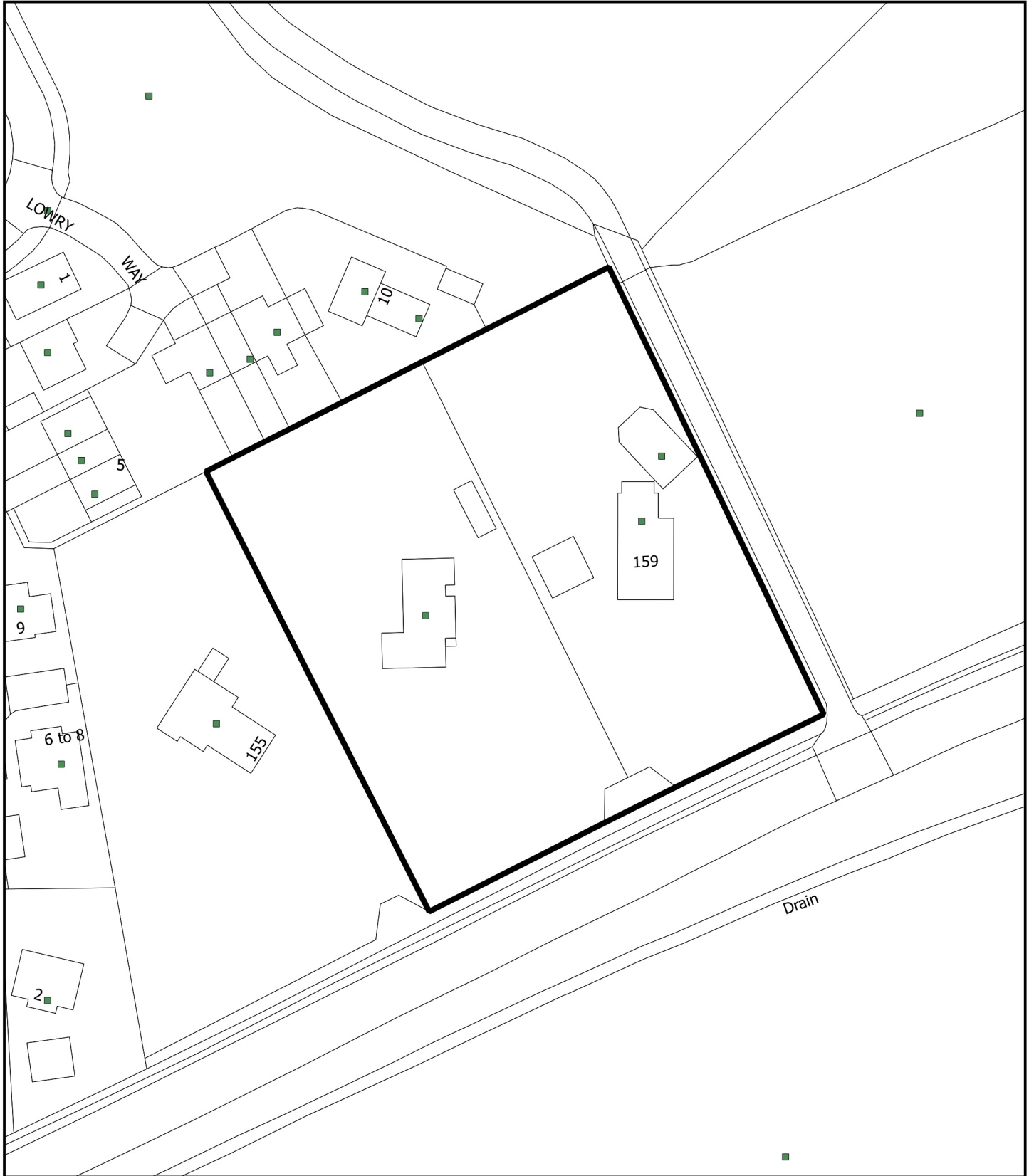
RECOMMENDATION:

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

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 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. 536.PD.01 (Location Plan - received 18/8/21).
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: The use of the equestrian paddock hereby approved shall be limited to purposes incidental to the needs and personal enjoyment of the occupants of the dwelling shown in blue on dwg no. 536.PD.01 and shall at no time be used for business or commercial purposes.
- 3 Reason: For the avoidance of doubt and to safeguard the amenities of the locality in accordance with the NPPF.

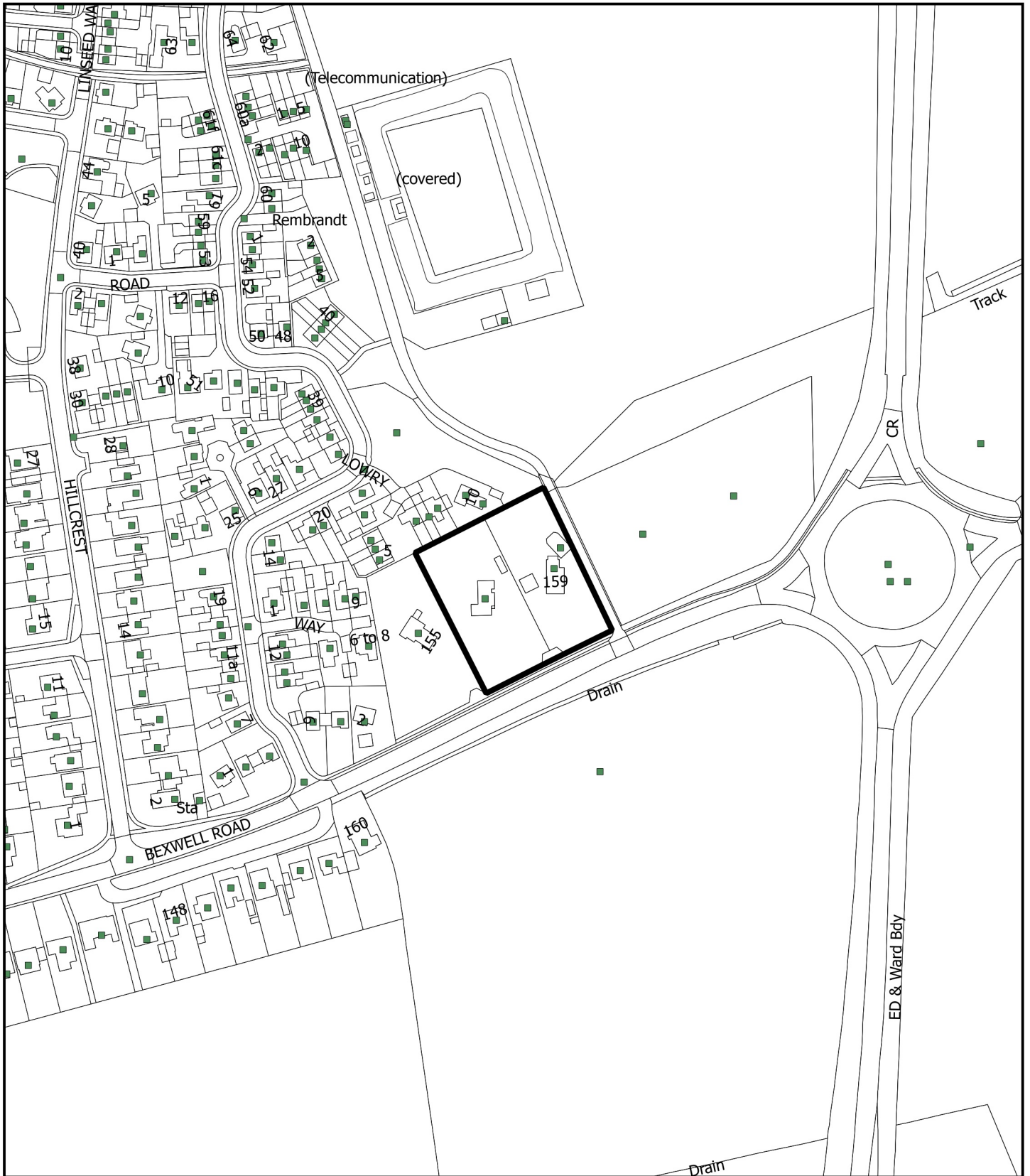
21/01069/OM

157 and 159 Bexwell Road Downham Market PE38 9LJ



21/01069/OM

157 and 159 Bexwell Road Downham Market PE38 9LJ



AGENDA ITEM NO: 8/2(a)

Parish:	Downham Market	
Proposal:	OUTLINE APPLICATION: Demolition of existing properties and construction of a 72 bedroom care home (C2 use class) with associated parking and development.	
Location:	157 And 159 Bexwell Road Downham Market Norfolk PE38 9LJ	
Applicant:	Aspire LPP	
Case No:	21/01069/OM (Outline Application - Major Development)	
Case Officer:	Mr K Wilkinson	Date for Determination: 6 August 2021 Extension of Time Expiry Date: 12 November 2021

Reason for Referral to Planning Committee – Town Council's views are contrary to the Officer recommendation and at the instruction of the Planning Committee Sifting Panel (14/10/21).

Neighbourhood Plan: No

Case Summary

Permission is sought to demolish two detached houses (Nos. 157 & 159) set in substantial grounds on the northern side of Bexwell Road approx. 95m west of the A10 roundabout. In their place a 72 bedroom care home with associated parking and development is sought.

This is technically an outline application however the matters of access, scale, appearance and layout are to be determined as part of this submission – only landscaping is reserved for future consideration.

The application is accompanied by a Design & Access Statement, Planning Statement, Transport Assessment, Travel Plan, Arboricultural Impact Assessment, Ecology Assessment, Biodiversity Net Gain Calculation, Energy Statement and Flood Risk Assessment.

Key Issues

Principle of development
Appearance and impact on form and character
Impact upon residential amenity
Highway implications
Other material considerations

Recommendation

APPROVE

THE APPLICATION

Permission is sought to demolish two detached houses (Nos. 157 & 159) set in substantial grounds on the northern side of Bexwell Road approx. 95m west of the A10 roundabout. In their place a 72 bedroom care home with associated parking and development is sought.

This is technically an outline application however the matters of access, scale, appearance and layout are to be determined as part of this submission – only landscaping is reserved for future consideration.

The building proposed has a broadly T-shaped footprint; the main element runs parallel to the road with dimensions of approx. 49m wide and 17m deep, with projections to the front and rear of similar proportions forming the T. The main element is set back 30m from the frontage of the site, 14m from the western side boundary and 26m from the rear boundary; the front projection is 14.5m back from the frontage, eastern side of the building is between 3m & 4.5m from the boundary, and the rear wing approx. 9m from the rear boundary.

The accommodation is contained within three floors, plus a basement level (containing plant, storage, kitchen, laundry and staff facilities).

The building is a contemporary three storey structure with flat roofs and parapets at differing levels with closed-sided balcony features to certain rooms and terraces off communal lounge/dining rooms, plus a roof garden in the wing closest to, and facing, the road/south.

The internal layout shows the following accommodation:

Ground floor – 22 en-suite bedrooms, lounge/dining room, fitness/physiotherapy room, café, family room, reception, manager's office and nail/hair salon;

First floor – 29 en-suite bedrooms, 2 no. lounge/dining rooms and external terrace to the front; and

Second floor – 21 en-suite bedrooms, cinema, 2 no. lounge/dining rooms and roof garden to the front.

All floors have centralised nursing stations and ancillary medical and ablution rooms.

The two existing accesses are to be closed and a new access created off Bexwell Road almost midway of the current frontage to No.157. This leads into a parking area in front of the proposed new building with 28 spaces for cars (including 2 no. for people with disabilities), an ambulance, plus a cycle rack and bin storage compound. The mature garden areas associated with the existing dwellings are to be retained at the rear of the home.

The application is accompanied by a Design & Access Statement, Planning Statement, Transport Assessment, Travel Plan, Arboricultural Impact Assessment, Ecology Assessment, Biodiversity Net Gain Calculation, Energy Statement and Flood Risk Assessment & Drainage Strategy Report.

SUPPORTING CASE

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

“This application will deliver a new, purpose-built care home providing accommodation and care for the frail elderly with high dependency needs. It should be noted that this is not a retirement living scheme for those recently retired, nor is it a nursing home where much higher nursing care is given. Future residents of the home will not drive. The proposal assists in meeting a critical local need in the Downham Market area, as set out below.

It is well documented that the UK is facing an ageing population and the demand for new, high-quality accommodation for the elderly in need of care is a critical issue across the country. However, this matter is more pronounced locally. Within a 10km catchment of the application site, in excess of 8,500 people are aged 65 years or older. The proportion of the population aged 65 years and above is higher in the local area compared with the East of England region and the UK as a whole, as shown in the below table.

Age bracket	10km catchment	East of England	UK
65-74	3.7%	3.0%	2.5%
75-84	10.1%	6.9%	6.2%
85+	12.9%	10.2%	9.7%

[Christie & Co. Care Home Needs Assessment (April 2021)]

Official population projections anticipate a significant increase in the local population aged 65 and over in the coming years. By 2031, it is projected that the local population within the 10km catchment aged 65 and over will grow by 20.37%. Translating this demographic into the demand for care home bed spaces, as of April 2021 there was a shortfall of 188 market standard beds against the demand in the catchment. This figure takes account of other new care homes either already approved or awaiting a planning decision. Rolling this demand forwards to 2026, that shortfall will increase to 239 beds; and, by 2031, there will be a need for an additional 290 bed spaces within 10km of the site. It is therefore clear that new care homes are needed in this location to close the shortfall against demand both in the short and long term.

This is a generous sized plot capable of accommodating a care home of a sufficient size to ensure it is viable from an end operator perspective. Local Plan policies CS01 and CS02 direct growth to sustainable locations and identify Downham Market as a key town that will take significant development, emphasising the highly sustainable location of the site. Policy CS08 supports development that will make the best use of land including the use of brownfield land, enhance community wellbeing and achieve high standards of sustainable design. The proposal involves the re-use of brownfield land to deliver a use that is fully focused on improving community wellbeing through care provision. This policy also requires 10% of energy used within the scheme to be from a renewable source. The scheme achieves this standard through the provision of solar PV panels.

The building is set towards the east end of the site and as such is well away from neighbours. Generous separation distances are allowed between windows of habitable rooms and neighbouring properties ensuring that no loss of privacy arises. The end of corridor flank walls nearest the neighbouring properties of 10 Lowry Way and 155 Bexwell Road do not contain any habitable windows and can be required by condition to be formed of obscured glass. The indicative landscaping plan submitted with the application shows a substantial level of new planting, improving screening for future residents and neighbours. Policy CS12 seeks the protection and enhancement of biodiversity species and sites. The scheme does not affect any designated sites, will not affect any protected species and will deliver a biodiversity net gain. The Council's ecologist has no objection to the development.

A modern design approach is taken throughout the scheme allowing for the incorporation of larger windows for greater outlook and light into the building. Carstone, a locally distinct material, has been incorporated along the full length of the wall at the front of the site. The CGI submitted with the application shows this and the high-quality design achieved for the building.

Extensive engagement has been undertaken prior to and since the submission of this planning application. Pre-application discussions were held with local councillors and neighbours during the development of the scheme to seek their views and feedback. Following the submission of the scheme, Cllr Ratcliffe reached out with comments from neighbours to see if tweaks could be made to the scheme. This included additional protective fencing during the construction phase for off-site trees in the gardens of Lowry Way properties, the removal of a first floor balcony on the north elevation and a commitment to providing obscure glazed windows on the end of corridor walls nearest the site boundaries. These changes have been incorporated within the scheme as now presented to the committee. 13 public comments in support of the application have been registered on the Council's application web page, signifying a significant level of local support for the proposal.

Policy CS09 provides support for new development meeting the needs of all sections of society including the needs of elderly people. The scheme will deliver employment opportunities both short-term in the construction and long-term in the form of carers, nurses and other employees within the care home in accordance with CS10. Policy DM17 refers to Parking Provision in New Development and the highways authority has confirmed the parking provision within the scheme is sufficient.

There are no objections to the development from any other statutory consultees.

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development and at 11 c) confirms that for decision-taking this means approving development proposals that accord with an up-to-date development plan without delay. The application scheme accords fully with the development plan and we respectfully request the application is approved in line with your officer's recommendation."

PLANNING HISTORY

Application site:

20/00202/O: Application Refused: 09/04/20 - Outline application for residential dwelling behind existing property – Croylands 157 Bexwell Road (Delegated decision)

17/00660/F: Application Permitted: 02/06/17 - Two storey and single storey extensions to main house and single storey rear extension to the annexe - 159 and 159A Bexwell Road (Delegated decision)

05/02436/F: Application Permitted: 16/01/06 - Two storey extension to dwelling - 157 Bexwell Road (Delegated decision)

Adjoining land to east:

21/01580/FM: Decision pending: Proposed hybrid for the proposed Bexwell to Bury St Edmunds Pipeline Scheme with full planning consent sought for a proposed 70 kilometre pipeline and associated above ground infrastructure at Gazeley, Isleham and Woodditton; and outline consent for above ground infrastructure at Bexwell, Kentford Ladys Green and Rede with all matters reserved except access - Drain From Bexwell To Bury St Edmunds

19/02216/NMA_1: Application Withdrawn: 07/08/20 - NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 19/02216/F: Erection of Starbucks coffee shop and drive thru (class A3 use) and freestanding McDonald's restaurant with drive-thru (class A3/A5). Includes car parking, landscaping and associated works including the installation of 2 no. customer order displays, goal post height restrictor and child's play frame. Works for enclosure for gas and electricity (Delegated decision)

19/02216/F: Application Permitted: 01/06/20 - Erection of Starbucks coffee shop and drive thru (class A3 use) and freestanding McDonald's restaurant with drive-thru (class A3/A5). Includes car parking, landscaping and associated works including the installation of 2 no. customer order displays, goal post height restrictor and child's play frame. Works for enclosure for gas and electricity - Land At 161 Bexwell Road (Committee decision)

Land opposite application site:

20/01893/FM: Decision pending: Erection of a new Lidl food store (Use Class E) with associated car parking and landscaping

RESPONSE TO CONSULTATION

Town Council: Initial submission: RECOMMEND REFUSAL - Aspects of the proposed design are unacceptable in particular windows and balconies at the rear overlooking a neighbouring property and a built footprint oppressively close to the boundary line. The application currently seeks detailed approval of the design, as well as approval in principle of the development, with only landscaping being subject to a later application for reserved matters.

As it has a flat roof not pitched, it does not blend in with the surrounding streetscape or the mass of properties in Downham Market in the way that other Care Home Buildings and Commercial Properties have done.

It also uses minimal use of local building materials and as a building is out of context with surrounding buildings and the decimation of landscaping in the area will not hide it.

This application would further increase traffic journeys in Bexwell Rd as there are no nearby public transport links and 28 parking spaces for a 72 bed care home are totally inadequate. We are also concerned about the traffic flow and foot entrance in the absence of the road layout changes happening the flow of traffic would be hampered.

Amended scheme: RECOMMEND REFUSAL - the development is disproportionate to the size of site.

Highways Authority: NO OBJECTION subject to conditions relating to on-site parking and turning provision. Off-site highway improvement works and Travel Plan requirement.

Highways Authority – Public Rights of Way Officer: NO OBJECTION on Public Rights of Way grounds as although Wimbotsham Bridleway 14 is in the vicinity, it does not appear to be affected by the proposals.

Housing Development Officer: NO OBJECTION - I note that the proposal is for a Care Home which would come under C2 use class. Therefore, the proposal would not trigger Policy CS09 and there would be no affordable housing contribution required.

As stated within the applicant's correspondence, the Council's Housing Needs Assessment 2020 states that POPPI modelling (<https://www.poppi.org.uk/>) suggests that an additional 836 registered care spaces will be required over the next 20 years.

Stoke Ferry Internal Drainage Board: NO OBJECTION

Environmental Health & Housing – Environmental Quality: NO OBJECTION subject to condition regarding reporting of any unexpected contamination during construction works.

Environmental Health & Housing – CSNN: NO OBJECTION subject to conditions relating to: Construction Management Scheme, lighting, fixed plant and ventilation/extraction, opening hours and deliveries, details of waste bin compound/structure, surfacing of car park, acoustic fencing plus foul & surface water drainage details.

Environment Agency: NO OBJECTION

Norfolk Constabulary: NO OBJECTION – extensive comments relating to seeking Secured by Design accreditation.

Norfolk Fire & Rescue Officer: NO OBJECTION subject to sprinkler system being used.

Natural England: NO COMMENTS – standing advice applies.

West Norfolk Primary Care Trust: No comments received.

Anglian Water: NO OBJECTION

REPRESENTATIONS 8 items of correspondence received raising OBJECTION on the following grounds:

- Visual impact and landscape character – 3 storeys out of character and dominant;
- Loss of two open and spacious plots;
- Residential amenity – overlooking, overbearing and overshadowing, disruption during construction period – noise, odour, air quality, light pollution and visual impact;
- Recently declined planning application – rear of No.157 refused on grounds of cramped form of development contrary to the form and character of the area;
- Traffic safety on Bexwell Road – traffic speed, concentration of Starbuck’s, McDonald’s and proposed Lidl’s store and pedestrian safety; and
- Congestion for residents of Landseer Drive – lack of on-site parking will lead to on-street parking locally.

1 Neutral comment: Request to move bins to eastern side of site.

13 items of correspondence in SUPPORT of the proposed development for the following reasons:

- Good facility for ageing population;
- Currently have to travel to Swaffham to get accommodation of this kind;
- Attractive buffer between standard residential properties and commercial development; and
- Neater gateway approach to the town from the east.

Cllr Josie Ratcliffe: Initially called in the application to be determined at the Planning Committee, but withdrew this request following the submission of amended plans.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS04 - Downham Market

CS08 - Sustainable Development

CS09 - Housing Distribution

CS11 - Transport

CS12 - Environmental Assets

Policy F1.1 - Downham Market Town Centre Area and Retailing

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NATIONAL GUIDANCE

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

PLANNING CONSIDERATIONS

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

- Principle of development
- Appearance and impact on form and character
- Impact upon residential amenity
- Highway implications
- Other material considerations

Principle of development

The application site lies within the Development Area of the Town, as defined on Inset F.1 of the Site Allocations & Development Management Policies Plan (SADMPP) and is therefore suitable for development subject to meeting other Policies contained in the Development Plan.

Policy CS04 & CS09 of the Core Strategy (CS) support residential development. The former states: “The provision of new housing will be carefully balanced with the need to provide additional services and local facilities both to meet the needs of the future population and also to redress present inadequacies within the existing level of services within the town.” The latter states: “Proposals for housing must take appropriate account of need identified in the most up-to-date strategic housing market assessment with particular regard to size, type and tenure of dwellings. (These needs will include appropriate provision for all sectors of the community, for example including the needs of elderly people or people with disabilities).”

It is generally acknowledged that we have an ageing population clearly demonstrated by housing needs survey work conducted by Christie & Co. which shows a shortfall of some 188 bed spaces at April 2021 with a projected increase of some 290 by 2031.

Indeed the Council's Housing Needs Assessment 2020 states that POPPI modelling (<https://www.poppi.org.uk/>) suggests that an additional 836 registered care spaces will be required over the next 20 years. It is therefore clear that there is a need/demand for such a facility in this area.

The current dwellings are believed to be former police houses and have been modified and extended over the passage of time. They have no intrinsic architectural merit and their demolition as part of the re-development of this site is considered to be acceptable.

The principle of developing this site is therefore considered to be consistent with the provisions of the Development Plan and is acceptable.

Appearance and impact on form and character

The Town Council and third party objections have criticised the proposal as being too big for the site and out of character with the building characteristics of this locality. However, the National Design Guide states:

“70. Well-designed tall buildings play a positive urban design role in the built form. They act as landmarks, emphasising important places and making a positive contribution to views and the skyline.

71. Proposals for tall buildings (and other buildings with a significantly larger scale or bulk than their surroundings) require special consideration. This includes their location and siting; relationship to context; impact on local character, views and sight lines; composition - how they meet the ground and the sky; and environmental impacts, such as sunlight, daylight, overshadowing and wind. These need to be resolved satisfactorily in relation to the context and local character.”

The agent opines that a contemporary approach is well suited to care home provision, as it allows for a greater degree of fenestration allowing more light into the building especially communal areas and better views out to the benefit of future residents. It can also incorporate high levels of fabric insulation and air tightness, in line with current thinking, with solar pv panels added to flat roofs (horizontally or 15 degree angled) to reduce energy use and CO2 emissions (in accordance with Policy CS08 of the CS).

The site lies on the eastern edge of the defined Town. As stated above, they are two of three former police houses set in substantial plots with more contemporary 2 storey volume build estate development beyond to the west and north.

To the immediate east planning permission has recently been granted for a Starbucks ‘drive-thru’ and McDonald’s restaurant (ref: 19/02216/F). To the south of the site on the opposite side of Bexwell Road there is a current application (ref: 20/01893/FM) for a Lidl food store which is pending decision.

So the form and character of this locality is evolving and will change in the near future. The commercial buildings are similar in style and materials featuring flat roofs with heights of elements ranging from 3.9 – 5.8m on the Starbucks building and 3 – 5.8m on the McDonald’s building.

It should be noted that the proposed Lidl development has yet to be determined however, the proposed food store is mono-pitched building with 5m eaves rising to 7m at the highest point/front. The facing materials are a mix of sheet metal cladding, timber cladding and slats with metal windows and doors.

As stated above, the proposed new building is a contemporary three storey structure with flat roofs and parapets at differing levels with closed-sided balcony features to certain rooms and terraces off communal lounge/dining rooms, plus a roof garden in the wing closest to, and facing, the road/south. The main 2 storey element is 7 - 7.5m in height with the third storey between 10 – 10.7m high.

Whilst it is accepted that the scale/size of this building is indeed large, its height is not vastly out of proportion when compared with the standard proportions of two storey dwellings at approx. 5m eaves and 8.5m ridges. However, those are pitched roof dwellings, so the bulk combined with the height will be noticeably different. The agent has provided a 3-dimensional rendition of the proposal and indicative street scenes/sections which shows it in context with the adjoining development.

When viewed from the west along Bexwell Road, it would be seen beyond the dense housing at the entrance to Landseer Drive, more open walled frontage but landscaped grounds to No.155 and with a backdrop of a line of Poplar trees to the north.

From the east and south from the A10 it would be seen between established landscaping with the Poplars to the north and visually stepping up from the new commercial buildings in the foreground and glimpses of housing rooflines beyond.

The use of render and buff facing bricks, tile hanging and metal windows is compatible to the palette of materials already used and authorised in this locality. Full details can be secured via condition. Whilst not part of these considerations (both hard and soft landscaping to be a reserved matter), the 3-D rendition shows carrstone walling at the front of the site bringing in more traditional/local materials.

Members will need to consider the views of the Town Council and third parties, who feel that the building is disproportionately large and would be unduly dominant. However, the view of officers is that the proposed care home would be seen in context with the existing residential scale buildings and the more contemporary commercial buildings (two which have permission). It is considered that the care home would create a successful landmark or gateway building on one of the main routes into the Town.

Impact upon residential amenity

The building is proposed to be sited 9m and 29m from the rear boundary (north wing and main part respectively) and 14m from the west side boundary (main part). The nearest dwelling is No.10 Lowry Way to the north which is at its closest point 14.1m away from the corner of the proposed north wing. Nos. 9 & 10 Lowry Way are set at an angle of approx. 40 degrees to the rear boundary and therefore have principal/habitable windows facing over the garden area and not directly towards the rear elevation of the care home.

There are existing semi-mature trees within the garden of No. 157 Bexwell Road and adjacent to No. 10 Lowry Way which afford a degree of screening. Landscaping is a reserved matter for future consideration; however an Arboricultural Impact Assessment accompanies this application and demonstrates that these trees may be retained within the garden area of the care home.

No.155 to the east lies some 22.5m at its closest point to the main part of the proposed building, which is considered to be ample separation.

It will be noted that the initial scheme was amended in response to objections received and input from Cllr Ratcliffe, to remove balconies to the rear elevation of the main structure and obscure glazing added to windows (at first and second floor levels) in the end elevation of the north wing and west elevation of the main part. The obscure glazing is shown on the amended plans and can be secured via condition.

The separation distances involved would not create overlooking, overbearing or overshadowing effects to such a degree as would warrant a refusal on those grounds as raised by third party objectors.

A Construction Management Plan may be secured via condition as suggested by CSNN to protect adjoining residents during the construction phase and a further condition regarding opening hours/delivery times covering the operation of the site thereafter.

External lighting could also be conditioned to ensure no adverse effects upon neighbouring properties.

The layout of the site places the active areas of the development adjacent to the road and away from residences.

With the aforementioned issues being secured via conditions, the proposal is therefore considered to accord with Policy DM15 of the SADMPP.

Highway implications

A new single access is proposed off Bexwell Road to serve the site, with the existing accesses closed up. The applicant proposes the construction of a right-hand turn lane provision to tie in with the current proposal on the nearby Lidl site. The Local Highway Authority have raised no objection to this proposal, however as no decision has been made on the Lidl site and there is no way of knowing or controlling which highway improvement works would come forward first, so conditions have been recommended to ensure full details of the proposed highway improvement works are provided prior to any works above slab level. This allows a comprehensive approach to be established to include consideration of the impact of the turning lanes required for the adjacent development.

The access leads into a parking area in front of the proposed new building with 28 spaces for cars (including 2 no. for people with disabilities), an ambulance, plus an 8-cycle rack. These provisions meet the standards of the LHA and may be secured via condition.

The application is also accompanied by a Transport Assessment (TA) and Travel Plan which have been the subject of assessment by the LHA.

The TA concludes that the site is located with convenient links to public transport. It is considered that these public transport modes linked with the good pedestrian and cycle facilities surrounding the site would offer realistic alternatives to the private car for visitors and staff of the site to travel by.

A Travel Plan framework, which provides the care home with initiatives to encourage staff, both existing and new to travel by non-car modes has also been prepared. Generally, this is considered to be acceptable subject to certain refinements/amendments which may be secured via condition as suggested by the LHA.

Other material considerations

Employment – the application details indicate that a total of 60 jobs would be created by this proposal during its operational phase: 10 Qualified Nursing Staff, 35 Care Assistants, 9 Catering & Household Staff and 3 Administration & Maintenance Staff. These would work in three shift/day with a maximum of 15 staff on site at its busiest period. These are economic benefits associated with the proposal that weigh in favour of the scheme.

Ecology – the application is accompanied by an Ecology Report which indicates that the site was surveyed based around extended Phase 1 survey methodology, as recommended by Natural England, in March 2021. It concludes that there are not considered to be any significant adverse effects on any protected species or statutory or non-statutory sites of nature conservation interest from the development proposals. Natural England raise no comments.

Sprinklers – Norfolk Fire & Rescue Services has recommended the use of a sprinkler system within the care home; however this will be covered by separate legislation under Building Regulations.

Drainage - Foul water is to be disposed of via main sewer. Anglian Water (AW) have confirmed that there is adequate capacity in their system to accommodate this proposal. Surface water was initially sought to be disposed of via deep bore soakaways, but testing has concluded that this is not feasible, so disposal is via AW mains as well. AW have agreed this method.

PROW – Wimbotsham Bridleway 14 runs to the immediate east of the site adjoining the Starbucks drive-thru. It is not affected by this proposal as confirmed by NCC's PROW officer. This is also the route for the proposed new Bexwell to Bury St Edmunds Pipeline Scheme (21/01580/FM) which would have no implications for this proposed development.

Historic refusal – An objector refers to a previous refusal on this site on the grounds of cramped form of development for a dwelling within the grounds of No.157 Bexwell Road (ref: 20/00202/O). That was for a piecemeal development whereas this is for the comprehensive development of both plots. Each application is assessed on its own merits, and this is a wholly different scheme.

Hair/Nail Salon and Café usage – It is considered necessary to restrict the use of these elements to residents and guests/visitors and not be open to members of the general public. This has been agreed by the agent.

Bin storage – Waste/recycling bin storage and amenity issues associated with this facility have caused concerns from CSNN and a third party. The bin store is proposed to the west of the access drive on the layout plans. A request to move the storage towards the eastern side of the frontage has been made, however the agent has advised that there are practical implications relating to manoeuvring of refuse vehicles. Odour and noise could be negated/reduced in impact by using a building to enclose the facility. Had it been a compound this could have been covered by the hard landscaping submission of reserved matters, however given that this may be a building, full details of the store is proposed to be covered via condition.

Acoustic fencing – CSNN request a section of acoustic boundary fencing between the car park area and No.155 Bexwell Road. This will be sorted in conjunction with discharge of condition for the reserved matters submission for hard landscaping.

Crime and Disorder – There are no significant implications with regards to Crime and Disorder issues relating to the proposed development. The Norfolk Constabulary ALO has given extensive guidance on pursuing Secured by Design accreditation.

CONCLUSION

This is an outline application (with only the landscaping reserved for future consideration) for a 72 bed care home which would go some way to meeting a recognised need in the area for such accommodation.

It is acknowledged that the proposed building is of a substantial scale/height and of contemporary style and materials. It would however be seen in context with the existing residential scale buildings to the west and north, and the more contemporary commercial buildings to the east and south (two which have permission and one potentially could come forward). Members will need to consider the design and scale of the building proposed, but officers consider that the care home would create a successful landmark or gateway building on one of the main routes into the Town.

The proposal would not adversely affect the amenities of adjoining residents in respect of light, outlook, privacy or overbearing impact.

The proposal is accompanied by a comprehensive package of reports including a needs assessment, flood risk assessment, arboricultural impact assessment, transport assessment and travel plan, an initial ecology appraisal, an energy report and a desk top contamination survey. These have not raised any fundamental issues to preclude development and there are no objections from technical consultees.

Landscaping, both hard and soft, would be dealt with in any future reserved matters application.

In the overall planning balance, officers consider that the overriding need for the proposed facility in this area, and the economic benefits it brings should be given significant weight in the decision-making process. There are no technical objections and whilst issues of design and scale need to be considered, officers believe they are in any case acceptable, and will lead to the provision of a gateway building into the town.

It is therefore concluded that the proposal accords with the provisions of the NPPF, Paragraphs 70 & 71 of the National Design Guide, Policies CS01, CS02, CS04, CS08, CS09, CS11 & CS12 of the Core strategy and Policies DM1, DM2, DM15 & DM17 of the SADMPP. The application is therefore duly recommended for approval subject to certain conditions stated below.

RECOMMENDATION:

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

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

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

- 2 Condition Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted to the Local Planning Authority in writing and shall be carried out as approved. This shall also accord with the Arboricultural Impact Assessment Revision A dated 11.10.21 and submitted as part of this application.
- 2 Reason To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 Condition Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 Reason To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 4 Condition The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the latest such matter to be approved.
- 4 Reason To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 5 Condition The development hereby permitted shall be carried out in accordance with the following approved plans:
 - PL-002 Revision A
 - PL-003
 - PL-004 Revision A
 - PL-005 Revision A
 - PL-006 Revision A
 - PL-007
 - PL-008 Revision A
 - PL-009 Revision B.
- 5 Reason For the avoidance of doubt and in the interests of proper planning.
- 6 Condition Prior to the commencement of groundworks, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
 - (i) a survey of the extent, scale and nature of contamination.
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,

- archaeological sites and ancient monuments;

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

This must be conducted in accordance with the Environment Agency's Land Contamination Risk Management (LCRM).

- 6 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 7 Condition Prior to the commencement of groundworks, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- 7 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 8 Condition The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of groundworks, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

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

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

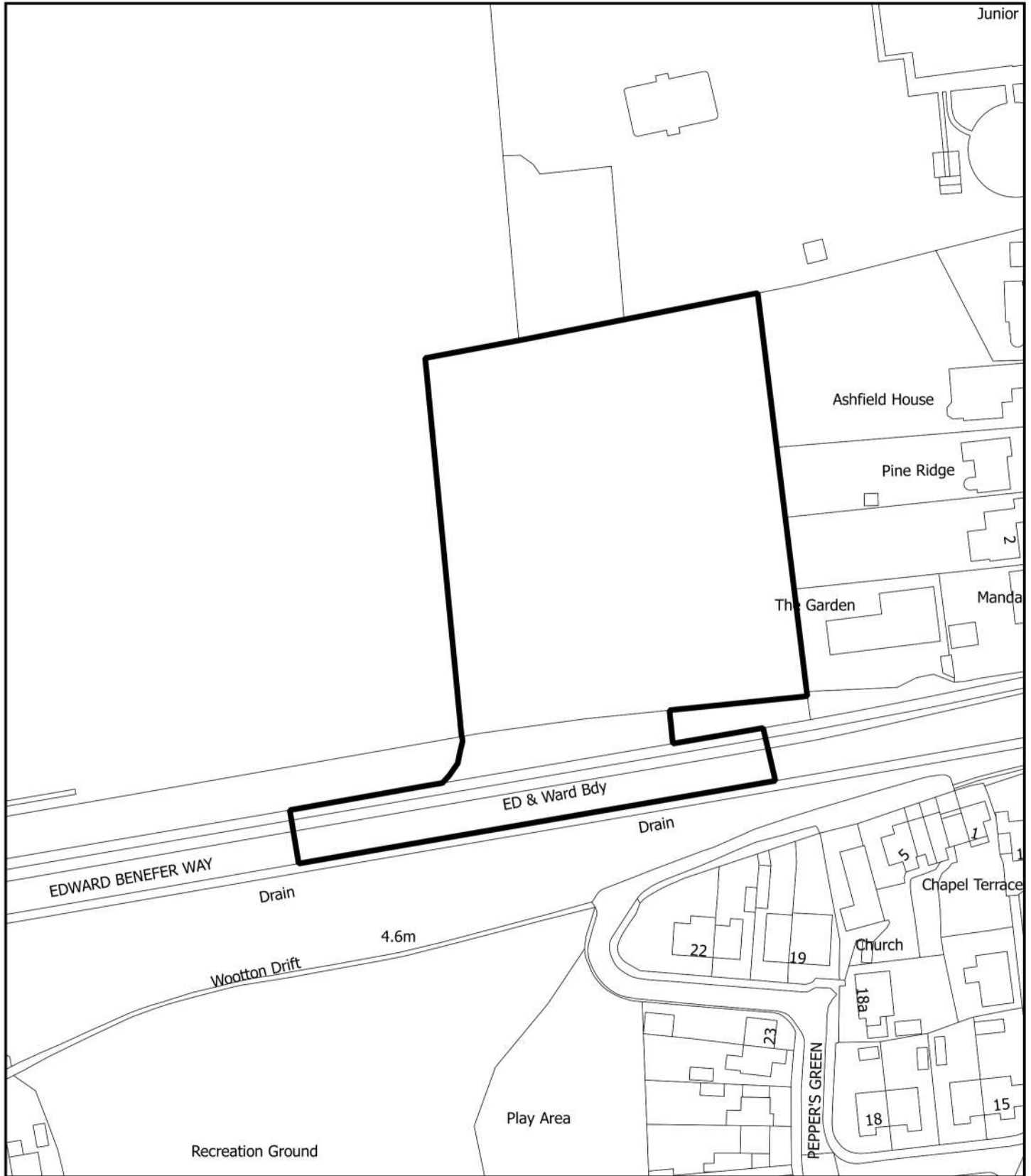
- 9 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 10 Condition Prior to the first occupation of the development hereby permitted the proposed access /on-site car and cycle parking / servicing / turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 10 Reason To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety and to accord with the provisions of the NPPF and Policy DM17 of the SADMPP.
- 11 Condition Notwithstanding the details indicated on the submitted drawings, no works above slab level shall commence on site unless otherwise agreed in writing, until detailed drawings for the off-site highway improvement works (right hand turn lane provision) have been submitted to, and approved in writing by, the Local Planning Authority.
- 11 Reason To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor and accord with Policy CS11 of the Core Strategy (2011).
- 12 Condition Prior to the first occupation/use of the development hereby permitted, the off-site highway improvement works referred to in condition 11 shall be completed to the written satisfaction of the Local Planning Authority.
- 12 Reason To ensure that the highway network is adequate to cater for the development proposed and accords with Policy CS11 of the Core Strategy (2011).
- 13 Condition Upon commencement of construction of the development hereby permitted, an Interim Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority.
- 13 Reason To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment and to accord with the provisions of the NPPF.
- 14 Condition No part of the development hereby permitted shall be occupied prior to implementation of the Interim Travel Plan referred to in condition 13. During the first year of occupation an approved Full Travel Plan based on the Interim Travel Plan referred to in condition 13 shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Full Travel Plan shall be implemented in accordance with the timetable and targets contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority as part of the annual review.

- 14 Reason To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment and to accord with the provisions of the NPPF.
- 15 Condition Prior to commencement of development a detailed construction management scheme must be submitted to and approved by the Local Planning Authority; this must include proposed timescales and hours of the demolition phase, construction phase, deliveries/collections and any piling. The scheme shall also provide the location of any fixed machinery, their sound power levels, the location and layout of the contractor compound, the location of contractor parking, the location and layout of the materials storage area, machinery storage area and waste & recycling storage area, proposed attenuation and mitigation methods to protect residents from noise, dust, vibrations, odour, lighting and litter and communication methods to the wider community regarding the construction phases and likely disruptions. The scheme shall be implemented as approved.
- 15 Reason To ensure that the amenities of neighbouring residents are safeguarded in accordance with the NPPF and Policy DM15 of the SADMPP. This needs to be a pre-commencement condition to ensure that those measures are in place.
- 16 Condition Prior to the installation of any external plant, fixed machinery, mechanical extract or ventilation systems, flues or discharge points for fumes/cooking odours etc, a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority.
- The scheme shall specify the make, model and sound power levels of the proposed unit(s)/plant, the siting of the unit(s)/plant and the distances from the proposed unit(s)/plant to the boundaries with neighbouring dwellings, details of anti-vibration mounts and noise attenuation measures, heights and locations of flues and vents, sound power levels of any fans/motors and odour control measures. The scheme shall be implemented as approved and thereafter maintained as such.
- 16 Reason In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- 17 Condition Prior to the installation of any external lighting a detailed outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lighting, 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 scheme shall be implemented in accordance with the approved scheme and thereafter maintained and retained as agreed.
- 17 Reason In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.
- 18 Condition Prior to first use of the development hereby approved, details of the proposed delivery/collection times for consumables etc, and opening times for visitors, shall be submitted to and approved in writing by the Local Planning Authority. The agreed times should be adhered to thereafter unless otherwise agreed in writing by the Local Planning Authority.
- 18 Reason In the interests of the amenities of the locality in accordance with the principles of the NPPF.

- 19 Condition Prior to the completion of the development hereby approved, details of a secure building to house the waste and recycling bins for the site shall be submitted to and approved by the Local Planning Authority. The bin store shall be built as approved and thereafter used and maintained as such.
- 19 Reason In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- 20 Condition No development shall take place on any external surface of the development hereby permitted until details of the type, colour and texture of all materials to be used for the external surfaces of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 20 Reason To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 21 Condition Before the first occupation of the building hereby permitted, the windows at first and second floor levels in the north and west elevations, as shown on the approved plan Drawing No.PL-009 Revision B, shall be fitted with obscured glazing. The windows shall be permanently retained in that condition thereafter.
- 21 Reason To protect the residential amenities of the occupiers of nearby property and to accord with Policy DM15 of the SADMPP (2016).
- 22 Condition The café and hair/nail salon indicated on the approved plan Drawing No.PL-003, shall be held and used in association with the care home for use by residents and their visitors only and not made available to members of the general public.
- 22 Reason To define the terms of this permission and control the use of the premises, as additional traffic generation could cause issues with regards to parking and highway safety. In accordance with the provisions of the NPPF, Policy CS11 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).

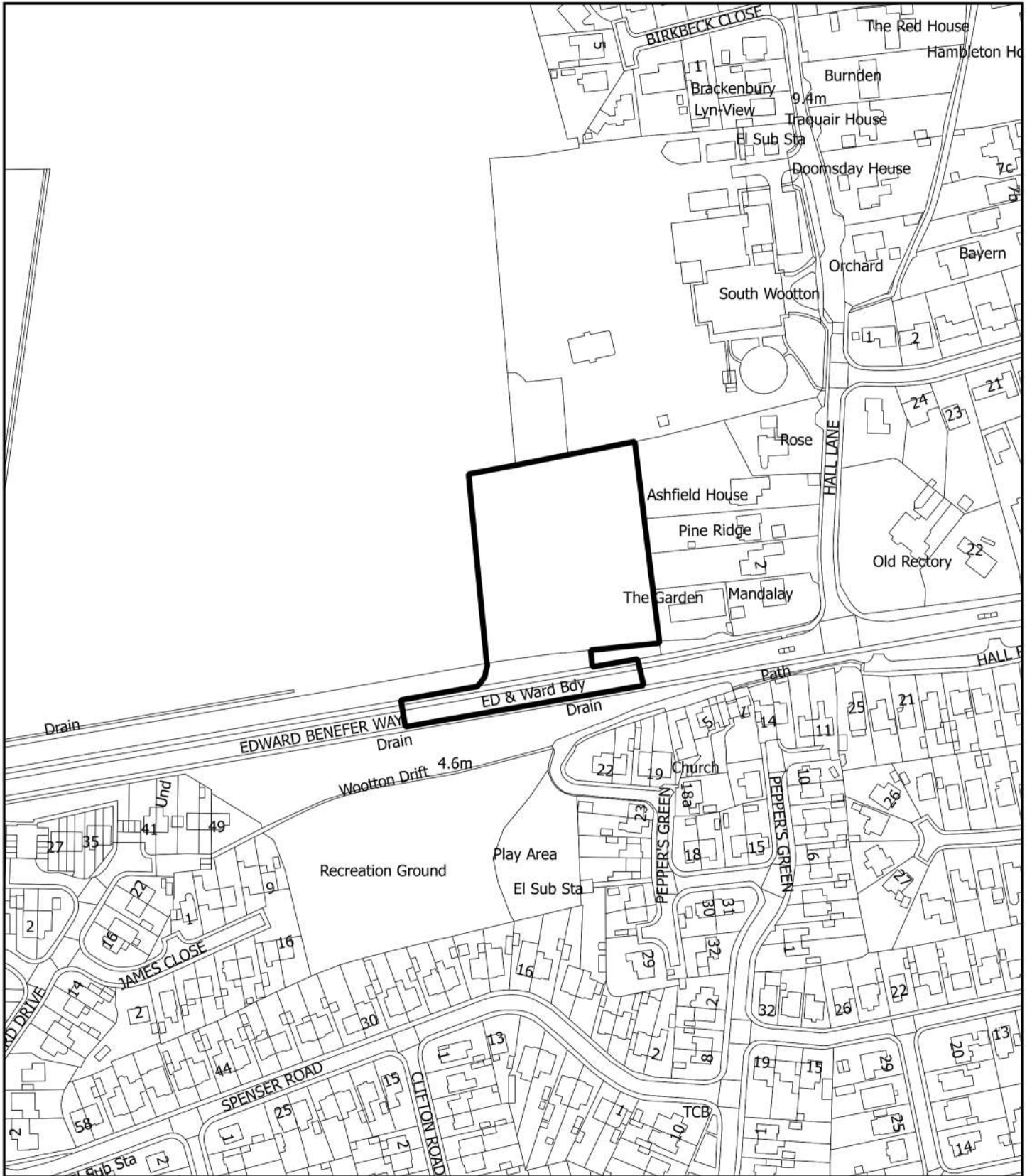
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Land W of The Gardens Edward Benefer Way PE30 3RZ



21/00995/FM

Land W of The Gardens Edward Benefer Way PE30 3RZ



Parish:	South Wootton	
Proposal:	Proposed primary care centre, new access and associated facilities	
Location:	Land W of The Gardens Edward Benefer Way King's Lynn Norfolk	
Applicant:	St James Medical Centre	
Case No:	21/00995/FM (Full Application)	
Case Officer:	Mr C Fry	Date for Determination: 25 August 2021 Extension of Time Expiry Date: 12 November 2021

Reason for Referral to Planning Committee – The application is in the wider public interest

Neighbourhood Plan: Yes

Case Summary

The application is for a 2 storey multi-functional primary care facility on the northern side of Edward Benefer Way approximately 80m to the west of the junction of Hall Lane and Edward Benefer Way.

The primary care facility will replace the current St James Medical Centre practice in town and will also act to support existing people living in South Wootton and Gaywood and has capacity to accommodate the future developments in the northern half of Kings Lynn.

The site is forms part of the site allocation E3.1 designated for housing and associated facilities.

Key Issues

1. Principle of Development
2. Impact upon Visual amenity
3. Impact upon Neighbour Amenity
4. Highway Safety and parking
5. Flood Risk and Drainage
6. Arboricultural Implications
7. Protected Species
8. Other Material Considerations
9. Third Party Correspondence

Recommendation

APPROVE

THE APPLICATION

The site is contained within an area designated as site allocation E3.1. approximately 80m from the junction of Hall lane and Edward Benfer Way on the northern side of Edward Benefer Way. The site is currently grassed containing trees and hedgerows

The application is for a 2 storey Primary Care Facility. The proposed building scales 13.5m (h) x35m (w) x 35m (d). It will be constructed from multi-buff brick and timber panelling detail, synthetic slate and grey aluminium windows.

At ground floor 3 public entrances to the centre gives access to the general surgery, endoscopy services and pharmacy. The building will also have a dedicated staff entrance to the rear.

The ground floor of the building will provide a large reception area waiting room, admin, managerial and pharmacy facilities as well as medical facilities comprising of 3 multi-purposes rooms, 5 treatment rooms, health promotion and phlebotomy interview room. The endoscopy unit will also operate with its own reception, waiting area and patient pods. The first floor of the building will have offices for admin and support staff along with 6 multi-purposes rooms, 6 consulting rooms, 1 training consulting room, 5 virtual consulting rooms, and additional waiting area. The pharmacy will have a dispensary counter located to the main reception area.

In future the building will need to be capable of being extended and this is allowed for to the north of the site and a potential floor in the roof space. Any future changes will of course be assessed through a separate planning application.

The associated car parking provides 99 off-street parking spaces with 6 electric vehicle charging points and cycle & refuge storage provision. Staff parking is provided at the rear of the building.

The site will be enclosed with 2m high mesh fencing on all boundaries.

SUPPORTING CASE

No supporting case has been submitted at the time of writing the report.

PLANNING HISTORY

There is no recent relevant formal site history

RESPONSE TO CONSULTATION

Parish Council: NO OBJECTION revised comments –The Parish Council continues to support the Primary Care Centre application in principle but note and agree with the comments of the Norfolk County Council Principal Engineer regarding access to the site via the Larkfleet Roundabout rather than the T junction as currently proposed. Also, attention should be addressed to the concerns raised by Mrs Pimlott regarding the height of the building, light and noise pollution. All these issues should be properly addressed before Planning Permission is granted.

Original comments. The Parish Council supports the provision of the Primary Care Centre at land west of The Gardens, Edward Benfer Way, however, lack confidence in the current transport system. The current road network cannot cope with the volume of traffic due to the enormity of the housing development within South Wootton and surrounding areas.

Natural England: NO COMMENTS to make on this application

Internal Drainage Board: COMMENTS that no consent is required in regard to the proposed surface water drainage.

Environmental Health CSNN: COMMENTS:

Revised comments considering new plans and information – I agree conditions for the hours of use/opening hours, and an in the event of condition for the installation of any plant and equipment.

Original comments I have no objection to proposal but concerned about the height of the building in relation to the bungalow to the east and to a lesser extent, the gardens I have no objections to this proposal, but am concerned about the sheer height of the building in relation to the bungalow to the east and, to a lesser extent, the rear gardens of dwellings located on Hall Lane. I note that the building is described as two storey, yet the roof itself is a storey high and there are third floor windows shown making it of three storey scale. I have noted section 5.7 of the D&A Statement which states “To ‘future proof’ the development, the location of the building has been carefully considered to allow the expansion of the building by a further 240m² to the north of the site. Additionally, the design of the building would allow for an extension within the roof space to create further internal floorspace.” If you consider that the rear extension is unlikely to be sufficient for future expansion (ideally max. two storey) and you feel a third floor use should be retained within the scheme, I would recommend that provision for this is not included in the eastern half of the building to protect residential amenity, and that the building height is lowered here. Additionally, I am concerned about the central roof section which appears to have an elevated vented extension – what is this for/will there be noise associated with the use?

I have noted the foul and surface water drainage proposals and have no objections, however I also note the numerous aspects of the drainage scheme where clarification or further details are required by the NCC LLFA. I would recommend that their comments be regarded as the most relevant to this aspect of the proposal. I am requesting clarification regarding the gravel soakaway for the plant room, as this is described as needing to handle acidic water – this should not discharge to ground, particularly as there is a Principle Aquifer below the site. Only clean, uncontaminated water can discharge to soakaways.

The 2m high mesh security fence should either be replaced by, or installed in conjunction with, a 2m high acoustic fence along the eastern site boundary to afford protection of residential amenity from noise associated with the use of the refuse store (would this be better located nearer an access point for refuse vehicles, and staff access doors?), the cycle rack, the motor cycle parking bays and car parking bays in this area of the car park. I request that the drawing/s are amended. This aspect was identified in my pre-application comments.

No external lighting has been shown at this stage. Again, as per my pre-app’ comments, providing details on types and mounting locations would have avoided a planning condition.

Given that the path to the east of the building, patient parking, the refuse store and cycle storage area will require lighting, lighting to these areas must ensure that no light spills beyond to residential plots. Consideration should be given as to what lighting, if any, remains on once the premises is closed/unoccupied for site security. Motion activated

lighting would not be suitable where it could impact on residents by flashing on and off overnight.

At the pre-app' stage I recommended a CMP be submitted at any later planning application stage to avoid a planning condition, which would need to identify likely noise levels from machinery and plant required during the development of the site, and how noise from work on site will be mitigated to avoid any detrimental impact on the surrounding sites. It should include proposed hours of work and hours of delivery (limited to 0800-1800 weekdays and 0900-1300 Saturdays only), where the site compound, materials and equipment will be stored, where contractors will park, where and how site waste/recycling will be located and identify measures to ensure that construction site noise, lighting, dust and litter does not impact on residents. It should establish whether construction methods will involve piling and include how this will be carried out in terms of technique (we support auger as opposed to driven) and times, plus how it will be controlled and monitored to ensure there is no detrimental impact on residents to the east or to the school.

No information has been provided re the likely hours of use of the premises (section 19. 'Hours of Opening' of the application form refers). These would be welcomed, so that they can be considered by this team in relation to any likely impact on residents. Ideally we would require these to be agreed and conditioned.

Conditions in regard to lighting, construction environmental management plan

Arboricultural Officer: NO OBEJCTION condition in accordance with the submitted report

NCC Highways: COMMENTS Following further consideration at our internal development team meeting, whilst we maintain our position that the site should be served via the new roundabout, we acknowledged, based on further information submitted, we would be unlikely to substantiate this objection at appeal.

Whilst there are still a number of detailed design points which would need to be resolved this can be addressed as part of the required s278 process should be minded approving the application.

The off-site works will be delivered by a s.278 agreement and the precise delivery mechanism will be determined as the works are brought forward. The completed works will be subject to a safety audit and additional works may be required. Should you be minded to approve the application conditions will be required for a detailed vehicular access arrangement, restriction on bollards and chains, gradient of vehicular access being no greater than 1:12 for the first 15m, visibility splays shall be provided in full accordance with the details indicated on the plans, onsite car and cycle parking, on-site parking for construction workers, Construction traffic management plan, detailed scheme for off-site highway improvement.

Lead Local Flood Authority: NO OBJECITON We previously objected to this proposal in our letter ref FW2021_0645m, dated 9th August 2021 on the basis that insufficient information had been provided in the form of appropriate ground investigations and soakage testing along with testing to establish the seasonally high ground water level. After reviewing the ground investigation along with the evidence to demonstrate what the seasonally high groundwater levels are in this location, I can confirm that sufficient information has now been provide to demonstrate that the surface water can be managed for this proposed development.

Environmental Quality: Air Quality: NO OBJECTION I refer to above consultation dated 28th May 2021 regarding the above development proposal for new primary car centre with

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off-street parking for up to 99 spaces off Edward Benefer Way (A1078). During Construction there is risk of fugitive emissions impacting sensitive receptors including the school (South Wootton School) and dwellings nearby. There is already a recommendation from the CSNN Officer to control dust/noise emissions from the CSNN Officer (dated 16th July 2021) for example with a 2m high acoustic fence being recommended. In accordance with IAQM guidance risk of dust emissions should be risk assessed by a suitable person and measures implemented to reduce to risk to a suitable level. This should include provision of hoarding type fence, daily checks of dust emissions and potential for monitoring.

Once operational, traffic flows have the potential to impact the town centre AQMA, as the former premises was in the town centre (off County Court Road) with catchment within this area. However, due to potential betterment and traffic flows that do not appear as a significant change, rather than a full air quality dispersion modelling, it is recommended that the focus is on mitigation, with adequate travel plan. This is to be conditioned.

It would help if the EV charging points were shown on the plans.

Environmental Quality: Env Quality: NO OBEJCTION The report states the probability of pollutant linkages being realised is unlikely. The proposed end development is not considered to be a sensitive end use: being a primary care centre.

Kings Lynn Civic Society have great concerns about this relocation – which seems to illustrate a complete absence of consideration about sustainable transport planning for a key public facility.

The new location may be more convenient for any St James' patients that live in South Wootton, but we imagine the great majority of existing patients will be town centre and South Lynn residents. The location will make access to the surgery heavily car dependent and very likely to generate a significant increase in local car journeys on already busy roads. We note the Transport Statement says that "a green travel plan has been discussed in outline" but we would think this should have been absolutely central to initial site selection.

Given the BCKWLN are discussing development on several town centre car parks, it is unfortunate that some arrangement could not have been made to provide a suitable town centre location for this new facility – especially as the population of the town centre is itself set to rise considerably and create more demand for primary care support.

If the site proposal proceeds, it will be become essential that a new surgery is provided for South Lynn and villages further south at the earliest possible opportunity as this location at Edward Benefer Way will be extremely problematic for those communities to easily access.

We note the apparent longer term plan for neighbouring care facility, which will also generate traffic. We would ask officers to carefully consider these proposals alongside the Larkfleet masterplan – as we can envisage considerable future traffic problems on Edward Benefer Way.

Police Architectural liaison officer: comments pleased to see that a 2m weld mesh fence is to secure the site together with pedestrian and vehicle security gates. Good defensive planting is designed around the medical centre. External lighting would deter intruders after dark. Possible CCTV installation. Parking to the north and south of the building will benefit from surveillance from the windows contained in the Pharmacy building and the vehicular gated entrance is very much supported. Bicycle and cycle standards could benefit from more surveillance and could be designed to be vandal resistant. Waste storage should be kept inside a secure, externally accessed store. Due to reduced activity at night locks on doors

and windows could be provide and barred and shutters installed. Key code and access fobs could be used.

Environment Agency: comments they wish to have no comment to make on the application. Whilst the site is located above a principal aquifer we do not consider this proposal to be high risk. If the use of deep bore soakaways is proposed then we wish to be reconsulted.

Norfolk Fire and Rescue: NO OBJECTION provided the development meets approved document B

Anglian Water: NO OBEJCTION the Kings Lynn Water Recycling Centre will have available capacity for these flows. Anglian Water have reviewed the method of surface water in the accompanying documents and confirm that these are acceptable to us

REPRESENTATIONS

2 letter received **OBJECTING** to the application on the following grounds from KWLNBUG:-

- Object to both the uncontrolled crossing of National Cycle Route 1 serving this development and the large roundabout serving an adjacent site which appears to obliterate NCR 1
- Neither junction conforms to Local Transport Note 1/20 Cycle Infrastructure Design, so does not comply with the NPPF paragraphs on transport, the Local Transport Plan Policies on Travel Choice and Reducing Road Causalities, or the Borough Core Strategy Policies on Transport.

1 letter in **SUPPORT** from the Clinical Commissioning Group on the following grounds:-

- The Clinic Commissioning Group has worked closely with the practice to support this development and engage with its local population about the proposed move and is working with an engagement group comprising local stakeholders.
- St James practice is the most constrained practice in West Norfolk, in terms of capacity to register new patients. St James medical practice would have to reduce its list size by over 6,000 patients in order to manage effectively within their current facilities.
- It is estimated that with current and future demands from planned housing developments in the area, there could be 5,500 new registrations.
- The proposed new St James primary care building will meet existing and future demand to the north of Kings Lynn and a second proposed new facility for the south of the town, site yet to be determined will meet existing and future demand to the south of the town.
- The St James and “South King’s Lynn” primary care developments will, as part of the wider primary care provision for the town, secure the future resilience of the other existing practices in and around in the town.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS10 - The Economy

CS11 – Transport

CS13 - Community and Culture

CS03 - King's Lynn Area

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM12 - Strategic Road Network

DM1 – Presumption in Favour of Sustainable Development

DM15 – Environment, Design and Amenity

DM21 - Sites in Areas of Flood Risk

DM9 - Community Facilities

Policy E3.1 - Hall Lane, South Wootton

NEIGHBOURHOOD PLAN POLICIES

Policy E2 - Sustainable Drainage

Policy E5 - New Growth Areas

Policy H1 - Growth Areas

Policy H2 - Encouraging High Quality Design

Policy H4 - Local Character

Policy S2 - Community Infrastructure

Policy T1 - Walking and Cycling Facilities

NATIONAL GUIDANCE

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

PLANNING CONSIDERATIONS

The main planning considerations in regards to the application:-

1. Principle of Development
2. Impact upon Visual amenity
3. Impact upon Neighbour Amenity

4. Highway Safety and parking
5. Flood Risk and Drainage
6. Arboricultural Implications
7. Protected Species
8. Other Material Considerations
9. Third Party Correspondence

Principle of Development

The proposed site lies to the south east of the village of South Wootton, which is directly adjacent to Kings Lynn. The site falls within an area identified as a strategic urban expansion area for King's Lynn. Policy E3.1 (Hall Land, South Wootton) of the Site Allocations and Development Management Policies Plan (SADMPP) includes the site within this allocation. Policy E3.1 allocates approximately 40 ha in total for a high quality, well landscaped development of at least 300 dwellings and associated facilities. It also provides a list of requirements for the site which include housing, tree planting and retention, open space, habitat protection measures, a new road network, a layout which facilitates walking and cycling, SUDs, land for the expansion of the school, financial contributions towards infrastructure and most relevant is-

'1.b. A site, or sites, which could be utilised for neighbourhood shops, a doctor's surgery, community facilities and possibly small scale employment premises.'

An outline application has been approved for a 'Sustainable mixed-use urban extension comprising: up to 450 dwellings, a mixed use local centre comprising Class A uses (including retail facilities and public house) and Class D1 (such as creche/day centre/community centre) and B1 uses (such as offices), open space and landscaping, wildlife area, children's play areas, sustainable urban drainage infrastructure, access and link road and associated infrastructure' (Ref: 17/01151/OM) on land to the north and east of this particular site. Subsequently a reserved matter has been submitted for the same area (ref: 20/01954/RMM). The reserved matters application submitted does not include land (to the south east of the allocation) which has been set aside for commercial / community uses, and these uses will be the subject of a separate application.

This site was on land identified as potential land for the school expansion in the SADMPP, however the landowners have since confirmed that this parcel of land is surplus to requirements. So, while it does form part of the wider allocation it was not included in the Masterplan/ applications on the adjoining site. According to the Transport Statement (TS) it is the intention of the applicant to develop a residential care home to the immediate west of the site which would come forward at a later date. That would of course need to be assessed on its own merits as part of a separate application.

In policy terms Chapter 8 of the National Planning Policy Framework (NPPF) seeks to promote healthy and safe communities. This includes the need to plan positively for the provision and use of shared spaces, community facilities and other local services.

The proposal for a medical centre does accord with Core Strategy Policy CS13 (Community and Culture) which states that 'the Borough Council will work with NHS Norfolk to ensure that new health facilities are provided to serve an expanded population, particularly in growth areas in King's Lynn'. Policy CS02 (Settlement Hierarchy) recognises the role of the 'Settlements adjacent to King's Lynn' in terms of the growth proposed and the need to maintain and enhance the provision of services. Policy CS14 discusses the need for infrastructure provision to be provided alongside the proposed new development.

Policy E3.1 includes the provision for community facilities including a doctors surgery. While this site has not come forward as part of the Masterplan for the wider allocation, consideration should be given to the relationship between these sites and the necessary linkages that should be made particularly in terms of vehicular and pedestrian/ cyclist access.

South Wootton Neighbourhood Plan does not specifically address the provision of health facilities within the parish.

The Primary Care Facility will support those existing patients that were at St James Surgery in the town. The Clinical Commissioning group states in their letter in support of the application, that the existing practice is oversubscribed by 6,000 patients in their current facilities. The provision of a Primary Care Facility will also support new growth planned in the wider King's Lynn Area.

Accordingly, subject to other material consideration the principle of a new Primary Care Facility could be supported on this site.

Impact upon Visual Amenity

The design of the building and its scale is not considered to cause any detrimental impact in terms of visual amenity. The building is set well back on the site, at 40m from Edward Benefer way and to visually relieve the mass of continual brick work the design has subservient and setback features and uses timber as a contrasting material. Additionally, it is proposed to retain existing trees to the front of the site.

Little if any views will be afforded of the site and the building when travelling east on Edward Benefer Way. No views of the building will be achieved from Hall Lane by virtue of the built form on Hall Lane and from Birbeck Close to the north of the site, only the roof elevations could be seen over the roof-slopes of the properties in the close.

The two metre high mesh fencing will not be seen, from the public domain and a condition will be imposed that it will be painted in a dark green colour to reduce its impact.

In all it is considered the scale, siting and appearance of the building would not cause any detrimental impact in terms of visual amenity and is a good quality design.

Impact upon Neighbour Amenity

The proposed site shares only an eastern and northern boundary with neighbouring properties. The land to the west is agricultural land.

During the application process the building has been re-sited so that it is 14m away from the eastern boundary.

The neighbours to the east of the site excluding the neighbour "The Garden" are some 50m away from the flank elevation of the practice building. With the building 14m away from the shared boundary and the 50m façade to façade separation, it is considered that the building would not cause detrimental overshadowing or overbearing issues upon these neighbours. There will be consulting room windows at first floor on the eastern side of the building however it is considered that with the separation distances involved there would not be any detrimental impact upon the neighbours in terms of any overlooking issues.

The neighbour to the south east, "The Garden" is the closest property to the building and will also experience cars parking close to its western boundary which consists of 1.8m lap

boarded fencing. The separation distances between the front of the practice building and the rear of this neighbouring property is 26.5m. The distance to the boundary from the corner of the building is 17m at its nearest point. The separation distances involved and the orientation of the building to this neighbour (NW) would not cause any detrimental overshadowing issues and it will not be unduly overbearing. The windows contained in the gable end projection nearest this neighbour serve the end of a communal corridor and therefore notwithstanding that there is only a 17m from the window to the boundary, the window only serves a corridor and not a treatment/consulting room. The first-floor windows contained in the roof-slope are set inside of the forward projection of the doctor's surgery building, thus no outlook into this neighbour's amenity space is achieved.

The northern boundary of the site is shared with the school and the potential school expansion site. The building is separated from the school boundary by 25m and windows at first floor serve the end of a corridor. The only other windows at first floor in the northern elevation of the building serve a meeting room, but outlook from this window will be directly over the expansion land to which no formal application has yet to be submitted. The rooflights in the northern elevation roofslope will part outlook over the existing school playing fields but at 29m from the school playing fields, it is not considered that there is any detrimental overlooking into the school.

The use of the medical centre will be between the hours of

Mon-Sunday 07:30-20:00

with the core hours to be

Monday-Friday of 07:30-18:30 with bookings between 18:30-20:00.

Saturday-Sunday 07:30-18:30

The pharmacy element of the building will be open between Monday to Sunday 07:30 -20:30 hours. The hours of use will be conditioned should approval be granted.

The CSNN team have commented that a 2m high acoustic fence along the eastern site boundary to afford protection of residential amenity from noise associated with the use of the refuse store will be required. A condition to this effect would be imposed on the decision notice. A lighting condition will also need to be imposed to ensure that neighbour's amenity is protected from any lighting of the parking courts.

No Construction Environmental Management Plan has been submitted with the application. Given the scale of the development and its position adjacent to residential properties it is considered reasonable to impose a condition requesting a construction environment management plan, that covers amongst other things;- noise and dust emissions from work on the site, the hours of work, site compound and materials and equipment are stored and where contractors will park.

Highway Safety and parking

The proposed doctor's surgery will be accessed via a new vehicle entrance, a priority junction from/onto Edward Benefer Way. This entrance can be accessed from those travelling east from town and from a new right-hand turn lane from traffic entering the site travelling west.

The access has been designed to accommodate a future care-home application to the west and the primary care facility. However, that will need to be assessed on its own merits through a separate planning application.

Regarding the primary care facility during peak time traffic on Edward Benefer Way (07:00-09:00), there will be 24 vehicles associated with the site and 59 vehicles between 09:00-10:00. At 17:00-18:00 the peak times on the highway network there will be an estimated 19 vehicular trips associated with the primary care centre. As a result of the new housing development on the allocated site E3.1, during these peak times, there will be an estimated total of 1554 (953 travelling west and 601 travelling east) vehicular trips passing the primary care junction between 08:00-09:00 and between 17:00 and 18:00 there are a total of 1542 vehicular trips passing the primary care centre (518 travelling west and 1024 travelling east). The trips associated with the doctors surgery are therefore demonstrated to be less than 1.5% additional vehicle movements in the morning (24/953) and 1.2% (19/1542) in the period of 17:00-18:00

In order to facilitate an access, and right hand turn lane, and to allow for the most free flow of traffic on Edward Benefer way, it is considered that from the stage 1 road safety audit carried out by the Transport Assessors that:-

- the 30mph speed limit needs to be extended by 75m,
- the right hand turn lane needs to incorporate traffic islands to deter motorists from overtaking,
- the ghost island lane, made wide enough to offset for any shunts or collisions and
- for route continuity the shared cycle/footway will have to be provided by dropped kerbs, tactile paving and road signage where the access to the development crosses the cycle/footway.

These works will be conditioned should approval be granted.

In terms of cycle provision, the proposal identifies 21 bicycles and 3 mobility scooters. The maximum cycle parking standards on this site including staff requirement is 44 spaces. The Local Highways Authority have confirmed they have no objection to the proposal providing 21 spaces.

A Travel Plan will also be proposed as part of a package of measures promoting sustainable transport to and from the site. The measures put forward in a Travel Plan will be conditioned should consent be granted.

99 vehicular parking spaces are proposed which meet NCC Highway parking Standards.

Whilst there is a bus stop 400m to the east of the site on the northern side of Low Road, the travel statement considers that new bus stops could be provided 250m east of the proposed access on both the northern and southern sides of Low Road to facilitate patients to travel to the doctors surgery by bus. The need for bus stops and their final position would be secured under the s.278 highways works agreement. The s.278 details are also to be submitted to the Local Planning Authority as part of a discharge of condition application.

The highways department originally objected to the proposal, as Edward Benefer Way is a corridor of movement and on such routes the Council's policy is to resist new access arrangements as it would affect the free flow of traffic and additionally NCC were concerned that the doctors surgery was not being brought forward as part of the overall site allocation E3.1, and accordingly not being served by an arm of the proposed new roundabout. Further comments were raised about the impact the access would have on the footway and cycleway on Edward Benefer Way as well as the taper lengths of the new access and island design.

However, further discussions during the course of the application have resulted in the highways authority removing their objection and whilst they would still prefer access through the new roundabout, they felt that they could not sustain an objection on this point.

The works involved to provide; a right-hand turn lane and the footway/cycleway cross-over the new entrance to the doctors surgery; any speed limit reduction to 30mph on Edward Benefer Way, and any potential new bus stops, can all be covered under a s.278 agreement (of the Highways Act) and through traffic regulation orders to be agreed via the road safety auditing process. The information provided as part of the proposed s.278 offsite highway agreement is also a condition on this permission.

Flood Risk and drainage

The site forms part of the larger allocated site E3.1 and the majority of the site is in Flood Zone 1 consequently the proposal does not require to be sequentially tested. However, because the western part of the new priority junction and the south eastern corner of the carpark are contained in flood zones 2 and 3, the proposal is required to pass the provisions of the exception test in regard to flood risk. In order to meet the provisions of the exception test, the proposal needs to;-

- pass the wider sustainability benefits to the community that outweigh flood risk and
- designed to be safe for its lifetime, consider the vulnerability of its users, without increasing flooding elsewhere and where possible reduce flood risk overall.

By virtue of the building being in flood zone 1 and only a small element of the carpark and access in flood zone 2 and 3 then the community benefit in providing new primary care facilities clearly outweighs any potential flood risk. The building being in flood zone 1 will be safe for its lifetime from flooding, and the surface water drainage of the carparking area is discussed below. The Environment Agency has no objection to the proposal.

The Surface Water drainage strategy has identified that a soakaway system in this area is not viable given the high-water table. Accordingly, the proposed surface water drainage system is to provide attenuation crates beneath the carpark surface, a relief ditch along the northern boundary of the site and connection to an Anglian Water surface water sewer system. The LLFA have accepted that because of the high-water table and ground investigations demonstrating that there is little ability to provide infiltration techniques that the LLFA have now removed their objection to the surface water drainage system as proposed. The Internal Drainage Board has no objection to the proposal. Anglian Water has confirmed that they have no objection if the surface water system is connected to their assets

In terms of foul water drainage, there is proposed to be a foul water drainage pump underneath the carpark at the front of the Doctors Surgery. The Environmental Health CSNN have commented that they have no objection to this arrangement. A condition is therefore imposed that foul water drainage is carried out in accordance with the agreed foul water drainage strategy. It is worth noting that Anglian Water have commented that there is available capacity for these flows.

Arboricultural Implications

To facilitate the access to the site the proposal will result in the removal of 4 trees that are of category B importance. The mature oak tree, subject of Tree Preservation Order 2/TPO/00514 in the north west corner of the site and all other trees on site, will be protected and retained as part of the development. The arboricultural officer has no objection to the proposal subject to conditions.

Protected Species

The application has been supported by a phase 1 ecology report and from the findings of the report further bat emergency re-entry surveys have been undertaken and well as surveys for barn owls and bats.

The Phase 1 protected species survey identified the following

Bats:- The Oak Tree at the northwest corner of the site had the potential to be a bat roost in accordance with best practice guidance and by virtue of being adjacent to long field boundaries there is the potential the site is adjacent to a bat communising route.

Barn Owls – a tree in the north west corner of the site had large cavities that would potentially be suitable for barn owls.

Nesting Birds- the trees and shrubs at the edges of the site, particularly the tree belt that flanks Edward Benfer way could contain nest birds, as well as the mature oak in the North West corner of the site

Hedgehogs – the suitable is suitable for foraging hedgehogs especially the wooded area and hedges that surrounding the site being suitable refuge areas

The phase 1 report concluded that a condition regarding the timing of the clearance of tree and vegetation would mean that there would be no significant ecological impact. Whilst the oak tree of ecological significance is detailed to be retained, there is the potential for disturbance to any wildlife using it. The report concluded that further surveys were required to determine if the oak tree on the site were found to contain bat and/or barn owl roosts. If the Oak tree were to contain bat roosts then an EPS license could be required.

Consequently, Bat emergence/re-entry surveys and a further barn owl survey was carried out in May and July this year. The results of the survey concluded that no bats were recorded as using the tree and the tree was only an occasional roost by barn owls. No further surveys are required and consequentially the report has not stated that an EPS License is required.

In terms of mitigation the report has identified that an alternative barn owl box should be provided and any new lighting on the site would have to be sensitive to wildlife, particular to bats that commute and forage within the area.

In terms of ecological enhancement, at least 4 bat boxes should be incorporated into the new medical centre, fixed to the walls in an area with no external lighting. In addition, bat boxes could be fixed in suitable locations to retained trees on the southern boundary.

Natural England has no objection to the proposal.

Ecology conditions are to be attached.

Other Material Considerations

The Environmental Health Air Quality officer states that the traffic flows have the potential to impact the town centre Air Quality Management Area (AQMA), as the former premises was in the town centre (off County Court Road), with catchment within this area. However, due to potential betterment and traffic flows that do not appear as a significant change, rather than a full quality dispersion modelling, it is recommended that the focus is on mitigation, with a travel plan implemented with provisions for on-going monitoring. Accordingly, a detailed

travel plan condition shall be required that will encourage the use of travel to the site by means other than the car.

Norfolk Fire Service have no objections subject to approved document B – Fire Regulations.

Norfolk Police Architectural Liaison Officer comments are generally supportive of the scheme.

Third party correspondence

Kings Lynn Civic Society have raised comment that most patients live within the town centre and that there will be a need for increased local car journey on busy roads. They note that there are several car parks in the town that have not been made available for this site. The Civic Society also comment that the implications of the doctors surgery site alongside the masterplan for Larkfleet, will need to be considered in terms of traffic flows.

In this response, the Doctors surgery have undertaken a survey and found that their patients are also located in the Woottons and Gaywood. Such patients now have the potential to access the new Primary Care Centre by foot or cycle, although it is accepted others will likely travel by car. The site is on a well used cycle route but also on a bus route, and there are proposals for enhanced bus stops closer to the proposed facility.

The effect of additional traffic and traffic flow along Edward Benefer, as described above, can be adequately mitigated through the s.278 highways agreement and conditions imposed on the decision notice.

A third-party objector has objected to the scheme in regard to proposal not conforming to the cycle infrastructure design requirements. Final access arrangements and detailed design arrangements, and any off-site works are covered by way of relevant conditions and s.278 Highways Act agreements.

CONCLUSION

The principle of the Primary Care Facility coming forward independently of the residential development to the west is acceptable in national policy terms (the NPPF), is in accordance with policy E3.1 of the SADMP, and a brand new facility adding to the health infrastructure of the town is to be supported.-

The scale, siting and appearance of the building and associated infrastructure is considered acceptable, and will not cause any undue visual or neighbour amenity issues. The site can now be served adequately by an appropriate access and parking arrangements, that is secured via way of condition and, and separately through s.278 agreements and traffic regulation orders. Surface water drainage is acceptable to the LLFA and Anglian Water and foul water drainage is acceptable to Environmental Health (CSNN). There are no arboricultural or protected species issues that cannot be addressed by way of condition.

The proposal therefore is considered to be in accordance with Policies CS01,02,03,06,08,10,11,13 of the Local Development Framework Core Strategy and Policy E3.1, DM1,9,12, 15,21 of the Site Allocations and Development Management Policies Plan, and Policies E2,E5,H1,H2,H4,S2 and T1 of the South Wootton Neighbourhood Plan

It is recommended for approval subject to the following conditions.

RECOMMENDATION:

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

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - Location Plan dwg.AL(90)01 Rev A dated 14th December 2020
 - Updated Site Plans with Buildings Relocated dwg. Sk_11_B dated 14th July 2020 received 27th October 2021
 - Proposed Elevations Sheet A - (exc. Western sectional elevation) drawing no.AL(0)11 Rev D dated 14th December 2020 received 22nd October 2021
 - Proposed Elevations Sheet B - drawing no.AL(0) 12 Rev A dated 14th December 2020 received 14th October 2021
 - Proposed Floor Plans - drawing AL (0)10 rev F dated 14th December 2020
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: The mesh fencing as shown on dwg,SK_11 dated 14th December 2020 received 14th October 2021 shall be finished in a dark green colour and retained in such colour thereafter.
- 3 Reason: In the interests of visual amenity in accordance with the principles of the NPPF.
- 4 Condition: Prior to their erection/installation details of the security gate and security barrier as shown on drawing sk11 shall be submitted to approved in writing by the Local Planning Authority. The details shall include their scale, appearance and appearance used. The gates/barriers shall be erected in accordance with the agreed details.
- 4 Reason: In the interests of amenity and for the avoidance of doubt.
- 5 Condition: Prior to the first use of the building hereby approved, details of the cycle and refuse store shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the height, width and depth of the cycle and refuse store including the materials used in their construction. The development shall be carried out in accordance with the agreed details and the cycle and refuse store shall be retained in accordance with the agreed details.
- 5 Reason: For the avoidance of doubt and in the interests of visual amenity.
- 6 Condition: No plant or other mechanical or powered air handling/extraction/ventilation system shall be installed in the building other than that agreed through this planning consent. Prior to the installation of any plant associated with ventilation/extraction/air handling connected with the roof vents/louvres, full details including locations, sound power levels, times of operation and noise mitigation measures shall be submitted to

and approved in writing by the LPA. Installation of any such plant shall then be in accordance with the approved details.

- 6 Reason: In the interests of safeguarding neighbour amenity in accordance with the principles of the NPPF
- 7 Condition: Prior to the installation of any external lighting, a detailed outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of 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 scheme shall be implemented in accordance with the approved scheme and thereafter maintained and retained as agreed
- 7 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.
- 8 Condition: Prior to commencement of development a detailed construction management scheme must be submitted to and approved in writing by the Local Planning Authority; this must include proposed timescales and hours of the construction phase, deliveries/collections and any piling. The scheme shall also provide the location of any fixed machinery, their sound power levels, the location and layout of the contractor compound, the location of contractor parking, the location and layout of the materials storage area, machinery storage area and waste & recycling storage area, proposed attenuation and mitigation methods to protect residents from noise, lighting, dust and litter and communication methods to the local residents/school regarding the construction phases and likely disruptions. Risk from dust emissions shall be risk assessed with controls implemented in accordance with IAQM guidance (2018). Where construction methods will involve piling, details should be provided on how this will be carried out in terms of technique and times, plus how it will be controlled and monitored to ensure there is no detrimental impact on residents. The scheme shall be implemented as approved.
- 8 Reason: To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.
- 9 Condition: The use of the Primary Care Centre hereby approved shall be used between the hours of 07:30-20:00 Mon to Sunday and the pharmacy between the hours of 07:30 -20:30 hours Monday to Sunday.
- 9 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.
- 10 Condition: Prior to the first use of the building hereby, full details of a 2m high acoustic fence to be erected along the eastern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the siting, the amount of fencing provided, and the materials used in its construction. The development shall be carried out in the accordance with the approved details and retained thereafter as such.
- 10 Reason: In order to protect neighbours amenity in accordance with the principles of the NPPF.

- 11 Condition: Prior to the first use of the development a detailed travel plan including provisions to measure its implementation and effect, for the operation of the site shall be submitted to and approved in writing by the Local Planning Authority. The details of the plan as agreed shall be fully implemented concurrently with the operation of the development hereby permitted unless otherwise agreed in writing by the Local Planning Authority.
- 11 Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment
- 12 Condition: Prior to the first use or occupation of the development hereby approved, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include finished levels or contours, hard surface materials, refuse or other storage units, street furniture, structures and other minor artefacts. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate.
- 12 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 13 Condition: All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 13 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 14 Condition: The development hereby approved shall be carried out in accordance with the Tree Survey Report, Ref No:A3159, by Encon associates dated 2nd February 2021 received as part of the application.
- 14 Reason: To ensure that the existing trees are properly surveyed and full consideration is made of the need to retain trees in the development of the site in accordance with the NPPF.
- 15 Condition: Prior to the commencement of development hereby approved, a timetable for the following items of ecological mitigation/enhancement shall be submitted to and approved in writing by the local Planning Authority: -
- the provision of 4 bat boxes in accordance with section 5.4.2 of the Ecological Appraisal by Encon associates dated December 2020 and Section 5.4 of the Bat and Barn Owl Survey 2021
 - the provision of a barn owl box in accordance with section 5.4.3 of the Ecological Appraisal by Encon associates dated December 2020 and section 5.3.3 of the Bat and Barn Owl Survey 2021
 - the erection of bird boxes in accordance with section 5.4.4 of the Ecological Appraisal by Encon associates dated December 2020

Such items shall be provided on site in accordance with the agreed timetable and retained thereafter as such.

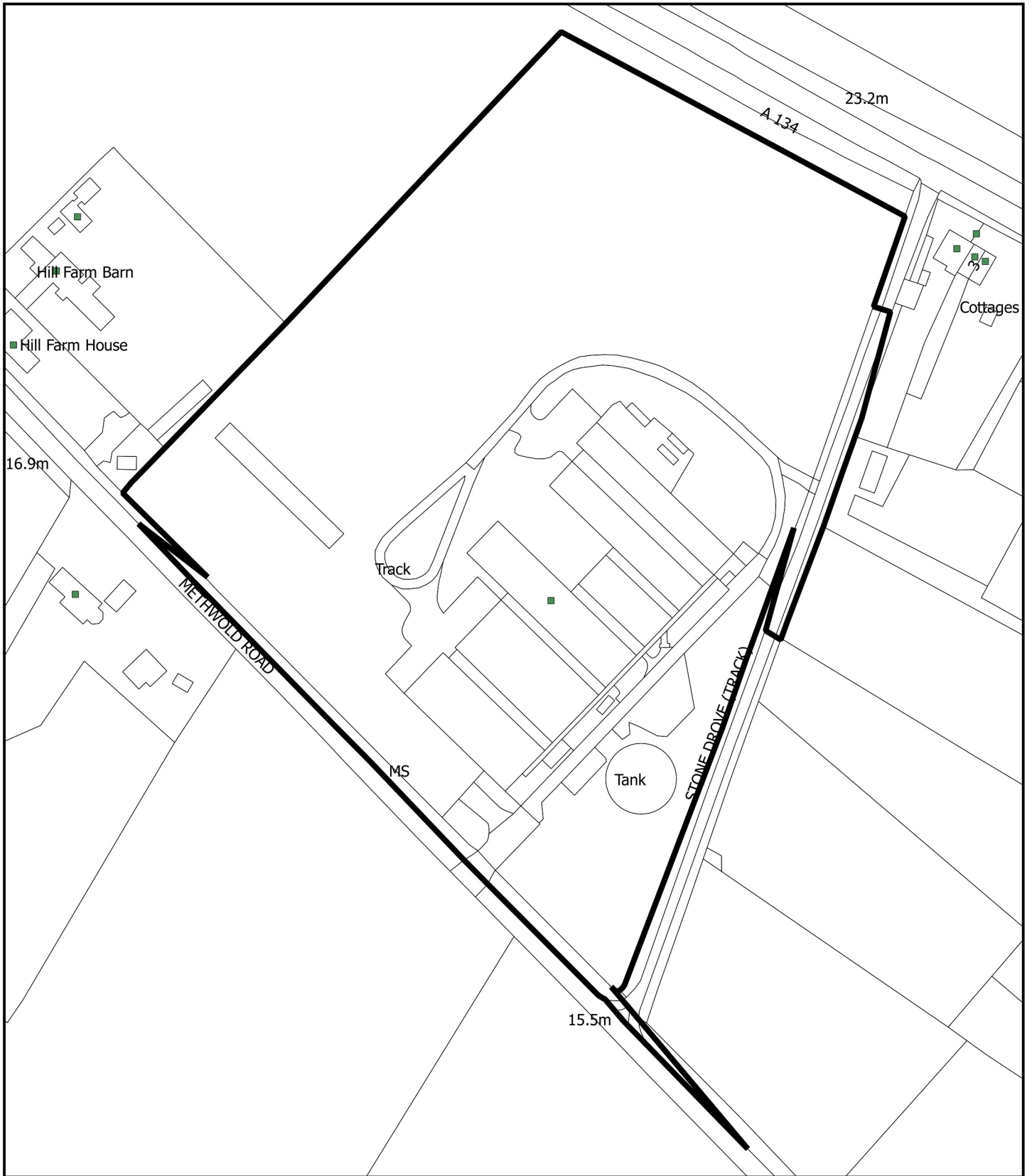
- 15 Reason: In the accordance with the provisions of the Wildlife Countryside Act 1981 and the NPPF
- 16 Condition: Any clearance of tree or vegetation suitable for nesting birds should be cleared outside of the bird breeding/nesting season (between the months 1st March to the 31st August inclusive). Should clearance of any trees or vegetation be required to take place during this period a bird nesting survey shall be submitted to the Local Planning Authority for approval prior to such clearance works taking place.
- 16 Reason: In the accordance with the provisions of the Wildlife Countryside Act 1981 and the NPPF
- 17 Condition: The approved surface water drainage scheme shall be carried out in accordance with the foul and storm water drainage strategy ref: - 81973-03 Rev D dated 24th September 2021, drawing no. 101 rev P2 (Drainage Strategy project no.81973). The approved scheme shall be implemented prior to the first occupation/use of the development.
- 17 Reason: In order to prevent flooding in accordance with the National Planning Policy Framework paragraph 167,169 and 174 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface wat from the site from the site in a range of rainfall events and ensuring the SUDS proposed operates as designed for the lifetime of the development.
- 18 Condition: The development hereby approved shall be carried out in accordance with the Foul and Surface Water Drainage Strategy 81973-03 Rev E dated 25th October 2021. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.
- 18 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF.
- 19 Condition: Notwithstanding details received on plan SK11_B, Prior to the first use of the development hereby permitted the vehicular access shall be constructed in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority in accordance with the highways specification (for the first 10 metres into the site) and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.
- 19 Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety
- 20 Condition: Any access gates/bollard/chain/other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 15 metres from the near channel edge of the adjacent carriageway. Any sidewalls/fences/hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the outside gateposts to the front boundary of the site.
- 20 Reason: In the interests of highway safety enabling vehicles to safely draw off the highway before the gates/obstruction is opened.

- 21 Condition: The gradient of the vehicular access shall not exceed 1:12 for the first 15 metres into the site as measured from the near channel edge of the adjacent carriageway.
- 21 Reason: In the interests of the safety of persons using the access and users of the highway
- 22 Condition: Prior to the first use of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan 81973- 022 REV P1, contained within the Transport Statement ref:81973-04 Rev B dated 28th April 2021 . The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway
- 22 Reason: In the interests of highway safety in accordance with the principles of the NPPF
- 23 Condition: Prior to the first use of the development hereby permitted the proposed access/on-site car and cycle parking/servicing/loading/unloading/turning/waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 23 Reason: To ensure the permanent availability of parking/manoeuvring areas, in the interests of satisfactory development and highway safety
- 24 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. 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.
- 24 Reason: In the interests of maintain 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.
- 25 Condition: Notwithstanding details indicated on the submitted drawings no works above slab level shall commence on site unless otherwise agreed in writing until detailed drawings for the off-site highway improvement works (including the provision of a right hand turn lane) as indicated on drawing no. 031 Rev P1) have been submitted to and approved in writing by the Local Planning Authority. Prior to the first use of the development hereby permitted the off-site highway improvement works (including Public Rights of Way Works) referred to in this condition shall be completed to the written satisfaction of the Local Planning Authority.
- 25 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

- 26 Condition: The development hereby approved shall be used for the purposes primary medical centre with associated pharmacy class E(e) only, (as defined within the Town and Country Planning (Use Classes)(Amendment)Order 2020, 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.
- 26 Reason: For the avoidance of doubt.

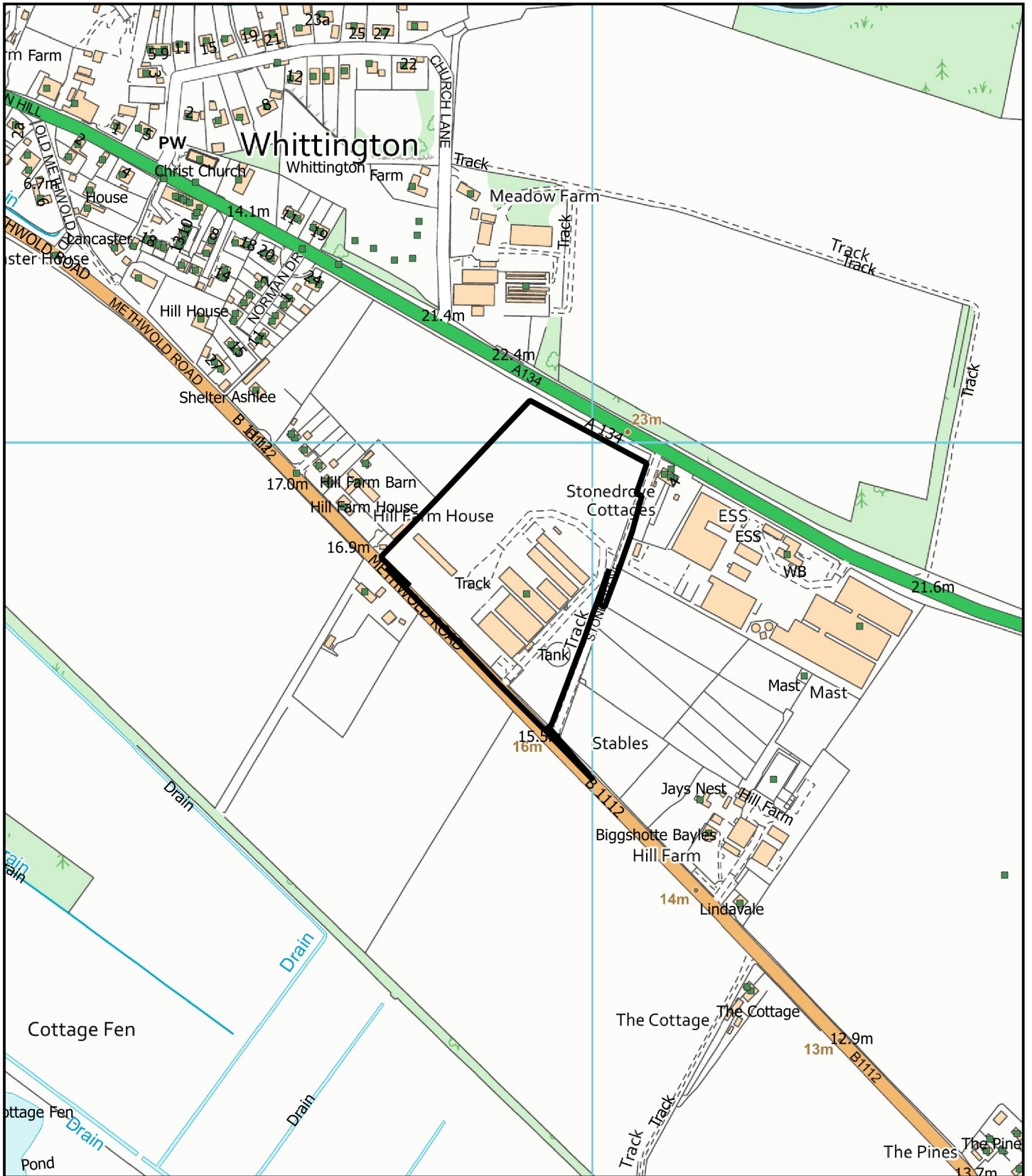
21/00794/FM

The Piggeries 49 Methwold Road Whittington
Northwold PE33 9TH



21/00794/FM

The Piggeries 49 Methwold Road Whittington
Northwold PE33 9TH



AGENDA ITEM NO: 8/2(c)

Parish:	Northwold	
Proposal:	Demolition of existing piggery buildings and construction of industrial buildings to provide additional warehousing/storage of timber based fuel and charcoal products, with associated processing (drying and saw/splitter) buildings, an office/amenity block, weighbridge, staff and visitor car parking, log storage lanes, and associated access, circulation, landscaping and drainage works.	
Location:	The Piggeries 49 Methwold Road Whittington King's Lynn	
Applicant:	Big K Ltd	
Case No:	21/00794/FM (Full Application - Major Development)	
Case Officer:	Mrs C Dorgan	Date for Determination: 29 June 2021 Extension of Time: 12 November 2021

Reason for Referral to Planning Committee – Referred by the Assistant Director.

Neighbourhood Plan: No

Case Summary

The application site is situated between the A134 and the B1112 Methwold Road, to the south of the settlement of Whittington, and is adjacent to the existing Big K Ltd site. The application site extends to approximately 3.95 hectares and comprises a range of 6 large piggery buildings, a pole barn, a slurry pit, and the adjacent fields. Access to the application site is via the B1112 to the south, with no access to the A134. The site is separated from the existing Big K site to the east by Stone Drove, a Restricted Byway (Northwold RB10) which connects the A134 and the B1112.

The application seeks full planning permission for the expansion of the existing operation onto the application site, through the provision of additional timber storage and processing facilities, consolidated office provision and parking facilities.

The site is to the east of the built extent of the village of Whittington, which is categorised as a Smaller Village or Hamlet in the adopted Site Allocations and Development Management Policies Plan (SADMPP). The site is on land designated as countryside.

Key Issues

Principle of Development
Highways / Access
Impact on visual amenities and landscape
Residential amenity
Ecology
Other material considerations

Recommendation

APPROVE

THE APPLICATION

The application site is situated between the A134 and the B1112 Methwold Road, to the south of the settlement of Whittington, and is adjacent to the existing Big K Ltd site. The application site extends to approximately 3.95 hectares and comprises a range of 6 large piggery buildings, a pole barn, a slurry pit, and the adjacent fields. Access to the application site is via the B1112 to the south, with no access to the A134. The site is separated from the existing Big K site to the east by Stone Drove, a Restricted Byway (Northwold RB10) which connects the A134 and the B1112.

Big K supplies fuel products, such as charcoal and logs, to the restaurant and domestic market. The company owns and runs two warehouse and distribution sites in the UK with the other in Tottenham Hale, North London. The current site in Whittington covers approximately 7.5 acres, and consists of warehousing with loading bays, production lines, biomass boiler and office area.

The application seeks full planning permission for the expansion of the existing operation onto the application site, through the provision of additional timber storage and processing facilities, consolidated office provision and parking facilities. A key driver for the expansion is the change in regulations relating to firewood moisture content and as a result the additional capacity required for storing wood. Furthermore, currently wood and charcoal are stored in a number of locations elsewhere but are brought onto site for weighing before being stored, brought back onto site for processing and are then distributed to the customer. As a result the number of vehicle movements would be much reduced. Finally the staff numbers have increased over years and accommodation and parking is not sufficient. The proposal will provide a new office and amenity block, with a large car park adjacent.

In terms of the proposed layout the access will be via the existing access onto the Methwold Road (B1112), which will be upgraded to provide visibility splays of 2.4m x 215m in both directions. A weighbridge will be constructed close to the access, with an office and amenity block and car park occupying the southern corner of the site. To the west of the access, the southern part of the site will be occupied by seven large warehouse buildings, which will be used for storage and drying of wood and charcoal, and three smaller buildings which will comprise a dryer building, housing the kiln which is heated by a biomass boiler, a saw/splitter building and a workshop. The northern part of the site will be used for the construction of eleven log storage lanes, for uncovered storage of raw timber. A new vehicular access will be created on the eastern boundary of the site, to provide a link across the adjacent Byway (Stone Drove) into the existing Big K site. New planting/landscaping belts will be created along the western and southern site boundaries, and part of the eastern boundary. In total, the proposal will create just under 12,000 sqm of new internal floorspace.

The buildings will be constructed from trapezoidal composite wall and roof panels. All units will be coloured Moss Green apart from Unit 1, which will be Anthracite Grey to aid thermal gain and assist in the passive drying process. The warehouse buildings will measure approx. 8m at the eaves and 9m at the ridge. The saw/splitter and dryer buildings will measure 8.3m at the ridge and will be constructed from Moss Green cladding. The cyclone fan enclosure will be the tallest structure on site, measuring 12m in height, and will be enclosed on three sides. The buildings will be surrounded by concrete roads, which will operate as part of a one-way traffic system. The proposed office and amenity block will be two-storey in height, with a

monopitch roof extending to 7.8m at the highest point. It will be constructed from red brick at ground floor, with moss green trapezoidal wall cladding and matching roof cladding. In addition the log lanes will reach approximately 4m in height.

An access gate is to be installed, set 20m from the edge of the highway to increase site security. Sufficient space is provided to allow two vehicles to wait on the access road, preventing queuing on the B1112.

The application proposes an access track/crossing to the east of the site, crossing the existing Public Right of Way (PROW) to connect the extended site with existing premises. This access point will be used by mini tractors and trailers to disperse goods between the two sites. There will be no access between the two sites for HGVs.

55 car parking spaces will be provided for site employees and visitors, adjacent to the proposed office and amenity block. Of these, 2 parking bays will be dedicated accessible spaces and a further 2 parking bays will be dedicated to electric vehicle charging stations. The 43 parking spaces on the existing Big K premises will be retained. A covered bicycle stand will also be provided on site to provide secure storage for up to 10 bicycles.

SUPPORTING CASE

Big K is a family owned business, which has operated from its existing site on Whittington Hill since 1989. It supplies fuel products such as charcoal and logs, to both the restaurant market, and the domestic market, and is proud to be one of very few large-scale firewood producers who cut and process British timber. The business has gradually expanded over the past 30 years, and the site currently has three production lines packing summer, winter and restaurant products, providing 57 permanent jobs across a variety of roles, with up to 10 additional agency staff employed at peak times. As such, it is a long-standing and important employer in the local area.

Big K have acquired the application site, adjacent to their existing operation, in order to consolidate and expand their storage capacity, through the construction of seven new warehouses and the creation of an external log storage area, and provide improved office accommodation and parking facilities for their staff and visitors. At present, wood and charcoal are stored in a number of off-site locations, some of it being brought onto site initially for weighing before it is stored off-site, then brought back onto site for processing, before finally being distributed to the customer. As a result, there are a significant number of vehicle movements associated with each load, which would be eradicated through the consolidation of the storage and processing facilities on this site.

Recent changes to the Regulations relating to firewood moisture content have also resulted in a need for more storage space. All wood sold to domestic customers must now have a moisture content of less than 20%. There are 2 ways of drying wood: one is to cut and then dry the wood in ovens or kilns, the second is to let nature do its work and season the wood both before and after cutting. The second method is the cheapest and the most environmentally friendly. Big K has been seasoning and drying wood in their onsite oven for a number of years and this has been sufficient to produce the volumes required. However, given the changes in legislation, additional capacity for storing wood both prior to and after cutting is required, to minimise the amount of time needed in the oven to achieve the 20% moisture content.

As the existing site has gradually expanded over the years, and staff numbers have increased, the existing office accommodation has become increasingly crowded and cramped. Parking provision on the existing site is also now insufficient for the existing number of staff and visitors. The proposal will provide a new office and amenity block, with a large car park adjacent. The

existing office accommodation and parking on site will be retained, but the proposed development will enable a return to a more comfortable and less crowded working environment.

Technical evidence has been prepared to support the planning application, which confirms that it can be delivered with no significant adverse impacts, subject to suitable mitigation where appropriate. Big K are committed to being a 'good neighbour' and propose to install acoustic barriers in key areas of the site to ensure that there is no adverse impact on neighbouring residents. In addition, extensive planting and landscaping is proposed, including 63 new trees and a wildflower area, to help soften views of the buildings, and enhance the biodiversity value of the site. HGV movements across the combined Big K site will increase by just 4%, and there will be a reduction in traffic movements on the A134.

The application represents a significant investment by Big K, and signifies their commitment to West Norfolk. The principle of the development is supported by Policy CS10 of the Adopted Local Plan, as it comprises employment development required to meet a local business need. In addition, it strongly supports Policy CS01, and the key development priorities of the Borough, which include encouraging economic growth and inward investment. If it is not possible to expand the operation at Whittington Hill, Big K will need to consider relocating, meaning the loss of a number of jobs, or switching to importing timber from Eastern Europe as many of their competitors do, rather than continuing to promote British timber.

PLANNING HISTORY

20/00115/PREAPP: INFORMAL - Approve with amendment: 15/10/20 - PRE-APPLICATION ADVICE (with consultations and meeting): storage of cut timber, erection of weighbridge and formation of byeway crossing and change of use to B2/B8. - Big K Charcoal Merchants

11/00611/F: Application Permitted: Delegated Decision: 19/07/11 - Erection of a slurry store - The Piggeries, Methwold Road

RESPONSE TO CONSULTATION

Parish Council: SUPPORT

Highways Authority: NO OBJECTION subject to conditions

As you will be aware, we have previously provided pre-application advice with regard to similar proposals. At this time, we outlined that it would be unlikely we would object to an application subject to improvements to the access onto the B1112.

Having considered the information submitted, it is noted that the applicant has outlined that the proposals would not result in a significant increase in production on the overall site (which are restricted by the capabilities of the existing buildings and operations of the factory) but allow for an increased 'on site' storage facility. In addition, it is intended to relocate the existing staff / office facilities onto this part of the site.

It is noted that the applicant is intending to significantly improve the existing access onto the B1112 through widening, visibility and surfacing improvements to cater for the development and to cater for the change in traffic profile from the current site access to this one.

The applicant is proposing a haul crossing of the adjacent PROW to provide a link between the two sites. As per our pre-application advice, you will need to consult with our PROW colleagues to seek their views on this arrangement.

As per our earlier discussion, whilst I don't doubt the applicants intent for a modest increase in traffic proposed given the size of the buildings I do believe that it would be sensible to restrict the use of the buildings to that proposed. I would therefore support the inclusion of a suitably worded condition to restrict the use of the buildings (to low traffic generating uses) as outlined.

Based upon the above, I can confirm that I would have no objection to the proposals. Should you be minded to approve the application, I would be grateful for the inclusion of conditions and informative notes relating to access, visibility splays, and the parking/ turning / access areas.

Public Rights of Way (NCC): NO OBJECTION subject to conditions

The Public Right of Way, known as Northwold Restricted Byway 10 is aligned within the red line plan. We note the proposal for a haul road crossing the Public Right of Way and we would request the applicant obtain a Highway Boundary plan so that the position and extent of the highway can be examined in more detail. This will enable us to ensure that the development does not impact on the Public Right of Way. This process can be secured via a condition on the consent.

We note the inclusion of gates across the haul road adjacent to the PROW, we would request that these open inwards (away from the PROW) to ensure that the legal extent of the PROW is not obstructed at any time. Any proposed surface improvements to the PROW must be approved by the Highway Authority prior to the commencement of any works. A Temporary Closure Order may be required if the PROW is to be unavailable for any length of time, again this must be applied for and approved prior to the commencement of any works. The full legal extent of this Restricted Byway must remain open and accessible for the duration of the development and subsequent occupation.

Community Safety and Neighbour Nuisance: NO OBJECTION subject to conditions

Lighting - No objection to the lighting shown on drawing 26215/500 Rev 0, given the acoustic fencing will exceed the lighting height of 1.8m. Please condition compliance with the drawing.

Drainage - Drawing No 26215/805 Rev A (within the FRA only) shows details in relation to the foul water treatment plant and drainage field, and soakaways. These are acceptable. Please condition compliance with the drawing.

Dust - No details have been provided to indicate that dust will be generated from site activities. The internal roads are concrete, with a tarmac parking area. The log lane area will have grassed and concrete roads nearest the boundary with residential dwellings. Type 1 roads will be deeper within the log lane site and ultimately 'shielded' by the stacked logs. All buildings are enclosed or have the capacity to be enclosed.

Noise – Welcome the revised documents submitted and the co-operation of the applicant to commit as good neighbours with regard to noise. Please condition in association with these documents. Please also condition the hours of operation of the completed site (as per agent email) –

06:00 – 18:00 Monday to Friday and occasional Saturdays during busy periods. 07:00 – 15:00 Easter Monday and May Bank Holidays only. No Sunday working is proposed. Subsequent discussions have agreed Saturday working hours of 9am to 3pm.

CMP/Demolition - Please condition a Demolition and Construction Management Plan, to ensure that the site clearance and construction phases do not have a detrimental impact on surrounding residents. We do not usually permit hours outside of Monday to Friday 0800-1800 and Saturdays 0900- 1300.

Anglian Water: NO COMMENTS

Having reviewed the development, there is no connection to the Anglian Water sewers, we therefore have no comments.

Lead Local Flood Authority (NCC): NO COMMENTS

Environment Agency: NO OBJECTION

Surface Water Drainage and Infiltration Sustainable Drainage Systems (SuDS) - Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer. Surface water from roads and impermeable vehicle parking areas shall be discharged via trapped gullies. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

Where soakaways are proposed for the disposal of uncontaminated surface water, percolation tests should be undertaken, and soakaways designed and constructed in accordance with BRE Digest 365 (or CIRIA Report 156), and to the satisfaction of the Local Authority. The maximum acceptable depth for soakaways is 2 metres below existing ground level. Soakaways must not be located in contaminated areas. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals must be submitted.

Arboricultural Officer: NO OBJECTION subject to condition

No objections. Please condition in accordance with the arb report and plans authored by Plandecil.

Environmental Health & Housing – Environmental Quality: NO OBJECTION

Air Quality - The proposed development will contain 55 new vehicular parking spaces for employees and visitors. Two of these spaces will be dedicated to EV charging stations. We welcome this addition as it will facilitate the uptake of low emission vehicles.

A Transport Assessment has been submitted as part of the application, with the projected future traffic movements outlined in Table 5.1.2. It is projected that development will result in a maximum of 56 HGV movements, 24 LGV movements, and 120 car movements per day. This is not deemed a significant change in line with EPUK and IAQM Planning for Air Quality Guidance. Regarding sustainable transport, a covered cycle stand will be provided with space for 10 bicycles. There are also bus stops located along Methwold Road and Whittington Hill.

We therefore have no objections to the proposed development regarding air quality.

There are no comments regarding contaminated land.

Historic Environment Service (NCC): NO COMMENTS

There are no known archaeological implications.

Norfolk Constabulary: NO OBJECTION.

I would encourage the implementation of the security measures & specifications found within Secured by Design (SBD) Commercial 2015 V2, as the principles and products used have a proven track record in defeating known criminal methods of committing crime, details can be found on: www.securedbydesign.com .

Layout, Perimeter Security & Site Access: The warehousing, processing buildings and an office & amenities building along with on-site parking will be positioned on the southern portion of the site, with the log storage to the north. I have no comment with regards the layout and was encouraged to read within the D&A Statement that 'Along the perimeter of the site and for security purposes, a galvanised steel palisade fence (powder coated in green) and lockable access gates will be included to provide a means of securing the site. Access to the site is strictly controlled by the Applicant.' This is very much supported (height of 2.4m–1.8m is recommended for commercial sites).

Landscaping: Consideration is required to maximise opportunities for natural surveillance, therefore it is generally recommended that plant growth above 1m and below 2m be absent to provide a 'window of surveillance' across the site.

Vehicle Parking: Allocation is to the south of the plot and front of the office/amenities block and will benefit from surveillance & movement around these area, unfortunately surveillance from this building's windows are limited – dependant on proposed occupancy of the upper floor communal office. Two-wheeled motor vehicle parking & bicycle parking: A covered cycle stand will be on site to provide secure storage of cycles x 10, this provision would benefit from additional surveillance of occupied units.

Signage: Commercial building reception entrances and car park should be clearly signposted from entrances onto the site, likewise signs that identify areas that are not open to public access act as a reminder that unauthorized persons should be challenged.

Shell of Building: Due to the remoteness of units and/or reduced activity at night and over the weekends on such sites some buildings become prone to criminal attack through walls/roofs, bypassing security doors and shutters. The wall material should therefore be designed to withstand such attacks - where lightweight construction is being considered, a reinforced lining such as welded steel mesh can enhance the security of the building fabric.

- Preventing easy access to roofs should be considered at the design stage of the building. Accessible ledges, parapets, indentations and protrusions may provide means of assisting unlawful entry.
- Details of door and window fittings are not in the scope of the application however the installation of good quality physical security fittings within the building is recommended - please refer to the SBD Commercial guide for standards and certification required.
- Some areas of the units may wish to consider access control to prevent opportunist style offences, with external entry into the building restricted to those using the correct key, key code or other access control media such as a key fob.

External Waste Storage: Waste containers, particularly those with wheels, can be used for climbing and the contents used to start fires (consider using waste containers with lockable lids). They should be kept inside a secure, externally accessed store, or roofed compound located well away from the buildings.

Intruder Alarm System: A suitably designed, fit for purpose, monitored alarm system should be installed if valuables are left in an unoccupied building. Such an alarm should be installed and maintained regularly by an NSI (National Security Inspectorate) or SSAIB (Security Systems and Alarm Inspectors Board) accredited company.

Norfolk Fire and Rescue: NO OBJECTION.

I acknowledge receipt of the above application and I do not propose to raise any objections providing the proposal meets the necessary requirements of the Building Regulations 2010 – Approved Document B (volume 2 – current edition, or as revised) including any requirements in relation to B5 access, facilities and arrangements for emergency service vehicles, as administered by the Building Control Authority.

Natural England: NO COMMENTS.

REPRESENTATIONS: THREE letters of OBJECTION received from neighbouring residents. The issues are summarised below-

- No consideration given to residents.
- The noise from the existing factory units of the sawmill ,reversing horns of fork trucks and drying fans is already a constant annoyance so please consider this as its new position is only 30 meters from housing.
- Would it not be possible for the proposed units to be moved north to nearer the A134 on this site?
- It seems unjust to build a new factory units in a developing residential area when more suitable locations in industrial locations are available.
- Buildings of some size are to be located opposite dwelling. The noise form the site with the sawmill and traffic will be unbearable.
- Site has caused extreme anxiety to residents and the scheme has no place near residential areas.
- Am happy to see a local/well established business flourishing after the last 18 months of very uncertain times and being in a position to consider expanding but I see an access is to be put leading to/from site via b1112 Methwold Rd. The recent speed limit of 40mph is not being adhered to nor is it being monitored or policed, it is not a safe option for the large vehicles to be using to enter/exit the site until something is done about the speed of drivers on this road.

LDF CORE STRATEGY POLICIES

CS12 - Environmental Assets

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS10 - The Economy

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM2 – Development Boundaries

DM12 - Strategic Road Network

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NATIONAL GUIDANCE

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

PLANNING CONSIDERATIONS

The key issues for consideration are as follows, and discussed below-

- Principle of Development
- Highways / Access
- Impact on visual amenities and landscape
- Residential amenity
- Ecology
- Other material considerations

Principle of Development

The National Planning Policy Framework (NPPF) states in paragraph 84 the intention to support a prosperous rural economy; 'planning...decisions should enable: a) sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.'

Paragraph 85 goes on to say 'Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.'

Policy CS06 Rural Areas of the Core Strategy (CS) (2011) outlines the strategy for rural areas is to:

- promote sustainable communities and sustainable patterns of development to ensure strong, diverse, economic activity;
- maintain local character and a high quality environment;
- focus most new development in key rural service centres selected from the Settlement Hierarchy Policy CS02;
- ensure employment, housing (including affordable housing), services and other facilities are provided in close proximity.

In Core Strategy Policy CS10 The Economy the Council supports the rural economy and diversification through a rural exception approach to new development within the countryside; and through a criteria based approach to retaining employment land and premises.

Permission may be granted on land which would not otherwise be appropriate for development for an employment generating use which meets a local business need. Any development must satisfy the following criteria:

- It should be appropriate in size and scale to the local area;
- It should be adjacent to the settlement;
- The proposed development and use will not be detrimental to the local environment or local residents.

The application seeks consent to expand an existing well-established business within the borough, which would enable them to expand their offer and consolidate the storage of wood which currently takes place over a number of sites elsewhere. The site is located approximately 200m east of the main built extent of the settlement of Whittington, which is categorised as a Smaller Village and Hamlet in the adopted Local Plan. As such Whittington does not have a development boundary and so the application site is located on land designated as countryside in the Site Allocations and Development Management Policies Plan (SADMPP) (2016).

The policy framework outlined above supports the principle of the expansion of an existing rural business, and it is accepted that this may need to take place outside of development boundaries beyond existing settlements and in areas not well served by public transport. Policy CS10 allows for employment generating development which is appropriate in size and scale to the locality, and adjacent to the settlement. The scale of the development proposed is substantial given the rural location, and the impacts of this are discussed in detail below, however it would be viewed against the existing Big K site to the east and the established residential development to the west. Also, while not immediately adjacent to a settlement it is within reasonable proximity to. Finally, both the NPPF and Policy CS10 refer to the need for the development to be sensitive to its surroundings, and not detrimental to the local environment or residents. Furthermore, the scheme should not have an unacceptable impact on local roads. Again, these issues are discussed in full below.

In summary, the principle of the development proposed is in line with the NPPF, and Policies CS06 and CS10 of the CS (2011).

Highways / Access

Vehicular access to the site will be retained via the existing access onto Methwold Road (B1112), to the south of the site. A second access track/crossing will be added in the east of the site, connecting the proposed development to the existing premises, crossing the Public Right Of Way (PROW). This second access will be used by mini tractors with trailers as they ferry the goods between the two sites.

It is anticipated that vehicles will mainly be accessing and egressing the wider site from the Methwold Road (B1112), however, a proportion of the existing movements will be maintained to and from the existing premises off Whittington Hill.

The applicant has submitted a Transport Statement which considers the existing traffic movements to the existing site, and how this will change as a result of the development. The significant change will be that the number of movements to the existing site will be drastically

reduced, with the new access on the B1112 used more heavily. In total though it is predicted that there would be no increase in LGV movements; a maximum of 9 additional HGV movements per week (or maximum of 3 per day) and a maximum of an additional 25 cars per week (or 5 per day) which reflects the intention to employ an additional 5 members of staff. After querying why traffic movements will not be reduced as a result of on-site storage, the applicant has confirmed that the expansion of the business will be generating additional traffic to the site. They will bring onto site the raw materials (logs) and transport to off-site storage is being replaced by some movement across Stone Drove between the existing and proposed sites. So, while the business is expanding the increase in traffic associated with this growth is off-set by the fact that the storage will now be on site, rather than elsewhere. Hence the small increase in vehicle movements.

Neighbouring residents have raised concerns about the potential safety of using the existing access onto the B1112, given that the current 40mph speed limit is not adhered to. The applicant will significantly improve the existing access onto the B1112 through widening, visibility and surfacing. The Local Highway Authority (LHA) does not object to the scheme but does request a condition is attached to the planning consent to restrict the use of the application site to that specifically proposed rather than a general employment-generating use which would be likely to generate more traffic. In addition, the LHA requests conditions and informatives are attached relating to the proposed access, visibility splays and the parking/turning/ access areas.

The creation of a new 55 space car park will enable better parking for staff and visitors to the site. Demand has exceeded the existing car parking area, but the applicant intends to also retain this in addition. In addition two EV charging points are proposed in the new car park. In terms of alternative forms of transport for staff; there are bus stops nearby which are provided for the No.40 bus from Thetford/ Brandon to King's Lynn. Also, the development proposes a cycle storage shed/provision for up to 10 cycles.

In summary, in terms of the access proposed and impact on the local highway network, the scheme is in accordance with the NPPF and CS Policies CS08, CS10 and CS11, as well as DM10 of the SADMPP. Removing traffic from the A134 and diverting it onto the B1112 also accords with Policy DM12 of the SADMPP, which seeks to protect the strategic road network across the borough.

Impact on visual amenities and landscape

Paragraph 174 of the NPPF states that decisions should 'recognise the intrinsic character and beauty of the countryside'. Chapter 12 sets out the need to achieve well designed places, with paragraph 130 stating; developments should function well and add to the quality of the area over the lifetime of the development; be visually attractive; and sympathetic to local character including the surrounding built environment and landscape setting.

The National Design Guide reinforces these principles and can be used to consider all the elements of the development proposed; the local context, the landscape, the layout proposed and the form and scale of buildings, their appearance, the materials and any detailing.

In terms of the local context the application site is located between the existing Big K employment site to the east, which consists of a number of large-scale industrial buildings and provides a backdrop to the application site and scheme proposed. To the north and south of the site is predominantly agricultural land but moving towards the northwest is the start of the village of Whittington, established residential development. The strategic road, the A134 is to the north of the site and Methwold Road (B1112) to the south. The gradient of the land falls from the north to south by approximately 5/6m, and also from west to east by approximately

1m. The site currently consists of a number of agricultural buildings the tallest of which is 7m in height and the remaining between 3m and 5m.

The applicant has submitted a Landscape and Visual Assessment as part of the application which draws on the King's Lynn and West Norfolk Landscape Character Assessment, baseline landscape information and topography. In addition, a visual assessment was carried out at seventeen different viewpoints of the site. The Assessment reached the view that the impact on local landscape character would be moderately adverse in the winter, with the impacts in the summer less. These would be expected to decrease over time as proposed planting began to mature. The parts of the site proposed for built development would obviously see a significant change however no significant landscape features would be lost, and the new development would be situated within an area enclosed by existing development and an established landscape structure.

In terms of visual amenity, the cottages at the north-east corner of the site would be most affected. These are 110m from the closest building but adjacent to the log lanes proposed. For the residents of the cottages the impact would be moderately adverse. While the proposed planting will reduce the visual impact from ground level the buildings will be visible at first floor levels and are higher than the existing piggery buildings. Similarly, there will be a moderate adverse impact on visual amenity for the dwellings to the south and southwest of the site. While there is existing screening in place, and additional proposed the development would be visible from these dwellings over the existing hedgerows. In terms of residents further west, and road users, the visual impacts are considered minor adverse because of the relationship and views of the existing Big K site adjacent. Impacts on Public Rights of Way users is said to be minor.

In terms of the effects of the development on the 17 viewpoints; the majority of potential views are from a south-east to westerly direction from the lower land or from the A134 and Methwold Road. Close views will be managed by the existing and proposed vegetation to provide screening. Plus, for those travelling along these routes the impact is brief and the landscaping mitigation will reduce this further. Views from the south and south-east will be viewed against an established wooded backdrop within an area already developed. While the buildings will be visible the impact is considered minor due to the context and partial screening.

The site layout proposed, the scale and nature of the buildings proposed are largely dictated by the operational requirements of the business. The mitigation proposed to minimise the impact of the development is in the form of the colour of the buildings proposed and the landscape proposals. The industrial large-scale buildings are proposed to be moss green in colour, with only unit 1 (anthracite grey) and the office (red brick and moss green wall and roof panels) differing.

The site currently has existing hedgerows to the north south and east. The southern boundary is relatively dense providing screening while the others are more sparse. A 5m conifer hedge is situated on the western boundary with Hill Farm House and Hill Farm Barn to the west of the site. There are also a number of existing trees around the edge of the site which are all to be protected during construction and retained. Approximately 15m of hedgerow will need to be removed to secure necessary visibility splays at the access.

The applicant has submitted a proposed landscaping scheme and management plan for the development. This proposes a tree belt to be planted along the full length of the western boundary, 5/6m deep and in total approximately 190m long (in addition to the existing conifer hedge). This tree belt will then come along the southern site boundary for 60m in length and will be 7m in depth. Beyond this on the southern boundary is a wildflower meadow planting area. Additional planting will reinforce and fill gaps in the existing hedgerows along the rest of the southern boundary and the northern and eastern boundaries where necessary. The

Arboricultural officer has no objections to the scheme and has requested the consent is conditioned in accordance with the landscape scheme and plan.

In summary, the development proposed is of a significant scale, industrial in nature and within a rural location. There will inevitably be an impact on the landscape and visual amenity in the locality. However, with the proposed mitigation measures in place, and in consideration of the context of the site, it is considered that the visual/ landscape impacts alone do not warrant refusal of the application. On balance it is considered that the scheme goes some way to addressing the NPPF and National Design Guide, accepting the nature of the development proposed, and is therefore in accordance with national policy and the Local Plan (Policies CS08 and CS12 of the CS and DM15 of the SADMP).

Residential amenity

There is a terrace of dwellings to the east of the site, adjacent to the A134, between the site and the existing Big K site. There are also three dwellings to the west of the site, two on the north side of Methwold Road, and one on the south side of Methwold Road. There have been three objections raised to the scheme raising concerns about the impact on neighbouring residents in terms of noise and disturbance from both traffic, onsite movements and the onsite operations/ machinery.

Neighbour representations also object on the grounds of the visual impact of the scheme, and in terms of residential amenity it is important to consider whether the development proposed would be overbearing or would cause overshadowing. As discussed above, the development will impact on the visual amenity of neighbouring residents to differing extents. For those dwellings to the immediate south/ west of the site the development is/ will be largely screened by existing hedging and a proposed tree belt. For Hill Farm House and Hill Farm Barn to the west (at the closest point 39m from the dwelling to the shared boundary) there is an existing 5m conifer hedge and so while the top of the buildings will be visible above this, the existing hedgerow will mean the development will not be considered overbearing. For the dwelling to the south, 28m from the site boundary on the opposite side of Methwold Road, there is some separation because of the road and also the private amenity space of the dwelling faces south. Given the busy road between the dwelling and the site, and the tree belt proposed it is considered that the buildings would not be overbearing. Due to the orientation of the houses, separation distances and existing and proposed planting the buildings will not cause substantial overshadowing to the dwellings or the immediate private amenity space. For the row of cottages to the northeast of the site; these dwellings already overlook the existing Big K site to the south and the east. However, as a result of the development from the first floor they will overlook the log piles (approx. 20m in distance at the closest point). These will be approximately 4m in height and given the nature of these and separation between it is not considered these would be overbearing or cause overshadowing to the neighbouring dwellings. There will be no overlooking or loss of privacy for neighbouring dwellings as a result of the development proposed.

In response to the objections raised and queries from the CSNN officer the applicant has carried out a Noise Impact Assessment for the proposal which has been submitted as part of the application. CSNN has been consulted on the findings of this. The report assessed current noise levels and then considered adverse noise impacts generated by the development, including vehicle movements, at different noise sensitive receptors located primarily by existing neighbouring dwellings. The report concluded that the outdoor operations associated with the site is likely to exceed the existing background level when the log stack along the north-eastern boundary is at a low level and therefore an acoustic barrier is proposed along this site boundary (at 2.5m in height). The potential adverse impact during the night-time is evaluated indoors and likely to comply with the Council criterion, therefore no further mitigation would be necessary. The report states that it is based on robust and worst-case assumptions

and therefore demonstrated that with the installation of the acoustic barrier, the development should not have a significant adverse impact upon neighbouring residents.

In addition to the acoustic barrier required to the north east of the site the applicant also proposes to provide additional acoustic barriers along the southern boundary of the gardens of Stone Drove Cottages within the existing Big K site. Also, in addition it is proposed that a 2.5m acoustic fence is provided for the full length of the warehousing units along the western and southern boundaries so impacts on residents to the north-west and south-west are further minimised. The acoustic barriers are shown on Drawing No 26215/1005 Rev J.

CSNN were consulted on the scheme and have no objections to the development subject to the inclusion of particular conditions relating to the fixed opening hours of the site, drainage arrangements, lighting and acoustic barriers. Furthermore, that a Construction Management Plan is produced to manage neighbour impacts during this phase. The applicant has stated their intention to erect acoustic barriers prior to construction and so a pre-commencement condition is attached to secure this information prior to any works. With the mitigation measures in place it is considered that the development proposed would not have a significantly adverse impact on neighbouring residents, and therefore the scheme is in accordance with Policy CS08 (of the CS) and DM15(of the SADMPP).

Ecology

There are no environmental designations within the site and the site is over 4km to the nearest edge of Breckland SPA and 4km to Foulton Common SSSI. No significant effects on protected sites are envisaged given the separation distance and nature of the proposal. The site lies outside of the buffer zone for the Stone Curlew Special Protection Area and no other Schedule 1 species are likely to breed on the site. Natural England has no objections to the application.

The applicant has submitted a Preliminary Ecological Assessment which identifies that there is potential for reptiles on the site in particular common lizards and also roosting bats are a consideration but only with regard to tree roosts. While there is potential for badgers on site there is no evidence of their presence. The Assessment states additional survey work should be undertaken as detailed in Section 5.1 and does provide recommendations for both the construction phase and for enhancement on the site. The additional surveys required and an updated mitigation and enhancement scheme (following the survey work) are conditioned. However, in line with regulations (Conservation of Habitats and Species Regulations 2017 (as amended) and the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019) there is a duty for the Local Planning Authority to consider whether, if protected species such as badgers are found on the site, an EPS license would be likely to be granted by Natural England. The tests of derogation enables the LPA to exercise their duty in this regard.

LPA consideration of the tests:

1. NE's guidance advises that a public interest can be economic in nature. In this case, the site would expand an existing successful business which contributes to the Council's objectives to support the local economy.
2. No satisfactory alternatives – the site is adjacent to the existing premises and therefore it would not be appropriate to be sited elsewhere for operational reasons. If necessary, mitigation measures could be provided.
3. Population maintenance - it appears to be unlikely that development of this site, subject to mitigation measures specified will affect the conservation status of the protected species. In any case, there is no evidence of badgers on site at the current time and additional survey work will be carried out prior to the commencement of development.

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

Other material considerations

Flood Risk – The site lies within Flood Zone 1 and is therefore not at risk of flooding.

Public Right of Way – Links between the application site and the existing Big K site span the existing Public Right of Way known as Northwold Restricted Byway 10. The PROW officer has requested that the applicant provides a highway boundary plan to clearly identify the position and extent of the highway and will ensure that the development does not impact upon the Public Right of Way. The applicant has liaised with Norfolk County Council on this matter and we have received confirmation by email that they are satisfied for this matter to be dealt with via condition. The wording of the condition is yet to be confirmed and will be provided as late correspondence prior to the Committee meeting.

Crime and Disorder – Norfolk Constabulary (NC) raise a number of points in their consultation response. In terms of the secured by design security measures and specifications, the alarm systems, construction methods, window and door fittings and key fob entry these are outside of the requirements/ detail of the planning application. Similarly, the directional/ authorisation signage recommended within the site is unlikely to warrant planning consent in its own right and is not included within this application. The NC officer supports the inclusion of a site perimeter fence (green steel palisade fence and lockable access gates). The NC officer would welcome additional surveillance of the vehicle and cycle parking areas but given the proximity to the office, the nature of the site and the other security measures in place this is considered acceptable. It is requested by Norfolk Constabulary that landscaping is not between 1m to 2m in height to enable a degree of surveillance across the site. The site is already bordered by existing hedging / planting and it is proposed this is further enhanced across the site. While the point is noted; the nature of the site, the scale of the development proposed and the need to balance the benefits to visual amenity of the landscaping scheme proposed, are also considerations in terms of the proposed scheme. Finally, recommendations are made regarding the secure storage of waste, and the plans submitted do not indicate an external waste storage area within the application site.

CONCLUSION

The application seeks full planning consent for a large expansion of an existing business onto land designated as countryside. In terms of the principle of development, which is in support of an existing rural business, and which will employ 5 additional staff, the scheme proposed is broadly in accordance with the NPPF, Policies CS06 and CS10 of the Core Strategy.

Careful consideration has been given to the impact of the scheme on residential amenity for those neighbouring dwellings, and objections were raised on these grounds. CSNN has requested a number of conditions including restrictions on working hours, lighting, installation of acoustic barriers and a Construction Management Plan to manage this relationship and minimise the detrimental impacts. This impact is not considered so detrimental as to warrant the refusal of the application.

An assessment has also been carried out with regard to the impact of the proposal on visual amenities in this locality and the wider landscape, however the applicant proposes considerable planting and screening and the site will be viewed against the existing neighbouring Big K site. On balance this impact is considered acceptable.

Finally, it should be noted that there are no objections to the scheme from statutory stakeholders and the Parish Council does not object.

Based on the detailed discussion above the recommendation to Members is to approve the scheme subject to the detailed conditions set out below.

RECOMMENDATION:

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

- 1 Condition The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition The development hereby permitted shall be carried out in accordance with the following approved plans Drawing Nos-

26215/600 D Site Access Visibility Splay Plan received 21 Oct 2021
26215/020 A Site Location Plan received 31 Aug 2021
26215/1005 J Site Master Plan received 31 Aug 2021
26215/117 B Floor Plan & Elevations received 26 Apr 2021
26215/010 Hardstanding Details received 26 Apr 2021
26215/050 Proposed Site Elevations received 26 Apr 2021 received 26 Apr 2021
26215/135 Proposed Cyclone Canopy Floor Plan & Elevations received 26 Apr 2021
26215/500 Proposed External Lighting Scheme Plan received 26 Apr 2021
26215/001 A Topographical Study received 26 Apr 2021
26215/100 A Proposed Elevations received 26 Apr 2021
26215/101 A Proposed Elevations 2 received 26 Apr 2021
26215/110 A Unit 1 Proposed Floor Plans received 26 Apr 2021
26215/111 A Unit 2 Proposed Floor Plans received 26 Apr 2021
26215/112 A Unit 3 Proposed Floor Plans received 26 Apr 2021
26215/113 A Unit 4 Proposed Floor Plans received 26 Apr 2021
26215/114 A Unit 5 Proposed Floor Plans received 26 Apr 2021
26215/115 A Unit 6 Proposed Floor Plans received 26 Apr 2021
26215/116 A Unit 7 Proposed Floor Plans received 26 Apr 2021
26215/117 A Proposed Dev Dryer Building Floor Plan & Elevations received 26 Apr 2021
26215/118 A Proposed Dev Saw Building Floor Plan & Elevations received 26 Apr 2021
26215/119 A Proposed Dev Workshop Floor Plan & Elevations received 26 Apr 2021
26215/120 A Unit 1 Proposed Elevations received 26 Apr 2021
26215/121 A Unit 2 Proposed Elevations received 26 Apr 2021
26215/122 A Unit 3 Proposed Elevations received 26 Apr 2021
26215/123 A Unit 4 Proposed Elevations received 26 Apr 2021
26215/124 A Unit 5 Proposed Elevations received 26 Apr 2021
26215/125 A Unit 6 Proposed Elevations received 26 Apr 2021
26215/126 A Unit 7 Proposed Elevations received 26 Apr 2021
26215/130 A Proposed Office & Amenities Block Floor Plans received 26 Apr 2021
26215-131 A Proposed Office & Amenities Block Elevations received 26 Apr 2021
26215-150 A Proposed Log Lanes Typical Elevations received 26 Apr 2021

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

- 3 Condition Any access gates/bollard/chain/other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 20 metres from the near channel edge of the adjacent carriageway.
- 3 Reason In the interests of highway safety enabling vehicles to safely draw off the highway before the gates/obstruction is opened.
- 4 Condition Prior to the commencement of the use hereby permitted the vehicular access indicated for improvement on Drawing No. 26215/1005 Rev J shall be upgraded/widened in accordance with the Norfolk County Council industrial access construction specification for the first 20 metres as measured back from the near channel edge of the adjacent carriageway in accordance with the approved plan/details to be agreed in writing by the Local Planning Authority. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- 4 Reason To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety and traffic movement.
- 5 Condition Prior to the first use of the development hereby permitted visibility splays measuring 215 metres x 2.4 metres shall be provided to each side of the access where it meets the near edge of the adjacent highway carriageway (as measured back from the near edge of the adjacent highway carriageway).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.
- 5 Reason In the interests of highway safety in accordance with the principles of the NPPF.
- 6 Condition Prior to the first occupation/use of the development hereby permitted the proposed access/on-site car and cycle parking/servicing/loading/unloading/turning/waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 6 Reason To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.
- 7 Condition The drainage details shall be constructed in accordance with Drawing No.26215/805 Rev A (within the FRA only) before any part of the development hereby permitted is brought into use.
- 7 Reason To ensure that there is a satisfactory means of drainage in accordance with the NPPF.
- 8 Condition The lighting scheme shall be implemented in accordance with Drawing No. 26215/500 prior to the occupation of the development or any phase of the development to which it relates, and thereafter maintained and retained as agreed.
- 8 Reason In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.
- 9 Condition Prior to commencement of demolition or development a detailed construction management plan must be submitted to and approved by the Local Planning Authority; this must include proposed timescales and hours of the demolition and construction

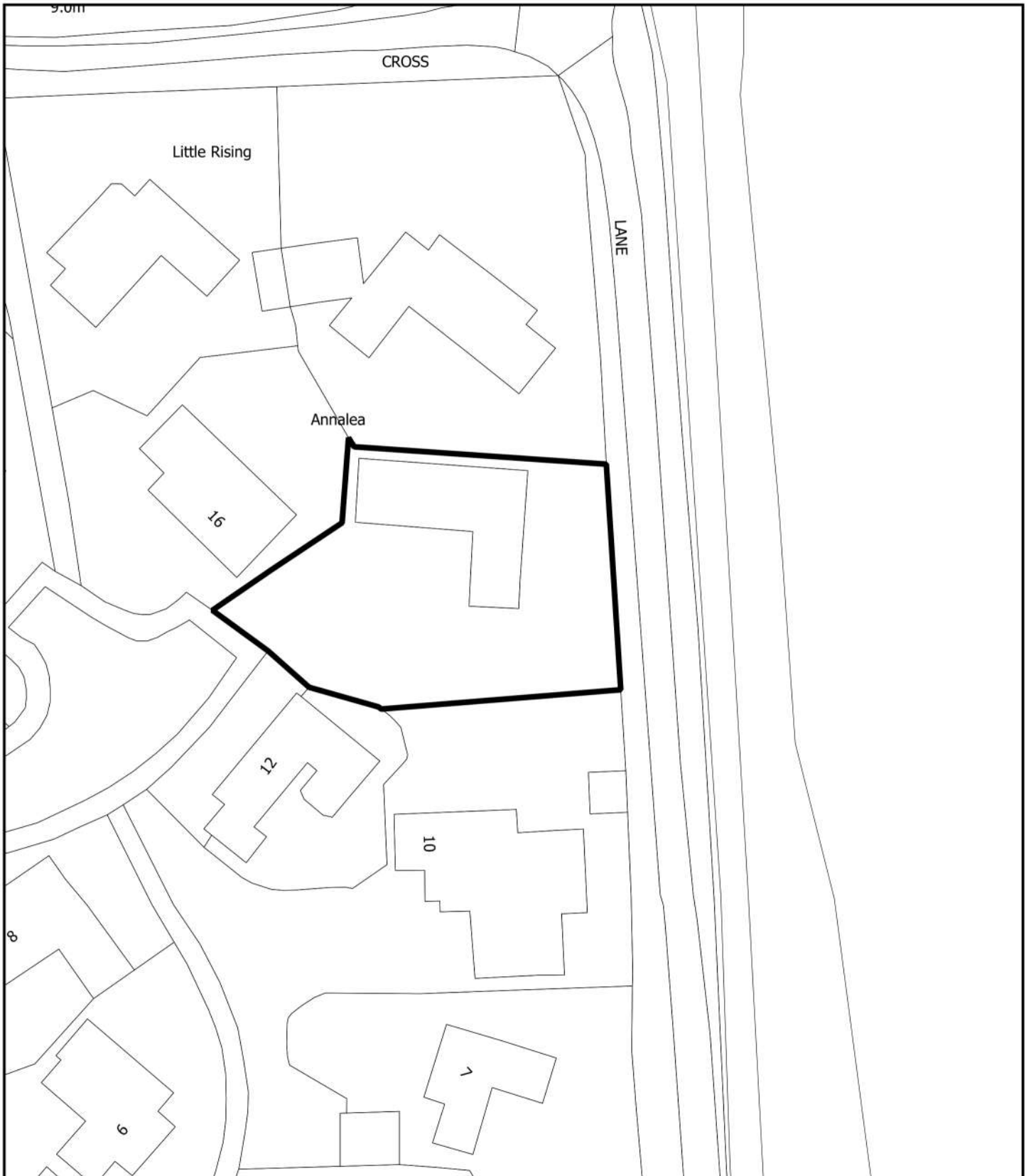
phase, deliveries/collections and any piling. The scheme shall also provide the location of any fixed machinery, their sound power levels, the location and layout of the contractor compound, the location of contractor parking, the location of plant, machinery, waste and materials storage, all proposed attenuation and mitigation methods to protect residents from noise, dust and litter, and the prohibition of any bonfires. The scheme shall be implemented as approved.

- 9 Reason To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.
- 10 Condition Notwithstanding details shown on the approved plans, prior to the commencement of development full details of the acoustic barriers as shown on Drawing No 26215/1005 Rev J shall be submitted and agreed by the Local Planning Authority. The acoustic barriers shall be installed subject to a timetable to be agreed by the Local Planning Authority and shall be retained thereafter in perpetuity.
- 10 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.
- 11 Condition The application site/ premises shall only be used between the following hours 06:00 - 18:00 Monday to Friday, 09:00 - 15:00 Saturdays, and 07:00 - 15:00 Easter Monday and both May Bank Holidays, and at no time on Sundays, Bank or Public Holidays (excluding those specified above) unless otherwise approved in writing by the Local Planning Authority.
- 11 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.
- 12 Condition Prior to the commencement of development the further ecological surveys required as set out in Table 5.1 of the Preliminary Ecological Assessment completed by Small Ecology Limited and dated March 2021 shall be carried out in accordance with the timescales specified unless otherwise agreed by the Local Planning Authority. Prior to the commencement of development the results of the surveys shall be submitted to the Local Planning Authority.
- 12 Reason To ensure ecological impacts are fully assessed in accordance with the NPPF.
- 13 Condition Notwithstanding the mitigation and enhancement measures detailed in the Preliminary Ecological Assessment, full details of the mitigation and enhancement measures proposed (taking into account the survey results required in condition 12) shall be submitted and agreed by the Local Planning Authority prior to the commencement of development. The scheme shall be implemented in accordance with the mitigation and enhancement measures thereafter.
- 13 Reason To ensure necessary ecological enhancement and mitigation measures are delivered, in accordance with the NPPF.
- 14 Condition The development hereby approved shall be built in strict accordance with the Arboricultural Implications Assessment and Tree Protection Plan with Proposed Landscaping Scheme and Management Plan produced by Plandescil dated March 2021.
- 14 Reason To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.

- 15 Condition All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 15 Reason To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 16 Condition The premises shall be used for the processing and storage of charcoal and timber products and no other purpose, including any use within Classes E(g), B2 or B8 of the Town and Country Planning (Use Classes) 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.
- 16 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.
- 17 Public Rights Of Way condition to follow

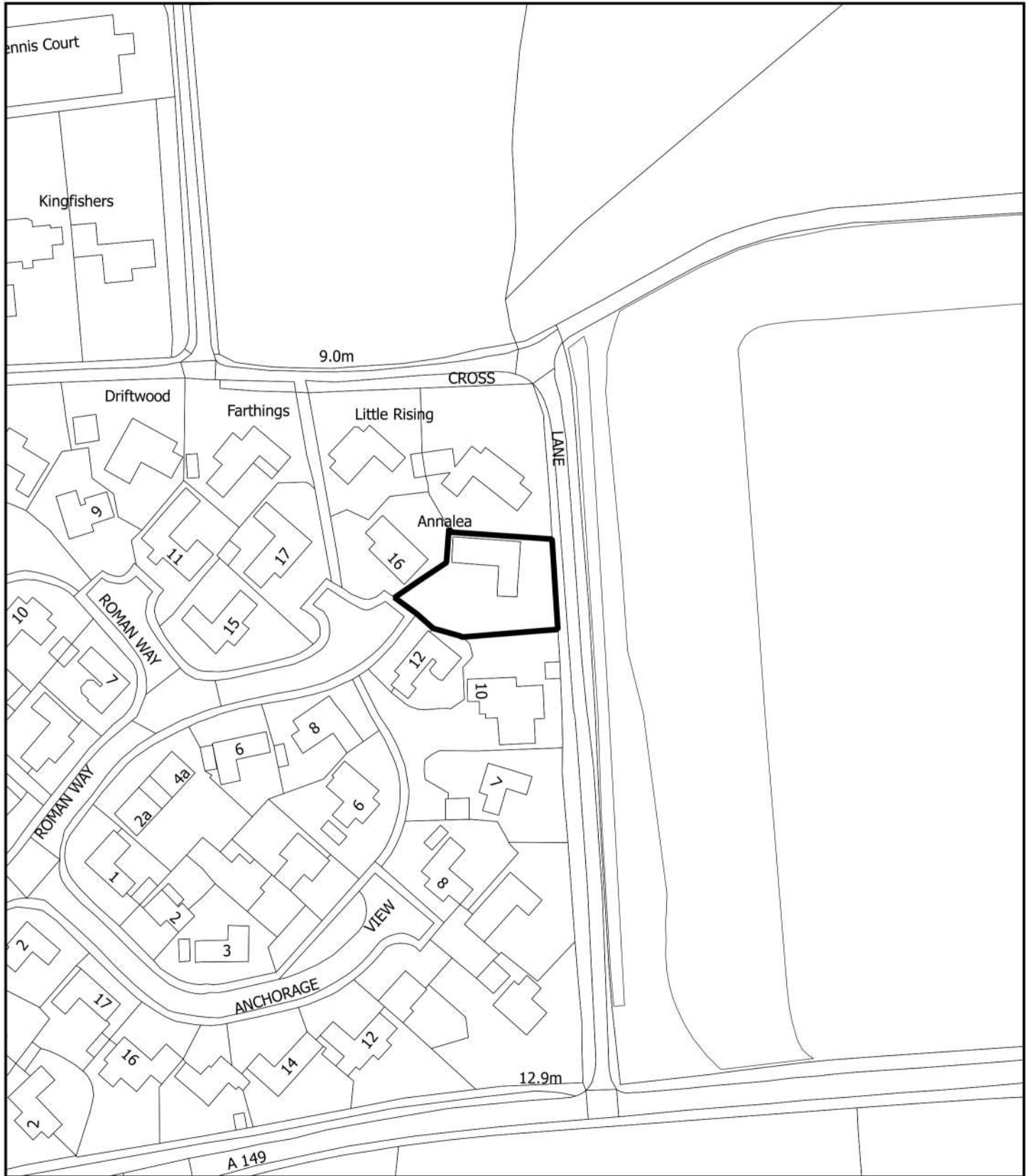
21/00903/F

14 Roman Way PE31 8XA



21/00903/F

14 Roman Way PE31 8XA



Parish:	Brancaster	
Proposal:	Extensions, alterations and re-modelling of dwelling	
Location:	14 Roman Way Brancaster King's Lynn Norfolk	
Applicant:	Mr & Mrs Wingrove	
Case No:	21/00903/F (Full Application)	
Case Officer:	Mrs Jade Calton	Date for Determination: 6 August 2021 Extension of Time Expiry Date: 15 November 2021

Reason for Referral to Planning Committee – Referred by the Assistant Director

Neighbourhood Plan: Yes

Case Summary

The application site comprises a two storey detached dwelling situated on the north-east side of Roman Way, on the Branodunum Estate, Brancaster.

Planning permission is sought for the construction of extensions, alterations and remodelling of the existing dwelling.

Key Issues

- * Character and Appearance;
- * Neighbour Amenities; and
- * Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

The application site comprises a two storey detached dwelling situated on the north-east side of Roman Way, on the Branodunum Estate, Brancaster.

Planning permission is sought for the construction of extensions, alterations and remodelling of the existing dwelling.

Planning Committee
8 November 2021

The proposed development includes a first floor extension to the western (side) elevation over the existing office to provide a bedroom and en-suite; a two storey extension to the southern gable projection, providing an orangery at ground floor and an en-suite at first floor level; a single storey replacement porch extension to the south (front) elevation; and a single storey kitchen / dining room extension to the east elevation.

There will be no overall increase in the number of bedrooms as a result of the works, it will remain a 3-bed property. The alterations include changes to the fenestration on the western (side) elevation of the forward projecting gable and removal of the external chimney stack on the same elevation. The external surfaces of the entire dwelling are proposed to be renovated, replacing the existing red brick with brick and flint infill and timber cladding. The re-modelling is internal and involves the first floor.

The proposed first floor extension will be set slightly lower (approx. 400mm lower) than the existing ridge height of the main dwelling and the eaves will be set at the same height as the existing eaves. It measures approximately 3.4m in width and utilises the existing depth of the single storey element over which it will be built (approx. 5.5m in depth). It is set in from the north (rear) elevation of the main dwelling by approximately 700mm, making it approximately 1.7m away from the northern shared boundary.

There is a first floor window proposed to the northern (rear) elevation serving an en-suite and a bedroom window to the south (front) elevation facing the driveway.

The proposed two storey extension will continue the existing form of the forward projecting gable by approximately 3m in depth. It will have the same width of the existing gable of approximately 4m. It will have bifold doors to all three elevations at ground floor level and a window at first floor level on each of the three elevations, serving the en-suite.

The porch extension is modest in size measuring approximately 7.7 square metres in footprint.

The proposed single storey extension to the eastern elevation will utilise the existing depth of the existing dwelling of approximately 5.6m and will have a width of approximately 3.2m. It is proposed to have a flat roof, 2.9m in height with two roof lanterns.

SUPPORTING CASE

A Design and Access Statement is not required given the nature of the proposed development.

PLANNING HISTORY

No planning history.

RESPONSE TO CONSULTATION

Parish Council:

NO OBJECTION

Highways Authority:

NO OBJECTION

Conservation Team:

NO OBJECTION - This will have no further effects on the adjacent SAM.

Historic Environment Service:

NO COMMENTS RECEIVED

Arboricultural Officer:

NO OBJECTION – condition tree protection fencing.

REPRESENTATIONS

FOUR representations received from local residents **OBJECTING** to the proposal on the following grounds: -

- The existing dwelling was built after the neighbouring dwelling and very close to the boundary;
- Looming presence over house and garden;
- Particularly in winter months when leaves have fallen;
- The first floor extension will further increase the impact on the neighbouring house and garden;
- Will also further block view of the sky and trees;
- Restrict access to light;
- Window will overlook neighbouring property;
- Harmful effect on privacy regardless of frosted glass;
- Loss of amenity;
- Materially affect property value and enjoyment;
- Constitute gross over-development;
- Departure from normal planning considerations aimed at preventing buildings being erected too near adjoining properties and prevention of impact on privacy;
- Neighbour provided a copy of their planning refusal (16/01938/F) for a garage to the south of the site – refused on overbearing impact on neighbouring property (the current application site);
- All trees shown are deciduous and when the leaves have fallen the proposed first floor extension would present a very stark and looming presence;
- If the garage is lifted higher, this will block neighbour’s skyline and natural light;
- Windows will directly overlook neighbouring property

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

NEIGHBOURHOOD PLAN POLICIES

Policy 1 - Appropriate Housing

Policy 2 - Design, Style and Materials

Policy 3 - Footprint for New and Redeveloped Dwellings

Policy 5 - Replacement and Extended Dwellings

Policy 8 - Protection of Heritage Assets and Views

Policy 10: Protection and Enhancement of the Natural Environment and Landscape

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2019

PLANNING CONSIDERATIONS

The key considerations in the determination of this application are as follows: -

- Character and Appearance;
- Neighbour Amenity; and
- Other Material Considerations

Character and Appearance:

Branodunum estate is mixed in character with two storey detached dwellings, semi-detached and bungalows. The neighbouring dwellings directly to the north and south of the application site are two storeys and the dwellings directly to the west and south-west are bungalows.

The existing dwelling is not overly visible from the highway (Roman Way) as it is located at the end of the cul-de-sac and set back from the road with some screening from established trees and hedgerows. It is likely that there will be limited views of the first floor extension and the replacement porch from the cul-de-sac head.

It is considered that the proposed extensions relate adequately to the existing dwelling, in terms of their scale, mass, design and appearance. The use of cladding to the external surfaces at first floor level and to parts of the single storey side extension and porch is acceptable given that there are other examples of timber clad dwellings nearby.

The existing dwelling is constructed from red brick with orange pantiles and white uPVC window frames. It is proposed to renovate the external surfaces of the dwelling using red brick

with flint infill. Whilst flint is not a common material found on the Branodunum estate, it is a local material used in Brancaster generally and will improve the overall appearance of the dwelling.

On the basis of the above, the proposed development complies with Core Strategy Policy CS08, SADMP Policy DM15 and section 12 of the NPPF. It is also considered that the extensions and alterations to the dwelling conform with the Brancaster Neighbourhood Plan (2018 – 2036) Policies 1, 2, and 3.

Given that the proposal involves extensions and alterations to an existing dwelling which is located within a built up residential estate and the property is not overly visible from the public domain, it will have limited impact on the landscape and scenic beauty of the surrounding AONB. As such, the proposal accords with paragraph 176 of the NPPF (2021) and Policy 10 of the Brancaster Neighbourhood Plan (2018 – 2036).

Neighbour Amenities:

The most directly affected neighbouring property as a result of the proposed development is to the north of the application site; Annalea. The dwelling, subject of this application, is located within close proximity of the shared northern boundary. Given that the proposed first floor extension on the west elevation expands the full depth of the ground floor, it too will be close to that boundary, approximately 1.7m away.

However, there is a break between the main dwelling and the first floor extension, with the extension being set in from the northern (rear) elevation by approximately 700mm and will be set 400mm lower than the ridge of the existing dwelling.

There is also an established tree on the neighbouring site located close to the boundary where the first floor extension is proposed. The tree is, at the least, as tall as the house and will not only screen the proposed extension from the neighbouring property but will also currently cast a shadow over part of the garden. Thus the proposed extension will have limited impact on the neighbouring property.

Furthermore, the neighbouring garden will already experience a degree of overshadowing from the existing dwelling (No.14), which is slightly closer to the boundary, slightly taller and much wider than the proposed extension. If any overshadowing does occur from the proposed extension, over and above what the existing tree causes, it will be towards the end of the day and be minimal. This is also relevant to when the tree has lost its leaves as the winter sun will be set lower in the sky meaning that, regardless of the tree, the existing dwelling will cause a degree of overshadowing.

It is therefore considered that on balance, any potential overshadowing as a result of the first floor extension will not be material to warrant refusal of the application.

In terms of overbearing impact, the same logic applies in that the existing tree will screen the proposed extension, and notwithstanding the presence of the tree, the small first floor extension would not cause a material increase over and above what is already experienced from the location of the existing dwelling.

Whilst the extension will be within close proximity of the boundary, the existing dwelling is already in that position and already has that relationship with the neighbouring property. The neighbour's garden, whilst not substantial, it is an adequate size so not to be significantly affected by the proposal.

A small window is proposed at first floor level on the north elevation but this will be screened by the existing tree. That said, the window serves an en-suite and so will be conditioned to be obscurely glazed and non-opening above a certain height, which will therefore prevent any overlooking of the neighbouring garden when the tree is not in leaf.

In regards to other neighbouring residents, there will be no material impact on the amenities of the residents to the west; No.16, due to the separation distance between the proposed extensions and the neighbouring dwelling, and the position of proposed windows.

Likewise, the neighbouring properties to the south; Nos. 10 and 12, will not be materially affected by the proposed development, in terms of overlooking, overshadowing and overbearing due to the separation distance involved, position of windows and screening from existing established boundary treatment.

Of particular note, the first floor window to the south elevation of the proposed extension is high level and will serve an en-suite, therefore is likely to be obscurely glazed and will cause no overlooking. A condition is not necessary to secure this as it is high level which will also prevent overlooking.

On balance, it is considered that the proposal accords with Core Strategy Policy CS08, SADMP Policy DM15, paragraph 130(f) of the NPPF (2021) and Policy 5 of the Brancaster Neighbourhood Plan (2018 – 2036).

Other Material Considerations:

Impact on the adj. SAM:

The nature of the historical site of Brandonum (to the east) is acknowledged. A programme of archaeological work is required in accordance with section 16 of the NPPF (2021).

The programme of archaeological mitigatory work will comprise the monitoring of groundworks for the development under archaeological supervision and control.

The applicant's agent has agreed by email to a pre-commencement condition being imposed.

Impact on Trees:

There are a number of mature trees on site, which the Council's Arboricultural Officer believes will not be directly impacted upon by the proposed extensions. However, it has been recommended to impose a tree protection condition to safeguard the trees during construction.

Crime and Disorder:

Section 17 of the Crime and Disorder Act 1998 requires Local Authorities to consider the implications for crime and disorder in the carrying out of their duties. The application before the Committee will not have a material impact upon crime and disorder.

CONCLUSION:

The principle of an extension at the property is acceptable. However, the impacts of the detailed scheme must be carefully considered.

A site visit took place at the neighbouring property to the north as well as at the application site, and after due consideration, as detailed in the report above, it is concluded that, the

proposed first floor extension would cause no material overshadowing or overbearing impact over and above the existing situation. Also, with suitable use of a condition, there will also be no increase in overlooking to this property.

Furthermore, it is considered that the proposed extensions and alterations will cause no material impact to other neighbouring properties, or to the character and appearance of the area.

In light of local and national planning policy and other material considerations it is recommended that the application is approved subject to the following conditions.

RECOMMENDATION:

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

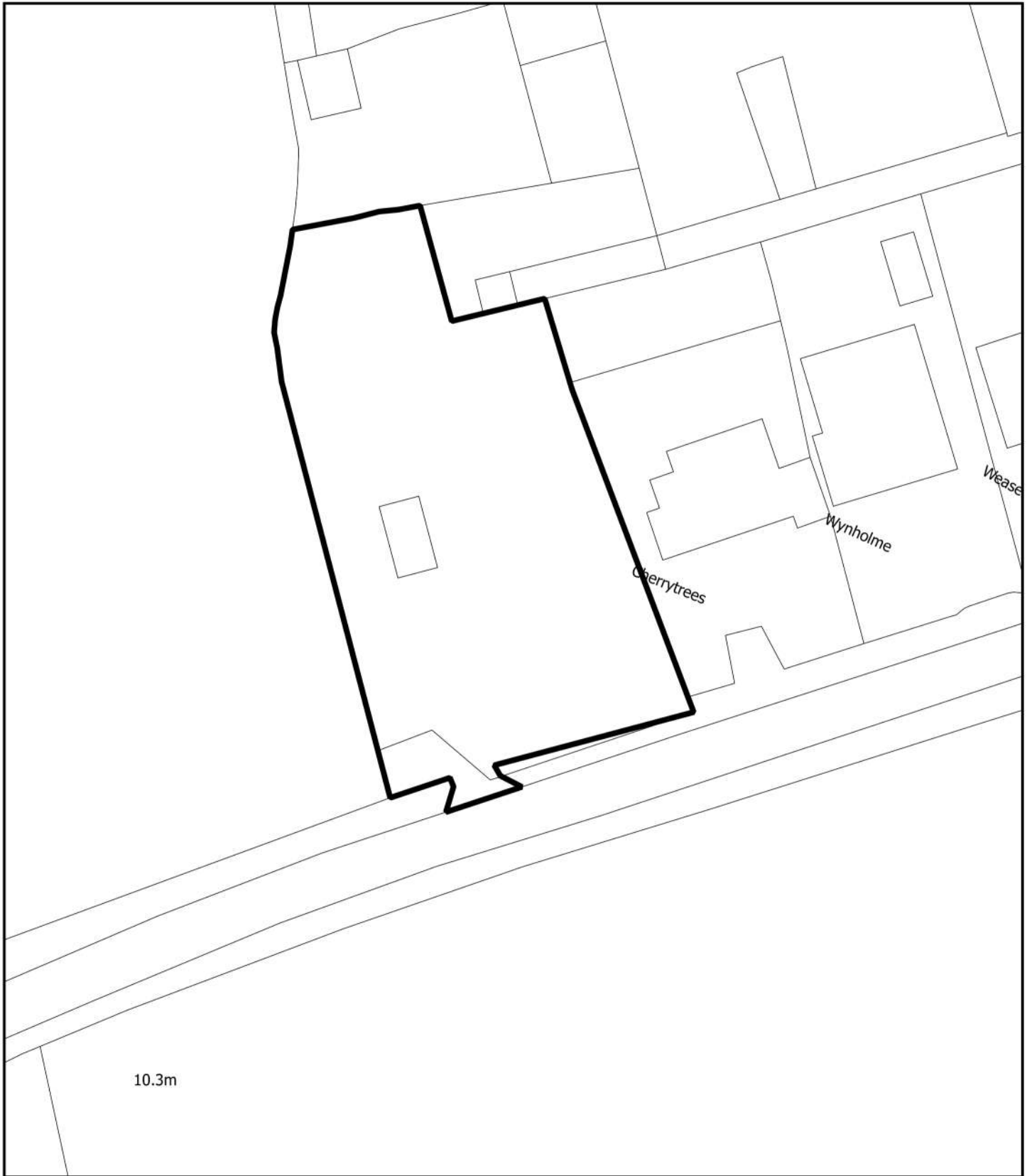
- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out using only the following approved plans; 19167-02 A.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: The first floor en-suite window on the north elevation of the first floor extension hereby approved shall be obscurely glazed and non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and retained thereafter in perpetuity as such.
- 3 Reason: To protect the residential amenities of the occupiers of nearby property, in accordance with the NPPF.
- 4 Condition: No development or other operations shall commence on site until the existing trees and/or hedgerows to be retained have been protected in accordance with BS:5837. The fencing shall be erected for the protection of any retained tree or hedge before any equipment, machinery, or materials are brought on to the site for the purposes of development or other operations.

The fencing shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the British Standard. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.
- 4 Reason: To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF. This needs to be a pre-commencement condition given the potential for damage to protected trees during the construction phase.
- 5 Condition: No development shall take place until a Written Scheme of Investigation for a programme of archaeological works has been submitted to and approved by the local planning authority in writing. The scheme shall include:

1. An assessment of the significance of heritage assets present 2. The programme and methodology of site investigation and recording 3. The programme for post investigation assessment of recovered material 4. Provision to be made for analysis of the site investigation and recording 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation 6. Provision to be made for archive deposition of the analysis and records of the site investigation 7. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- 5 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF. This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.
- 6 Condition: No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 5.
- 6 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 7 Condition: The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 5 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 7 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 8 Condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no new windows/dormer windows (other than those expressly authorised by this permission), shall be allowed without the granting of specific planning permission.
- 8 Reason: In order that the Local Planning Authority may retain control of development which might be detrimental to the amenities of the locality if otherwise allowed by the mentioned Order.

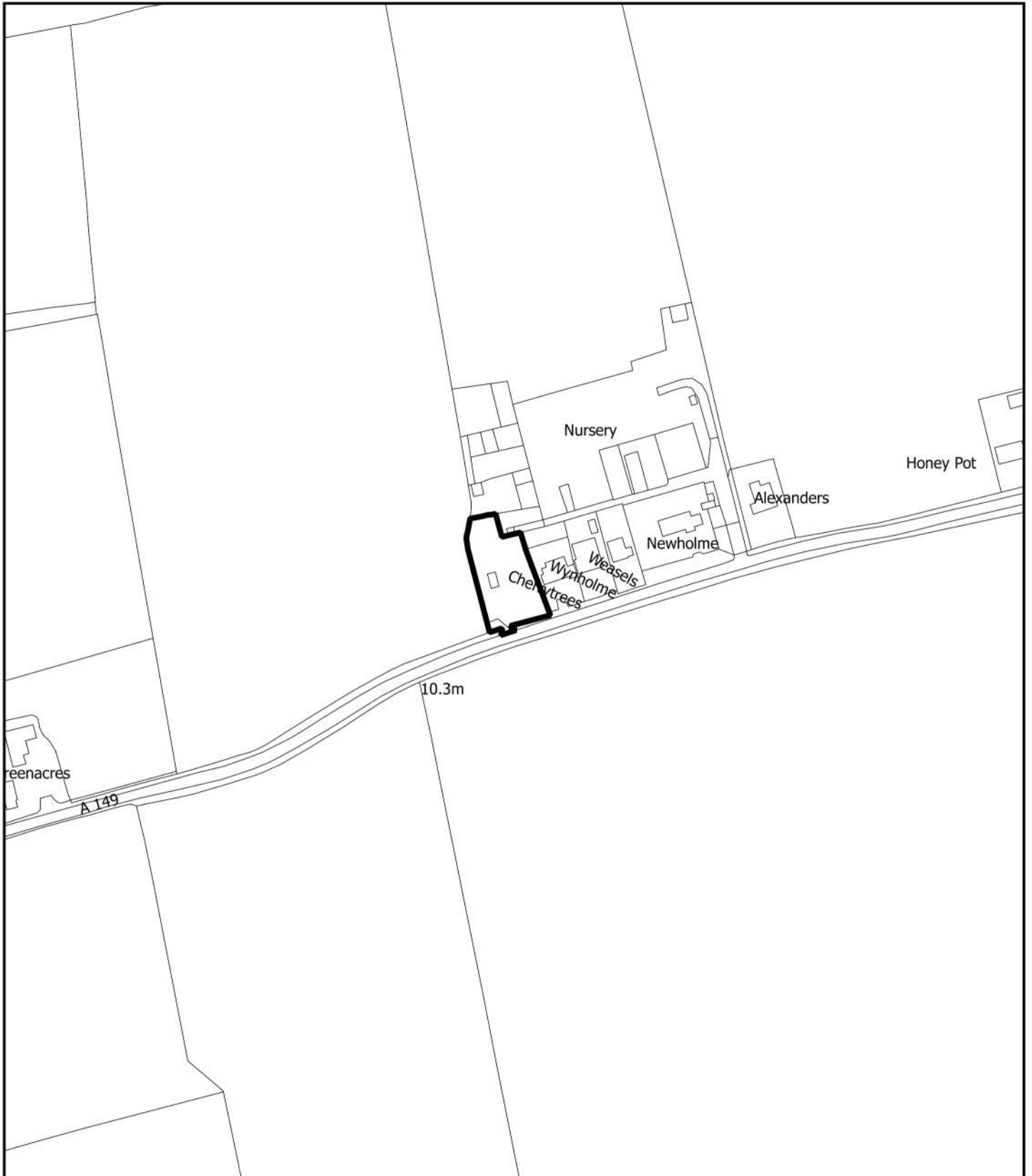
20/00737/F

Builders Yard Thornham Road PE36 6LR



20/00737/F

Builders Yard Thornham Road PE36 6LR



Parish:	Holme next the Sea	
Proposal:	New dwelling following change of use of builders yard	
Location:	Builders Yard Thornham Road Holme next The Sea Norfolk	
Applicant:	Millthorne Developments Ltd	
Case No:	20/00737/F (Full Application)	
Case Officer:	Mrs N Osler	Date for Determination: 2 September 2020 Extension of Time Expiry Date: 12 November 2021

Reason for Referral to Planning Committee – Officer recommendation is contrary to Parish Council recommendation and referred by Sifting Panel

Neighbourhood Plan: Yes

Case Summary

Full planning permission is sought for the erection of a new dwelling following demolition of existing structures on the site associated with the permitted use as a builder's yard.

The site lies within the Norfolk Coast Area of Outstanding Beauty (AONB) adjacent to the main coast road (A149).

Key Issues

- Principle of Development
- Loss of Employment Use
- Impact on AONB and Countryside
- Residential Amenity
- Highway Safety
- Ecology
- Other Material Considerations

Recommendation

A) APPROVE subject to the completion of a legal agreement within 4 months of the date of a resolution to approve the application to ensure the dwelling is used as a principal dwelling only.

B) REFUSE if a legal agreement ensuring the dwelling is used as a principal dwelling only is not secured within 4 months of the date of a resolution to approve the application.

THE APPLICATION

Full planning permission is sought for the erection of a new two-storey dwelling following demolition of existing structures on the site associated with the permitted use as a builder's yard. The site is outside of Holme village but sits at one end of a row of five other houses.

The dwelling would benefit from a linked detached garage and would comprise a utility room, snug and three bedrooms at ground floor and the main living space and master suite at first floor level.

The new dwelling measures 7.4 to ridge and 4.5 to eaves but is set c.1m into the ground. The existing buildings on site are of a lesser mass and are derelict.

Materials are shown to comprise primarily of chalk with red brick detailing and plinth under a red pantile roof. Small areas of vertical timber are also proposed.

The site lies within the AONB adjacent to the main coast road.

Key Issues

Principle of Development
Impact on AONB and Countryside
Residential Amenity
Highway Safety
Other Material Considerations

SUPPORTING CASE

The following statement has been submitted by the applicant / agent:

The proposal has been progressed many times in response to comments made by Planning, the Parish Council and the NCP delivering a traditional style dwelling, at a scale that sits comfortably within the AONB and on this specific site in particular.

The design, layout, scale and materials all work very well in context to the adjacent properties, in the setting of the street scene of this small collective of dwellings outside the main centre of the village, but very much in keeping with local, traditional houses found in Holme and along the Norfolk coast. We show the comparative footprints of the neighbouring properties on the submitted plans.

You will see that the Norfolk Coast Partnership is in support of the proposal and that this application is presented with the Case Officer's recommendation of approval.

The Parish Council have also accepted that the design as presented has made considerable changes to allow the dwelling to sit without negative impact on the AONB.

It should be considered that the existing site is of a builder's yard and adjacent are private residential buildings. Previously planning was granted for a large building to serve the builders yard and with this history would be able to establish such permission again.

The application is brought forward by the Parish Council primarily for one reason - expressed concerns about the suitability of this proposed house for the Principal Homes Market, a policy implemented in their own Neighbourhood Plan.

The concern is that unless a Principal Homeowner has been identified for the proposed house there is a real risk that, if developed, it will not be saleable with this occupancy restriction in place. This would be true of any house developed in the village from now forwards regardless of size or location as it is an open and free market – buyers of all types and sizes of properties make choices that others cannot govern. There is a concern that large houses become second homes – there are many small second homes in every village. What about family sized dwellings, ones that have to be permanent homes? Ones that offer the ability to also work from – which is actually encouraged and acknowledged in the Neighbourhood Plan.

Our understanding of the Neighbourhood Plan policies is that there are zones where certain residential sizes are more appropriate and controlled. This site has less restriction due to the out of village location and the proposal is designed to reflect this.

The submitted design demonstrates very clearly that this is a well-considered proposal, that the dwelling will be an enhancement to the area and that it sits very well within the context of its settings. Finally, acknowledging it is to be a principal dwelling, this house will offer a sustainable family sized, 4-bedroom house offering the ability to work from home, enhancing the vitality of the village in several ways.

PLANNING HISTORY

19/00142/PREAPP: Possibility of Approval: 26/11/19 - Pre-application enquiry (Full with consultations and meeting): Construction of new dwelling

11/00816/F: Application Permitted: 18/07/11 - Replacement store building

2/00/1195/LD: Application Permitted: 30/08/00 - Use of land as builders' yard and storage area including vehicles up to 3 tonnes and existing workshop/store for light joinery shown outlined in black on attached map/plan

2/00/0186/F: Application Permitted: 31/08/00 - Replacement store/workshop

RESPONSE TO CONSULTATION

Parish Council: OBJECT The Parish Council appreciates the changes made to the design and fenestration of the previous submissions but cannot support the application which is contrary to NDP Policy HNTS14 (new dwellings), HNTS 18 (Principal Homes) and HNTS20 (AONB Landscape Quality)

The Parish Council has consistently objected to the proposals on grounds of size and has expressed concerns that given the NDP Principal Homes Policy requirement, if permitted the proposed house may not be saleable with the occupancy restriction in place (in addition to calling for a more modest property our November 2020 response raised the possibility of a pair of semi-detached homes)

It is acknowledged that compared to the original submission the ridge height has been reduced by just over 0.5m (which combined with setting the foundations into the ground will reduce the visual impact on views from the road / A149, though not from the footpath network), and the GIFA has been reduced from c350sqm to c270sqm. This however still leaves an extremely large dwelling and is approaching twice the upper bound on the size guide in HNTS14 (which is based on the average size of a detached house).

Our previous concerns regarding contamination and drainage issues stand.

Planning Committee
8 November 2021

There is considerable concern that if the Borough Council is minded to approve this application it should clearly be treated as an exception and should not establish a precedent for building beyond the Development Boundary or encroaching on the adjoining land to the west which is understood to have been acquired by the developer.

Highways Authority: NO OBJECTION With due consideration of the existing use of the site, the LHA considers that suitable access and visibility for a single dwelling could be achieved and therefore raise no objection to the application on the grounds of highway safety subject to condition(s).

Environmental Health & Housing – Environmental Quality: NO OBJECTION subject to conditions relating to contamination.

Natural England: NO OBJECTION

Designated sites

The proposal is within close proximity to International, European and nationally designated sites and we recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) to aid the identification of any potential environmental risks to designated sites. This should include any discharges of water or liquid waste to ground or surface water such as a beck or stream. However, discharges to a mains sewer are unlikely to pose a significant effect. We also suggest reference to the State of the North Norfolk Coast report and Panter et al (2016) Visitor Surveys at European Protected Sites across Norfolk during 2015 and 2016, Footprint Ecology for information about pressures and disturbance to designated sites.

Landscape

The proposed development is for a site within a nationally designated landscape namely the Norfolk Coast AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 172 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 172 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of

the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Protected Species

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species, or you may wish to consult your own ecology services for advice.

Norfolk Coast Partnership: NO OBJECTION We are very appreciative of the architect's willingness to take on board our concerns. We are much more comfortable with the latest design in terms of the materials, scale and reduced fenestration.

The only point I would make is to consider landscaping, whilst we don't have an issue with planting around the development this is an open landscape with long views. Care needs to be taken choosing species that won't obscure the views in the medium to long term.

Also, we would like to see a condition on any external lighting proposed.

REPRESENTATIONS

THREE letters of concern have been received from third parties. However, none are against the principle of development and all consider that the existing use / appearance of the site is currently a detractor. The issues raised can be summarised as:

- Drainage
- Overlooking / loss of privacy [this was prior to the latest set of plans]
- Contamination
- Impact on protected landscape
- Poor visibility / highway safety.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS09 - Housing Distribution

CS10 - The Economy

CS11 – Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

DM19 - Green Infrastructure/Habitats Monitoring & Mitigation

NEIGHBOURHOOD PLAN POLICIES

Policy HNTS 1: Principle of Sustainable Development

Policy HNTS10: Overall Form and Pattern of Settlement

Policy HNTS11: Street Scene, Character and Residential Environment

Policy HNTS18: Principal Residences

Policy HNTS20: AONB Landscape Quality

Policy HNTS22: Biodiversity

Policy HNTS25: Traffic and Car Parking

Policy HNTS5: Countryside Zone

Policy HNTS7: Natural Capital and Ecosystem Services

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

Loss of Employment Use

Impact on AONB and Countryside

Residential Amenity

Highway Safety

Other Material Considerations

Principle of Development

Development within the countryside and specifically within nationally designated areas such as AONBs is heavily controlled to ensure conservation and enhancement of those areas.

Furthermore, new development in the countryside is protected on greenfield sites unless it relates to agricultural or a rural enterprise at national and local level including at Neighbourhood Area by Neighbourhood Plan Policy HNTS5. However, this site is brownfield and has an existing planning use as a builder's yard.

Generally, a new dwelling in this location would not be acceptable, but in this case there is a material consideration that is considered to have significant weight, that is the existing permitted use of the site as a builders yard, and the significant impact that could have on, not only the protected landscape, but highway safety and neighbour amenity.

Loss of Employment Use

Both national and local policy and guidance seek to protect rural businesses. However, they also acknowledge that such uses can be detrimental to the historic and natural environment.

Given the sensitive nature of the site, particularly in terms of landscape and nearby ecological designations, and its neighbouring uses (principally residential), as well as it being directly accessed from the main coast road, it is considered that residential is a preferable use for the site, and the loss of the builders yard as an employment use would not be objected to.

Impact on AONB and Countryside

The area falls under 'Coastal Slopes' in the AONB Landscape Character Assessment. Some of the relevant key forces for change include:

- Small-scale or incremental development within villages which may be inconsistent with local built character and materials
- Redevelopment of existing small-scale development with larger-scale buildings
- Potential new large or small-scale or tall vertical developments, which may block or influence recognisable views to and from the coast.

Guidance to protect and enhance includes:

- Avoid small-scale built development which would impinge on the 'strategic gaps' of open countryside which define the landscape setting of villages along the A149
- Ensure new small-scale development within villages is consistent with existing settlement pattern, density and traditional built form
- Promote the use of local materials, including flint, chalk clunch, pebbles and pantiles; and architecture, respecting traditional built form, layout and character.

Existing dwellings in the locality of the site vary in size, scale, design, age and materials. However, they are all fundamentally 'traditional' with active frontages that include a front door, follow the general hierarchy of fenestration, and have a 'common' ratio of window to brickwork.

The proposed dwelling has changed beyond all recognition from its original submission. It is now traditional in design and of a scale, mass and materials that are considered to relate appropriately to the site and its wider setting and follow traditional characteristics outlined above.

The Norfolk Coast Partnership (NCP) have removed their objection considering the development accords with the objectives outlined above and conserves the AONB in line with para 176 of the NPPF. NCP request light pollution mitigation and appropriate landscaping be conditioned if permission is granted. Such conditions are considered to be reasonable and necessary.

However, the Parish Council (PC) maintain their objection although it should be noted that Neighbourhood Plan Policy HNTS 14 (limit on size of new dwellings) is not relevant to this application as it relates to new homes within the development envelope (and not development of a brownfield site outside of the development envelope.)

Other relevant Neighbourhood Plan Policies, that relate to development within the countryside and AONB as well as general form and character are HNTS 1, 5, 7, 10, 11 and 20. These policies seek to conserve and enhance the countryside and AONB in particular by preserving, and where possible enhancing, the sense of tranquillity and wilderness, the wide open spaces, dark skies and panoramic views whilst respecting the existing built form in the locality in terms of building and plot sizes, gaps, ensuring there is room for appropriate landscaping and that any garages are not intrusive.

The reduction in height and amount of glazing, together with the more traditional dwelling now proposed, suggests that the development does respect the built form of development in the locality and would preserve the character of this particular part of the AONB (a brownfield site at the end of a row of five existing dwellings.)

The PC's objection in relation to principal homes can be dealt with by legal agreement if Members resolve to approve the application, and drainage and contamination could be suitably conditioned if permission were granted.

The PC's concerns regarding pressure to extend the development outside of the red line site boundary are unfounded given that every application has to be considered on its own merits, and this application does not include that area.

Residential Amenity

Both the NPPF and Development Plan (including the Neighbourhood Plan) seek to protect the amenity of occupiers of existing dwellings.

The proposed dwelling has its main living area at first floor level with sleeping accommodation at ground floor. Careful consideration has been given to overlooking, and the lack of any side windows, and the obscuring impact from the single storey rear element from the terrace, means there would be no material overlooking. Likewise, the development would not be unacceptably overbearing or result in unacceptable overshadowing.

Highway Safety

Given the existing permitted use of the site, the Local Highway Authority raises no objection on the grounds of highway safety, subject to the imposition of appropriate conditions.

Parking provision is shown to be in accordance with current standards.

Ecology

The Ecological Report that accompanied the application concludes: *The predominant habitat within the site is poor semi-improved grassland, tall ruderal and scrub with building materials scattered across the site and built structures including an office cabin and dilapidated metal barn.*

The site has suitable habitat for reptiles. Further surveys were undertaken with a peak count of one adult common lizard recorded. Mitigation in the form of a Precautionary Method of Working is required to ensure there are no adverse impacts to common lizard or other reptiles and provision of refuge in the form of a wood pile is advised.

All known designated nature conservation sites are located at least 500m from the proposed development site, so given the separation distance and the scale of the proposed development, no impacts during the construction phase are expected. Considering this development is a single dwelling, there will be a very minor increase in population compared

to the existing population of Holme-next-the-Sea. Additionally, given the distance of the designated sites and the availability of many other nearby public open spaces to use, there is not expected to be any impact to the designated sites from occupation of the property.

The scrub on site is suitable for breeding birds. To avoid a legal offence due to removal of woody vegetation, avoidance measures are advised. This scrub also provides ecological value as a food resource and refuge for bird and invertebrate species. To mitigate for the loss of scrub on site, planting of native trees and hedgerow is advised.

Best practice mitigation advice is provided to reduce possible impacts to terrestrial species such as natterjack toads which are present in the area, hedgehogs or common toads, and nocturnal species such as bats.

Enhancement is advised, including proposals for green space/garden to be sown with a native seed mix to maximise the wildlife value of these areas. One bird box and one bat box will be installed on or within the fabric of the new dwelling. The bird box should target house sparrow, a species of conservation concern. This advice is provided in order to increase the wildlife value of the site for locally occurring species. If this advice is followed there will be mid- to long-term benefits for biodiversity on site, such as would constitute a net gain in line with the National Planning Policy Framework (NPPF).'

Your officers have no reason to question the findings of the submitted survey given that it was undertaken by a trained ecologist.

If permission is granted it will be conditioned to be in accordance with the mitigation and enhancements outlined within the survey.

Other Material Considerations

Some concern has been expressed in relation to drainage issues, and Natural England has submitted information in relation to ensuring that water ways are not polluted by surface water run-off.

The previous use of the site means that there could be contaminants, including asbestos containing materials.

It is considered that both of these issues could be suitably addressed by condition if permission were granted.

There are no crime and disorder implications linked to this application.

CONCLUSION

The development is for a new two-storey dwelling outside of the main village of Holme, on a brownfield site which has a lawful use as a builders yard, and is located within the countryside and the AONB. Whilst there is no premium on neglect, the site is currently untidy, and the existing lawful use of the site is likely to, or potentially could, result in greater negative visual impacts than a residential use. This has been given considerable weight in the planning balance of this application.

The applicant has worked closely with the LPA and Norfolk Coast Partnership to produce a scheme that is considered to respect the limited built form in the locality and conserve the AONB.

There are no objections on technical grounds, although the Parish Council object on the basis of the impact on the AONB, principal dwelling requirement and the size of the dwelling. However, the principal dwelling issue can be covered by a legal agreement, and the size policy is not relevant to this type of application. The impact on the landscape is considered to be acceptable now and could arguably be said to be betterment.

As members will be aware decisions should be made in accordance with the Development Plan unless material considerations indicate otherwise. Normally this application for a new dwelling in the countryside would be objected to in principle, but in this case officers put significant weight on material considerations, specifically the fact that there is an existing lawful builders yard on the site, which is untidy but has the potential to expand and become a large problem site in the AONB.

It is therefore recommended that this application be approved subject to the following conditions and the completion of an appropriate legal agreement securing the occupation of the dwelling as a principal dwelling only.

RECOMMENDATION:

A) APPROVE subject to the signing of a legal agreement within 4 months of the resolution to approve to secure the occupation of the dwelling as a principal dwelling only and the imposition of the following conditions:

- 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: 451-20 Rev.E.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Prior to the commencement of groundworks, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
 - (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with the Environment Agency's Land Contamination Risk Management (LCRM).

- 3 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 4 Condition: Prior to the commencement of groundworks, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 5 Condition: The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of groundworks, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.
Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.
- 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.
- 6 Condition: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 3 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 4 which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 5.

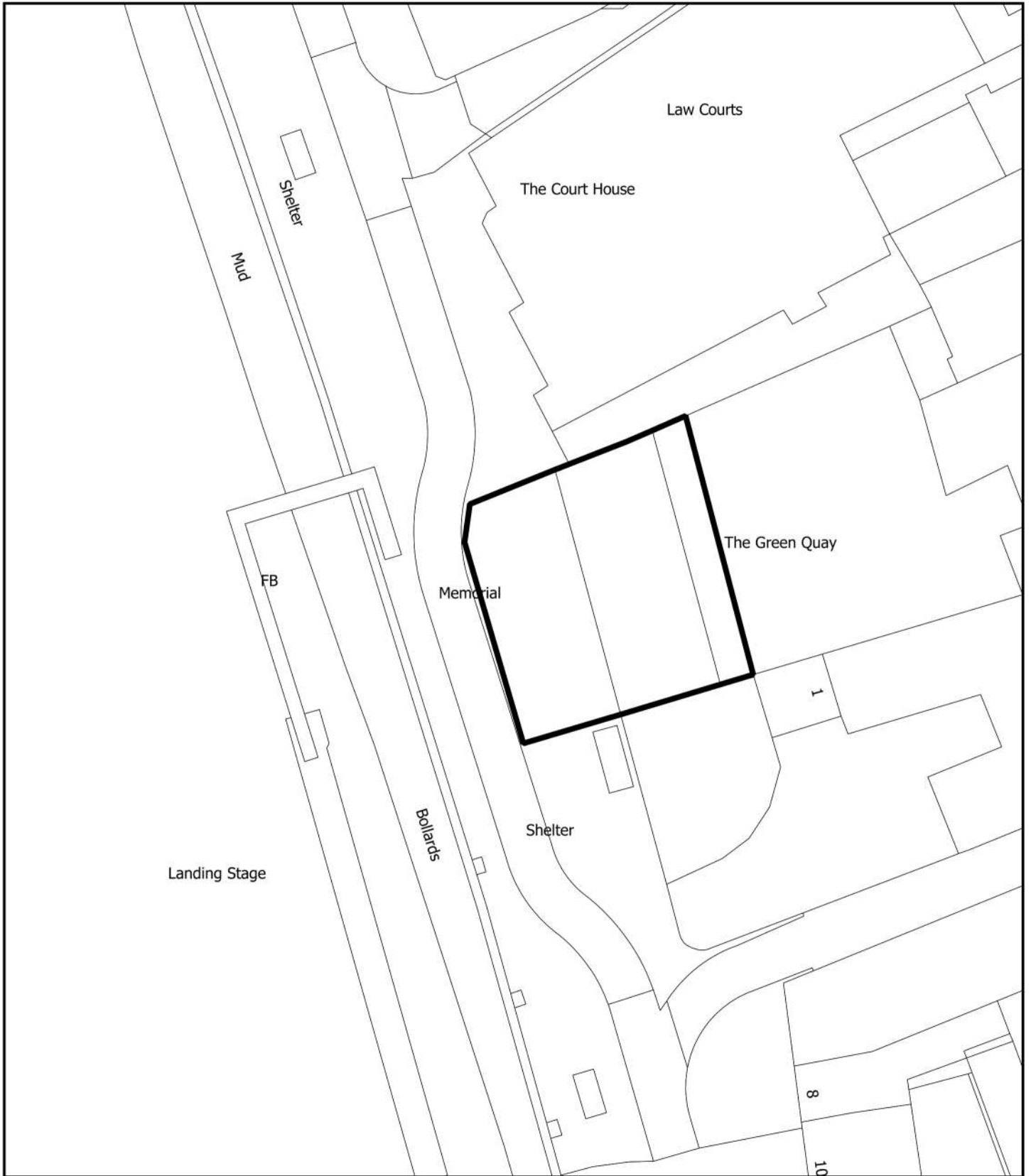
- 6 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 7 Condition: No development shall commence until full details of the foul and surface water drainage arrangements for the site have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.
- 7 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF.
This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.
- 8 Condition: The development hereby permitted shall be carried out in accordance with the mitigation and enhancements contained within the Ecology Report that accompanied the application (dated October 2021 produced by Wild Frontier Ecology)
- 8 Reason: In the interests of the natural environment and protected species in accordance with the NPPF and Development Plan.
- 9 Condition: Prior to the first use or occupation of the development hereby approved, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include finished levels or contours, hard surface materials, refuse or other storage units, street furniture, structures and other minor artefacts. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate.
- 9 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 10 Condition: All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 10 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 11 Condition: No development shall take place on any external surface of the development hereby permitted until samples of the materials to be used in the construction of the external surfaces of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 11 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.

- 12 Condition: No development shall commence on any external surface of the development hereby permitted until a sample panel of the chalk and brick principal and side elevations of the main building hereby permitted has been erected on the site for the inspection and written approval of the Local Planning Authority. The sample panel shall measure at least 1 metre x 1 metre using the proposed materials, mortar type, bond and pointing technique. The development shall be constructed in accordance with the approved details.
- 12 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 13 Condition: Prior to the first occupation of the development hereby permitted the proposed on-site access, car parking and turning area(s) shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 13 Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety in accordance with the NPPF and Development Plan.
- 14 Condition: Prior to the installation of any external lighting associated with the development hereby permitted a detailed outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme 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 site. The scheme shall be implemented in accordance with approved scheme and thereafter maintained and retained as agreed. Your attention is drawn to Informative 1 that relates to this application.
- 14 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.
- 15 Condition: Any access gates/bollard/chain/other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 5 metres from the near channel edge of the adjacent carriageway. Any sidewalls/fences/hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the outside gateposts to the front boundary of the site.
- 15 Reason: In the interests of highway safety enabling vehicles to safely draw off the highway before the gates/obstruction is opened in accordance with the NPPF and Development Plan.
- 16 Condition: The dwelling hereby permitted shall only be used as the occupants' sole / main residency and shall at no time be used as business or commercial holiday accommodation.
- 16 Reason: To ensure that the dwelling is only used as a principal residency as required by Neighbourhood Plan Policy HNTS18.

B) REFUSE if a legal agreement to secure the occupation of the dwelling as a principal dwelling only is not secured within 4 months of the date of a resolution to approve.

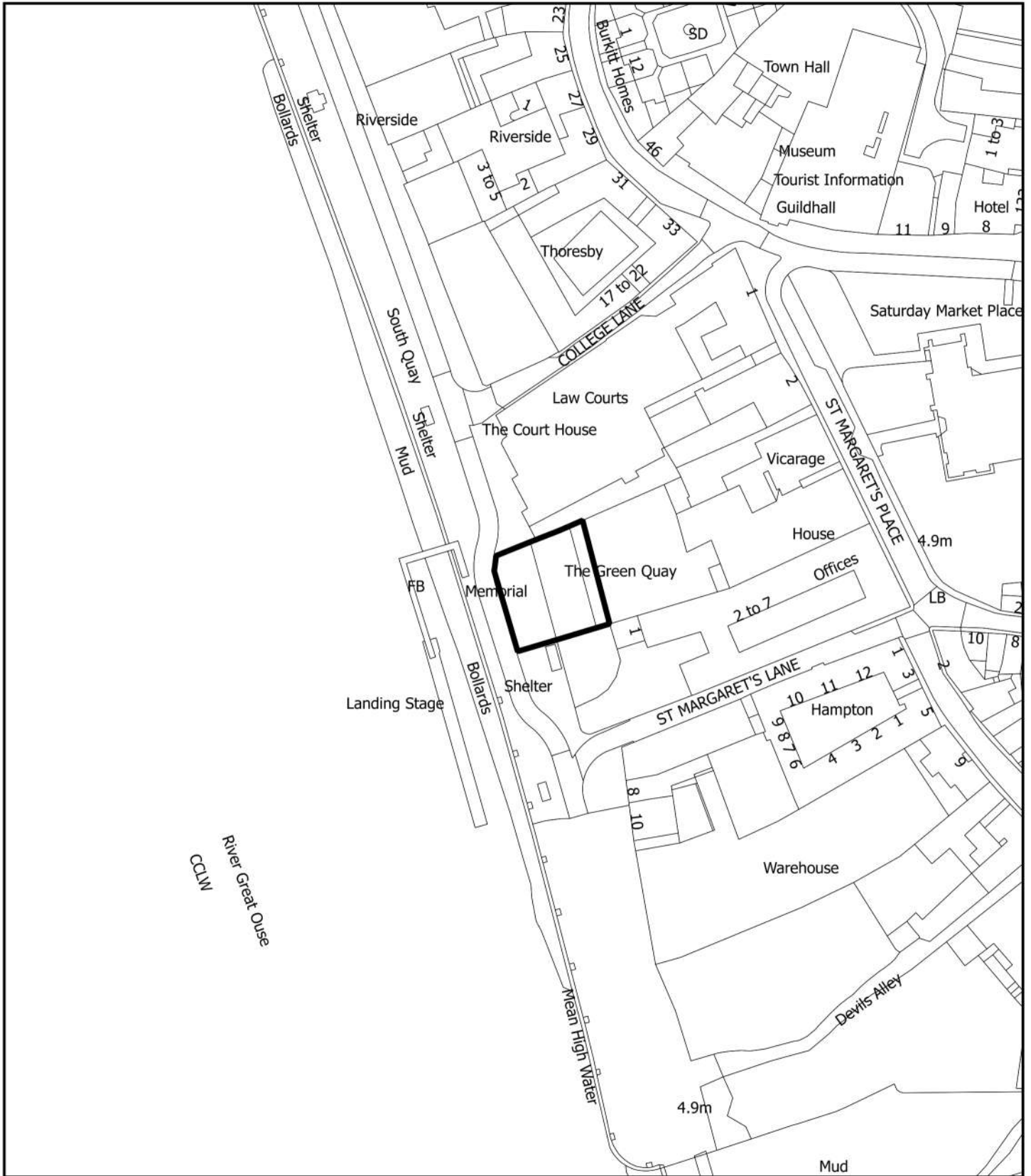
21/01654/F

Marriotts Warehouse South Quay PE30 5DT



21/01654/F

Marriotts Warehouse South Quay PE30 5DT



Parish:	King's Lynn	
Proposal:	GLAZED BALUSTRADE AROUND SEATING AREA	
Location:	Marriotts Warehouse South Quay King's Lynn Norfolk	
Applicant:	The trustees Marriotts Warehouse Rebecca Rees	
Case No:	21/01654/F (Full Application)	
Case Officer:	Mrs Jade Calton	Date for Determination: 13 October 2021 Extension of Time Expiry Date: 15 November 2021

Reason for Referral to Planning Committee – Called-in by Cllr Bambridge

Neighbourhood Plan: No

Case Summary

The application site relates to the restaurant Marriotts Warehouse which is situated on the eastern side of the South Quay, King's Lynn.

Planning permission is sought for the erection of glazed balustrade around the outside seating area to the front of the building.

The site falls within King's Lynn's Conservation Area and the building is Grade II* Listed.

Key Issues

- * Heritage Assets; and
- * Other material considerations

Recommendation

REFUSE

THE APPLICATION

The application site relates to the restaurant Marriotts Warehouse which is situated on the eastern side of the South Quay, King's Lynn.

The site falls within King's Lynn's Conservation Area and the building is Grade II* Listed.

Planning permission is sought for the erection of balustrade around the outside seating area to the front of the building. The Balustrade will comprise glazed panels with stainless steel posts and measures 36 metres in length by 1100mm high.

There are currently wooden planters around the perimeter of the seating area which are proposed to be removed with some re-arranged.

SUPPORTING CASE

No supporting case has been submitted.

RECENT PLANNING HISTORY

21/00202/F: Application Withdrawn: 18/05/21 - Glazed balustrade around seating area - Marriotts Warehouse, South Quay, King's Lynn

20/01907/LB: Application Withdrawn: 14/01/21 - Listed Building Application: Erection of a glazed balustrade with stainless steel posts - Marriotts Warehouse

07/00272/LB: Application Permitted: 12/04/07 - Alterations to dormer and install extraction fan unit - The Green Quay

RESPONSE TO CONSULTATION

Parish Council: N/A – King's Lynn is unparished

Highways Authority: NO OBJECTION - The applicant should be aware that it would not be my recommendation to erect glass barriers in such a proximity to a live carriageway and they would be doing so at their own risk.

Historic England: OBJECT on heritage grounds but these could be addressed by using more traditional materials in the development.

Conservation Team: OBJECT - As with CAAP and HE, no objection to the removal of the pallets and the replacement of them. Whilst various representations have suggested other alternatives, the common thread is against the metal and glass in its current form. I would concur with HE's comments on this occasion.

King's Lynn Civic Society: In general we support this opportunity to enhance the frontage of this landmark building and the waterfront in general – but we think there might be more distinctive and complementary solutions than an off-the-shelf steel and glass product.

Marriotts is one of our waterfront landmarks. Proposals are pending for regeneration of the entire waterfront.

Although the existing pallets/crates with planting have reflected some sort of 'working warehouse' character, they have always looked like a temporary solution and we would not regard their replacement as a loss. However, we have some concerns about the glass and stainless steel windbreak proposed - for the following reasons:

- We cannot think of any other external glass and stainless steel at Marriotts or along the waterfront. We think it could look out-of-place. It seems like a very modern and 'sharp' design solution for a situation that isn't modern or 'sharp'.
- The nature of these steel and glass systems is that they make for very straight edges and lines. We don't think this will really suit this situation.
- Although often now seen in a 'seaside' location – stainless steel and glass do corrode and mark (especially when exposed to salt spray), and can often look rather shabby after a few years. This is a very exposed 'street front' position.
- We have some concerns about glass adjacent the roadway. Even toughened glass panels can be broken.
- Glass will allow views of the furniture and customers within. There are no details of whether the existing outdoor furniture is to be replaced or, if so, what with.

Conservation Area Advisory Panel: The Panel were opposed to the proposal although they did welcome the removal of the timber pallets. They might be more receptive to a metal boundary, but it needed to be more bespoke and more relevant to Marriotts Warehouse itself. Glazing behind that may or may not be acceptable.

REPRESENTATIONS

NONE RECEIVED

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS03 - King's Lynn Area

CS08 - Sustainable Development

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM15 – Environment, Design and Amenity

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2019

OTHER GUIDANCE

King's Lynn St Margarets Conservation Area Character Statement

PLANNING CONSIDERATIONS

The key considerations in the determination of this application are as follows;

- Impact on Heritage Assets; and
- Other Material Considerations

Heritage Assets:

Historic England describes Marriotts Warehouse as a Grade II* listed building which dates from the 14th century with later additions of the 15th and 16th. It stands in a position facing the riverside at King's Lynn, an unusual arrangement where most of the town's collection of important historic warehouses are set at right angles to it, reflecting the layout of medieval property boundaries. This gives Marriott's warehouse particular prominence on the quayside where this remarkable survival serves as a popular restaurant.

The King's Lynn St Margarets Conservation Area Character Statement describes how the waterfront environmental improvements included the conversion of the legacy of warehouse buildings such as Marriotts warehouse to other uses, to reinstate the once busy operational streets of the quayside that would have been full of people, traders, carts and carriages.

The use of traditional materials is described as eclectic as might be expected in a sea-port with extensive European trading interests. In a low-lying treeless area of the country almost all timber was imported either up-river from the inland counties or from the Baltic. English oak is confined to the structure of timber-framed hall houses of the 16th Century and earlier, and by the 17th Century, when timber framing ceased to be used on any scale, brick was the substitute.

Much earlier buildings used stone as building material, imported from Northamptonshire and Lincolnshire, such as in Marriott's warehouse on South Quay, but always combined with brick as brick is the material of the town.

The Conservation Character Statement expresses how 'detractors' can adversely impact on heritage assets, stating that 'the special character of conservation areas can easily be eroded by seemingly minor alterations such as unsuitable replacement windows and doors, inappropriate materials, unsympathetic paintwork and the removal of walls, railings and trees. In the streets forming the Historic Core, this is almost unknown'.

The promenade of the South Quay is defined with the low walls topped with railings.

The proposed installation of a barrier around the existing outdoor seating area was previously proposed in application number 21/00202/F on which Historic England raised concerns with. It was commented that this would formalise the outside dining area which has long been a key part of the restaurant's unique character and is an important part of its business. They had no objection to the proposal in principle but advised that it is important to consider the character of the warehouse and its setting.

That application was subsequently withdrawn and the current application is a re-submission with no changes proposed from the previous scheme.

The warehouse is set on a broad quayside which retains a strongly functional, industrial character while the building itself is constructed in stone, brick and timber with a tiled roof. The proposed barriers around the outdoor seating area would, as in the previous proposal, be

formed from glazed panels. While clearly a robust construction this material is in stark contrast to those of the warehouse, the quayside paving and other historic buildings nearby.

Historic England are concerned that the barriers could therefore be more visible than is necessary, detracting from an appreciation of the listed building and the space. Using more traditional materials, such as timber posts and rope, or cast iron railings could reduce this effect while still allowing the outdoor dining area to be clearly defined.

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 and conservation areas 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 and conservation areas irrespective of the level of harm caused (paragraphs 199 and 200). This weight and the justification for harm should be especially convincing where harm to buildings of a high grade of listing is concerned.

Paragraph 206 also states that the Council should favour those proposals for development which preserve those elements of setting that make a positive contribution to the heritage asset of better reveal its significance.

When considering the application in terms of this policy, and while there is no objection to the principle of the proposal, the cause for concern is that that the material proposed could result in harm to the significance of the listed building in terms of the NPPF, paragraphs 199 and 206. As such, as currently submitted, it would not achieve the NPPF's overarching aim of promoting sustainable development

Other Material Considerations:

Crime and Disorder:

Section 17 of the Crime and Disorder Act 1998 requires Local Authorities to consider the implications for crime and disorder in the carrying out of their duties. The application before the Committee will not have a material impact upon crime and disorder.

Highways comments:

It is noted that the Local Highway Authority considers the use of glazed panels to be a potential danger due to the close proximity of the highway, but as they have raised no objection, this does not hold any weight in the determination of the application.

CONCLUSION

As well as consideration for the abovementioned policies, particularly those in section 16 of the NPPF, members should be mindful that the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, states that the LPA should 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. Furthermore, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPA's to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

In this case, it is not considered that the proposal, by virtue of its use of materials, complies with local or national planning policy, particularly section 16 of the NPPF which clearly lays out its aims and objectives in regards to preserving and enhancing the significance of listed buildings and their setting.

In turn, when having regard for the legislative framework for the historic environment, for the reasons set out above in the report, it is not considered that the proposal addresses the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 and it is therefore recommended that the application is refused.

RECOMMENDATION:

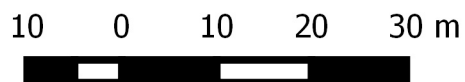
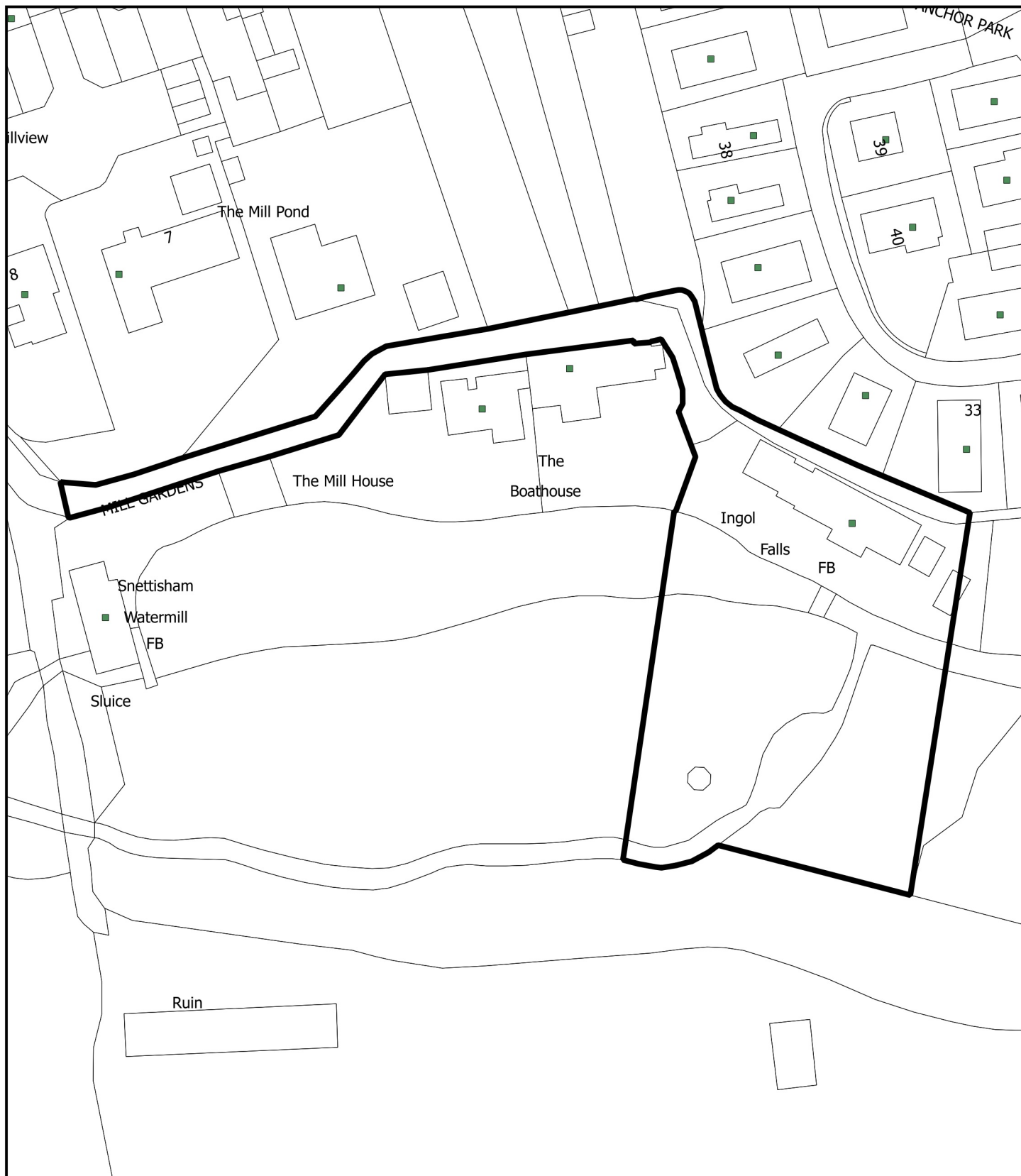
REFUSE for the following reason(s):

- 1 The proposed balustrade around the outdoor seating area would, by virtue of its materials, be in stark contrast to those of the warehouse, the quayside paving and other historic buildings nearby. It preserves nor enhances those elements of the setting that make a positive contribution to the heritage asset or better reveal its significance. Consequently the proposed development would detract from and cause harm to the significance of the Grade II* Listed Building, its historic setting and surrounding Conservation Area and there is no clear and convincing justification for this harm.

As such, the proposal would not achieve the overarching aim of promoting sustainable development through protection and enhancement of the historic environment. Consequently it does not comply with paragraphs 7, 8, 199, 200 or 206 of the NPPF (2021); Policy CS12 of the Core Strategy (2011) or DM15 of the Site Allocations and Development Management Policies Plan (2016).

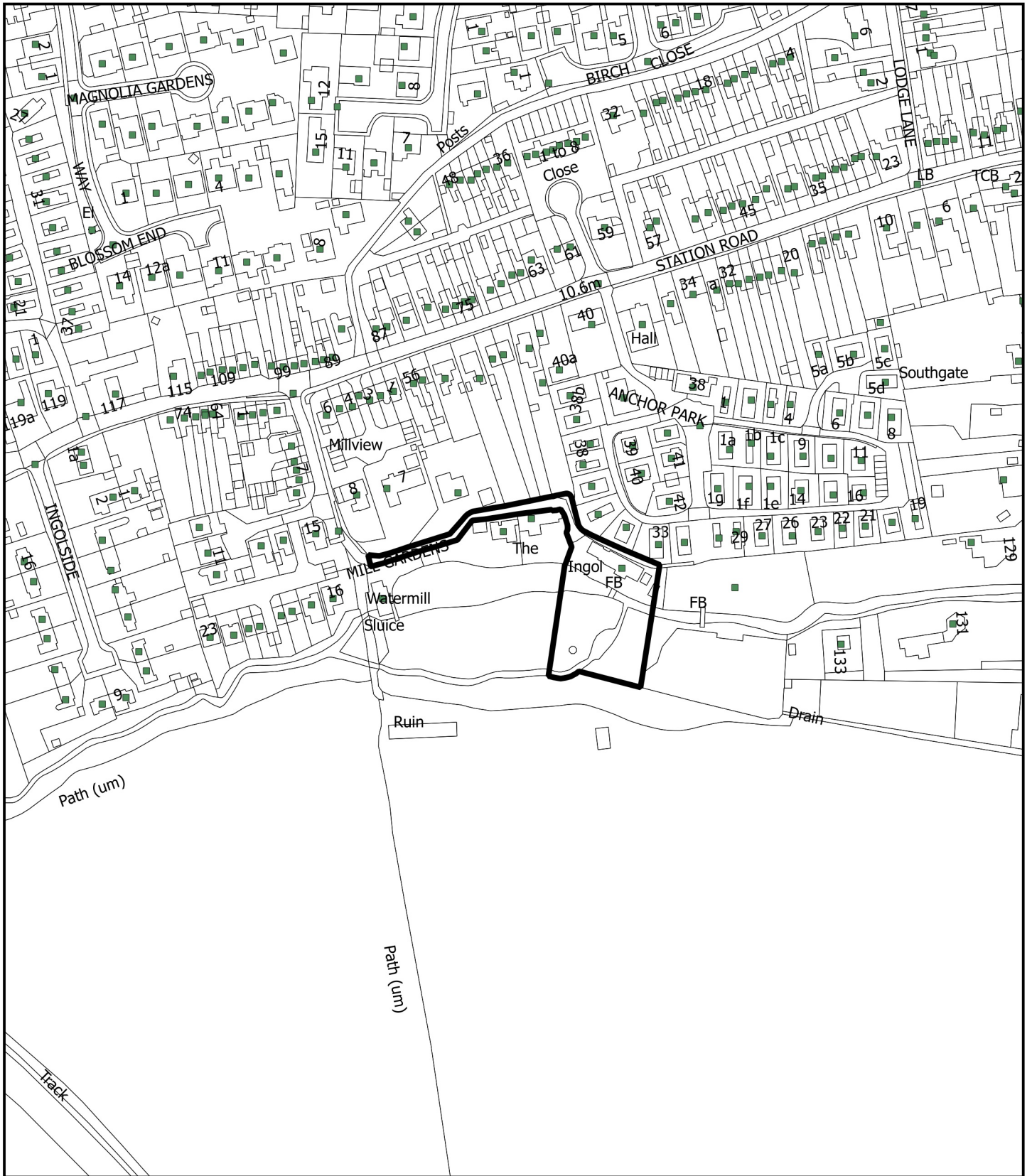
21/00716/F

Ingol Falls House Mill Gardens Snettisham PE31 7UQ



21/00716/F

Ingol Falls House Mill Gardens Snettisham PE31 7UQ



Parish:	Snettisham	
Proposal:	Proposed Detached Home Study	
Location:	Ingol Falls House Mill Gardens Snettisham KINGS LYNN PE31 7UQ	
Applicant:	C Singh	
Case No:	21/00716/F (Full Application)	
Case Officer:	Connor Smalls	Date for Determination: 2 July 2021 Extension of Time Expiry Date: 9 November 2021

Reason for Referral to Planning Committee – Called in by Councillor Devereux.

Neighbourhood Plan: Yes

Case Summary

This application proposes a single storey, detached outbuilding set within the residential garden land of the existing dwelling, Ingol Falls house.

Key Issues

Principle of Development
Form and Character
Impact on Neighbour Amenity
Impact on the Grade II* Listed Mill

Recommendation

APPROVE

THE APPLICATION

This application proposes a single storey, detached outbuilding to serve as a home office set within the established garden land of the existing dwelling. The application site is set within the sensitive existing residential area around the River Ingol and associated mill pond including the Grade II* Listed Mill. There are trees subject to tree preservation orders as well as extensive mature vegetation within the application site and wider area. The application site is outside of both the Snettisham Conservation Area and the Norfolk Area of Outstanding Natural Beauty.

SUPPORTING CASE

To whom it may concern,

I write regarding application reference 21/00716/F and my statement focuses on the reasons for the home office and also the concerns that have been raised.

My client has made an application for the erection of a detached home office for several reasons -

- The first being that COVID-19 has necessitated that my client is to work from home. The guidelines set by the government are not within my clients control however my client is obliged to follow these guidelines.
- Her circumstances will not change, and I feel it reasonable to suggest a long-term solution is called for to meet the requirements to be able to work from home.
- My client doesn't currently have suitable office/study provisions to work from home. At present the existing dwelling doesn't allow for this due to the open plan layout; there is no way of dividing the space to separate the two elements (home life and work) and maintain a sustainable work-life balance.
- My client did explore the feasibility of having an extension prior to submitting this application. There is no practical location to extend without causing huge disruption to the dwelling.

I would now like to address the main concerns regarding this application -

1- Apprehension felt about the impact that the detached office would have on the 'views'.

My client's site is located at the very end of the shared driveway, and other residents of the neighbouring properties do not pass my client's site.

The only way for anyone to pass my clients site is via the public footpath which routes adjacent to my clients boundary; the boundary comprises mature landscaping of approximately 2.2m high, the only visible member of the detached office to/from the footpath would be the roof, from a distance.

The drawing 21-P10-PL010 demonstrates the views from several locations and identifies that the detached office wouldn't be visible from said location, consequently, having little or no impact whatsoever on the views in question.

2- Footpath FP18 within the current garden boundary

The current footpath is routed completely outside of the property along the southern perimeter and has been in this location for c.40 years.

A retrospective map modification is required to formalise the change and a Section 257 has been submitted to update historical records of the location of the public footpath.

I would like to stress that my client has lived at Ingol Falls House for 15+ years and at no point, has my client amended the layout and/or boundary line of the site; it is within my clients interest ethically to ensure that this finding is dealt with genuinely and officially via the appropriate authority, regardless of the outcome of this application.

3- The FFL and height of the building has been topical throughout this Application.

I can confirm that the FFL is the same as the existing dwelling and cannot be reduced since my clients site is located within flood zone 3b; the most at risk land of flooding. The height of the single storey detached office is lower than the existing dwelling; at best by 1.3m, at worst by 571mm, nevertheless still lower.

All the required consultations have taken place with all relevant authorities and all of which have not objected.

In summary, the proposed home office has been sensitively sized and sited at the furthest point from neighbours to negate any perceived impact. All concerns around the proposed small, detached home office would have to neighbouring residents have been addressed and protecting and preserving the historic environment has been duly considered.

I cannot express strongly enough how much the applicant is relying on this small home office to improve their mental well-being and capacity for a satisfactory work/life balance.

PLANNING HISTORY

21/02057/S257: : ONGOING - Retrospective Application for the diversion of a Public Right of Way

15/00049/TPO: TPO Work Approved: 13/10/15 - 2/TPO/00488: T1 Beech - whole tree removal. T2 Silver Birch - whole tree removal. T3 Silver Birch - whole tree removal.

13/00032/TPO: TPO Work Approved: 11/06/13 - 2/TPO/00434, 2/TPO/00487, 2/TPO/00488 - T1 Beech - Light crown thin. T2 Beech - Crown thin and prune back branches by approximately 2.5m. T3 Alder - Remove to allow adjacent Alder to reach full maturity. T4 Ash - pollarding to 7m high.

06/00087/F: Application Permitted: 15/03/06 - Construction of footway bridge over river

09/01932/F: Application Permitted: 07/01/10 - Conversion and extension of existing garden store and toilet to form dressing room

07/01194/F: Application Permitted: 13/08/07 - Single storey extension to dwelling and attached double garage

11/00022/TPO: Tree Application - Partial: 17/05/11 - Removal of willow tree and works to silver birch and pine tree - 2/TPO/00434

07/00755/F: Application Withdrawn: 23/04/07 - Construction of detached double garage

05/01544/F: Application Withdrawn: 12/08/05 - Construction of storage shed and insertion of 2 new windows to dwelling

05/01655/F: Application Permitted: 02/12/05 - Retention of dwelling and external storage building

11/00048/TPO: TPO Work Approved: 14/09/11 - Re-spacing along line of mature Beech Trees along rear boundary, Poplar Tree removal, re-spacing of mature Silver Birch Trees to allow under-planting and prune back limb of Beech Tree by 5 meters - 2/TPO/00488

2/03/1613/F: Application Permitted: 30/03/04 - Construction of bungalow with integral garage (amended design)

2/02/1663/F: Application Permitted: 24/06/03 - Extension and conversion of house into 2 houses and construction of one dwelling and garages (Amended Design)

RESPONSE TO CONSULTATION

Parish Council: NO OBJECTION.

Highways Authority: NO OBJECTION.

Conservation Officer: NO OBJECTION:

Given the other development much closer to the mill building itself, along with the mature and wooded garden space between the two structures, this proposal will cause negligible harm to the setting of the mill. On this basis no conservation objections.

Historic England NO OBJECTION:

Historic England has no objection to the application on heritage grounds in principle but would recommend the Council considers the potential prominence of the proposed building in the setting of the listed watermill due to its height and glazing and the effect any loss of planting might have before determining the application. If appropriate the Council might seek amendments to reduce any harmful impact and better achieve the NPPF's overarching aim of promoting sustainable development.

If the issues and safeguards outlined in our advice are addressed, we would consider that the application meets the requirements of the NPPF, in particular paragraph numbers 7, 8, 193, 194 and 196. 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 in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

Public Rights of Way (NCC): NO OBJECTION:

If approved this application will illegally obstruct the legal alignment of the Snettisham footpath 18. Therefore, no construction work can take place until the footpath has been successfully diverted under T&CPA s257 by the Planning Authority. This information will be included as an informative on the decision if approved.

Internal Drainage Board: NO OBJECTION:

We note that the applicant has not identified or provided a drainage strategy for the site within their application. If a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any consent granted will likely be conditional, pending the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy (https://www.wlma.org.uk/uploads/WMA_Table_of_Charges_and_Fees.pdf).

If this proposed development is to include welfare facilities then the appropriate connections must be made for foul waste disposal. If the applicant wishes to discharge treated foul water to a watercourse from for example, a sewage treatment plant, then this proposal will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

We note the presence of a Board Adopted watercourse, the River Ingol (DRN128P0801), within the site boundary, and that the applicant intends to do works within 9 metres of this watercourse. Therefore, consent is required to relax Byelaw 10 (no works within 9 metres of the edge of drainage or flood risk management infrastructure).

Whilst not currently proposed, should the applicant's proposals change to include works to alter the Board Adopted River Ingol (DRN128P0801), consent will be required under the Land Drainage Act 1991 (and byelaw 4).

We note the presence of a watercourse which has not been adopted by the Board (a riparian watercourse) within the site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, consent will be required under the Land Drainage Act 1991 (and byelaw 4).

Environment Agency: No comment- refer to standing advice.

Arboricultural Officer: **NO OBJECTION** with a condition recommended.

Open Spaces Society: **OBJECT:**

I write, on behalf of the Open Spaces Society, about the above-mentioned planning application, and associated application for the diversion of a public path, which have only recently come to our attention. As Britain's oldest national conservation body, we have great concern for common land, public paths, open spaces, and the public's ability to enjoy the natural beauty of the countryside.

The proposed development is located within what is, here on the south side of the river, completely undeveloped land. It is introducing development into this undeveloped, unspoilt landscape. Moreover, the land concerned, associated with the River Ingol, is of high visual amenity.

This would not perhaps matter quite so much if the land was tucked out of the way, well removed from public view. However, that is far from the case here. A public path – the Snettisham Footpath No. 18 – passes through the land, providing the public with invaluable amenity, through this land in close proximity to the River Ingol and associated weir.

The Norfolk County Council's definitive statement describes the path thus:

“Starts from Footpath No. 17 about 20 yards south of the Mill, by a field gate and runs eastwards along the lower edge of pasture to planks over stream with part iron and wood rail. Beyond it continues through two pastures to fence of rough wood rails after which it continues along the edge of the river Ingol to a stile which gives access to the King's Lynn Road (A.149).”

We note the description of the “pastures” through which the path is described as passing, and on which it is now proposed to build the proposed development, on the actual path alignment. The proposed building has clearly been located with no regard whatsoever to the public's enjoyment of this visual amenity. Such has been this carelessness – so close would the building be located to the path – that it would actually be necessary to move the path!

We object, because the proposed location of the building is completely unacceptable. There does not appear to be any good reason why it could not instead be located much further away from the public path, thus reducing its harmful, intrusive visual impact upon the public.

It is a matter of concern to read that, on the application form for planning permission (your ref: 21/00716/F), the applicant claimed that the proposed development would not “require any diversions, extinguishment and/or creation of public rights of way”, which is clearly not the case. Also, no mention of the public path is made in the Design and Access Statement. Both these things seem strongly to suggest that the existence of the public path was not properly taken into account, when the proposal was being formulated by the applicant.

We would also specifically object to the proposed diversion of the public path, which would be moved onto what would appear to be a less convenient alignment, and which would remove it further away from what makes this area visually special.

Some of the entries in the application form for the diversion of the public path (your ref: 21/02057/S257) give cause for much concern. The applicant claims that the public path was “diverted some 40 plus years ago”, and the term “retrospective” has been taken up, even by your council in its consultation. This is a cause for concern, inasmuch as there is no provision in law for the “retrospective” diversion of a public path, and the use of such a term may well mislead consultees/members of the local community, giving the totally false impression that the “diversion”, which the applicant claiming occurred “40 plus years ago”, was somehow legitimate, lawful or acceptable.

No such diversion is reflected in the Norfolk County Council's definitive map and statement. Unless any evidence can be adduced to substantiate a claim of legal diversion, then any such “diversion” would have been illegal. The highway authority, under successive highway acts (currently Section 130 of the Highways Act 1980), will have been under, and will still be under, an ongoing duty “to assert and protect the rights of the public to the use and enjoyment of” Snettisham Footpath No. 18 on its one and only legal alignment, as opposed to any other alignment. Furthermore, under Section 27(4) of the Countryside Act 1968, the highway authority has, for more than 50 years, been under, and remains under, a duty to erect such signposts along Snettisham Footpath No. 18 as may be necessary to assist persons unfamiliar with the locality to follow its course – that is to say, its one and only legally correct course. The highway authority will also have been under an ongoing duty to maintain all publicly maintainable highways in this area, including public paths – again, on their correct, legal alignments.

If it is the applicant's genuine understanding that the path here was “diverted 40 plus years ago”, whereas that was not, in fact, the case, then this would certainly seem to give rise to the view of a long-term failing, on the part of the highway authority, in terms of its statutory duties towards the correct alignment of the path. It is open for you to communicate with them, about this; in particular, into what specific actions they have got recorded as having been taken, by them, over past years and months, in pursuance of their statutory duties towards the correct, legal alignment of Snettisham Footpath No. 18.

You, in your capacity as local planning authority, should take care to consider this development proposal as though the correct alignment of the public path is the one clear, open and apparent on the ground, and the one in use by the public. At the same time, you will need to be cognizant of the distinct possibility that the public – even the applicant - have been misled into understanding that the path did indeed get “diverted 40 plus years ago”. Another decidedly dubious claim made by the applicant, on the form, is that the existing path has a legal width of 3 feet. The definitive statement is, in fact, silent on the matter of the path's width. Three feet is an extremely narrow legal width for a public path typically to have. Overall width usually will be greater than that of any visual trodden path on the ground. We would submit that the existing path here will, in fact, most likely have a greater width than three feet, over the open pasture land recorded in the definitive statement, unless there is evidence that the public have somehow, always been restricted to a strip of a mere 3 ft in width.

REPRESENTATIONS

12 individual items of correspondence in support in regard of the following:

- Extensive screening and distance from neighbouring properties
- Only slightly visible from public footpath
- Does not impact physical route of footpath
- No impact on listed mill
- Small scale development
- High quality design
- Proposed use is in direct association with the main dwelling
- Home working should be supported
- In keeping with surroundings

20 objections from one member of the public:

7 objections from one member of the public

4 objections from one member of the public

3 objections from one member of the public

4 individual objections

Objections in regard of the following:

- Development south of the River Ingol
- View from Public Footpath
- Impact on Grade II* Listed Mill
- Flood risk
- Delivery of materials
- Trees including TPO's
- Overlooking- orientation of dwelling
- Not compliant with Snettisham Neighbourhood Plan policies NP01, NP04, NP08 and Community Aim 2.
- Use of building as a dwelling
- Too large in overall form and scale including floor space, ridge height and visual dominance
- Increased use of access and sewerage system
- Set a precedence for further development.
- Outside of development boundary
- Proposes 'habitable' space
- NCC Footpath route
- Conduct of agent, council and 'bullying' on the public access website.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM15 – Environment, Design and Amenity

NEIGHBOURHOOD PLAN POLICIES

Policy NP05 – Materials and Design

Policy NP08 - Heritage

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

Principle of Development

An outbuilding within the established garden land of a dwelling is generally supported in principle subject to compliance with local and national policy. The proposal development is within the established garden land of the main dwelling and the use proposed, ‘home office’ is considered an incidental use to the main dwelling. As such, the principle of such an outbuilding is supported. However the detailed impacts of the proposal need to be addressed.

Form and Character

This application proposes a single storey, detached outbuilding creating new habitable space serving as a ‘Home Office’ within the residential garden land of the main dwelling. The application site is split into a northern and southern half by the River Ingol with the main dwelling and associated development to the north and the remainder of the plot to the south. The outbuilding is to the south of the site, located towards the southern and western boundaries and the adjacent footpath surrounded by mature vegetation.

The proposal has significantly reduced in size from the original submission to the current proposal. The width has reduced by approximately 2.8m, the depth has reduced by approximately 0.4m and the height has reduced by approximately 0.5m. As such, the outbuilding is now shorter and of a much smaller footprint. The dimensions of the outbuildings are now as follows (approximately): 5.6m in width, 5.6m in depth (7m including the small front balcony) and 5.1m in height. Whilst still of a reasonable height, the outbuilding is raised by around 0.7m from floor level due to the proximity to the River Ingol which adds to the overall height.

Overall, the size and scale is much reduced ensuring that the outbuilding is less prominent and of a more in keeping scale with the main dwelling and wider area. Materials are shown to take inspiration from the main dwelling and are mostly matching. This includes matching roof tiles, windows and doors as well as the timber boarding elements of the main dwelling. This can also be said for the overall design, whilst prominent, the side (west) glazed gable takes direct inspiration from the main dwelling. This visually ties the two buildings together and helps create a combined character to each side of the plot over the river. This is not necessarily a requirement for the design of an outbuilding, they often do not match the main dwelling, but it does add a design merit to the proposal, taking account of the whole site. The final impact of this outbuilding, in relation to the main dwelling, is one of an in keeping and acceptable nature. The size and scale is clearly subservient to the existing dwelling but it also relates suitably to the existing character and design.

It is of note that there is limited development to the south side of the River Ingol, this forms one of the main constraints to the proposed development. However, as stated this is an in scale and appropriately designed outbuilding with a suitable spatial relationship to the existing residential dwelling. This is a level of development that is generally supported, made further acceptable by the exact design and scale of this proposal. Alongside this, whilst limited, development to the south of the river is present to the east of the site. This includes a residential dwelling of a reasonable size and scale. Officers therefore consider that it would be unreasonable to refuse the proposed outbuilding based on its location.

Finally, whilst views are, in places, open across the water to neighbouring dwellings to the west, the proposed outbuilding will be significantly screened by vegetation and is a substantial distance from the edge of the application site to the west (40m). As such it will not have an adverse visual impact to neighbouring dwellings. It is of note that there will be notable views from the footpath to the south and east of the plot. However, these views will be somewhat screened by vegetation. It is also of note that the design is considered suitable and in keeping with the main dwelling. As such, when visible, the outbuilding will not detract unduly from the public views from the footpath. Residential development is currently visible, and this will not significantly change with the addition of this outbuilding.

A condition would be attached to any consent ensuring that the outbuilding remains incidental to the main dwelling.

Impact on Neighbour Amenity

There will be no adverse impact on neighbouring amenity as a result of this proposed outbuilding. There are only neighbouring dwellings immediately to the west of the plot, the north is screened by the main dwelling and the footpath is to the east and south. As stated, there is a distance of approximately 40m to the western boundary of the plot and then further distance to neighbouring dwellings themselves. The plot is significantly screened, and the outbuilding will be at a lower ground level than the western boundary of the plot due to the downward slope towards the south east. The combined effect of this is a structure that is a significant distance to the boundary and that this screened to a reasonable level.

As such, there will be no overbearing or overshadowing impacts due to distances and the size and scale of the outbuilding. There will also be no overlooking issues. Despite the large glazed gable there is a significant distance to the boundary and views will be somewhat screened. These factors combine to create little to no opportunity for adverse overlooking to the west.

Impact on the Grade II* Listed Mill

The proposed outbuilding is over 100m from the Historic Listed Building, Snettisham Mill.

Historic England offered no objection to this scheme but did require the council to consider the potential prominence of the proposed building in the setting of the listed watermill due to its height and glazing and the effect any loss of planting might have. However, no loss of planting is proposed and the scheme has since been reduced in scale. As such, the issues raised by Historic England are considered to have been addressed. The proposal is therefore compliant with paragraphs 7, 8, 193, 194 and 196 of the NPPF

The Conservation Officer also offered no objection based on harm to the setting of the mill. This is due to established built form much closer to the mill itself as well as the mature and wooded garden space between the two structures.

Overall, it is considered that based on the large distance between the structures, the level of screening and the reduced size and scale of the outbuilding, that there will be no harm to the setting of the listed building.

Other Considerations

Footpath- NCC Public Rights of Way

The current route of Snettisham footpath 18 legally runs through the application site and through the location of the proposed development, as shown on the definitive map. However, the footpath has been maintained for a significant period of time following an alternative route adjacent to the applicant's plot. Information provided by the applicant states that the footpath has been maintained in its current physical location circa 40 years. This means that whilst the development would technically block the legal right of way the actual, physical footpath that has existed for decades would not be impeded.

NCC Public Rights of Way do not object to the application but they make the following comment:

"If approved this application will illegally obstruct the legal alignment of the Snettisham footpath 18. Therefore, no construction work can take place until the footpath has been successfully diverted under T&CPA s257 by the Planning Authority."

Such an application has already been submitted to rectify the legal route of the public right of way and amend it to its physical location on the ground, which has been in place for circa 40 years as stated above. Therefore, as this issue arises from time to time, NCC PROW team confirm that this application can be approved with the caveat that no development can take place until such a time that the Town and Country Planning, Section 257 application has been approved. This would regularise the legal route situation with the longstanding physical route of the footpath and ensure no further discrepancy exists.

A condition has not been recommended, as such a condition would duplicate the separate statutory procedure that exists for diverting or stopping-up the right of way (in this case the Section 257 application) and such a condition would be outside of the applicants control. Planning advice is that other legislation should not be duplicated. If the footpath is not diverted through the S.257 application for whatever reason, there is the risk that action can be taken by the PROW team. Given the existence for decades of the current footpath alignment, this is likely to be a theoretical risk, but nevertheless that would be a risk for the applicant. Although the applicant is fully aware it is recommended that an informative be attached to any consent.

Footpath- Open Spaces Society

The Open Spaces Society officer objects for a multitude of reasons, it is especially of note that many of these reasons for objection relate to the Section 257 T&CPA application to amend

the legal route of the footpath. Whilst this application will need to be submitted, permission can be granted for the development, the onus is then on the applicant to submit an application (which they have already) to resolve the legal route of the footpath before any construction can take place, as detailed above.

The first reason for objection relates to the south side of the River Ingol being 'completely undeveloped, unspoilt landscape' they also state that the land around the river is 'of high visual amenity'. Whilst there is no disagreement that the land around the River Ingol is of high visual amenity it is incorrect to state that the land is undeveloped and unspoilt. The land in question forms part of the applicants long established garden land, this includes extensive domestic planting and screening alongside a bridge for access from the main dwelling and a small shed and summerhouse. The character of this area is clearly domesticated and is regarded as garden land.

The objection then raises the issue that as 'Snettisham Footpath No.18 passes through the land' it 'provides the public with an invaluable amenity... in close proximity to the River Ingol'. However, this is incorrect, whilst the legal route follows this course, the physical route is outside of the applicant's garden land and follows an alternative, established and maintained, physical route, set away from the area in question.

Regarding issues of a lack of consideration of the footpath in early documents and the Design and Access Statement, this issue was only realised throughout the progression of the application due to the established physical route of the existing footpath.

The objection is also to the diversion of the footpath itself, and as stated this is not the consideration of this planning application. These issues will instead be dealt with under the submitted Section 257 T&CPA Application, to divert the footpath. Planning permission can be granted as detailed, with the caveat that this diversion application is submitted and approved before construction can begin, otherwise the applicant may be at risk of action under separate legislation. The outcome of the Section 257 application is a separate matter for consideration and should not form the basis for a decision on the planning merits of the current proposal.

Flood Risk

The Environment Agency refers to their standing advice due to the level of development proposed, a householder outbuilding.

Based on the Strategic Flood Risk Assessment Procedure (2019) Householder Applications require the householder proforma only, this has been submitted with this application. Regarding access and evacuation, the proposed outbuilding is raised from ground floor level and therefore has access to an upper level, high ground is also available and is readily accessible towards the main dwelling. Based on the direct association and close proximity and use with the main dwelling it is considered that there is a suitable relationship in the event of a flood warning. Flood warning advice would also be included as an informative on any consent granted. The floor level of the building will be over 600mm from ground level. All of the above is in compliance with the Environment Agency standing advice and the Strategic Flood Risk Assessment Procedure.

Public Objections

Objections regarding; NCC footpath, development south of the River Ingol, views from the public footpath, impact on Grade II* Listed Mill, flood risk, overlooking including the orientation of dwelling, overly large in overall form and scale including floor space, ridge height and visual dominance have already been addressed in the above report.

Regarding delivery of materials, it is not felt to be reasonable to impose a condition relating to this issue due to the limited scale of development proposed and temporary nature of construction.

Regarding trees including TPO's, an Arboricultural Report and plan has been submitted and the Arboricultural Officer raised no objection.

Regarding policies in the Snettisham Neighbourhood Plan, Policy NP01- Residential Allocation is not relevant to this application as it refers to the development of around 40 dwellings at Poppyfields. This application is not for a residential dwelling and is not associated with that site. NP04- Permanent Homes, Policy and associated Community Aim is again not relevant as this is not an application for a new dwelling. NP08- Heritage, heritage issues have been addressed in the above report. Community Aim 2- Open space is not relevant to this decision as it does not relate to this level of development. An outbuilding within established residential garden land does not fall within the scope of this policy.

Regarding the potential use of building as a dwelling, the proposal states that the outbuilding will serve as a home office. It will not be permitted as a dwelling and a condition will be attached to ensure the use remains incidental to that of the main dwelling and is at no time used as a separate unit of accommodation. A condition would be attached to any consent granted restricting the use of the building for sleeping accommodation for clarity.

Regarding the increased use of access and sewerage systems, an incidental outbuilding will not significantly alter vehicular trips to and from the dwelling and it would not be reasonable to impose any related condition for this level of development. The outbuilding is not shown to use any sewerage system so this is not relevant to this decision.

Regarding the proposal setting a precedent for further development, this is a small outbuilding incidental to the main dwelling. This is a common structure within the garden land of a dwelling. Buildings are already present south of the river within the locality and as such, it would not be reasonable to refuse this application on such a basis.

Whilst the outbuilding is located outside of development boundary it is in association with an existing dwelling within established garden land. As such the principle of development is acceptable.

Regarding the proposed 'habitable' space, this does not mean the proposal is for a dwelling. Habitable rooms are generally defined as rooms used for dwelling purposes and include a variety of uses. Bathrooms and utility spaces are not generally classed as habitable space.

Finally, the conduct of agent, council and various accusations on the public access website have been addressed through the council's complaints procedures. Any future concerns in this regard would need to be addressed further through the complaints process and are not material to the planning merits of the case.

CONCLUSION

Whilst the outbuilding is located outside of the development boundary it is within the residential garden land of the dwelling. As such the principle of development is acceptable.

The design is considered to be of an appropriate scale given the main dwelling and immediate locality, the materials are shown to be in keeping and relate well to the existing dwelling. There will be no adverse impact on neighbouring amenity and the proposed relationship of the outbuilding and neighbouring dwellings is demonstrated to cause no adverse impacts.

There will be no adverse impact on the Grade II* Listed Mill or any trees (Including TPO trees) and vegetation with no trees adversely impacted as a result of the development. Flood risk is demonstrated to be acceptable and associated controls are proposed for any consent.

The legal issue with the Public Right of Way is being considered separately, with the appropriate application to formalise the physical route, and any issues that raises would have to be dealt with under that particular legislation.

It is therefore recommended that Members approve this application.

RECOMMENDATION:

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

- 1 Condition The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 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: PROPOSED SITE PLAN, Drawing Number: 21-P10-PL003A and PROPOSED PLANS & ELEVATIONS, Drawing Number: 21-P10-PL002C.
- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition The development hereby approved shall be incidental to the use of the main dwelling and shall not be occupied at any time as a separate and un-associated unit of accommodation and shall at no time be used for business or commercial purposes.
- 3 Reason For the avoidance of doubt and to safeguard the amenities of the locality in accordance with the NPPF.
- 4 Condition The building hereby approved shall at no time be used for sleeping accommodation.
- 4 Reason In order that the Local Planning Authority may retain control over the development due to the risk of flooding in accordance with the NPPF.
- 5 Condition No development or other operations shall commence on site until the existing trees have been protected in accordance with the scheme as detailed in the Tree Report, prepared by Heritage Tree Specialists, Revision: September 2021 and ARBORICULTURAL IMPLICATIONS & TREE PROTECTION plan, Revision September 2021. The works shall be carried out in complete accordance with the said scheme, which is hereby approved by the Local Planning Authority.

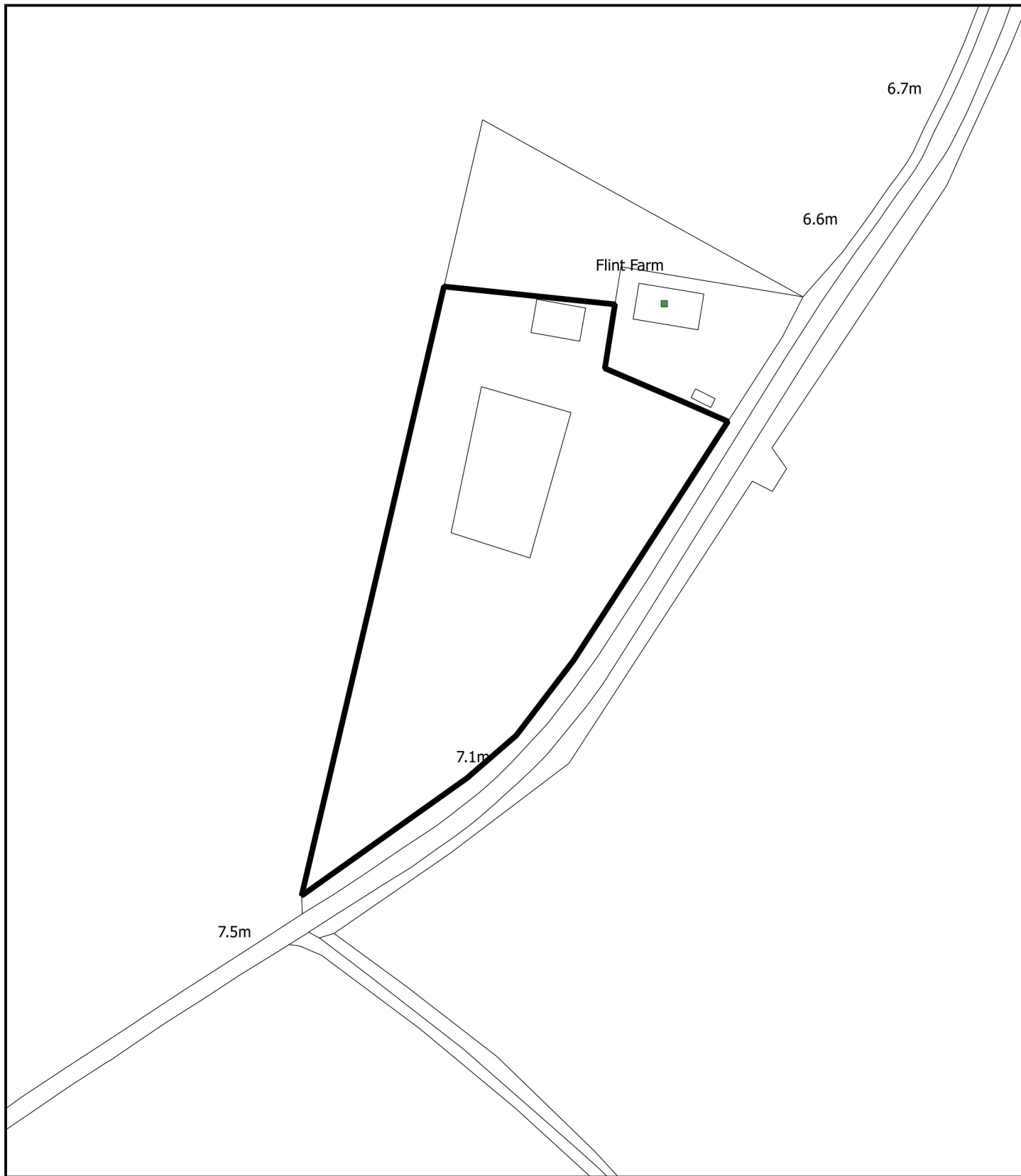
The protective fencing and the ground protection shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing or ground protection are damaged all operations shall cease until they are repaired in accordance with the approved details.

Nothing shall be stored or placed in any protected area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.

- 5 Reason To ensure that the existing trees and hedgerow are properly protected in accordance with the National Planning Policy Framework 2021.

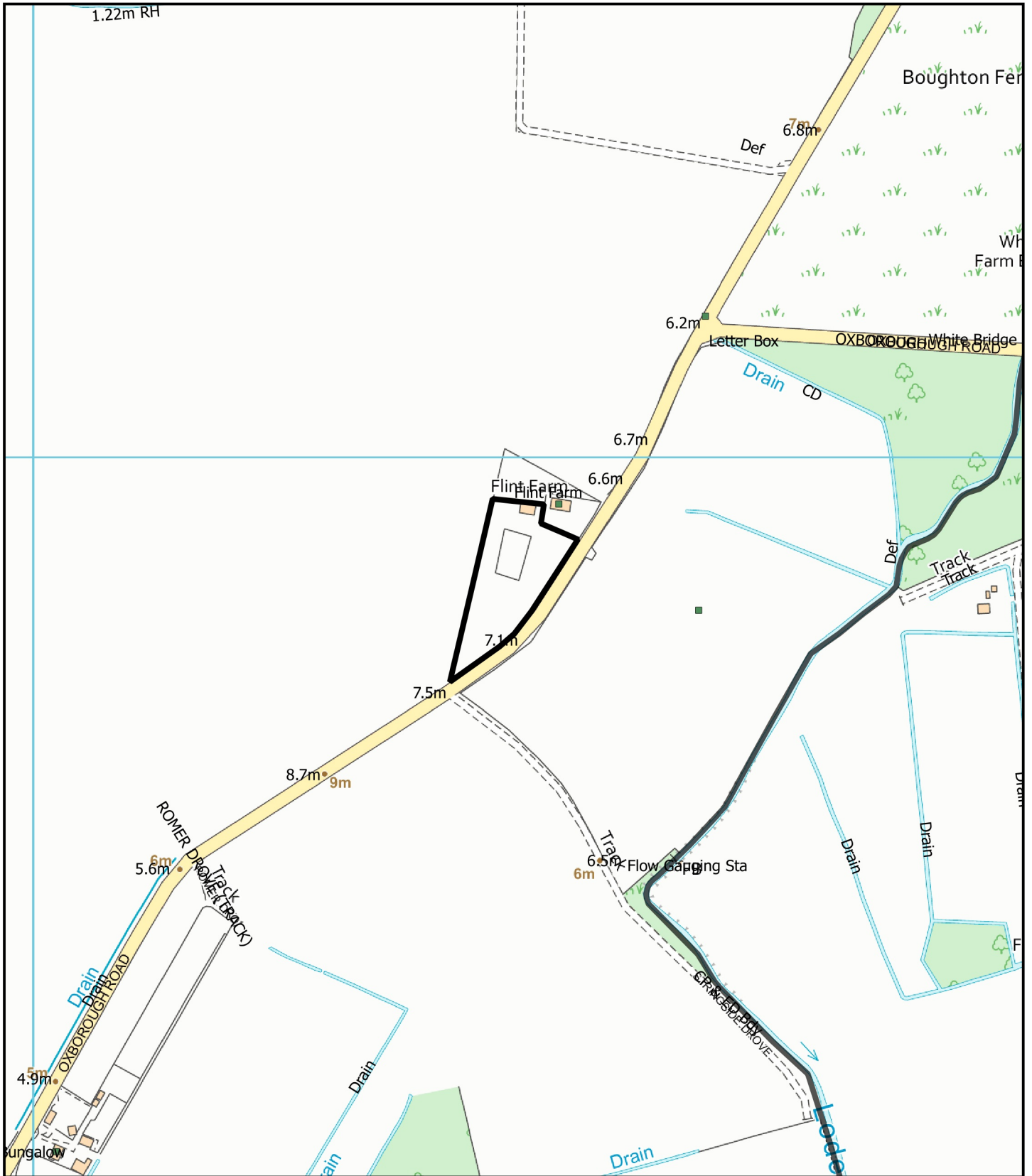
21/01720/F

Flint Farm Oxborough Road Stoke Ferry PE33 9QH



21/01720/F

Flint Farm Oxborough Road Stoke Ferry PE33 9QH



AGENDA ITEM NO: 8/3(e)

Parish:	Stoke Ferry	
Proposal:	Three holiday lets, visitor reception/store, access and car parking	
Location:	Flint Farm Oxborough Road Stoke Ferry King's Lynn PE33 9QH	
Applicant:	Mr and Mrs Dudley Pender	
Case No:	21/01720/F (Full Application)	
Case Officer:	Mrs C Dorgan	Date for Determination: 2 November 2021 Extension of Time Expiry Date: 12 November 2021

Reason for Referral to Planning Committee – Called in by Councillor Sampson.

Neighbourhood Plan: No

Case Summary

The application seeks full planning consent for the construction of three holiday cabins and a visitor office/ store for holiday use only with associated open space and the creation of a new access and parking area. The access will be via Oxborough Road.

The application site is 1.1ha in size and currently utilised as a private garden area for the adjacent donor dwelling Hanks Ranch (formally known as Flint Farm) identified within the blue land.

The site lies approximately 1km to the northeast of the built extent of the village of Stoke Ferry to the north of the A134. Stoke Ferry is categorised as a Key Rural Service Centre in the Site Allocations and Development Management Policies Plan (SADMPP)(2016) but the application site is on land designated as countryside in the Plan.

Key Issues

Principle of Development
Highways / Access
Impact on Visual Amenity
Residential Amenity
Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

The application seeks full planning consent for the construction of three holiday cabins and a visitor office/ store for holiday use only with associated open space and the creation of a new access and parking area. The access will be via Oxborough Road.

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The site lies approximately 1km to the northeast of the built extent of the village of Stoke Ferry to the north of the A134. Stoke Ferry is categorised as a Key Rural Service Centre in the Site Allocations and Development Management Policies Plan (SADMPP)(2016) but the application site is on land designated as countryside in the Plan.

The modest holiday cabins are to be constructed from timber with a corrugated iron roof. They are approximately 5m by 3m in footprint and two are 4.2m in height at ridgeline, with one unit (the chapel) being 5.2m to ridge height with a steeple of just over 1.5m beyond this. The units sleep two people and provide independent cooking and washing facilities, and a raised decking area/ veranda. The visitor reception / store is again to be constructed from timber and iron and approximate 7m by 4m in size by 4m in height. All units will have a traditional American western appearance and include names such as 'Saloon', 'Sheriff's Office' and 'General Store'.

The units are proposed to be located to the north of the site, close to the existing maintenance store and will look towards the south onto a large established landscaped area which will be further enhanced. The parking area is to be located to the east of the site close to the proposed access.

The accommodation will be managed and run by the owners of Hanks Ranch and information has been submitted in the form of a business plan as to how this will operate. It is largely self-catering accommodation with some limited meals available to cook within the cabins.

SUPPORTING CASE

This application follows the pre planning application and meeting with the planning officer to ensure the application is in line with local planning regulations and policies.

Further to the Stoke Ferry parish council meeting 22nd September where the Parish council advised they liked the idea of the proposed planning application but did not agree to approve solely on the point of this being outside of the development boundary.

I would like to highlight that the application for the 3 holiday let cabins and visitor centre/ store room is of a modest scale both in terms of each unit and the number of guests that could be accommodated on the site. The structures will be of temporary construction and for the purpose of holiday lets only and this is not an application for any type of permanent structures or any other type of development other than that stated in the application and as such should not be considered in a similar vein to a large scale housing development but on the merits of being an asset to the local parish in terms of tourism.

The site is screened from public views by existing trees and hedgerows which also give privacy to the site. The proposal has been designed to be sympathetic with the nature of the site and maintain the habitats and natural planting already in situ

The proposed development will be of benefit to tourism in the parish and is compliant with the policy CS06 - Development in Rural Areas and DM11 – Touring and Permanent Holiday Sites. (See design and access statement for more details of policies considered in this application).

PLANNING HISTORY

10/00346/F: Application Permitted – Delegated decision: 04/05/10 - Erection of steel framed agricultural barn for storage of agricultural vehicles, implements and equipment - Flint Farm, Oxborough Road

21/00069/PREAPP: PreApp -Possible Approval with Amendment: 08/07/21 - PRE-APPLICATION ENQUIRY WITH CONSULTATIONS AND WITH MEETING: Full: 4 x Log cabins and 1 x commercial cabin for self catering holidays. - Hanks Ranch, Oxborough Road

RESPONSE TO CONSULTATION

Parish Council: OBJECTION

The Stoke Ferry Parish Council felt that they would have been able to support the application in that it is for temporary structures to benefit tourism in the parish, however they have decided to object to the application based on one reason in that it is outside of the development boundary.

Local Highway Authority: NO OBJECTION subject to conditions

With reference to the revised plan 01/01 (with added visibility splay notes) and previous correspondence. I am now of the view that access, parking and turning could be provided to accord with the adopted standards and as a result I recommend conditions are attached re access, visibility splays and parking and turning.

Environment Agency: NO COMMENTS

We have reviewed the information submitted and have no comment to make on this application.

Contamination - The site is located above a Principal Aquifer. However, we do not consider this proposal to be High Risk. Therefore, we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site. The developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency Guiding Principles for Land Contamination.

Infiltration Sustainable Drainage Systems (SuDS) - The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration (SuDS). We consider any infiltration (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. If the use of deep bore soakaways is proposed, we would wish to be re-consulted. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels. All need to meet the criteria in our Groundwater Protection: Principles and Practice (GP3) position statements G1 to G13. In addition, they must not be constructed in ground affected by contamination.

IDB: NO OBJECTION

CSNN: NO OBJECTION subject to conditions

As the fourth cabin is described as a 'Visitor Reception/Store' on the site plan rather than a 'visitor centre' as per the application heading, I have no concerns, although I recommend a revision to the application wording to alleviate this issue and clarify the proposed use of the fourth cabin - a visitor centre can be associated with large numbers of visitors to the site. At the PreApp stage I requested details regarding lighting and the existing septic tank at any future application stage. These have been supplied and are agreeable.

Please condition the use as being connected with the host dwelling and named applicants to avoid separation of the site from the dwelling, which could pose amenity issues to any future occupiers of the dwelling.

Environmental Quality: NO OBJECTION

With reference to the above planning application, the site for the proposed development is an agricultural field with land surface generally natural and there seems to be no contamination legacy according to BCKLWN historic archives. In addition, the existing use of the site is currently private garden which is not vacant and is not known to be contaminated or suspected of any contamination either in part or all of the site according to the application form. Consequently, we have no objection and no further observation may be required in relation to contaminated land assessment.

Natural England: NO COMMENTS

Arboricultural Officer: NO OBJECTION

Public Rights of Way Officer (PROW): NO OBJECTION

We have no objection in principle to the application but would highlight that a Public Right of Way, known as Stoke Ferry Footpath 1 is aligned adjacent to the southern boundary of the site. The full legal extent of this footpath must remain open and accessible for the duration of the development and subsequent occupation.

REPRESENTATIONS: NO REPRESENTATIONS RECEIVED

LDF CORE STRATEGY POLICIES

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS10 - The Economy

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM2 – Development Boundaries

DM11 – Touring and Permanent Holiday Sites

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NATIONAL GUIDANCE

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

National Design Guide 2019

PLANNING CONSIDERATIONS

In the assessment and recommendation of the application the following issues have been considered-

Principle of Development

The National Planning Policy Framework (2021) refers to supporting sustainable rural tourism and leisure development that benefits rural areas, including supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

Policy CS06 of the Core Strategy states: “the Council will promote opportunities to improve and enhance the visitor economy throughout the borough and in regards to smaller scale tourism opportunities will also be supported in rural areas to sustain the local economy, providing these are in sustainable locations and are not detrimental to the natural environment.”

Policy CS10 of the Core Strategy states: “...The Council will promote opportunities to improve and enhance the visitor economy:

Supporting tourism opportunities throughout the borough...

...Smaller scale tourism opportunities will also be supported in rural areas to sustain the local economy, providing these are in sustainable locations and are not detrimental to our valuable natural environment.

The Council will permit the development of new tourism accommodation in rural areas subject to the following criteria being met:

- It should be located in or adjacent to our villages and towns;
- It should be of a high standard of design in line with national guidance;
- Will not be detrimental to the landscape;
- Mechanisms will be in place to permanently retain the tourism related use...”

Policy DM 2 of the Site Allocations & Development Management Policies Plan (SADMPP) states:

“Development will be permitted within the development boundaries of settlements shown on the Policies Map provided it is in accordance with the other policies in the Local Plan.

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, including...

- tourism facilities (under Core Strategy Policy CS10)..."

Policy DM 11 of the SADMPP relates to Touring and Permanent Holiday Sites (NOTE – For the purposes of this policy the term ‘holiday accommodation’ is used to describe caravan based accommodation, including touring and permanent sites/units, as well as permanent buildings constructed for the purpose of letting etc.)

Location requirements

Proposals for new holiday accommodation sites... will not normally be permitted unless:

- The proposal is supported by a business plan demonstrating how the site will be managed and how it will support tourism or tourist related uses in the area;
- The proposal demonstrates a high standard of design in terms of layout, screening and landscaping ensuring minimal adverse impact on visual amenity and the historical and natural environmental qualities of the surrounding landscape and surroundings; and
- The site can be safely accessed;
- It is in accordance with national policies on flood risk;
- The site is not within the Coastal Hazard Zone ...

In terms of meeting Policy CS10 the scheme has proposed a good quality form of site layout and design, which is not detrimental to the landscape of the locality. A condition is proposed to retain and control the use of the tourism accommodation in accordance with the policy. While the site is outside the built extent of Stoke Ferry, some 1km at the closest point, the nature of this tourist scheme is based around this particular rural location.

Considering the requirements of Policy DM11, the applicant has submitted a business plan, and a document on market research. The market research document discusses the local tourism markets, local attractions and local offers such as bird watching and food and drink establishments. The business plan outlines the facilities on offer, how the site will operate, pricing and marketing of the accommodation. This meets the policy requirements. The other policy requirements are discussed below in detail.

The Parish Council has objected to the application on the grounds that the site is outside the development boundary for Stoke Ferry. However, in terms of the principle of development, the scheme proposed largely accords with the NPPF, Policies CS06 and CS10 of the CS (2011) and Policies DM2 and DM11 of the SADMPP (2016) subject to other policies within the plan and issues discussed below.

Highways / Access

The scheme includes the creation of a new access from Oxborough Road to serve the holiday accommodation, in addition to the existing residential access (to the north of this). Discussions were held during the application process, and subject to the realignment of a boundary hedge the Local Planning Authority (LPA) are satisfied with the proposed access and site layout. The LPA has no objections subject to the recommended conditions regarding the access, visibility splays, and parking and turning arrangements. It is considered the scheme is in line with the NPPF, Policies CS11 (CS 2011) and Policies DM15 and DM17 (SADMPP 2016).

Impact on Visual Amenity

The cabins will be within close proximity to an existing storage barn on the application site, and will be viewed against this existing larger structure. There is existing landscaping and planting on the site and the applicant proposes to enhance this further. Firstly by planting native hedging along the western boundary of the site to protect views across the countryside towards the site and minimise the visual impact of the development. A section of the existing boundary hedge fronting Oxborough Road will need to be removed to facilitate an adequate visibility splay, and the applicant intends to replant this boundary hedge set further back into the site behind the required splay. A condition is attached to ensure these boundary treatments are secured. Conditions are also attached to require details and secure the implementation of the further planting of trees and natural species of plants to be added, alongside the meadow and woodland walk the applicant states is being created.

The scheme proposed, subject to the recommended conditions, is in accordance with the NPPF, Policies CS08 and CS12 (CS 2011) and DM15 (SADMPP 2016).

Residential Amenity

Aside from the donor dwelling, there are no other residential neighbours within the vicinity of the application site. A condition is attached to the consent to tie the holiday use/ accommodation units to the donor dwelling known as 'Hanks Ranch' (formerly known as Flint Farm). The accommodation units and the visitor reception/ store are proposed to be located to the south west of the site, adjacent to the maintenance shed, with screening in the form of planting between the holiday units and the dwelling. The parking area will be located to the east of the site adjacent to the proposed access. The site will be managed by the residents of the dwelling and therefore the relationship between these uses is considered acceptable. Information re drainage and proposed lighting has been submitted and CSNN have no objections. The application is in line with the NPPF, Policy CS08 (CS 2011) and Policy DM15 (SDAMPP 2016),

Other Material Considerations

Ecology – The application seeks to retain the majority of the well established planting on site, with only part of the front boundary hedge to be replaced to secure the visibility splay. Additional planting is intended and conditions are attached accordingly. The siting of the accommodation units are however on a grassed area of the site and is unlikely therefore to have a notable impact on ecology. The closest protected site is 200m to the northeast, Boughton Fen SSSI, which is considered to be unaffected by this low key proposal.

Flood Risk – The application site lies within Flood Zone 1 of the adopted SFRA Maps, with a small area to the south of the site at risk of fluvial flooding based on the climate change maps. This is some distance from the location of the proposed accommodation units within an area of established planting which is to be retained.

Environmental Quality – Given the condition and historical use of the land there are no land contamination concerns.

Drainage – The applicant has submitted information to evidence the fact that the existing septic tank and field drainage system (soakaway) is more than capable of being able to cope with the additional flow generated by the proposed holiday lets. CSNN has no objections to the arrangements.

CONCLUSION

The application seeks consent for holiday cabins and associated facilities on land designated as countryside approximately 1km to the northeast of Stoke Ferry. The Parish Council has objected to the scheme on the grounds that the site is outside of the development boundary. However, this is a tourist scheme and developments of this nature (holiday cabins) are almost inevitably located in the countryside. This is recognised in national and local policies, and in terms of the principle of development the proposal is considered to be in accordance with Policies CS06 and CS10 (of the CS) and DM2 and DM11 (of the SADMP).

In terms of assessing the detailed impacts, there are no other objections to the scheme, and no visual amenity issues, highways issues or neighbour amenity concerns. The application is therefore recommended for approval subject to the appropriate conditions-

RECOMMENDATION:

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

- 1 Condition The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition The development hereby permitted shall be carried out in accordance with the following approved plans (Drawing Nos-

01/01 Site Layout Plan received 15 Oct 2021
01/02 Proposed General Store Plans and Elevations received 2 Sept 2021
01/03 Proposed Chapel Plans and Elevations received 2 Sept 2021
01/03 Proposed Sheriffs Office Plans and Elevations received 2 Sept 2021
01/03 Proposed Saloon Plans and Elevations received 2 Sept 2021).
- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition Prior to the first use of the development hereby permitted the vehicular / pedestrian / cyclist access shall be constructed in accordance with the highways specification TRAD 5 and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.
- 3 Reason To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety.
- 4 Condition Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order (2015), (or any Order revoking, amending or re-enacting that Order) no gates/bollard/chain/other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.
- 4 Reason In the interests of highway safety.

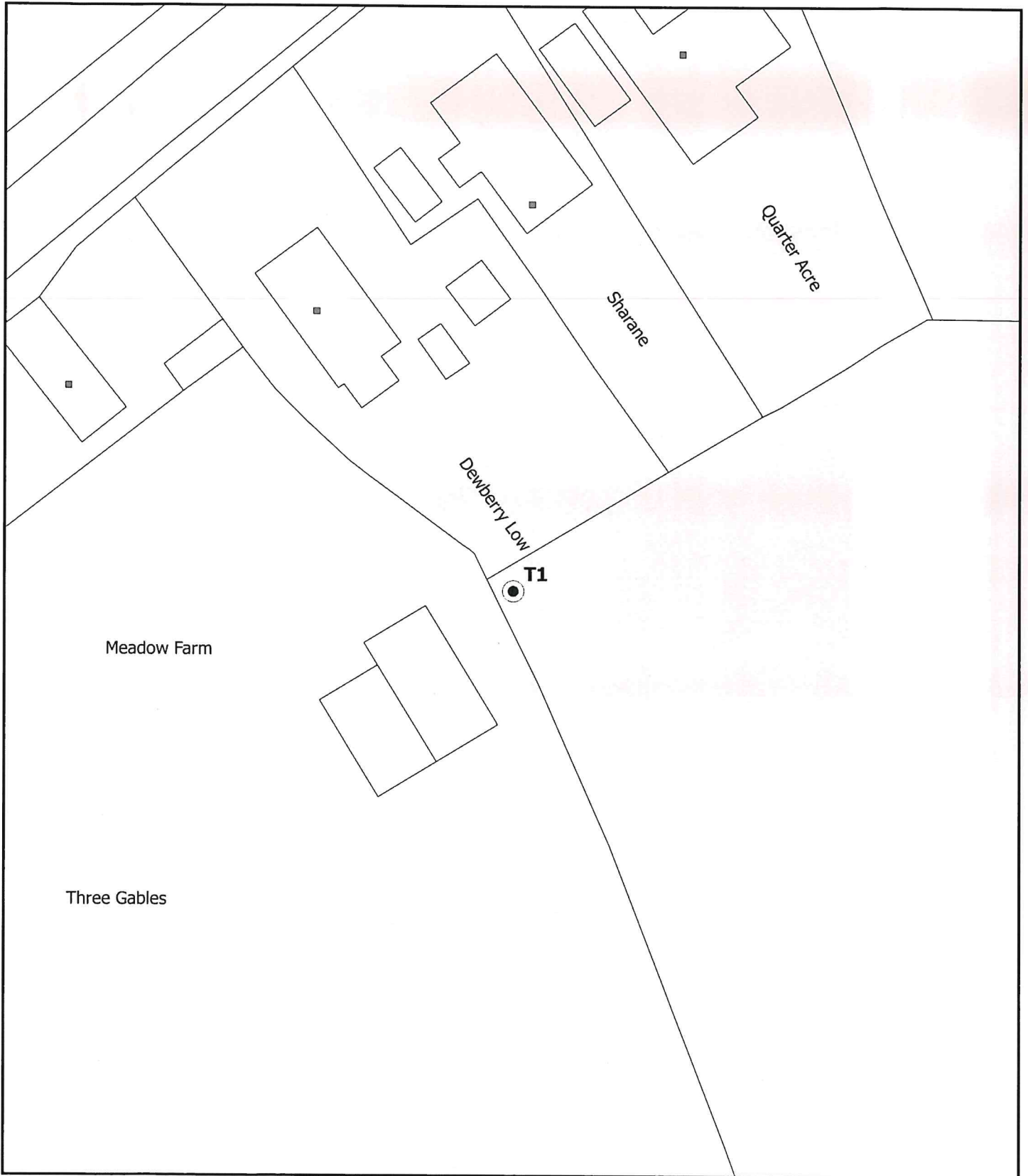
- 5 Condition Prior to the first use of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan. The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.
- 5 Reason In the interests of highway safety in accordance with the principles of the NPPF.
- 6 Condition Prior to the first use of the development hereby permitted the proposed access / on-site car parking / turning area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 6 Reason To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.
- 7 Condition The development hereby permitted and identified as the land outlined in red on Drawing No 01/01, shall be held in association with the dwelling known as Hanks Ranch (formerly known as Flint Farm) identified as the land outlined in blue on Drawing No. 01/01 and shall at no time be used as a separate business or commercial use.
- 7 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.
- 8 Condition The accommodation hereby permitted shall only be used as short-stay holiday accommodation (no more than 28 days per single let) and shall not be occupied as a person's sole or main place of residence. The owners shall maintain an up-to-date register of lettings/occupation and shall make the register available at all reasonable times to the Local Planning Authority.
- 8 Reason In the interests of the amenities of the locality in accordance with the NPPF and Policy DM11 of the SADMPP (2016).
- 9 Condition Prior to first occupation/use of the development hereby permitted, a plan shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, heights and materials of the boundary treatments to be erected/ planted, including the replacement hedging on the front (southeast) elevation. This should include, where appropriate, planting plans with schedules of plant noting species, plant sizes and proposed numbers and densities. The boundary treatment shall be completed before the use hereby permitted is commenced 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.
- 9 Reason To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.
- 10 Condition Prior to the first use or occupation of the development hereby approved, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include finished levels or contours, hard surface materials, refuse or other storage units, street furniture, structures and other minor artefacts. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations

associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate.

- 10 Reason To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 11 Condition All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 11 Reason To ensure that the work is carried out within a reasonable period in accordance with the NPPF.

2/TPO/00609

Oak Tree on boundary between Manor Farm and Dewberry Low
Lynn Road West Rudham PE31 8RW



AGENDA ITEM NO: 8/4(a)

Parish:	West Rudham	
Purpose of report:	TO CONSIDER WHETHER TREE PRESERVATION ORDER 2/TPO/00609 SHOULD BE CONFIRMED, MODIFIED OR NOT CONFIRMED IN THE LIGHT OF OBJECTIONS	
Location:	Within the garden of: Dewberry Low, Lynn Road, West Rudham, PE31 8RW	
Case No:	2/TPO/00609	
Grid Ref:	581374 327875	Date of service of Order: 17 th June 2021

RECOMMENDATION - CONFIRM ORDER WITH MODIFICATION OF THE PLAN TO MOVE THE POINT INTO THE GARDEN OF DEWBERRY LOW

THE SITE

The mature Oak (T1), is situated in the rear garden of Dewberry Low, Lynn Road, West Rudham. This tree can be seen from Lynn Road. This tree contributes greatly to the setting of the area and to the wider landscape of the approach to West Rudham.

LDF CORE STRATEGY POLICIES

C12 - Environmental Assets

REASON FOR MAKING THE TREE PRESERVATION ORDER

Following a phone call from a concerned resident regarding the impending removal of the tree, and following a site visit, it was found that this tree has a high amenity value, not only for the immediate residents of Lynn Road, but the wider environment in general.

OUTLINE OF OBJECTIONS AND REPRESENTATIONS

Two letters of objection have been received, one from the owner of Dewberry Low, and one from a neighbouring property. One letter of support has been received. The objections are outlined below:

1. The tree has been certified as dangerous by a tree surgeon and liable to cause damage to my property and that of the neighbours.
2. The question of amenity value has been raised; ...” *The tree is on private land and there are no public access routes to it or near it so I would question the amenity value”.*
3. “*We have lived [In the neighbouring property] for nearly 40 years and during this time this mature Oak has deteriorated. The trunk itself is very badly damaged and liable to come down with high winds and storms.”*

RESPONSE TO OBJECTIONS AND REPRESENTATIONS

1. It is recognised that the Oak has a cavity in the stem with decaying timber, I am of the opinion that a 4-5m overall crown reduction would remove a large amount of weight from the crown, whilst allowing the resource of the tree to remain. It is worth noting that trees of this age and stature are considered highly prized for their contribution to biodiversity and wildlife in general.
2. Amenity value is wider than just the owners/neighbouring properties. This mature Oak can clearly be seen from both Lynn Road and Lynn Fields and adds greatly to the local landscape.
3. Please see point 1.

LETTER OF SUPPORT

A letter of support has been received from a neighbour and is summarised below:

1. The Oak tree is a beautiful specimen and home to numerous birds and wildlife I general.
2. The neighbour has many out buildings/greenhouses in close proximity to the tree and has never felt the buildings were under threat from the tree, and it has survived many storms in the past.

CONCLUSIONS

In conclusion, this tree contributes greatly to the character and appearance of the street scene and the local area, both now, and into the future. It is considered that the reasons put forward by the objector are of insufficient weight to overcome the harm to the character and appearance of the locale that would occur should these trees be removed, No evidence has been supplied to show the extent of the decay within the stem. It is therefore recommended that the order is confirmed.

RECOMMENDATION: CONFIRM ORDER WITH MODIFICATION OF THE PLAN TO MOVE THE POINT INTO THE GARDEN OF DEWBERRY LOW

Background Papers

TPO file reference: 2/TPO/00609

Appendix 1: Copy of scoring assessment

Contact Officer: Mr R. Fisher, Arboricultural Officer 01553 616386

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date:	Surveyor: <u>R Fisher</u>
-------	---------------------------

Tree details	TPO Ref (if applicable): <u>2/TP/000609</u>	Tree/Group No: <u>TL</u>	Species: <u>oak</u>
Owner (if known):	Location: <u>To the rear of Dewbury low, Lynch Road West Rudham</u>		

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- | | |
|--------------------------|-------------------------|
| 5) Good | Highly suitable |
| ③) Fair/satisfactory | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable |

Score & Notes

③

* Relates to existing context and is intended to apply to severe irremediable defects only

b) Retention span (in years) & suitability for TPO

- | | |
|-----------|-----------------|
| 5) 100+ | Highly suitable |
| 4) 40-100 | Very suitable |
| ②) 20-40 | Suitable |
| 1) 10-20 | Just suitable |
| 0) <10* | Unsuitable |

Score & Notes

②

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- | | |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees | Highly suitable |
| ④) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes

④

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- | | |
|--|---------------|
| 5) Principal components of formal arboricultural features, or veteran trees | Score & Notes |
| 4) Tree groups, or principal members of groups important for their cohesion | |
| ③) Trees with identifiable historic, commemorative or habitat importance | |
| 2) Trees of particularly good form, especially if rare or unusual | |
| 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) | |
| -1) Trees with poor form or which are generally unsuitable for their location | |

Score & Notes

③ Excellent habitat

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- | | |
|---|---------------|
| 5) Immediate threat to tree inc. s.211 Notice | Score & Notes |
| ③) Foreseeable threat to tree | |
| 2) Perceived threat to tree | |
| 1) Precautionary only | |

Score & Notes

③

Part 3: Decision guide

- | | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-11 | Does not merit TPO |
| 12-15 | TPO defensible |
| 16+ | Definitely merits TPO |

Add Scores for Total:

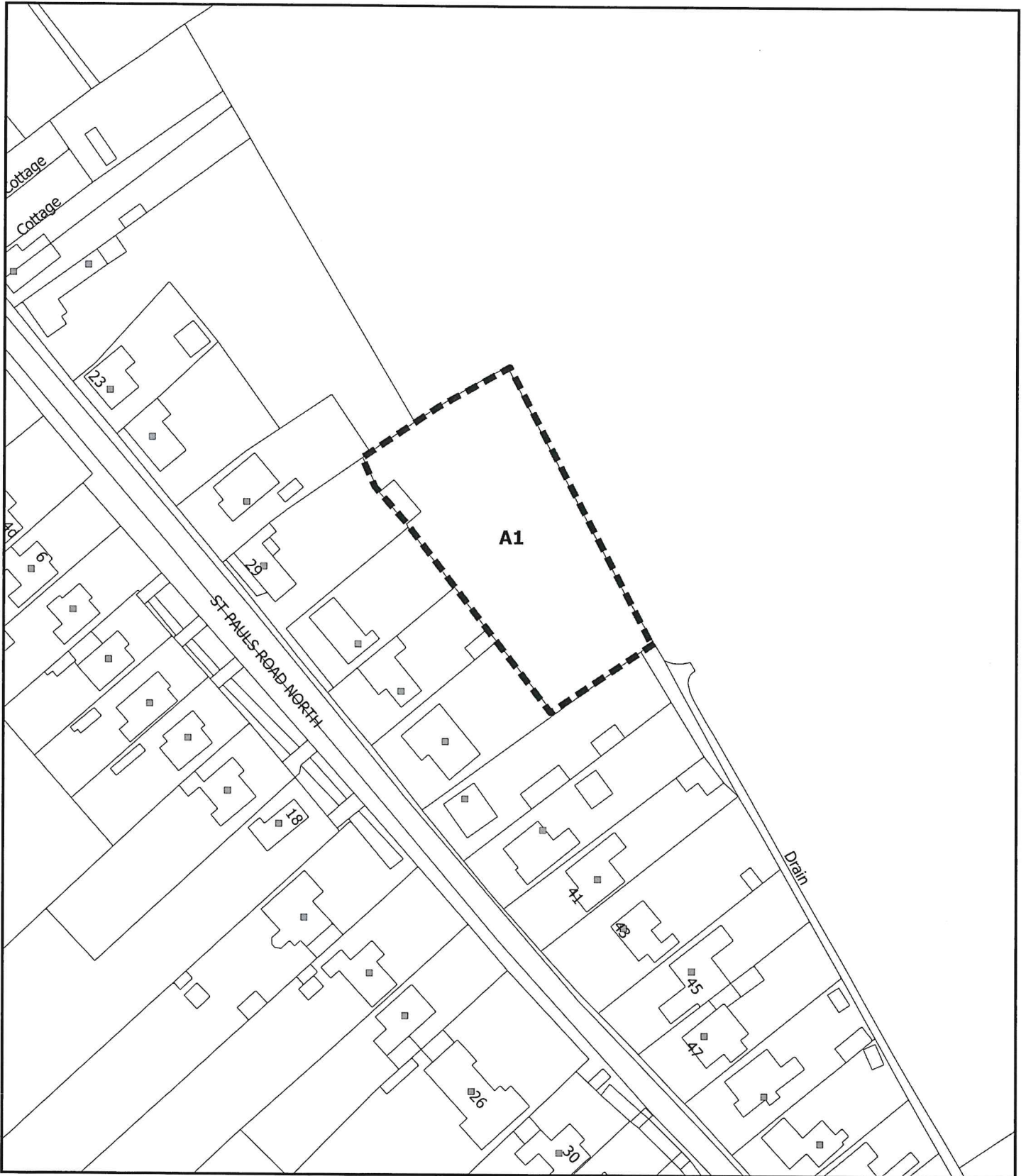
①5

Decision:

serve TPO.

2/TPO/00613

Rosedene 29 St Pauls Road North Walton Highway Norfolk PE14 7DN



AGENDA ITEM NO: 8/4(b)

Parish:	West Walton	
Purpose of report:	TO CONSIDER WHETHER TREE PRESERVATION ORDER 2/TPO/00613 SHOULD BE CONFIRMED, MODIFIED OR NOT CONFIRMED IN THE LIGHT OF OBJECTIONS	
Location:	Within the garden/land of: Rosedene, 29 St Pauls Road North, Walton Highway, PE14 7DN.	
Case No:	2/TPO/00613	
Grid Ref:	549431 312910	Date of service of Order: 30th July 2021

RECOMMENDATION - CONFIRM ORDER WITHOUT MODIFICATION

THE SITE

The area of mixed age trees is situated in the extended rear garden of Rosedene, 29 St Pauls Road North, Walton Highway, the tree species include Poplar, Sycamore and Pine. These trees can be seen from St Pauls Road North and the A47 to the East of the site. The trees form an attractive feature in the immediate area and add to the wider landscape in general.

LDF CORE STRATEGY POLICIES

C12 - Environmental Assets

REASON FOR MAKING THE TREE PRESERVATION ORDER

Following a phone call from a concerned resident regarding the impending sale of the property and land I carried out a site visit and felt that the trees are an important feature in the landscape and should be retained.

OUTLINE OF OBJECTIONS AND REPRESENTATIONS

Two letters of objection have been received, one from the new owner of Rosedene, 29 St Pauls Road North, and one from a neighbouring property. The objections are outlined below:

1. The land was bought with the intention of grazing livestock, specifically horses. Some of the trees within the area are Sycamore and fatally poisonous to horses, if we can't manage the trees the horses are at high risk of becoming ill or dying.
2. We would like to be able to prune and maintain the trees on and around the area, some of the low hanging branches could be injurious to the horses.
3. The three trees behind my property (35 St Pauls Road North) are extremely tall with huge overhanging branches and are dangerous should they fall. A tree surgeon has said the trees are weeds and should be cut down.

4. The roots of the trees have grown under the decking and has caused significant damage, none of the trees have been maintained.

RESPONSE TO OBJECTIONS AND REPRESENTATIONS

1. All works to protected trees, including removal, are considered. The application process is straight forward and no cost. Discussion can be had around the potential danger to livestock and can be carried out during the application process.
2. As above; all tree works can be considered through the application process.
3. A tree's height is not an indication of how dangerous it potentially is, neighbouring properties are able to apply for tree works through the normal application process. There is no 'weed' tree classification in arboriculture.
4. Discussion can be carried out with the tree owners regarding roots and possible works to remedy the problem. Root pruning can be applied for through the normal application process.

CONCLUSIONS

In conclusion, these trees contribute greatly to the character and appearance of the street scene and the local area, both now, and into the future. It is considered that the reasons put forward by the objector are of insufficient weight to overcome the harm to the character and appearance of the locale that would occur should these trees be removed. It is therefore recommended that the order is confirmed.

RECOMMENDATION: CONFIRM ORDER WITHOUT MODIFICATION

Background Papers

TPO file reference: 2/TPO/00613

Appendix 1: Copy of scoring assessment

Contact Officer: Mr R. Fisher, Arboricultural Officer 01553 616386

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: _____ Surveyor: R. FISHER

Tree details
 TPO Ref (if applicable): 2/790/613 Tree/Group No: A1 Species: Mixed
 Owner (if known): _____ Location: 29 St Pauls Road North-west Walton.

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- 5) Good Highly suitable
- 3) Fair/satisfactory Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous* Unsuitable

Score & Notes
3

* Relates to existing context and is intended to apply to severe irremediable defects only

b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

Score & Notes
2

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or large trees with limited view only Suitable
- 2) Young, small, or medium/large trees visible only with difficulty Barely suitable
- 1) Trees not visible to the public, regardless of size Probably unsuitable

Score & Notes
4

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes
1

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes
3

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible
- 16+ Definitely merits TPO

Add Scores for Total:
13

Decision:
serve TPO

PLANNING ENFORCEMENT REPORT

PLANNING COMMITTEE – 8 NOVEMBER 2021

Report of the Executive Director of Environment and Planning, pursuant to the Scheme of Delegation

Parish:	TERRINGTON ST CLEMENT (ENF REF - 19/00464/UNTIDY)
Purpose of report:	TO UPDATE MEMBERS IN RESPECT OF A CONTINUING BREACH OF PLANNING CONTROL AND TO SEEK A RESOLUTION IN RESPECT OF FURTHER ENFORCEMENT ACTION TO REMEDY THE BREACH OF PLANNING CONTROL
Location:	Land at Marlian House, Church Road, Terrington St John, PE14 7SA
Site owner/occupier:	Miss Joanne Hardy
<p>Summary – That Members of the Planning Committee:</p> <ul style="list-style-type: none"> a) Note the update in respect of the continuing breach of planning control; b) Grant authority to the Executive Director of Environment and Planning for the implementation and execution of direct action under Section 219 of the Town and Country Planning Act 1990 (as amended) to comply with requirements set out in paragraph 3 of the Section 215 Notice; and 	

1.0 INTRODUCTION

1.1 This report is brought to the Planning Committee so that Members can note the continuing breach of planning control and for a resolution to remedy the breach of planning control following non-compliance with a Section 215 Notice. I attach a copy of the Section 215 Notice at **Appendix 1**.

2.0 THE LAND

2.1 Marlian House, Church Road, Terrington St John PE14 7SA (“the Land”) is located on the western side of Church Road. A plan identifying the Land can be found attached to the Section 215 Notice at **Appendix 1**.

2.2 The Land is approximately 580 square metres (0.058 hectares) and consists of a vacant dwellinghouse that has not been occupied residentially for a large number of years, set in a large area of overgrown garden land. The dwellinghouse itself (Marlian House) is the northern half of a pair of semi-detached dwellings, with the attached dwelling currently being occupied.

2.3 It is apparent that the property has not been maintained for a long period of time, which has resulted in the land becoming overgrown with vegetation.

2.4 5 photographs showing the condition of the Land are attached at **Appendix 2**.

3.0 RELEVANT LEGISLATION

3.1 The following legislations are relevant:

Town and Country Planning Act 1990 (as amended) (“the 1990 Act”),
Sections 215 and 219

4.0 PLANNING CONSIDERATIONS

4.1 The following planning considerations relevant:

4.1.1 Planning Practice Guidance – Ensuring effective enforcement dated 06
March 2014

4.1.2 Town and Country Planning Act 1990 Section 215: best practice
guidance published 31 January 2005

5.0 THE BREACH OF PLANNING CONTROL

5.1 The breach of planning control is set out in paragraph 1 of the Section 215
Notice as:

*‘This notice is served by the Council under section 215 of the Act because it
appears to them that the amenity of a part of their area is adversely affected
by the condition of the land described below.’*

6.0 ENFORCEMENT HISTORY

6.1 The site was brought to the attention of the Planning Enforcement Team in
August 2019 by a member of the planning department.

6.2 Records show that a notice pursuant to section 215 TCPA was previously
served in May 2012 (10/00579/UNTIDY) due to the condition of the property
at that time.

That Notice was eventually complied with and the land cleared.

6.3 In relation to the current file, contact was made with the landowner requesting
works were undertaken to remedy the harm caused by the condition of the
property. The owner was contacted by telephone and letter on numerous
occasions but no remedial work was carried out.

6.4 As these requests were not actioned the section 215 notice (Appendix 1) was
served.

6.5 The land is registered with Land Registry NK129108, with the proprietor
shown as, Joanne Hardy.

- 6.6 The Section 215 Notice required the following works to be undertaken:
- (a) Remove all overgrown vegetation from the front and side garden areas
 - (b) Remove all climbing vegetation from the front and side elevations of the house
 - (c) Remove all overgrown vegetation from the front fence bordering the road

The Notice was served on 1st September 2020, came into effect on 19th October 2020 and provided a period of three calendar months to comply with its requirements.

- 6.7 Please refer to appendix 1 for a copy of the Section 215 Notice.
- 6.8 Although the notice was served during the Covid-19 pandemic which undoubtedly caused members of the public difficulties with travelling and appointing contractors etc, it is the council's opinion that that issues were not insurmountable and sufficient time was provided to arrange for the works to be carried out.

7.0 OPTIONS FOR REMEDYING THE BREACH OF PLANNING CONTROL

7.1 Option 1 – Prosecution

- 7.2 Section 216(2) of the 1990 Act provides that if any owner or occupier of land on whom a notice was served fails to take steps required by the notice within the period specified in it for compliance with it, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

- 7.3 This option has already been pursued and on 28th July 2020 in the King's Lynn Magistrates Court Miss Hardy, was in her absence successfully convicted of failing to comply with the requirements of the section 215 Notice. A fine, costs and victim surcharge were imposed by the Magistrates Court.

- 7.4 Following the conviction a letter was sent to Miss Hardy requiring her to now take urgent action to remedy the breach by complying with the Notice. To date no work has been carried out.

7.5 Option 2 – Injunction Relief

- 7.6 Section 187B(1) of the 1990 Act provides that where a local planning authority consider it necessary or expedient for any actual or apprehended breach of planning control to be restrained by injunction, they may apply to the high court or the county court for an injunction, whether or not they have exercised

or are proposing to exercise any of their other powers under Part VII (Enforcement) of the 1990 Act.

7.7 Whilst an application may be made to the court in respect of the above breach of planning control, the court would need to be satisfied that the granting of an order to force compliance will achieve the required aim and that intervention is as a last resort. This is because the court would also need to be satisfied that if Miss Hardy fails to obey the order they would be prepared to commit her to prison for contempt of court.

7.8 In this particular case it is suspected the Council will have some difficulty in persuading the court to grant injunctive relief. This is because Miss Hardy might recite the difficulties with travelling and appointing contractors etc, and an order and injunctive relief cannot at this time be said to be the only option or last resort to remedying the breach of planning control.

7.9 Members would therefore have to commit to costs involved with obtaining and enforcing the order, with limited realistic prospects of success. This option is therefore not considered to be the most appropriate and proportionate way forward.

7.10 Option 3 – Direct Action (Section 219 of the 1990 TCPA)

7.11 Section 219(1) of the Act provides that if, within the period specified in a notice under section 215 in accordance with subsection (2) of that section, or within such extended period as the local planning authority who served the notice may allow, any steps required by the notice to be taken have not been taken, the local planning authority who served the notice may:

(a) enter the land and take those steps, and

(b) recover from the person who is then the owner of the land any expenses reasonably incurred by them in doing so.

7.12 Enforcement action taken must be appropriate and proportionate to any risks posed and commensurate to the breach of planning control. Some incidents or breaches of regulatory requirements have the potential to cause serious risks to the public, environmental damage or loss of public or residential amenity. One of the Council's responsibilities is to protect the public and prevent harm to the environment from occurring or continuing.

7.13 The condition of the Land is causing an adverse impact on the amenity, and due to the fact that the property is not being maintained further neglect will ensue. It is considered that the best option for remedying the continuing breach of planning control is to take direct action.

7.14 Paragraph 3 of the Section 215 Notice requires the following works to be undertaken:

- (a) Remove all overgrown vegetation from the front and side garden areas
- (b) Remove all climbing vegetation from the front and side elevations of the house
- (c) Remove all overgrown vegetation from the front fence bordering the road

7.15 Based on the contents of this report and in this particular case, it is considered that direct action pursuant to Section 219 of the Act is justifiable, reasonable, appropriate, proportionate and necessary and the best option open to Members to remedy the breach of planning control, to protect the public, amenity and prevent harm to the environment from occurring or continuing.

8.0 COST IMPLICATIONS

8.1 For information two quotations have been received from contractors to carry out the works.

- £3100.00 + VAT
- £2500.00 + VAT

As the quotations are less than £5000.00 the Council's Contract Standing Orders Policy does not require more to be sought in this instance.

8.2 From the council's point of view, the costs of taking direct action are recoverable, and a charge can be placed on the land. It is however also relevant for the landowner as the Council should demonstrate that the costs incurred are reasonable and justifiable. In this case it is considered to be the case, based on the two quotes above.

9.0 THE HUMAN RIGHTS ACT AND THE EQUALITY ACT

9.1 The Council has a duty to consider the landowner's rights under the Human Rights Act (HRA), in particular Article 8 and Article 1 of the first protocol to the Convention on Human Rights, which state that a person is entitled to the right to respect for private and family life, and the peaceful enjoyment of his/her property.

9.2 However, these rights are qualified in that they must be set against the general interest and the protection of the rights and freedom of others. In this case it is considered that the wider adverse impact due to the condition of the land outweighs the landowner's right under the HRA.

9.3 The Council must also have due regard to the provisions of the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. Amongst other things, this requires consideration to be given to the need to eliminate unlawful discrimination, harassment and victimisation and to advance equality

of opportunity and foster good relations between people who share protected characteristic and people who do not share it.

- 9.4 It is not known that the landowner falls within one of the protected characteristics and moreover it does not follow from the PSED that formal enforcement action should not be taken. Given the adverse impact the condition of the land is having on the amenity, it is not considered that the requirement to have due regard to meet the needs of people with protected characteristics is of sufficient weight in this instance to justify taking no action.

10.0 RECOMMENDATION

10.1 That Members of the Planning Committee:

- a) Note the update in respect of the continuing breach of planning control;**
- b) Grant authority to the Executive Director of Environment and Planning for the implementation and execution of direct action under Section 219 of the Town and Country Planning Act 1990 (as amended) to comply with requirements set out in paragraph 3 of the Section 215 Notice.**



Case Reference Number: 19/00247/NIA

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

Borough Council of King's Lynn & West Norfolk

**TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991) ('the Act')**

ENFORCEMENT NOTICE

ISSUED BY: Borough Council of King's Lynn & West Norfolk ('the Council')

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control within paragraph (a) of Section 171A(1) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The annex at the end of the Notice and enclosure to which it refers contain important additional information.

2. **THE LAND TO WHICH THIS NOTICE RELATES**

Land known as Robins Nest, Baldwins Drove Outwell Norfolk, ("the Land") as shown shaded on the attached plan.

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

Without planning permission, the material change of use of the Land from agricultural use to a mixed use of agricultural land and use for residential purposes.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the past ten years.

The site lies outside the development boundary of Outwell and within the countryside. No justification has been provided to relax countryside protection policies. The countryside is to be recognised and protected for its intrinsic beauty and character as set out in Para 170(b) of the NPPF, policy CS06 of the Local Development Framework Core Strategy (adopted 2011) and policy DM2 of the Site Allocations and Development Management Policies Plan (adopted 2016). The development is contrary to these policies.

The location of this site is also contrary to the provisions of the NPPF 2019 as it is not considered to represent sustainable development given its remote location away from services and facilities.

The Land lies within Flood Zone 3 and is therefore at a high risk of flooding. The development is considered to be more vulnerable within the Governments flood risk vulnerability classification. Tables 1 and 3 of the Governments Planning Practice Guidance makes it clear that for more vulnerable development such as dwelling houses, before they can be approved, an exception test is required within Flood Zone 3. With regards the exception test, it is not considered that there are wider sustainability benefits outweighing flood risk. No evidence (through a flood risk assessment) has been provided to demonstrate that the development will be safe, and in any case it is highly unlikely that single-storey dwellings with ground floor habitable accommodation will be acceptable in this location.

There is no justification to set aside the in-principle objection on flood risk grounds to this development which is contrary to Core Strategy policy CS08 and the National Planning Policy Framework (NPPF).

5. WHAT YOU ARE REQUIRED TO DO

Permanently cease the use of the Land for residential purposes.

6. TIME FOR COMPLIANCE

Two calendar months from the date this notice takes effect

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 8 NOVEMBER 2021
unless an appeal is made against it beforehand.

Date of Issue: 27 SEPTEMBER 2021

Signed:



Mr S Ashworth
Assistant Director
Authorised Signatory

On behalf of Borough Council of King's Lynn and West Norfolk
King's Court
Chapel Street
King's Lynn
Norfolk
PE30 1EX.

A copy of this notice has been served upon the following persons:

James Vickers of Robins Nest, Baldwins Drove, Outwell, Norfolk, PE14 8SB

In the event of an appeal against the issue of this Enforcement Notice on Ground (a) that planning permission ought to be granted, the fee payable to the Local Planning Authority is £924

ANNEX

THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Appeals Casework Portal (<https://acp.planninginspectorate.gov.uk/>); or
- by getting enforcement appeal forms by phoning us on 0303 444 5000 or by emailing us at enquiries@pins.gsi.gov.uk.

You MUST make sure that we receive your appeal before the effective date on the enforcement notice.

In exceptional circumstances you may give notice of appeal by fax or letter. You should include:-

- the name of the local planning authority;
- the site address;
- your address; and
- the effective date of the enforcement notice.

We MUST receive this before the effective date on the enforcement notice. This should **immediately** be followed by your completed appeal forms.

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period[s] specified in paragraph 7 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution, injunctive action in the High Court or County Court and/or remedial action by the Council.



ENFORCEMENT OF PLANNING CONTROL

Town and Country Planning Act 1990

(As amended by the Planning & Compensation Act 1991)

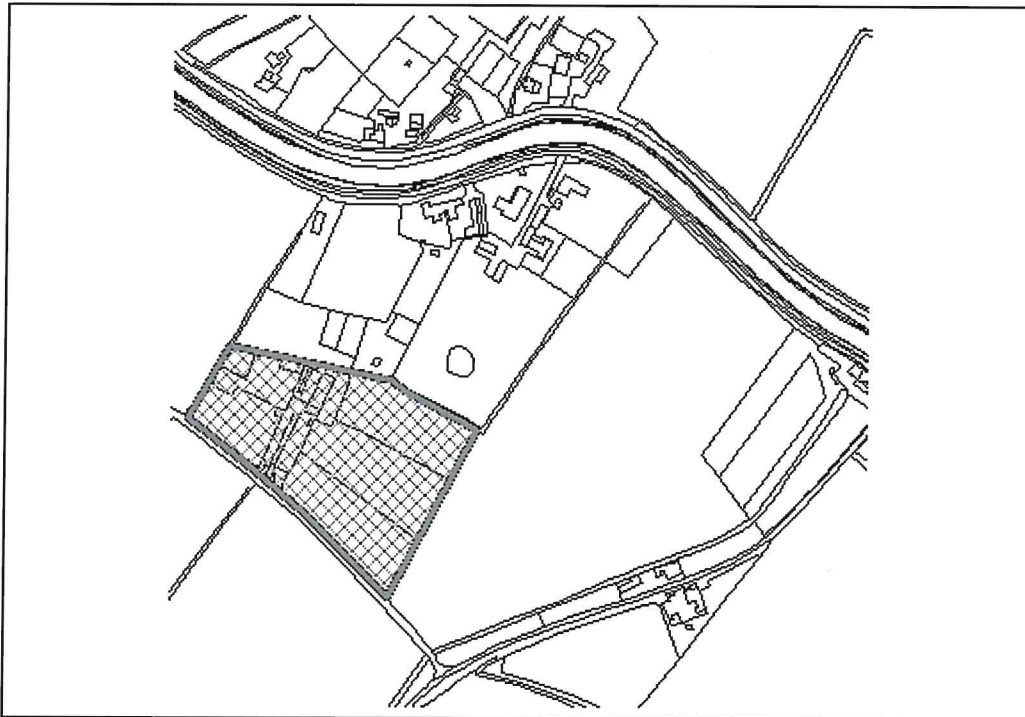
DEVELOPMENT AND REGENERATION SERVICES

King's Court, Chapel Street
King's Lynn, Norfolk PE30 1EX
Tel: (01553) 616200
Fax: (01553) 616652
DX 57825 KING'S LYNN
Website: www.west-norfolk.gov.uk

A Plan showing site at: Land E Church Field SW of 54 Well Creek Road
And E of Baldwins Drove Outwell

Ref: 19/00247/NIA

Date: 21 September 2021



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PLANNING COMMITTEE – 8 NOVEMBER 2021

APPLICATIONS DETERMINED UNDER DELEGATED POWERS

PURPOSE OF REPORT

- (1) To inform Members of the number of decisions issued between the production of the October Planning Committee Agenda and the November agenda. 154 decisions issued 144 decisions issued under delegated powers with 10 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 60% determined in time. Failure to meet this target could result in the application being dealt with by Pins who will also receive any associated planning fee.

RECOMMENDATION: That the reports be noted.

Number of Decisions issued between 24/09/2021 – 22/10/2021

	Total	Approved	Refused	Under 8 weeks	Under 13 weeks	Performance %	National Target	Planning Committee decision	
								Approved	Refused
Major	2	2	0		2	100%	60%	0	0
Minor	59	55	4	44		75%	80%	4	2
Other	93	91	2	183		89%	80%	4	0
Total	154	148	6						

Planning Committee made 10 of the 154 decisions, 6%

PLANNING COMMITTEE - 8 NOVEMBER 2021

APPLICATIONS DETERMINED UNDER DELEGATED POWERS

PURPOSE OF REPORT

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

RECOMMENDATION

That the report be noted.

DETAILS OF DECISIONS

DATE RECEIVED	DATE DETERMINED/ DECISION	REF NUMBER	APPLICANT PROPOSED DEV	PARISH/AREA
12.07.2021	30.09.2021 Application Permitted	21/01416/F	1 Manor Farm Barns Eastmoor Road Eastmoor Barton Bendish Installation of new velux roof light, replacement/relocation of rear full height screen, replacement french doors with bi-folds and new window to first floor bedroom	Barton Bendish
14.04.2021	18.10.2021 Application Permitted	21/00713/F	Well Cottage Lynn Road Great Bircham King's Lynn Demolition of existing dwelling and construction of 4 No dwellings	Bircham

14.01.2021	21.10.2021 Application Permitted	21/00101/F	Flat 18 Dormy House Butchers Lane Brancaster Replacement of existing single glazed Crittall and timber windows	Brancaster
24.03.2021	08.10.2021 Application Permitted	21/00761/F	The Lodge Main Road Brancaster King's Lynn Extensions and alterations to dwelling	Brancaster
21.05.2021	22.10.2021 Application Permitted	21/01170/F	Old School House 1 School Pastures Burnham Deepdale King's Lynn Landscape works, including construction of an outdoor swimming pool and outbuilding to house pool plant, incidental to previously approved application 20/02029/F.	Brancaster
04.06.2021	24.09.2021 Application Permitted	21/01108/F	The Ship Hotel Main Road Brancaster Norfolk Demolition of walls and garden structures and the erection of hotel accommodation with associated hard and soft landscaping.	Brancaster
02.07.2021	12.10.2021 Application Permitted	21/01349/F	St Marys House London Street Brancaster King's Lynn New timber gates to service courtyard, new brick piers and external lighting (revised scheme)	Brancaster
02.07.2021	12.10.2021 Application Permitted	21/01350/LB	St Marys House London Street Brancaster King's Lynn New timber gates to service courtyard, new brick piers and external lighting (revised scheme)	Brancaster

05.07.2021	12.10.2021 Application Permitted	21/01396/F	Flint Cottage 62 Dale End Brancaster Staithe KINGS LYNN Proposed single storey side and rear extension to dwelling	Brancaster
12.07.2021	18.10.2021 Application Refused	21/01457/F	Little Saltings Broad Lane Brancaster King's Lynn Demolition of existing bungalow and annexe and construction of a new replacement home	Brancaster
11.11.2020	14.10.2021 Application Permitted	20/01866/F	Land North West of 40 Sutton Estate Burnham Market King's Lynn Residential development of 9no. dwellings.	Burnham Market
12.01.2021	24.09.2021 Application Permitted	21/00084/F	Redlands Back Lane Burnham Market King's Lynn Development of 6 dwellings following demolition of existing dwelling	Burnham Market
29.07.2021	08.10.2021 Application Permitted	21/01558/F	Sussex Barn Sussex Farm Ringstead Road Burnham Market VARIATION OF CONDITION 2 OF PLANNING PERMISSION 20/00904/F: Proposed conversion of barns to 9No residential dwellings with associated works	Burnham Market
17.08.2021	30.09.2021 Tree Application - No objection	21/00166/TREECA	Hall Farm Herrings Lane Burnham Market King's Lynn TREES IN CONSERVATION AREA: T1 - Conifer in garden, storm damaged, reduce height by 12" and reshape. T2 - Sycamore fell due to basal decay	Burnham Market

17.08.2021	30.09.2021 Tree Application - No objection	21/00167/TREECA	Church Pightle Station Road Burnham Market KINGS LYNN Trees in a Conservation Area- G1 - Remove a line of small beech, that appear to be a hedge planting	Burnham Market
17.08.2021	19.10.2021 Application Permitted	21/01670/F	The Old Rectory Overy Road Burnham Market King's Lynn Formation of internal garden wall and fence within grounds of dwelling	Burnham Market
17.08.2021	20.10.2021 Application Permitted	21/01671/LB	The Old Rectory Overy Road Burnham Market King's Lynn Listed Building: Formation of internal garden wall and fence within grounds of dwelling	Burnham Market
06.09.2021	04.10.2021 Application Permitted	21/01035/NMA_1	Mayfield Cottage Ringstead Road Burnham Market Norfolk NON-MATERIAL AMENDMENT TO PLANNING CONSENT 21/01035/F: Erection of new cart shed	Burnham Market
14.09.2021	05.10.2021 Tree Application - No objection	21/00184/TREECA	8 Gravel Hill Mill Road Burnham Overy Town King's Lynn Tree in a Conservation Area: T1 Rowan - Fell	Burnham Overy
30.04.2021	19.10.2021 Application Permitted	21/01254/F	Land Adj The Eyrie Back Lane Castle Acre King's Lynn Proposed dwelling (revised design which began construction in 2005)	Castle Acre

02.09.2021	05.10.2021 Application Permitted	20/01637/NMA_1	Motte House Pyes Lane Castle Acre King's Lynn NON-MATERIAL AMENDMENT TO Planning Permission 20/01637/F: First floor extension to dwelling	Castle Acre
30.09.2021	14.10.2021 TPO Work Approved	21/00115/TPO	1 Stone Barn Court Castle Acre King's Lynn Norfolk 2/TPO/00494 and Conservation Area: T1 Cedar Tree - remove as too close to property. T2 Maple Tree, T3 Cherry Plum, T4 Silver Birch - crown reductions by aprox 1.5-2m to keep them to a suitable size for their location	Castle Acre
26.08.2021	21.10.2021 Application Permitted	21/01734/F	39 - 40 School Road Castle Rising Norfolk PE31 6AG Extension and alterations to dwelling	Castle Rising
26.08.2021	22.10.2021 Application Permitted	21/01706/F	Braemar Ringstead Road Choseley Docking Loft Conversion, addition of new ground floor oriel window, new first floor window, addition of rooflights, re-cladding of existing extension	Choseley
16.12.2020	14.10.2021 Application Permitted	20/02031/F	Willow Farm 11 Black Horse Road Clenchwarton KINGS LYNN Demolition of existing dilapidated agricultural shed to construct a replacement agricultural store	Clenchwarton
26.07.2021	13.10.2021 Application Permitted	21/01491/F	6 Rookery Road Clenchwarton King's Lynn Norfolk Shed to west of dwelling	Clenchwarton

03.08.2021	04.10.2021 Application Permitted	21/01552/F	12 Linford Estate Clenchwarton King's Lynn Norfolk Extensions to dwelling	Clenchwarton
10.08.2021	05.10.2021 Application Permitted	21/01598/F	5 The Hollies Clenchwarton King's Lynn Norfolk Construction of single storey garden outbuilding	Clenchwarton
08.06.2021	04.10.2021 Application Permitted	21/01130/F	Rosemary Cottage Main Road Crimplasham Norfolk Proposed cart lodge for parking and storage	Crimplasham
09.08.2021	04.10.2021 Application Permitted	21/01586/F	25 Sluice Road Denver Downham Market Norfolk Two storey and single storey extension to rear of dwelling following removal of existing extensions	Denver
05.07.2021	22.10.2021 Application Permitted	21/01362/F	32 Station Road Dersingham King's Lynn Norfolk New Dwelling and Detached Car Port.	Dersingham
22.07.2021	01.10.2021 Application Permitted	21/01519/F	15A Pansey Drive Dersingham King's Lynn Norfolk A single storey rear extension and associated alterations	Dersingham
03.08.2021	08.10.2021 Application Permitted	21/01550/F	25 Old Hall Drive Dersingham King's Lynn Norfolk 2 storey front extension and single storey rear extension. Widened dropped kerb to driveway.	Dersingham

19.08.2021	20.10.2021 Application Permitted	21/01656/F	21 Hipkin Road Dersingham King's Lynn Norfolk RETROSPECTIVE APPLICATION: Replacement of two garden fence panels.	Dersingham
08.09.2021	20.10.2021 GPD HH extn - Not Required	21/01794/PAGPD	44 West Hall Road Dersingham King's Lynn Norfolk Single storey rear extension which extends beyond the rear wall by 4m with a maximum height of 2.8m and a height of 2.5m to the eaves.	Dersingham
30.09.2021	08.10.2021 Tree Application - No objection	21/00201/TREECA	1 Shernborne Road Dersingham King's Lynn Norfolk Tree in a Conservation Area: Tilia Cordata - To fell the tree making room for planting local plants in keeping with the pre existing border	Dersingham
12.04.2021	24.09.2021 Application Permitted	21/00887/F	(Former Granarys Site) Choseley Road Docking Norfolk Variation of condition 1 of planning permission 20/00099/F to change drawings	Docking
05.05.2021	04.10.2021 Application Permitted	21/00875/F	4 Winchmore Row Station Road Docking Norfolk Proposed rear single storey conservatory and a dormer window to the rear elevation	Docking
06.08.2021	15.10.2021 Application Permitted	21/01575/F	The Old Vets House Bradmere Lane Docking King's Lynn Extension of existing dwelling house	Docking

09.08.2021	07.10.2021 Application Permitted	21/01583/F	4 Courtyard Barns Station Road Docking Norfolk Rear extension with internal alterations	Docking
28.05.2021	04.10.2021 Application Permitted	21/01208/LB	Temperance House 61 Bridge Street Downham Market Norfolk Proposed works to the Rear Elevation of the property. Remove the existing timber window adjacent brickwork of the sides and below to form new opening 1430mm x 2080mm. Fit new Lintel and install timber French Door set, make good internal and external surfaces, fit new shreshold board. Datum Point is Right hand side to existing window frame viewed from outside.	Downham Market
30.06.2021	19.10.2021 Application Permitted	21/01374/F	25 Lynn Road Downham Market Norfolk PE38 9NJ Proposed removal of single flat roof conservatory, removal of small brickwork nib between cottage door and window and introduction of new lintel. Erection of Single Conservatory with roof light.	Downham Market
13.07.2021	14.10.2021 Application Permitted	21/01430/F	9 The Towers Downham Market Norfolk PE38 9AE Single storey front, rear and side extensions and first floor accommodation in new roof on existing bungalow and refacing remaining existing walls and boundary wall	Downham Market

15.07.2021	07.10.2021 Application Permitted	21/01481/F	Mortons Barbershop And Mens Room 33 Bridge Street Downham Market Norfolk Erection of electrically operated traditional weinor folding arm awning	Downham Market
29.07.2021	30.09.2021 Application Permitted	21/01534/A	3 St Johns Way St John's Business Estate Downham Market Norfolk 1 x internally illuminated fascia sign.	Downham Market
06.08.2021	01.10.2021 Application Permitted	21/01573/F	15 Buttercup Drive Downham Market Norfolk PE38 9GJ Rear single storey extension to existing dwelling	Downham Market
13.08.2021	08.10.2021 Application Permitted	21/01613/F	8 Retreat Estate Downham Market Norfolk PE38 9QH Single storey extension and alterations	Downham Market
13.08.2021	14.10.2021 Application Permitted	21/01642/F	29 Crow Hall Estate Downham Market Norfolk PE38 0DG New Dwelling to replace Existing following demolition	Downham Market
23.08.2021	18.10.2021 Application Permitted	21/01722/F	Winsworthy 31 Ryston End Downham Market Norfolk Extension and alterations to dwelling	Downham Market
16.09.2021	21.10.2021 Tree Application - No objection	21/00191/TREECA	Willow Orchard Broomsthorpe Road East Rudham King's Lynn Works to trees in a conservation area, see plan for details	East Rudham

10.08.2021	07.10.2021 Application Permitted	21/01599/F	The Glen Gayton Road East Winch King's Lynn Repositioned vehicle access, replacement boundary walls and new garage	East Winch
20.08.2021	20.10.2021 Would be Lawful	21/01666/LDP	Woodland S of West Bilney Wood N of Holder Carr Common Road West Bilney Norfolk Certificate of Lawfulness: New access to the front of the woodland in order to allow the entry of heavier logging machinery in the felling and removing of trees	East Winch
16.08.2021	08.10.2021 Application Permitted	21/01619/F	WM Morrisons The Peel Centre Elm High Road Emneth The proposed includes constructing a sheltered canopy for the loading of home shopping vans within the stores existing service yard area	Emneth
29.04.2021	24.09.2021 Application Permitted	21/00834/F	4 High Street Feltwell Thetford Norfolk VARIATION OF CONDITION 2 of Planning Permission 15/01745/F: to Amend the External Materials.	Feltwell
03.08.2021	12.10.2021 Application Permitted	21/01570/F	Land Off Munsons Lane Feltwell Norfolk Construction of meeting hall - revised design 19/00774/F	Feltwell

27.09.2021	22.10.2021 Tree Application - No objection	21/00200/TREECA	Bridle Mount 8 Bircham Road Fring KINGS LYNN Trees in a Conservation Area: T1- Plum Dead- Fell to ground level , T2-Oak-2 meter crown reduction, T3-Willow- Re-pollar, T4-Willow- Re-pollard, T5- Birch- 1 Meter crown reduction	Fring
03.08.2021	28.09.2021 Application Permitted	21/01571/F	52 St Nicholas Close Gayton King's Lynn Norfolk Single storey extension to dwelling	Gayton
09.08.2021	30.09.2021 Application Permitted	21/01585/LB	The Rectory 27 Weasenham Road Great Massingham King's Lynn To create a doorway in a previously bricked up opening between the outbuildings.	Great Massingham
09.08.2021	04.10.2021 Application Permitted	21/01587/F	Farm Buildings E of Peddars Farm Lynn Lane Great Massingham Norfolk Demolition of existing agricultural barn (which has class Q planning approval) to replace with new residential bungalow, solar panels on existing agricultural shed, garden pond and landscaping	Great Massingham
07.04.2020	12.10.2021 Application Permitted	15/01786/VAR1A	Stave Farm 3 Chapel Road Pott Row King's Lynn Modification of planning obligation, reference LC-S106-16-70 related to planning application reference 15/01786/OM	Grimston

23.02.2021	22.10.2021 Application Permitted	21/00342/F	Ivy Farm House 37 Congham Road Grimston King's Lynn Conversion and extension to outbuildings to holiday let unit	Grimston
08.06.2021	19.10.2021 Application Permitted	21/01134/LB	Ivy Farm House 37 Congham Road Grimston King's Lynn Listed Building Application: Conversion and extension to outbuildings to holiday let unit.	Grimston
21.06.2021	01.10.2021 Application Permitted	21/01234/F	Land Rear of 2 To 24 Vong Lane Pott Row Norfolk Application for the erection of a general storage barn in the agricultural use area of the site	Grimston
24.06.2021	08.10.2021 Application Permitted	21/01330/F	Highcroft 5 Church Lane Harpley King's Lynn Proposed garage extension to provide workshop and a home office space	Harpley
26.07.2021	21.10.2021 Application Permitted	21/01525/F	61 High Street Heacham King's Lynn Norfolk Proposed annexe incorporating extension and part conversion of existing workshop/store	Heacham
04.08.2021	15.10.2021 Application Permitted	21/01555/F	33 Neville Road Heacham King's Lynn Norfolk Re-roofing of existing bungalow, including hip to gable extensions and one and a half storey rear extension.	Heacham

09.08.2021	04.10.2021 Application Permitted	21/01589/F	30 The Broadway Heacham King's Lynn Norfolk Single storey rear and side extension, loft conversion, internal and external alterations	Heacham
11.08.2021	12.10.2021 Application Permitted	21/01602/F	Neville Lodge 69 Station Road Heacham King's Lynn Single storey rear extension and alterations to dwelling	Heacham
11.08.2021	15.10.2021 Application Permitted	21/01628/F	1 The Drift Heacham King's Lynn Norfolk Demolition of existing outbuilding and replacement garage	Heacham
19.08.2021	19.10.2021 Application Permitted	21/01662/F	Pioneer Holiday Park South Beach Road Heacham King's Lynn New offices and reception area to replace existing.	Heacham
01.07.2021	21.10.2021 Application Permitted	21/01381/F	The Ffolkes Arms Hotel Lynn Road Hillington King's Lynn Change of use from temporary car park to permanent car park	Hillington
30.07.2021	24.09.2021 Application Permitted	21/01540/F	8 Lynn Road Hillington King's Lynn Norfolk VARIATION OF CONDITION 2 OF PLANNING PERMISSION 19/00317/F: Two storey rear extension to replace single storey extension and internal alterations	Hillington
18.08.2021	12.10.2021 Application Permitted	21/01648/F	Wilton Farm 193 Main Street Hockwold cum Wilton Norfolk Change of use from farm store to cheese making facility	Hockwold cum Wilton

22.02.2021	05.10.2021 Application Refused	21/00320/F	Homefields Peddars Way Holme next The Sea Norfolk Extensions and alterations to dwelling	Holme next the Sea
17.08.2021	18.10.2021 Application Permitted	21/01640/F	Journeys End 36 Kirkgate Holme next The Sea Norfolk Erection of a single storey, timber framed garden room	Holme next the Sea
23.06.2021	11.10.2021 Application Permitted	21/01320/LB	Houghton Hall Houghton Park Bircham Road Houghton Listed Building Application: Remove 20th century roller shutter from the west archway to the square (the stable block) and to replace it with a pair of wrought iron gates. Remove two timber glazed screens with doors installed in 1990's.	Houghton
03.08.2021	28.09.2021 Application Permitted	21/01549/F	21 Harrys Way Hunstanton Norfolk PE36 5PG Single storey extension to rear of existing bungalow	Hunstanton
21.06.2021	08.10.2021 Application Permitted	18/02200/NMAM_3	Land Around Pond And W of 30 Hill Road Lynn Road Ingoldisthorpe Norfolk NON-MATERIAL AMENDMENT of planning permission 18/02200/RMM to reduce chimney heights, removal of guarding to Juliet windows on elevations and allowing for second floor window facing east (Plot 1)	Ingoldisthorpe

31.08.2021	22.10.2021 Application Permitted	21/01713/F	Fieldhouse Brickley Lane Ingoldisthorpe Norfolk Proposed loft conversion incorporating dormer window	Ingoldisthorpe
19.04.2021	08.10.2021 Application Permitted	21/00925/O	PRIVATE West Norfolk Deaf Association Car Park Old Market Street King's Lynn Norfolk Outline application for the erection of up to 6 dwellings	King's Lynn
07.06.2021	08.10.2021 Application Permitted	21/01251/FM	Ge Be Transport Hamlin Way Hardwick Narrows King's Lynn Construction of distribution building for trailer and short term goods storage	King's Lynn
15.06.2021	01.10.2021 Application Permitted	21/01192/A	VIRTUAM 7 Paxman Road Hardwick Industrial Estate King's Lynn To erect a roadside business signage.	King's Lynn
09.07.2021	27.09.2021 Application Permitted	21/01403/LB	1 Purfleet Place King's Lynn Norfolk PE30 1JH Alterations to Grade II* listed building	King's Lynn
09.07.2021	08.10.2021 Application Permitted	21/01410/A	Thurlow Nunn 11 Campbells Meadow King's Lynn Norfolk Advert Application: Display of 5 internally illuminated fascia signs and 1 x internally illuminated totem pole	King's Lynn
12.07.2021	22.10.2021 Application Permitted	21/01420/FM	Omex Agriculture Ltd Estuary Road King's Lynn Norfolk Construction of a new raw materials storage building/shed	King's Lynn

14.07.2021	06.10.2021 Application Permitted	21/01474/CU	Unit 24 East Coast Business Park Clenchwarton Road West Lynn Change of use from formerly B1 to B2 use to be able to carry out MOT's, repairs and maintenance of motor vehicles.	King's Lynn
29.07.2021	29.09.2021 Application Permitted	21/01535/F	14 Kensington Road King's Lynn Norfolk PE30 4AS Single storey rear extension, enlarging kitchen and lounge area and a two storey side extension forming Utility, store and bed 1 with en-suite	King's Lynn
10.08.2021	04.10.2021 Application Permitted	21/01597/LB	Globe Hotel King Street King's Lynn Norfolk Listed building application to remove the asbestos tiles shown on the roof plan by a specialist contractor. Following this the timber, felt and battens will be repaired and roof finish refit to match existing. The tiles that will be reinstalled will be reclaimed roof tiles that match the existing currently on site	King's Lynn
12.08.2021	22.10.2021 Application Permitted	21/01609/F	HAIRSHARE 108 High Street King's Lynn Norfolk External Alterations	King's Lynn
16.08.2021	12.10.2021 Application Permitted	21/01620/F	47 Kensington Road King's Lynn Norfolk PE30 4AS Removal of existing rear conservatory and replace with single storey rear extension	King's Lynn

17.08.2021	12.10.2021 Application Permitted	21/01636/LB	The Maltings Nelson Street King's Lynn Norfolk Existing fire doors to be replaced	King's Lynn
17.08.2021	12.10.2021 Application Permitted	21/01637/F	3 Lavender Road King's Lynn Norfolk PE30 4HA Retrospective Change of use from a single dwelling to C4 House of Multiple Occupancy and the erection of a proposed side extension to facilitate the retrospective Change of use	King's Lynn
17.08.2021	19.10.2021 Application Permitted	21/01673/F	30 Windsor Road King's Lynn Norfolk PE30 5PL Retrospective permission for replacement roofing on third storey, front and rear elevations of property, replacing concrete tiles with black slate tiles.	King's Lynn
18.08.2021	22.10.2021 Application Permitted	21/01655/F	161 Gaywood Road King's Lynn Norfolk PE30 2QA First floor rear extension	King's Lynn
19.08.2021	14.10.2021 Application Permitted	21/01659/F	20 King Street King's Lynn Norfolk PE30 1ES Internal alterations to form new WCs and reinstate division between properties	King's Lynn
19.08.2021	20.10.2021 Application Permitted	21/01660/LB	20 King Street King's Lynn Norfolk PE30 1ES Listed Building Application: Internal alterations to form new WCs and reinstate division between properties	King's Lynn

23.08.2021	22.10.2021 Application Permitted	21/01675/F	37 Hoveton Close Hickling King's Lynn Norfolk Rear Conservatory and replacement carport	King's Lynn
10.09.2021	19.10.2021 NO OBJECTION TO NCC APP	21/01818/CM	Fen Rivers Academy Kilhams Way King's Lynn Norfolk COUNTY MATTER: Demolition of former caretaker's bungalow	King's Lynn
06.10.2021	15.10.2021 TPO Work Approved	21/00116/TPO	67 Tennyson Road King's Lynn Norfolk PE30 5NG 2/TPO/00499: T1 Sycamore - Pollard	King's Lynn
13.10.2021	15.10.2021 Tree Application - No objection	21/00207/TREECA	Trinity Quay Page Stair Lane King's Lynn Norfolk G1 (Leyland Cypress) Reduce height by 1 metre. Strip side branches on the North overhanging the Timber Yard	King's Lynn
13.07.2021	14.10.2021 Would be Lawful	21/01425/LDP	Clearwen 83 Gayton Road Ashwicken Norfolk Application for a Lawful Development Certificate for a proposed oak frame conservatory, 3370 wide & 2480 depth (floor area of 8.357 meters)	Leziate
26.04.2021	20.10.2021 Application Permitted	21/00988/F	The Stables East Winch Road Blackborough End Norfolk REMOVAL OR VARIATION OF CONDITION 2 (EQUESTRIAN TIE) OF PLANNING PERMISSION 2/76/1484/F: Erection of house and garage	Middleton

16.08.2021	11.10.2021 Application Permitted	21/01663/F	35 Parkhill Middleton King's Lynn Norfolk Front infill extension, rear corner infill extension, amendments to existing exterior finishes and upgraded roof	Middleton
12.05.2021	29.09.2021 Application Permitted	21/00929/RM	1 Bridge Cottages Downham Road Nordelph Downham Market Reserved Matters Application: Replacement of Bridge Farm Cottages (two dwellings) with two dwellings	Nordelph
19.07.2021	27.09.2021 Application Permitted	21/01449/F	Swan Cottage Birchfield Road Nordelph Downham Market A boat landing stage (retrospective)	Nordelph
30.06.2021	15.10.2021 Application Permitted	21/01537/BT	Kiosk K6 Normans Lane North Creake Norfolk Adoption of telephone kiosk by the Parish Council	North Creake
08.09.2021	21.10.2021 Tree Application - No objection	21/00181/TREECA	Red House 28 Church Street North Creake Fakenham T1 Silver Birch Tree (near south west corner boundary) - Fell/Remove as canopy in decline with major dead wood present. T2 Cherry Tree (centre rear garden) - Fell/Remove as dead	North Creake
01.09.2021	22.10.2021 Application Permitted	21/01756/F	Glen Cottage 139 Nursery Lane North Wootton King's Lynn Extension	North Wootton

10.09.2021	08.10.2021 Application Permitted	20/01271/NMA_1	Waterside Cottage 10 Common Drove Northwold Thetford NON- MATERIAL AMENDMENT TO PLANNING CONSENT 20/01271/F: Revisions to internal layout and inclusion of new proposed rooflights	Northwold
21.09.2021	19.10.2021 Application Permitted	21/00613/NMA_1	69 High Street Northwold Thetford Norfolk NON-MATERIAL AMENDMENT TO PLANNING CONSENT 21/00613/F to change the proposed flat rooflight to a roof lantern	Northwold
01.10.2021	05.10.2021 Application Permitted	21/00905/NMA_1	4 Pinfold Lane Northwold Norfolk IP26 5LH NON-MATERIAL AMENDMENT TO PLANNING CONSENT 21/00905/F: Change of use of outbuilding into a self-contained residential annexe	Northwold
28.07.2021	22.10.2021 Application Permitted	21/01512/F	25 Wodehouse Road Old Hunstanton HUNSTANTON Norfolk Proposed side and rear single storey extension and internal alterations.	Old Hunstanton
19.08.2021	13.10.2021 Application Permitted	21/01661/F	Flat 2 The Old Vicarage Church Road Old Hunstanton Garden Pavilion/Gazebo	Old Hunstanton

10.05.2021	06.10.2021 Application Permitted	21/00907/F	Land To The Rear of Kirton House Langhorns Lane Outwell Norfolk Proposed dwelling and garage including demolition of existing barn	Outwell
29.06.2021	08.10.2021 Application Permitted	21/01309/F	21 Pentney Lakes Common Road Pentney Norfolk Extension of existing dwelling to include two extra bedrooms, living area and covered veranda. Also addition of porch area for the front entrance.	Pentney
13.07.2021	01.10.2021 Application Permitted	21/01428/F	Land At Narborough Road Pentney Norfolk Detached 4-bed 2 storey dwelling	Pentney
03.08.2021	28.09.2021 Application Permitted	21/01551/F	Estoria House 63 Station Road Roydon KINGS LYNN Rear Facing Balcony.	Roydon
29.07.2021	13.10.2021 Application Permitted	21/01528/F	Sandringham Cricket Club Scotch Belt Sandringham Norfolk Demolition of existing cricket pavilion and construction of new cricket pavilion	Sandringham
12.07.2021	08.10.2021 Application Permitted	21/01458/F	1 Millview Court Station Road Snettisham King's Lynn Dropped kerb at front of property	Snettisham
04.06.2021	04.10.2021 Application Permitted	21/01232/F	Creake Business Park Unit 3A The Common South Creake Norfolk The construction of a new industrial building within an existing industrial estate with all existing services and access	South Creake

15.07.2021	05.10.2021 Application Refused	21/01482/F	5 Fakenham Road South Creake Fakenham Norfolk Two storey rear extension and alterations	South Creake
01.06.2021	29.09.2021 Application Permitted	21/01087/F	Estuary Farm Edward Benerfer Way King's Lynn Norfolk Retrospective planning permission for the existing operational use of three 370KW Biomass boilers and associated structures that house the ancillary equipment.	South Wootton
14.06.2021	01.10.2021 Application Permitted	21/01176/F	7 Malvern Close South Wootton King's Lynn Norfolk Self contained 1 bedroom annexe	South Wootton
09.07.2021	01.10.2021 Application Permitted	21/01405/F	47 Blackthorn Road South Wootton King's Lynn Norfolk Extension	South Wootton
29.07.2021	08.10.2021 Application Permitted	21/01531/F	Wootton Rise 19 Priory Lane South Wootton King's Lynn Rear Extension and alterations to existing dwelling house	South Wootton
24.08.2021	22.10.2021 Application Permitted	21/01690/F	Niagara 98 Grimston Road South Wootton King's Lynn Extension & alterations to dwelling	South Wootton
26.09.2021	No objections to Crown application	21/001113/TPO	1 Pretoria Grove South Wootton King's Lynn Norfolk 2/TPO/00295 T1- Ash- Fell to ground level-ganoderma fruiting body on base of tree & inonotus hispidus approximately 25 ft on left stem T2- Holly- Fell to ground level in order to thin the canopy of multiple Holly's	South Wootton

21.07.2021	01.10.2021 Application Refused	21/01509/O	6 Common Lane Southery Downham Market Norfolk Outline Application: Construction of two 2 storey dwellings following demolition of existing substandard bungalow.	Southery
20.08.2021	14.10.2021 Application Permitted	21/01667/F	Sandralan Lynn Road Stoke Ferry King's Lynn 1.5 storey side extension	Stoke Ferry
16.04.2021	01.10.2021 Application Permitted	21/00728/F	The Birches Cuckoo Road Stow Bridge KINGS LYNN Replacement garage with annexe above & temporary static caravan during construction works	Stow Bardolph
09.08.2021	12.10.2021 Application Permitted	21/01604/F	The Dower House Stow Bridge Road Stow Bardolph KINGS LYNN LISTED BUILDING APPLICATION: Retrospective erection of 2m high fence and gate within garden.	Stow Bardolph
20.08.2021	20.10.2021 Application Permitted	21/01699/F	White House Farm The Bridge West Head Road Stow Bridge King's Lynn Single storey rear extension and modification of conservatory roof.	Stow Bardolph
26.03.2021	13.10.2021 Application Permitted	21/00591/F	Fern House Farm Fern Farm Lane Terrington St Clement KINGS LYNN Agricultural building for use as a grain store.	Terrington St Clement
04.06.2021	24.09.2021 Application Permitted	21/01110/F	The Gables 107 Northgate Way Terrington St Clement King's Lynn Change of use of land from Paddock to Equestrian Manege	Terrington St Clement

09.07.2021	18.10.2021 Application Permitted	21/01404/F	Westfield House 191 Sutton Road Terrington St Clement King's Lynn Proposed temporary mobile classrooms	Terrington St Clement
30.07.2021	24.09.2021 Application Permitted	21/01561/F	136 Lynn Road Terrington St Clement King's Lynn Norfolk Installation of small domestic sewage plant to replace existing cess pit.	Terrington St Clement
11.08.2021	13.10.2021 Application Permitted	21/01616/F	Fairview 31 Lynn Road Terrington St Clement King's Lynn Rear extension	Terrington St Clement
16.08.2021	21.10.2021 Application Permitted	21/01627/F	Corner Cottage 28 Tuxhill Road Terrington St Clement King's Lynn Free standing, wooden cabin. 4m by 7m built on a concrete base. For hedgehog rescue purpose	Terrington St Clement
17.08.2021	19.10.2021 Application Permitted	21/01638/F	20 Hay Green Road North Terrington St Clement King's Lynn Norfolk Replacement of conservatory with garden room and conversion of garage to bedroom	Terrington St Clement
21.04.2021	14.10.2021 Application Permitted	21/00951/CU	Drove House 102 School Road Terrington St John Norfolk Change of use of agricultural building to Class E(g) Light Industrial	Terrington St John
27.07.2021	28.09.2021 Application Permitted	21/01504/F	140 School Road Terrington St John Norfolk PE14 7SG Proposed first floor extension	Terrington St John
11.08.2021	11.10.2021 Application Permitted	21/01608/F	148 School Road Terrington St John WISBECH Norfolk Proposed first floor extension	Terrington St John

16.08.2021	11.10.2021 Application Permitted	21/01623/F	Old Rose & Crown Main Road Terrington St John Wisbech Single storey extension to rear of detached dwelling	Terrington St John
17.08.2021	19.10.2021 Application Permitted	21/01635/F	Estoril 20 Shepherds Pightle Thornham Norfolk The proposal will include a garage conversion/alteration to an en-suite and dressing room, internal alterations and insertion of new windows to front elevation, proposed cladding to front elevation and a new domestic vehicular access.	Thornham
30.07.2021	08.10.2021 Application Permitted	21/01542/RM	Land Between 89 And 93 High Road Tilney cum Islington Norfolk RESERVED MATTERS: Outline application for proposed semi-detached houses	Tilney St Lawrence
20.04.2021	24.09.2021 Application Permitted	21/00940/F	Manor Farm Main Road Titchwell Norfolk Demolition of the existing modern agricultural barn, conversion of three barns to form 6 dwellings provision of bin and cycle store, parking, hard and soft landscaping and associated works.	Titchwell
17.11.2020	20.10.2021 Application Permitted	20/01809/F	59 Town Street Upwell Wisbech Norfolk Retrospective: Replacing the original sloping roof to an extension	Upwell

26.01.2021	11.10.2021 Application Permitted	21/00127/CU	Five Bells Inn 1 New Road Upwell Wisbech Retrospective Change of use to holiday let.	Upwell
29.01.2021	27.09.2021 Application Permitted	21/00258/F	The Grapery Main Road Lott's Bridge Three Holes Demolition of existing dwelling and construction of detached dwelling with integral garage.	Upwell
05.02.2021	06.10.2021 Application Permitted	21/00206/F	Mill House The Common Upwell Wisbech Proposed replacement dwelling and associated works	Upwell
19.03.2021	14.10.2021 Application Permitted	21/00547/F	Janis 176 New Road Upwell Wisbech Proposed Agricultural / Equestrian Store for Machinery / Tractors / Bedding/ Feed	Upwell
16.07.2021	29.09.2021 Application Permitted	21/01494/F	The Rectory 5 New Road Upwell Wisbech Retrospective application for 2 No. Outbuildings and proposed new entrance gates.	Upwell
13.08.2021	05.10.2021 Application Permitted	20/01070/NMA_2	Land South East of 5 New Road Upwell Norfolk NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 20/01070/RM: Reserved Matters Application for erection of 5 dwellings with garages (Plot 5)	Upwell

17.08.2021	19.10.2021 Application Permitted	21/01674/F	Land South East of 5 New Road Upwell Norfolk VARIATION OF CONDITIONS 1 AND 3 of Planning Permission 21/00624/RM: To reduce dwelling size	Upwell
27.04.2021	07.10.2021 Not Lawful	21/00990/LDE	Britina Folgate Lane Walpole St Andrew Wisbech Application for a Lawful Development Certificate for the existing use of property in breach of occupancy condition in excess of 10 years	Walpole
24.05.2021	07.10.2021 Application Permitted	21/01031/CU	Kizzbo House Chalk Road Walpole St Peter Norfolk Proposed change of use of domestic outbuilding to dog grooming business	Walpole
15.07.2021	28.09.2021 Application Permitted	21/01483/F	Threeways Chalk Road Walpole St Peter Norfolk Single storey rear extension and render to whole dwellinghouse.	Walpole
05.05.2021	29.09.2021 Application Permitted	21/00873/F	Ivy House West Drove South Walpole Highway Wisbech Erection of outbuilding for the storage of machinery together with the provision of 6no. new stables including tack and feed rooms	Walpole Highway
15.07.2021	07.10.2021 Application Permitted	21/01437/F	School Corner School Road Walpole Highway Norfolk Proposed dwelling and associated works	Walpole Highway

27.07.2021	18.10.2021 Application Permitted	21/01503/F	The Gables Wheatley Bank Walsoken Wisbech Replacement shed and erection of a brick wall	Walsoken
23.08.2021	18.10.2021 Not Lawful	21/01677/LDP	Wellington House 17 S-Bend Lynn Road Walsoken Lawful Development Certificate for Proposed change of use of an existing building currently used for (B8 use) to create 23 internal self-storage units (B8 use).	Walsoken
28.06.2021	24.09.2021 Application Permitted	21/01353/F	River Lodge 207 Station Road Watlington King's Lynn Part demolition of attached garage and construction of single storey extension including balcony.	Watlington
21.06.2021	30.09.2021 Application Permitted	21/01308/F	5 Wisbech Road Welney Wisbech Norfolk Proposed single-storey rear extension to dwelling	Welney
13.07.2021	18.10.2021 Application Permitted	21/01465/F	Stanborough House Welney Road Lakes End Norfolk Construction of a general purpose building for storage and stables (retrospective)	Welney
22.07.2021	30.09.2021 Prior Approval - Approved	21/01520/AG	Bridge Farmhouse Suspension Bridge Welney Norfolk Agricultural Prior Notification: Earth Bank Reservoir.	Welney
16.12.2020	01.10.2021 Application Permitted	20/02075/F	Land Between 150 And 154 School Road West Walton Norfolk Erection of two-storey five bed dwelling	West Walton

30.03.2021	08.10.2021 Application Permitted	21/00622/F	Tamar Nurseries 201A School Road West Walton Wisbech VARIATION OF CONDITIONS 7, 8 AND 28 of Planning Permission 16/00813/OM: to change access design.	West Walton
02.09.2021	20.10.2021 Application Withdrawn	21/00810/NMA_1	Garden House 41 River Road West Walton Wisbech NON-MATERIAL AMENDMENT to Planning Permission 21/00810/F: Proposed annexe for occupation by a family member in conjunction with the existing dwelling house	West Walton
11.08.2021	11.10.2021 Application Permitted	21/01630/F	7 Pine Tree Chase West Winch King's Lynn Norfolk Extension and Alterations to dwelling	West Winch
01.10.2021	14.10.2021 Application Withdrawn	21/01907/LB	Bull Cottage Lynn Road Setchey King's Lynn LISTED BUILDING APPLICATION: New summer house in garden	West Winch
14.06.2021	14.10.2021 Application Permitted	21/01179/F	The Chestnuts 69 Lynn Road Wiggshall St Germans King's Lynn Two storey rear and side extension to existing dwelling.	Wiggshall St Germans
24.06.2021	14.10.2021 Application Permitted	21/01281/F	36 Sluice Road Wiggshall St Germans King's Lynn Norfolk Alterations and extension and retrospective outbuilding	Wiggshall St Germans

29.06.2021	21.10.2021 Application Permitted	21/01371/F	75 Sluice Road Wiggshall St Germans King's Lynn Norfolk Proposed single storey rear extension	Wiggshall St Germans
19.07.2021	11.10.2021 Application Permitted	21/01450/F	61 Sluice Road Wiggshall St Germans King's Lynn Norfolk Resubmission of planning application 21/00389/F - Revised design from two storey to single storey extension	Wiggshall St Germans
19.07.2021	28.09.2021 Application Permitted	21/01443/LB	103 Stow Road Wiggshall St Mary Magdalen King's Lynn Norfolk Extension of dwelling to form Lobby and Garden Room (revised materials)	Wiggshall St Mary Magdalen
02.08.2021	01.10.2021 Application Permitted	21/01565/F	Wynter House 31 Church Road Wimbotsham Norfolk Proposed demolition to existing single storey extensions to be replaced with new flat roof rear single storey extension linking the main house and garage to form larger living space.	Wimbotsham
07.06.2021	30.09.2021 Application Permitted	21/01118/F	Honeydukes Castle Road Wormegay KINGS LYNN Extension to rear and side of detached dwelling and addition of carport to detached garage	Wormegay