

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



Planning Committee

Agenda

**Monday, 10th January, 2022
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, 10th January, 2022

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 6 December 2021 (previously circulated).

3. DECLARATIONS OF INTEREST

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

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

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 - 150)

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

9. DELEGATED DECISIONS (Pages 151 - 187)

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 13 January 2022** (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 7 January 2022**. 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

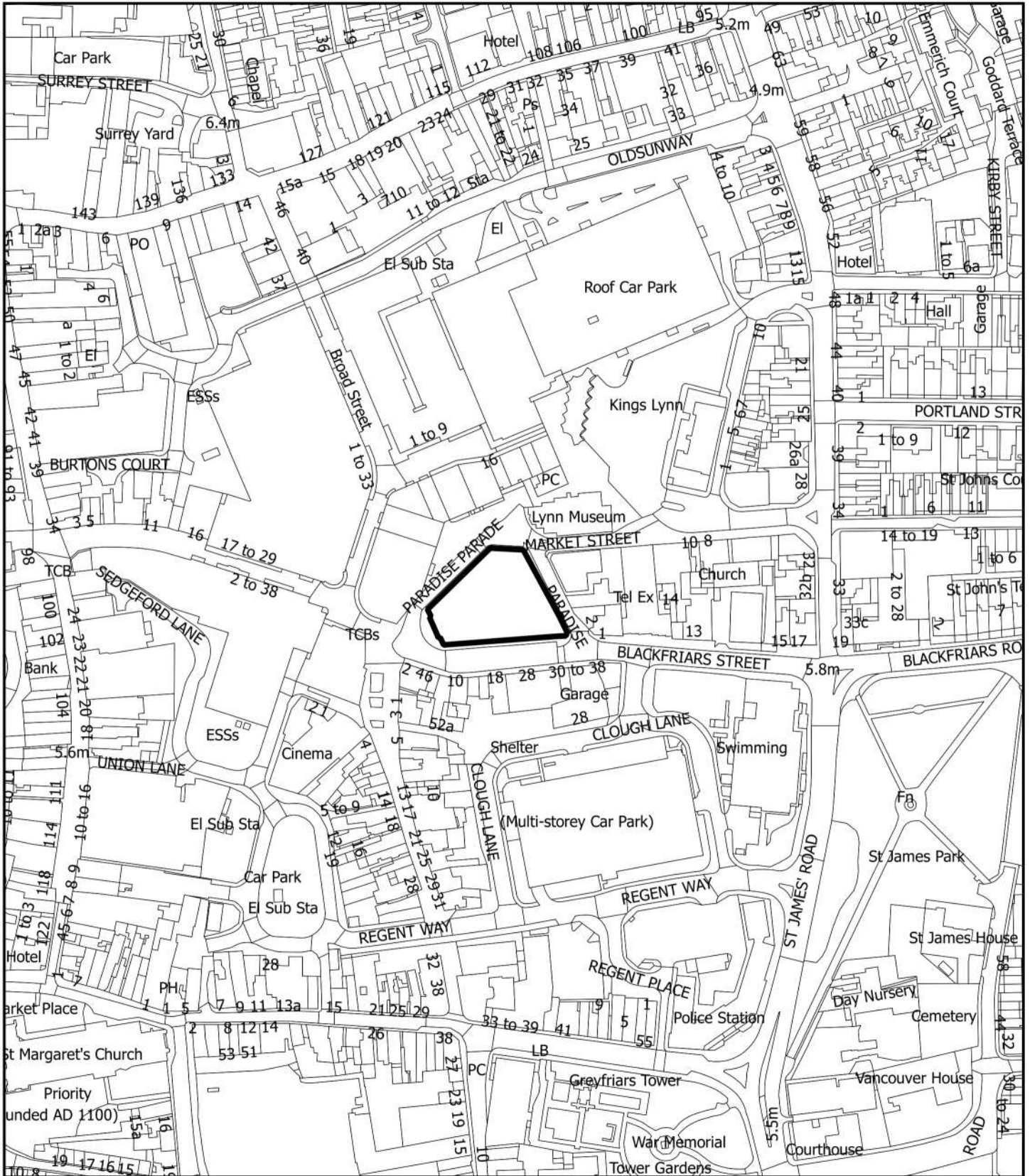
**INDEX OF APPLICATIONS TO BE DETERMINED BY THE
PLANNING COMMITTEE AT THE MEETING TO BE HELD ON
MONDAY 10 JANUARY 2022**

Item No.	Application No. Location and Description of Site Development	PARISH	Recommendation	Page No.
8/1	MAJOR DEVELOPMENTS			
8/1(a)	21/01568/FM Kings Lynn Athenaeum Blackfriars Street PE30 1LF Conversion of former post office (Class E) to a flexible use for commercial uses (Class E), public house, wine bar, drinking establishments and hot food takeaway (sui generis) on ground floor only with 30 residential units on first, second and third floors and third floor extension to create 4 new residential units	KINGS LYNN	APPROVE	8
8/1(b)	21/00203/OM Former Coal Yard, The Poplars, Northwold, IP26 5LW Outline Application: proposed residential development of former coal yard/natural stone business	NORTHWOLD	APPROVE	33
8/1(c)	21/00589/RMM Land W of 23 To 37 And N And W of 52, Bennis Lane, Terrington St Clement, PE34 4JY Reserved Matters Application for 43 dwellings	TERRINGTON ST CLEMENT	APPROVE	53
8/2	OTHER APPLICATIONS/ APPLICATIONS REQUIRING REFERENCE TO THE COMMITTEE			
8/2(a)	21/01376/F Land North of Tower Road, Burnham Norton, PE31 8JB Part Retrospective application for engineering works to improve access to the field, replacement agricultural gate and fence	BURNHAM NORTON	REFUSE	72
8/2(b)	20/01955/F Sailcraft Sea School, The Boatyard, Main Road, Brancaster Staithe, PE31 8BP Proposed demolition of three vacant existing commercial buildings and construction of two residential dwellings.	BRANCASTER	APPROVE	83

8/2(c)	21/02060/CU Garden Cottage, Marsh Drove, Brancaster, PE31 8FY Change of Use of self-contained residential annexe to holiday let	BRANCASTER	APPROVE	97
8/2(d)	21/01956/F 1 Church Farm Barns, Back Street, Gayton, PE32 1QR Retrospective Change of Use of former garage to residential accommodation	GAYTON	APPROVE	108
82(e)	21/01740/F 3 Nursery Lane, South Wootton, King's Lynn, PE30 3LB Proposed new Residential Dwelling	SOUTH WOOTTON	REFUSE	118
8/2(f)	21/00787/RM Land Between 212-218 The Drove Barroway Drove, The Drove, Barroway Drove, PE38 0AN Reserved Matters Application for proposed 2 storey dwelling	STOW BARDOLPH	APPROVE	129
8/2(g)	21/01836/F Land on The North West Side of Old Church Road, Terrington St John, PE14 7XA Variation of Condition 8 of Planning Permission 15/01499/OM to allow occupation of 1st phase of development before completion of footway works along Old Church Road (Units 1-22)	TERRINGTON ST JOHN	APPROVE	140

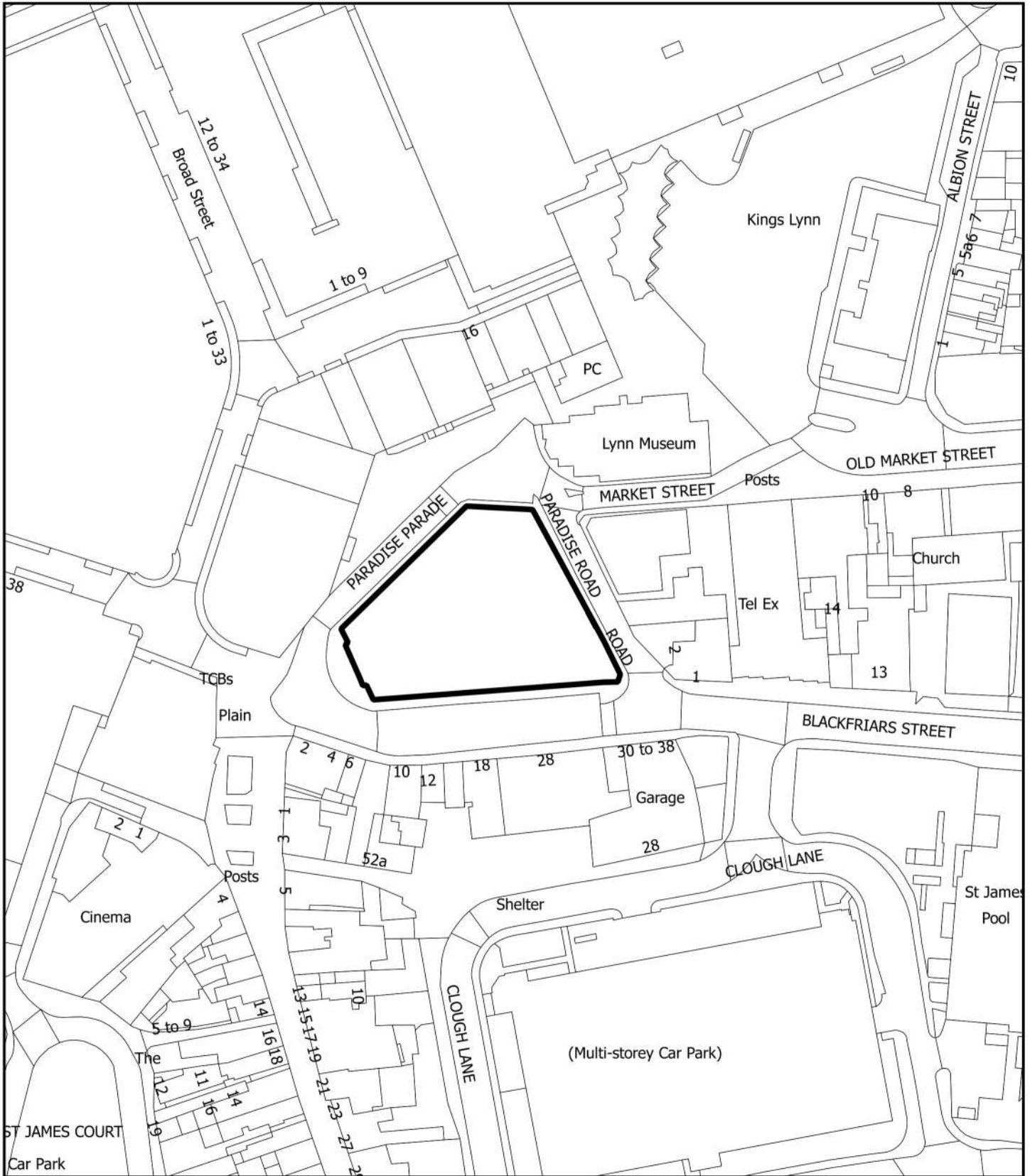
21/01568/FM

Kings Lynn Athenaeum Blackfriars Street Kings Lynn PE30 1LF



21/01568/FM

**Kings Lynn Athenaeum Blackfriars Street Kings Lynn
PE30 1LF**



Parish:	King's Lynn	
Proposal:	Conversion of former post office (Class E) to a flexible use for commercial uses (Class E), public house, wine bar, drinking establishments and hot food takeaway (sui generis) on ground floor only with 30 residential units on first, second and third floors and third floor extension to create 4 new residential units	
Location:	Kings Lynn Athenaeum Blackfriars Street King's Lynn Norfolk	
Applicant:	Mrs Feride Guccuk	
Case No:	21/01568/FM (Full Application - Major Development)	
Case Officer:	Connor Smalls	Date for Determination: 5 November 2021 Extension of Time Expiry Date: 14 January 2022

Reason for Referral to Planning Committee – Referred by Sifting Panel

Neighbourhood Plan: No

Case Summary

The application relates to the former Post Office and BT exchange building off Baxter's Plain, in the town centre of King's Lynn. The building forms an island and is roughly triangular in shape with Paradise Parade to the north-west, Paradise Road to the north-east and Blackfriars Street to the south.

The application seeks consent for a mixed use development of the existing building to provide approximately 1312 sqm of commercial space (Class E, public house, wine bar, drinking establishments and hot food takeaway (sui generis) on the ground floor with 30 residential units on first, second and third floors and a third floor extension to create 4 new residential units.

The site is considered a non-designated heritage asset and is located adjacent to St Margaret's area of the King's Lynn Conservation Area.

Key Issues

- Principle of Development
- Form and Character
- Impact on Designated Heritage Assets
- Highways Safety
- Impact on Neighbour amenity
- Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

The application relates to the former Post Office and BT exchange building in central King's Lynn, known as King's Lynn Athenaeum. This building has been vacant for well over a decade and whilst not within the Conservation Area or listed, is considered a Non-Designated Heritage Asset. The building forms a dominant landmark within the locality, forming an island, roughly triangular in shape, with Paradise Parade to the north-west, Paradise Road to the north-east and Blackfriars Street to the south.

To the north lies a service yard to the back of the new H&M development as well the older former Iceland and other smaller units, the Lynn Museum that is housed within a Grade II Listed building lies to the north/east. A newly constructed four storey residential development located to the east with the current BT exchange building beyond and a former pub now used as a funeral parlour facing onto Blackfriars Street. Smaller scale buildings of two or two and a half storeys in height line the south side of Blackfriars Street opposite the application site. These buildings are in a mixture of retail and commercial uses and fall within the King's Lynn Conservation Area.

The Post Office building forms the boundary to the site, sitting at the back edge of the footpath. The front (western) part of the building that housed the post office is the older element of the building. It is U-shaped, three storeys high and has a hipped roof. The main door to the Post Office forms an attractive and visually notable feature fronting on to Baxter's Plain. Windows are rectangular and steel framed and generally reduce in size on the upper floors.

The back (eastern) half of the building is L-shaped and housed the BT Exchange. It is flat-roofed and also 3-storeys high however the height is greater than the Post Office part of the building. There is a roller shutter door off Paradise Road. Windows are generally rectangular and again reduce in height on the upper floors compared to the ground floor. The pattern is not as regular as the front element of the building.

The interior of the site is covered by a flat roof ground floor enclosure between the taller buildings surrounding the edge. It provides a roof to the loading area accessed off Paradise Road and for additional rooms associated with the Post Office. This enclosure is only visible from outside the site to the north where limited views are available from Paradise Parade.

The application seeks consent for a mixed-use development of the existing building to provide approximately 1312 sqm of commercial space (Class E, public house, wine bar, drinking establishments and hot food takeaway (sui generis) on the ground floor with 30 residential units on first, second and third floors and a third-floor extension to create 4 new residential units. It is proposed to provide a mix of one, two and three bed flats.

The commercial floor space would be at ground floor level with access through the existing Post Office door, new doors either side of the main entrance and through new doors in the existing building off Blackfriars's Street and Paradise Parade. These doors will be created by extending existing windows to floor level. Entrance to the flats above will be from ground floor access from Blackfriars Street, Paradise Parade and Paradise Road.

The flats are at first, second and third floor levels with 4 new units constructed on the flat roof of the rear former BT Exchange.

No car parking is provided for the site, but the ground floor layout shows space within the building for cycle parking. Bin storage is also provided for the domestic and commercial uses within the building. Servicing of the commercial uses will be directly from the street.

SUPPORTING CASE

Further to local interest in internal panelling:

The treatment of the panelling is not a planning matter. Nevertheless, I understand that there is local interest in seeing their retention. I can confirm that the intention is to retain the vestibule entrance as existing with the panelling remaining in situ as is already shown on the proposed plans.

Further the applicant will also seek to retain the panelling on the walls either in situ or relocated within the building where possible. The proviso is the nature of the existing fixings to the walls and whether the panels can be removed easily and that the panels will need to meet building control standards in terms of requirements such as fire safety.

PLANNING HISTORY

20/00130/PREAPP: INFORMAL - approve with amendment: 11/11/20 - PRE-APPLICATION ADVICE (FULL WITH CONSULTATIONS): Conversion of existing building to mixed use - hotel, commercial and residential (20 flats) including part third floor extension
Informal Advice

14/00589/F: Application Permitted: 31/07/14 - Variation of Condition 14 attached to planning consent 13/01088/FM to allow alternative uses of parts of the site
Delegated Decision

13/01088/FM: Application Permitted: 03/12/13 - Change of use from a Post Office and Telephone Exchange to a development comprising Retail, Office, Health Facility and Residential Use. The Residential use comprises 27 one & two bed units. The development includes the replacement of the single storey building in the north east corner of the site and the addition of an additional storey to the Paradise Road wing
Committee Decision

13/00021/PREAPP: INFORMAL - Likely to approve: 07/06/13 - PRE-APPLICATION ENQUIRY: change of use to mixed use including retail, offices and residential
Informal Advice

08/01849/F: Application Permitted: 03/09/08 - Variation of condition 9 of the change of use from former post office to class A4 (Drinking Establishments) including alterations to external elevations, to allow opening until 12.30am Sunday to Thursday and until 2.00am Fridays and Saturdays (plus 30 minutes drinking up time)
Delegated Decision

08/01196/CU: Application Permitted: 18/07/08 - Change of use from former post office to Class A4 (Drinking Establishments) including alterations to external elevations
Committee Decision

08/00640/F: Application Refused: 20/06/08 - Installation of two ventilation louvres on east elevation
Delegated Decision

2/03/2346/F: Application Permitted: 19/01/04 - Installation of telecommunications equipment
Delegated Decision

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2/03/2347/F: Application Permitted: 19/01/04 - Installation of telecommunications equipment **Delegated Decision**

2/02/1087/T3: Application Permitted: 29/07/02 - Installation of telecommunications apparatus including 5 pole mounted sector antennae and 3 pole mounted dishes **Delegated Decision**

2/00/1123/F: Application Withdrawn: 08/08/00 - Installation of radio base station **Delegated Decision**

2/00/1059/PN: : 02/08/00 - Installation of 2 telecommunications masts and ancillary equipment **Delegated Decision**

2/95/1600/F: Application Permitted: 11/01/96 - Provision of fire door **Delegated Decision**

2/94/0961/PN: : 11/07/94 - Siting of radio dish antenna **Delegated Decision**

RESPONSE TO CONSULTATION

Parish Council: N/A

King's Lynn Civic Society: NO OBJECTION:

- King's Lynn Civic Society strongly support bringing this building back into use at the earliest possible time. It has been frustrating to see it derelict for nearly 15 years.
- Concerned about the number of relatively small flats being brought forward for the housing market in Lynn. These ones appear to be proposed over a potentially large pub or restaurant – so it may not be a quiet neighbourhood and we would think would make the flats less attractive. In general, we are concerned about the viability of the proposals.
- Businesses that would benefit the residents above would be more relevant such a café/deli, gym, hairdresser or launderette?
- On the west elevation, we have no particular view on removal of the flag pole or addition of roof lights, but some concern about the new doorways and alteration of windows.
- On the south elevation – again we have some concern about the window alterations.
- We think the proposals for the north elevation will greatly enhance this frontage.
- The proposed east elevation should also be an improvement. We are reasonably content that the additional third-floor flats will not be overly intrusive in the setting. The metal cladding finish for these flats needs clarification.
- Approve of the resident's roof garden – but it is a small area for the number of residents who may wish to use it. Some of the second- and third-floor flats don't appear to have any outdoor area at all.
- Plans allow for no extractor flues / vents, etc.

- How will the building be heated? In general, there appears to be a lack of plant room accommodation. The roof plan suggests solar panels, but we didn't see these referred to anywhere.
- Concerns about the 'open plan' nature of the ground floor proposals. What is proposed for all the wooden interior panelling and the former counter?
- It is essential that the external setting is also enhanced and we know that Baxters Plain and Blackfriars Street are earmarked for public realm enhancement within the 'Town Deal'.

King's Lynn Area Consultative Committee: NO OBJECTION

Conservation Area Advisory Panel: NO OBJECTION:

The Conservation Officer presented the application and explained that it was sited just outside the Conservation Area. The building was not Listed, but was considered a non designated heritage asset. It was also adjacent to the Listed Museum Building and any development would need to be assessed for its impact upon the setting of the listed building and the conservation area.

The Panel was provided with detail of the previous planning consent for the site and he outlined the main differences with the new application, which included the central block between the roof and garden area. It was also noted that a new top floor was proposed.

The Panel commented that the roof lights were acceptable, a flat roof was preferred on the top floor, consideration should also be given to the materials used on the top floor as one member of the Panel did not feel that cladding was appropriate. Concerns were raised relating to the internal timber panelling on the ground floor and what was happening to it. Comments were also made relating to the flats and ventilation; it was felt by one member that they could get too hot in the summer and the Conservation Officer explained that this would be looked at by the CSNN Team as part of the planning process.

Conservation Officer: NO OBJECTION:

The site is not within the conservation area but sits opposite and adjacent to the conservation area and the listed museum. Historic England declined the request for listing the building, but it should still be regarded as a non designated heritage asset and any application should be considered against the setting of the CA and the adjacent LB.

The current application also needs to be considered against the previous consent back in 2013. Historic England commented on the pre application direct with the agent, raising comments in particular about the north elevation where the building faces the museum, in particular a new stair tower. No objections were made about the treatment of windows. In the formal consultation to the application, concerns about the windows to the ground floor have now been made, despite overall support of the application including the new floor to the top. I am not sure what pre app scheme was sent to HE as we are not part of this process and if the windows were changed subsequently to their comments.

Given the amount of time this unprotected but very important building has been empty and in poor condition, in my view it is important that a new use is found for it quickly. Whilst the alterations to the ground floor windows are not ideal, mindful of paragraph 203 of the NPPF, I do not believe its significance will be compromised to the degree by the change to the windows that the application should be refused. This application was also taken to CAAP

who were supportive of the changes to the windows being mindful to the buildings long term future.

Housing Development Officer: NO OBJECTION:

This application proposes the conversion of the former post office building to 30 apartments and extension of the building to form 4 further apartments. As the conversion of existing buildings does not require an affordable housing contribution and the 4 additional units are below our threshold, I can confirm in this instance no affordable housing will be sought.

Community Safety and Neighbourhood Nuisance: NO OBJECTION:

Subject to conditions and informatives that will be attached to any consent granted.

Environmental Quality: NO OBJECTION:

Subject to conditions and informatives that will be attached to any consent granted.

Emergency Planning Officer: NO OBJECTION:

Flood risk advice would be attached to any consent as an informative.

Arboricultural Officer: NO OBJECTION

Waste And Recycling Manager: NO OBJECTION

Greenspace/Database Officer: NO OBJECTION:

With reference to other similar development proposals within the town, it seems as though the provision of public open space would not be feasible or desirable.

Landscape recommendations were made and would form conditions to any consent granted.

Regeneration Manager: NO OBJECTION/SUPPORT:

The prominent town centre site has been vacant for a long period of time and monitored under the Derelict Land & Buildings officer group. The applicant has engaged with the department during the development of their proposals to ensure they align with the regeneration ambitions for the area.

We are therefore pleased to see this application come forward and support the proposals submitted for the following reasons.

- Town Centre Repurposing to bring vacant properties back into use is a key priority identified in the Town Investment Plan, 2019/20.
- The proposal to convert the upper floors to high quality residential units is welcomed to increase the density and opportunities for living which is critical to the vibrancy and viability of the town centre.
- The location of the site is on a key pedestrian route from the Rail Station to the town centre which is identified as a priority in the King's Lynn Public Realm Action Plan, 2020. We therefore recommend careful consideration to the setting of the site and contribution it can make to improve the quality of the public realm in this area, particularly opportunities for cycle storage, tree planting and seating. We would be happy to

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continue dialogue with the applicant on these aspects of the design to ensure they align with the Action Plan and complement proposed interventions and investment planned in the area under the Towns Fund.

Internal Drainage Board: NO OBJECTION

Highways Authority (NCC): NO OBJECTION:

Subject to conditions relating to securing the cycle parking and Traffic Regulation order and informatives which would be attached to any consent granted.

Historic Environment (NCC): NO OBJECTION

Lead Local Flood Authority (NCC): NO DETAILED COMMENTS

Comments refer to standing advice.

Planning Obligations (NCC): NO OBJECTION:

The following infrastructure will need to be funded through CIL:

Library: A development of 34 dwellings would place increased pressure on the library and mitigation is required to increase the capacity of the library. Mitigation required at £75 per dwelling. £75 x 34 = £2,550.

Historic England: NO OBJECTION and make the following comments:

Historic England has concerns regarding the application on heritage grounds, in particular the proposed changes to the ground floor windows of the former post office and would recommend this is reconsidered.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 7, 8, 199 and 200 of the NPPF. In determining this application you should bear in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Anglian Water: NO OBJECTION:

Informative recommended would be attached to any consent granted.

Norfolk Fire and Rescue Service: NO OBJECTION:

The proposal needs to meet 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.

As the proposed residential area is going to be above ground floor level and some residential units will be made accessible for wheelchair use, Norfolk Fire and Rescue Service would recommend the installation of an evacuation lift in a suitable protected shaft to enable the safe evacuation of all residents, including those with mobility impairment, without assistance, in the event of fire.

Norfolk Constabulary Architectural Liaison Crime Prevention Officer: NO OBJECTION and makes the following comments:

- The proposal relies on the existing surrounding car parking provision of the town for patrons and residents travelling by a motorised vehicle. These adjacent facilities used to have Park Mark accreditation and it would be worthwhile for this to be reintroduced.
- The securing of cycles left unattended must be considered within the design of any new commercial or residential property. The cycle stands must facilitate the locking of both wheels and the crossbar.
- A Landscaping plan needs to provide all specified shrubs and hedges that have a maximum growth height of one metre, whilst all trees should be “up pruned” to a minimum height of two metres to maintain a clear field of vision around the site.
- A Lighting plan to cover all vulnerable areas should be in place. This will help to deter and reveal potential offenders and a uniform spread of white light to meet the updated British Standard BS5489-1:2020 is required.
- Lighting design should be coordinated with a CCTV installation (when specified) and the landscape designed to avoid any conflicts and to ensure that the lighting is sufficient to support a CCTV system.

Natural England: NO COMMENTS

Environment Agency: NO OBJECTION:

Conditions regarding the submitted Flood Risk Assessment will be attached to any consent granted.

Bridge & All Saints Street Association: OBJECTS on the following grounds:

- Concerns regarding lack of parking provision and the resulting parking on town centre residential streets.
- Lack of demand for retail units.
- Recommends a park and ride service, free parking for residents and residents only car parks.

St Margaret’s with St Nicholas Ward: OBJECTS on the following grounds:

- Alterations to west façade involving new doorways are not welcome.
- Ground floor panelling should be retained.
- Cladding to new third floor units needs to be clarified.
- The roof garden should be extended.

REPRESENTATIONS 1 public **OBJECTION** and 1 **NEUTRAL** public comment on the following:

- If planning application is approved that this empty building will once again be used.
- Concerns around traffic in the area and parking, as well as noise from anti-social behaviour as a result of retail outlets selling alcohol.

- Concerns that the ground floor would just be used for a pub, wine bar, restaurant, and other food outlets, as it would not be just noise that would be detrimental to the flat owners but also cooking smells.
- Suggests that the ground floor be converted either as a gym or with sufficient sound-proofing as parking spaces specifically for the flat owners.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS03 - King's Lynn Area

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

DM10 – Retail Development

DM15 – Environment, Design and Amenity

DM16 – Provision of Recreational Open Space for Residential Developments

DM17 - Parking Provision in New Development

DM19 - Green Infrastructure/Habitats Monitoring & Mitigation

Policy E1.1 – King's Lynn Town Centre

Policy E1.2 - King's Lynn Town Centre Retail Expansion Area

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2019

PLANNING CONSIDERATIONS

The main considerations are:

Principle of Development
Form and Character
Impact on Designated Heritage Assets
Highways Safety
Neighbour amenity
Other Material Considerations

Principle of Development

The conversion of a currently vacant building with King's Lynn town centre is an incredibly desirable development proposal. It would accord with the regeneration aims for King's Lynn including within the Towns Fund and Heritage Action Zone. The route from King's Lynn Train Station to Purfleet Quay is included within the Public Realm Action Plan for King's Lynn which proposes enhancements to the public realm along Blackfriars Street and Baxter's Plain, including areas around the Athenaeum. The conversion of the old Post Office, providing commercial uses within Class E as well the sui generis uses of; public house, wine bar, drinking establishments and hot food takeaway (sui generis) on ground floor alongside 30 residential units on first, second and third floors and third floor extension to create 4 new residential units, is compliant with both national and local policy aims, requirements and objectives.

The NPPF expresses the importance of 'ensuring the vitality of town centres'. Paragraph 86 states:

"Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation."

Town centres long-term vitality and viability is to be supported by; "allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters". It is important to note that "that residential development often plays an important role in ensuring the vitality of centres".

The aforementioned principle is reiterated in Policy E1.1 Site Allocations and Development Management Policies Plan. King's Lynn is promoted as the prime focus for retail within the borough. "This includes the development of retail, offices serving visiting members of the public, hotels, assembly and leisure uses, and community and cultural facilities. Other uses which contribute to the character and vibrancy of the town centre will be encouraged, including residential (C3)".

High quality housing in the town centre is encouraged as is redevelopment to increase the provision of larger, modern format retail units. The retention of active frontages is encouraged as is the refurbishment or replacement of shop frontages "where this secures an active frontage and strengthens the local distinctiveness of the town and its heritage".

Policy CS01 of the Core Strategy 2011 sets out the Council's strategy for sustainable development. This includes promoting King's Lynn as the main centre for retail, leisure and culture, acting as an economic driver within the borough. New jobs will be provided to support the town's sub-regional role and appropriate use of the high quality historic environment in the town through sensitive inclusion in regeneration proposals. King's Lynn's role as a sub-regional centre is further detailed in policy CS02 and CS03. CS03 states that at least 1000 new dwellings will be provided as part of the regeneration of the central area of King's Lynn. The policy supports the provision of additional retail and employment floor space in King's Lynn and specifically states that within the historic and commercial cores of

the town new development will be required to demonstrate a high quality of design which, without stifling innovation, respects and enhances the wider historic surroundings and reinforces a positive visitor experience to the town.

Policy CS10 supports economic growth, including retail generally in the Borough. Within town centres, retail, tourism, leisure, and cultural Industries are specifically encouraged. DM10 of the Site Allocations and Development Management Policies Plan further supports this by stating that new retail uses should be located within town centres. Support is needed to maintain King's Lynn as a major retail centre.

The application site also falls within the Retail Expansion area of King's Lynn as detailed in Policy E1.2 of the SADMP. In this area "significant expansion and enhancement of retail and other town centre uses will be encouraged".

Based on the above, it is clear that the principle of development is entirely policy compliant both in terms of national and local policy.

Form and Character

The application concerns King's Lynn Athenaeum, this building consists of the former Post Office building as well as the former BT exchange building. The building is not listed or within King's Lynn Conservation Area; Historic England have in fact declined requests to list the building. However, the building is a historic landmark within the area and contributes positively to the urban street scene and wider locality, especially the west elevation facing Baxter's Plain. As such, the building is considered a non-designated heritage asset and will be considered as such in line with paragraph 203 of the NPPF.

The character of the locality is varied with the somewhat open area of Baxter's Plain to the west, the more modern Vancouver Quarter and the newer H&M development to the north/west, the service yard for said units alongside the vacant former Iceland and smaller units to the north, the listed Lynn Museum and residential development to the east and buildings within the Conservation Area to the south.

The overall form and mass of the building will remain mostly unaltered as a result of this proposal other than cosmetic changes to the elevations, new roof lights and the new third floor addition of four new residential units to the rear flat roof element of the building.

The new third floor addition will consist of four new flats extending from the 'L' shaped former BT exchange to the rear of the building. This new element will consist of shallow pitched roofs orientated towards Blackfriars Street to the south and Paradise Road to the east. The new units will be set back over 2m from the edge of the building ensuring that the new third floor extension will not appear as an overly significant element in the street scene. Longer distance views will be possible from beyond the Lynn Museum, from Blackfriars's Street, Clough Lane and St James Park. However, but the overall mass of the new units will not be significant when compared to the existing building and it will be visually in scale and in keeping with the existing building.

It has not been considered imperative to insist that the roof of this new element is flat as there are no outright objections from consultees and the Conservation Officer is supportive of the pitched roofs. However, it has been necessary to insist on changes regarding the fenestration to the third-floor addition. The windows have been amended to move in line with the windows on the floors below on the existing building. This has ensured the continuation of the vertical emphasis of the elevations and creates a coherent and complimentary relationship between the old and the new elements. The vertical emphasis also relates well with the shallow pitched roof, reducing the visual presence and ensuring an acceptable

impact. The new addition is indicatively shown on plans to be metal clad; this is an attractive and high-quality design and will create a positive visual difference between old and new without being incongruous. However, this has been conditioned and will have to be carefully selected to ensure a suitable finish.

At third floor to the hipped roof of the Post Office several roof lights are proposed. No objections have been raised to these alterations and they are considered to be suitable given the conversion of this prominent building and the adequate provision of light for residents. The flagpole would be removed which is again considered a small scale and acceptable alteration. To the eastern elevation, the first and second floors would see the existing windows serving the staircase widened to accommodate balcony areas behind. Again, this is a small scale alteration considered to have an acceptable impact in relation to the wider scheme. Other than that, at first and second floor the elevations are mostly unchanged with windows being replaced like for like (details to be agreed via condition).

There are changes proposed to the elevations at ground floor level. This involves the creation of two new doors on the western elevation by extending two windows down to floor level. Metal cladding would be installed either side of these new openings to create a contemporary, but in keeping element on this prominent façade. To the south, multiple windows would be converted to new entrances which includes being brought down to floor level. Remaining windows will be slightly extended down (above floor level) and replaced with fully glazed units including metal box detailing for future signage. These larger windows and doors would be fully glazed to allow views into the commercial space beyond. To the east, two new doors would be created by extending windows to floor level and once again windows will slightly extend down, the shutter door and side access would also be altered with the addition of metal cladding to the side entrance. To the north, the central window on the front post office element of the building will be lowered to floor level creating a door. To the rear BT Exchange element, part of the side elevation wall will be removed to create a residents' access via staircase to the roof garden. This will see a new secure gate providing access and a means of escape. Four new doors will be created as will large glazed retail frontages.

These ground floor additions are considered to create high quality active frontage allowing permeability between the commercial space within and the wider public realm beyond. The retail and commercial uses at ground floor are fully supported by both local and national policy as is high quality active frontage. This element of the proposal will create high quality commercial space within the town centre and enhance the buildings relationship with the adjacent streets. The new doors will be the same width as existing windows and will ensure the historic integrity of the building is maintain whilst providing the optimum environment for the uses within. This is fully policy compliant and supports policy and regeneration aims for this area of King's Lynn.

It is of note that this scheme follows previously approved scheme at this site (ref: 08/01196/CU, ref: 13/01088/FM and ref: 14/00589/F). Previous proposals included alterations to windows and fenestration at ground floor to create new doors as well as additions to the third floor and major alterations and additions to the north. Previously approved schemes are considered to alter the built form of the building cumulatively more than this proposal. The principle for the proposal as described above is acceptable on its own merits but also has this precedent in planning history.

Historic England raise concerns regarding the proposed changes to the ground floor windows and the potential impact on the setting of the nearby Conservation Area. This is not a view shared by The Conservation Officer, the Conservation Areas Advisory Panel or the King's Lynn Area Consultative Committee. As detailed above, the provision of high quality commercial space with active frontage in the town centre is an import policy objective. Given

the amount of time this unprotected but very important building has been empty and in poor condition, it is vitally important that a new use is found for it quickly.

In line with Paragraph 202 of the NPPF; “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.” With this in mind, as well as the provision of paragraph 203 of the NPPF, it is considered that by securing the optimum viable use of this prominent building and important non-designated heritage asset, any minor harm to the setting of the nearby Conservation Area would be far outweighed by the positive impacts both on the street scene, wider townscape as well as the viability and vibrancy of King’s Lynn town centre. The proposal is compliant with Policy CS03, CS08, CS10, CS12 of the Core Strategy 2011 as well as DM10, DM15 and E.1 of the Site Allocations and Development Management Policies Pan 2016. Alongside this, the proposal is compliant with the provisions within sections 7,12 and 16 of the National Planning Policy Framework as well as the National Design Guide.

It is of note that signage areas are indicatively shown on approved plans. Notwithstanding this, any signage would be dealt with through an advertisement application and require separate consent.

Impact on Designated Heritage Assets

The proposal lies within the setting of the Grade II Listed former Union Baptist Chapel (Lynn Museum) and the King’s Lynn Conservation Area on the opposite side of Blackfriars’s Street. The impact on the Conservation Area as a result of ground floor additions and alterations has been discussed above. Changes to the remainder of the building are less significant and have raised no objections, this includes the new third floor units. The overall form and scale of the development will remain relatively unchanged in regards to the relationship with the Conservation Area. As such, any impact is considered minor and acceptable.

Regarding the Listed Lynn Museum, the new third floor extension will be in reasonably close proximity to the heritage asset. However, the increase in height and scale is in keeping with the massing of the Athenaeum as a whole. Whilst visible from wider views the proposal will be in keeping with the main building and therefore have a limited increase in visual impact in relation to the museum. The Athenaeum would not appear any more dominant than existing in the street scene compared to the museum. The height of the museum’s spire would remain taller, which will ensure this element of the listed building remains a focal point in nearby and wider views.

Various parties have raised concerns around the historic internal panelling. As previously stated, the Athenaeum is not listed and is not within the Conservation Area. Therefore, the building has no statutory protection through the planning system and internal alterations and additions to the building are not a planning matter. However, the applicant is cognisant of the public interest in this element of the building and their agent has stated the following:

“I understand that there is local interest in seeing their retention. I can confirm that the intention is to retain the vestibule entrance as existing with the panelling remaining in situ as is already shown on the proposed plans.

Further the applicant will also seek to retain the panelling on the walls either in situ or relocated within the building where possible. The proviso is the nature of the existing fixings to the walls and whether the panels can be removed easily and that the panels will need to meet building control standards in terms of requirements such as fire safety.”

As such, the applicant is going above and beyond what is required by legislation and policy.

It is therefore considered that there will be no unacceptable harm on any designated or non-designated asset, the setting of any asset or the wider area. This is in compliance with the provisions of Policy CS03, CS08 and CS12 of the Core Strategy, DM15 and E.1 of the Site Allocations and Development Management Policies Plan and Section 16 of the NPPF, specifically paragraphs 197, 202 and 203.

Highways Safety

No car parking is provided with the development and there is a total of 63 bicycle spaces provided for residents (43) and staff (20) within the building at ground floor level. Any residents, staff and visitors wishing to use a car would have access ample town centre car parks which would provide both short and long term options as well as visitor cycle parking. No objection to this provision has been received from Norfolk County Council, who support this. It is also of note that no car parking was provided in the previously permitted schemes.

Policy DM17 States:

“Reductions in car parking requirements may be considered for town centres, and for other urban locations where it can be shown that the location and the availability of a range of sustainable transport links is likely to lead to a reduction in car ownership and hence need for car parking provision”

The location of this site is within immediate proximity to excellent transport links via King’s Lynn Train Station, Bus station and the National Cycle Network. Alongside this, the site is within the heart of King’s Lynn town centre and has an extensive range of amenities within walking distance. It is considered that this is a highly sustainable site and the omission of car parking is completely policy compliant within local and national policy requirements and aims.

The commercial ground floor elements of the proposal will be served from the street (Paradise Parade). NCC Highways recommends a condition to any consent requiring a traffic regulation order seeking “the prohibition of the loading and unloading restrictions (Namely: Loading area as marked 'HGV unloading bay', loading and unloading prohibition on Paradise Road) ... is secured by the Highway Authority.” An HGV loading bay would be provided on Paradise Parade to the northern of the site in conjunction with a dedicated service door to offer access for commercial goods. NCC Highways raise no objection to any element of the scheme.

On the basis of the above, the proposal complies with Policy CS11 of the Core Strategy, DM17 of the Site Allocations and Development Management Policies Plan and Norfolk County Council parking requirements.

Impact on Neighbour Amenity

The use of the building with Class E and commercial Sui Generis uses at ground floor with residential above is considered suitable within the urban town centre location of the site. This relationship is in accordance with Policy CS03 of the Core Strategy and E.1 of the SADMP. It is also supported within section 7 of the NPPF. Various conditions regulating the ground floor uses including opening hours, delivery hours, sound insulation between floors and music levels are recommended to ensure an appropriate relationship between residential amenity and the uses at ground floor. There are examples within the immediate locality of commercial uses at ground floor and residential above. It is considered that this vertical mix of uses contributes positively to the vibrancy of an area and contributes significantly to the viability of town centres. Any addition of plant in association with the ground floor uses to the

building will be subject to further details which will ensure that any impact on amenity to residents can be assessed in detail.

The surrounding area consists mostly of retail and commercial uses to which there is the policy support to diversify with residential. There is a newly constructed residential property of four storeys to the east of the application site. The relationship between this building and the rear of the application site has been assessed to ensure there is no direct overlooking. A cross section shows that windows are not at the same level and there will be no direct views between the two buildings. There is also a separation of over 8m ensuring a suitable relationship. The impact of the commercial uses is considered to be appropriate in relation to the wider setting. Due to the town centre location and surrounding uses including retail, the bus station and museum the addition of the proposed ground floor uses will not adversely impact the amenity of this neighbouring residential building.

The proposal as a result complies with Policy CS08 of the Core Strategy 2011 and Policy DM15 of the SADMPP 2016.

Other Material Considerations

Flood Risk

The application site is located within Flood Zone 1 but would be at risk of becoming isolated from safe access and egress routes in an extreme flood event (1 in 200 years).

The application proposes the change of use and associated works to convert an existing building. As such, the sequential test is not required to be passed.

In relation to the exception test, 'Table 3: flood risk vulnerability and flood zone 'compatibility' within the Planning Practice Guidance, states that as the development is in Flood Zone 1 and the uses fall within the less and more vulnerable the exception test is not required.

Neither the Environment Agency nor the Emergency Planning Officer raise objections to this proposal. The EA strongly recommends that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) are adhered to, this is secured by condition.

In terms of drainage, the foul and surface water will drain into the existing sewerage network. This is considered acceptable subject to conditions.

The proposal complies with Policy CS08 and section 14 of the NPPF.

Affordable Housing

This proposal is for a total of 34 residential units. 30 are included in the conversion of the existing building whilst there will be four new units at third floor level. As there are only four new units the proposal does not meet the threshold (10 units or more) for affordable housing contributions.

Financial Contributions

Norfolk County Council Planning obligations have requested a financial payment towards Library service to be delivered via CIL. However, the application site is within the King's Lynn CIL rated £0 area. Based on the limited amount of contribution requested is not considered necessary or reasonable to request this contribution via a Section 106 agreement.

Protected Species

A Preliminary Roost Appraisal has been carried out in order to assess any potential impact on protected species as a result of this development. This report has found that the works will have a negligible impact on bats, low impact on local bird populations and no impact on any other protected species. No further surveys are required.

Any consent granted will include a condition requiring that works are carried out in accordance with recommendations in the report in accordance with the NPPF and Policy CS12 of the Core Strategy 2011.

Consultee Comments

King's Lynn Civic Society:

Concerns were raised around the number of relatively small flats being brought forward for the housing market in Lynn as well as the location above commercial uses. It is a common feature of urban town centre locations to have a vertical mix of uses and this is supported in local and national policy. Residents would be aware of any uses at ground floor prior to occupation. Sound mitigation measures are also included in conditions recommended for any approval. The size of the flats is comparable to other recently approved developments and the proposal provides a mix of one, two-and three-bedroom options.

Concerns were also raised around the viability of the proposal, as stated this is a policy compliant scheme providing much needed housing and commercial space within the town centre. Viability of the proposal is ultimately for the developer to consider.

Regarding the 'small area' for the roof garden, this will be provided on an existing flat roof area so cannot be reasonably increased in size. It is considered that this will provide a valuable amenity for residents.

Concerns were raised that 'plans allow for no extractor flues / vents, etc.'. Indicative locations are shown on the roof plan and further details would be required to be submitted to the LPA prior to installation, secured by condition.

Regarding heating of the building plans show solar panels to the roof alongside Air Source Heat Pumps. A plant room is shown on the ground floor plan.

Regarding concerns about the 'open plan' nature of the ground floor, this is due to the flexible nature of Class E and the sui generis uses proposed. This layout allows for flexibility when considering tenants and will allow for a viable use to be secured for the commercial elements of the proposal. Internal subdivision for smaller uses would likely not require permission.

Regarding the external setting being enhanced and public realm enhancement within the 'Town Deal', this is not a consideration of this planning application but it is noted that proposals are coming forward separately to enhance the surrounding area.

All other comments are addressed in the above report.

Norfolk Constabulary Architectural Liaison Crime Prevention Officer:

Introducing Park Mark accreditation to nearby car parks is outside of the planning system.

Cycle storage is located inside the building and has received no objections.

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A Landscaping plan is included as a condition for any approval.

A Lighting plan is included as a condition for any approval.

All other objections and comments have been addressed in the above report.

Waste and Recycling

Bins are provided for both residents and the commercial units at ground floor. The residential bins are located in two locations, one to the northern residential access and one to the eastern. Commercial bins are provided adjacent to the service access and corridor for the commercial units. The Waste and Recycling manager raises no objection and there is sufficient space for a suitable level of bin provision and collection.

Public Comments:

Issues around highway and commercial uses have addressed in the above report.

CONCLUSION

To conclude, this application proposes the use and revitalisation of a currently vacant, Non-Designated Heritage Asset regarded as a local landmark. It would accord with the regeneration aims for King's Lynn including within the Towns Fund and Heritage Action Zone and provisions of the Public Realm Action Plan for King's Lynn. The conversion of the old Post Office, providing commercial uses within Class E as well the sui generis uses of; public house, wine bar, drinking establishments and hot food takeaway (sui generis) on ground floor alongside 30 residential units on first, second and third floors and third floor extension to create 4 new residential units, is compliant with both national and local policy aims, requirements and objectives.

The proposal would not adversely affect the setting of the Conservation Area or nearby listed buildings, visual or neighbour amenity for reasons outlined within the report.

Overall, this is a high-quality regeneration scheme in the urban centre of King's Lynn providing much needed residential accommodation as well as high quality commercial space in a highly sustainable location. This is in accordance with Policies CS01,CS02,CS03,CS09,CS10,CS11 and CS12 of the Core Strategy, policies DM1, DM2, DM10, DM15, DM16, DM17, DM19, Policy E1.1 and policy E1.2. As such, Members are recommended to approve this application subject to the attached 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:

- * PROPOSED SITE PLAN, Drawing Number: 615/P/010 H
- * PROPOSED GROUND FLOOR, Drawing Number: 615/P/011 M
- * PROPOSED FIRST FLOOR, Drawing Number: 615/P/012 G
- * PROPOSED SECOND FLOOR, Drawing Number: 615/P/013 G
- * PROPOSED THIRD FLOOR, Drawing Number: 615/P/014 I
- * PROPOSED ROOF, Drawing Number: 615/P/015 I
- * EXISTING AND PROPOSED SECTION AA, Drawing Number: 615/P/016 G
- * EXISTING AND PROPOSED SECTION BB, Drawing Number: 615/P/017 G
- * EXISTING AND PROPOSED SECTION STAIRCASES, Drawing Number: 615/P/018 F
- * EXISTING AND PROPOSED WEST ELEVATION, Drawing Number: 615/P/019 D
- * EXISTING AND PROPOSED SOUTH ELEVATION, Drawing Number: 615/P/020 K
- * EXISTING AND PROPOSED EAST ELEVATION, Drawing Number: 615/P/021 K
- * EXISTING AND PROPOSED NORTH ELEVATION, Drawing Number: 615/P/022 K
- * EXISTING AND PROPOSED COURTYARD ELEVATION N-W, Drawing Number: 615/P/023 H
- * EXISTING AND PROPOSED COURTYARD ELEVATION N-W, Drawing Number: 615/P/024 E
- * PROPOSED LANDSCAPE PLAN, Drawing Number: 615/P/025 D
- * PROPOSED SECTION PARADISE ROAD, Drawing Number: 615/P/026 A
- * PROPOSED WINDOW DESIGN GUIDE, REV A 28th June 2021.
- * DRAINAGE MANAGEMENT STRATEGY, June 2021.

- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Notwithstanding the details that accompanied the application hereby permitted, no development shall take place on any external surface of the development (Phase 1- main building conversion) until the type, colour and texture of all materials to be used for the external surfaces of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 3 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 4 Condition: Notwithstanding the details that accompanied the application hereby permitted, no development shall take place on any external surface of the development (Phase 2- new 3rd floor units) until the type, colour and texture of all materials to be used for the external surfaces of the building 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.
- 4 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 5 Condition: Notwithstanding the details that accompanied the application hereby permitted, no development regarding Phase 1- main building conversion, shall take place on site until full details of the window style, reveal, cill and header treatment has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.

- 6 Condition: Notwithstanding the details that accompanied the application hereby permitted, no development regarding Phase 2- new 3rd floor units shall take place on site until full details of the window style, reveal, cill and header treatment has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 6 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 7 Condition: Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no changes of use shall be allowed without the granting of specific planning permission.
- 7 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.
- 8 Condition: Prior to the first occupation of the development hereby approved, 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.
- 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 the first use or occupation of the development hereby permitted, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include hard surface materials, 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 scheme is landscaped to an appropriate standard 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: 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).

- 11 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.
- 12 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.
- 12 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 13 Condition: 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.

- 13 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 14 Condition: 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 number 11, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 12, 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 number 13.

- 14 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 15 Condition: Prior to the first occupation of the development hereby permitted the proposed onsite cycle parking & servicing area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 15 Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.
- 16 Condition: No works shall commence on the site until the Traffic Regulation Order for the prohibition of the loading and unloading restrictions (Namely: Loading area as marked 'HGV unloading bay', loading and unloading prohibition on Paradise Road) have been secured by the Highway Authority.
- 16 Reason: In the interests of highway safety.
- 17 Condition: The development hereby approved shall be constructed in accordance with the submitted Flood Risk Assessment (FRA)(2697/RE/14-21/01 REVISION A) and the following mitigation measures it details:
- Flood resistance / resilient measures will be incorporated into the ground floor level.
There will be no ground floor sleeping accommodation.
There will be no residential habitable ground floor accommodation.
- 17 Reason: In order to prevent an increased risk of flooding in accordance with the principles of the NPPF.
- 18 Condition: Notwithstanding the information submitted with the application, no development above foundation level shall take place on site until a detailed scheme for the sound insulation of the building has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include that the separating floor between the ground floor commercial unit/s and the flats be increased to 50 dB DnTw

+ Ctr, and shall include replacement glazing and acoustic trickle ventilators. The scheme shall be implemented as approved before the development is brought into use and thereafter maintained as such.

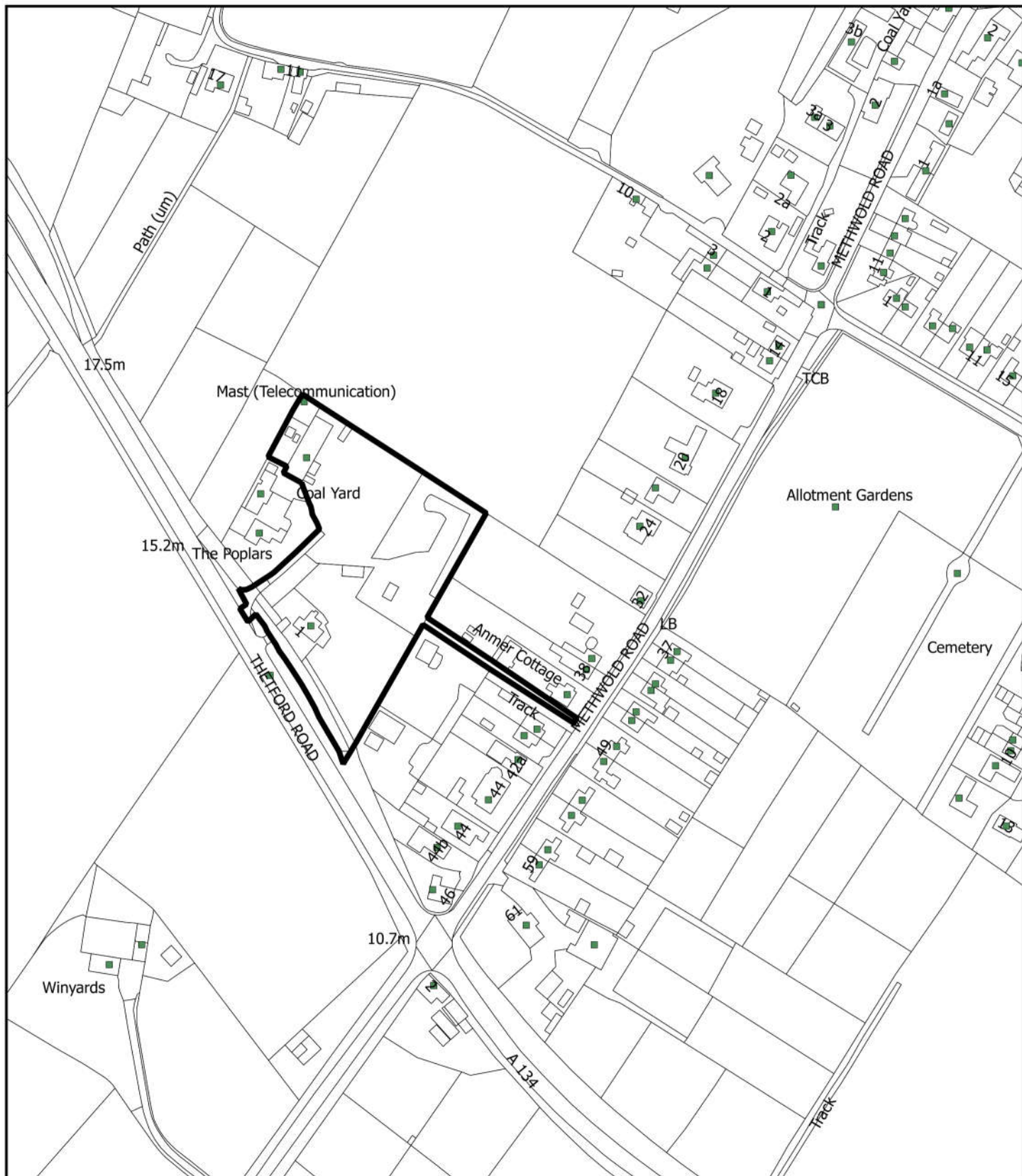
- 18 Reason: For the avoidance of doubt and to safeguard the amenities of the future occupiers of the residential flats in accordance with the NPPF.
- 19 Condition: No development above foundation level shall take place on site until a detailed scheme showing the siting of all internal and external plant and machinery, including any mechanical extract systems, and the insulation of the buildings against the transmission of noise and vibration has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include sound power levels of all plant/machinery and equipment and shall be implemented as approved before the development is brought into use, and thereafter maintained as such.
- 19 Reason: In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- 20 Condition: Prior to the use of the ground floor commercial floorspace for any uses that involve the preparation of hot food on the premises, full details of the equipment to control the emission of fumes and odour shall be installed in accordance with a scheme to be first submitted to and approved in writing by the local planning authority. The scheme shall include locations/mounting positions and sound power levels of all equipment. All equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with that approval and retained for so long as hot food is prepared on the premises.
- 20 Reason: For the avoidance of doubt and to safeguard the amenities of the locality in accordance with the NPPF.
- 21 Condition: The entrance doors to the commercial unit/s shall be self-closing to minimise the emission of odours and/or noise from the premises.
- 21 Reason: For the avoidance of doubt and to safeguard the amenities of the locality in accordance with the NPPF.
- 22 Condition: No deliveries shall be taken at or despatched from the site outside the hours of 0800 and 1700 on weekdays, 0900 and 1300 on Saturdays nor at any time on Sundays, Bank or Public Holidays.
- 22 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.
- 23 Condition: Construction or development work on site, along with collections and deliveries of waste products, material and equipment, shall only be carried out between the hours of 0800 and 1800 weekdays, and 0900-1300 on Saturdays, with no work allowed on Sundays and Bank/Public Holidays.
- 23 Reason: For the avoidance of doubt and to safeguard the amenities of the locality in accordance with the NPPF.
- 24 Condition: Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the clearance and construction

period has been submitted to, and approved in writing by, the LPA. The scheme shall be implemented until the development is completed.

- 24 Condition: 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.
- 25 Reason: Prior to occupation, each commercial unit shall submit their proposed opening times to the Local Planning Authority for written approval.
- 25 Condition: 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.
- 26 Reason: Noise emitted from the playing of music within the commercial unit/s of the development shall not exceed 40 dB(A) expressed as a 15 minute LAeq at any time, measured at a distance of 1 meter from both the front and rear of the premises façades.
- 26 Condition: For the avoidance of doubt and to safeguard the amenities of the locality and future occupiers of the residential flats in accordance with the NPPF.
- 27 Reason: Prior to commencement of any development work on site, a foul and surface water drainage survey shall be carried out to ascertain the condition of the existing infrastructure and its suitability to meet the future drainage needs of the site. The conclusions of this survey shall be presented in a foul and surface water drainage strategy for the development, which shall include the additional measures to reduce the surface water run-off of green roofing and rooftop rainwater harvesting for the flushing of WCs and any steps required to upgrade, repair or enhance the foul drainage infrastructure for the site. The report shall be submitted to and approved in writing by the Local Planning Authority prior to commencement. Work required to enhance the existing drainage systems and drainage details for additional drainage measures shall be undertaken/constructed as approved before any part of the development hereby permitted is brought into use.
- 27 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF.
- 28 Condition: The development hereby approved shall be carried out in accordance with the submitted Preliminary Roost Appraisal, Prepared by Glaven Ecology, June 2021.
- 28 Reason: To ensure that the development takes place in accordance with the principles and parameters contained within the Ecology Statement.

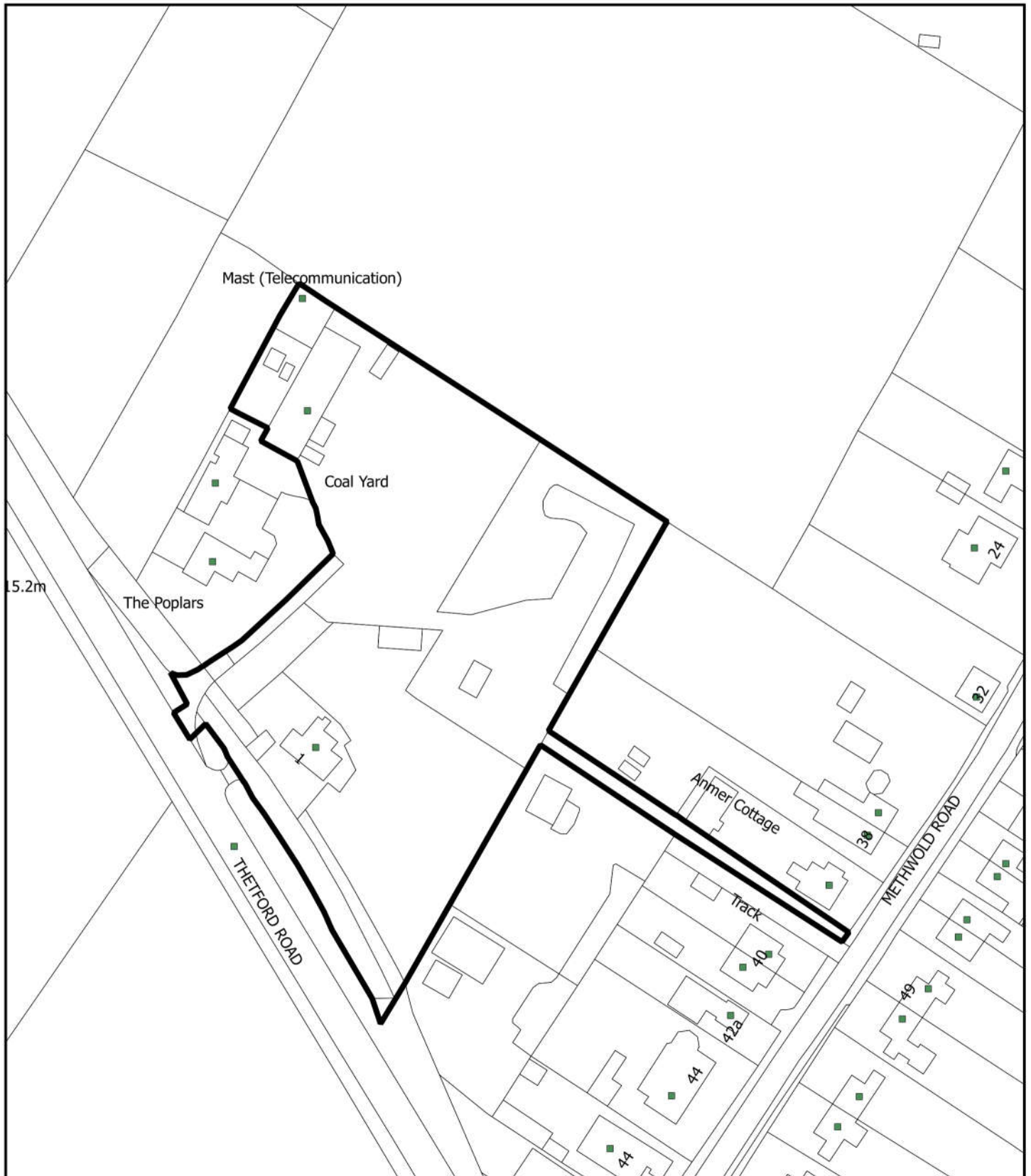
21/00203/OM

Former Coal Yard The Poplars Northwold IP26 5LW



21/00203/OM

Former Coal Yard The Poplars Northwold IP26 5LW



Parish:	Northwold	
Proposal:	Outline application: proposed residential development of former coal yard/natural stone business	
Location:	Former Coal Yard The Poplars Thetford Road Northwold	
Applicant:	Mr J Murphy	
Case No:	21/00203/OM (Outline Application - Major Development)	
Case Officer:	Lucy Smith	Date for Determination: 27 May 2021 Extension of Time Expiry Date: 25 June 2021

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

Neighbourhood Plan: No

Case Summary

Outline planning permission with access is sought for the residential development of the Former Coal Yard, The Poplars, Thetford Road, Northwold (adjacent to the A134). The application site comprises approximately 0.95ha of previously developed land, previously utilised in connection with the coal yard however in more recent years diversifying to also include landscaping materials and natural stone.

Vehicular access is proposed to the A134 and a pedestrian footpath is proposed to link to Methwold Road to the east of the site.

Key Issues

- Principle of Development
- Previously Developed Land and Unneighbourly Use
- Density and Form and Character
- Access and Highway Safety
- Affordable Housing
- Ecology
- Other Material Considerations

Recommendation

A. APPROVE subject to conditions and the satisfactory completion of a S106 Agreement to secure affordable housing and habitats mitigation payment within 4 months of the date of this Committee meeting;

B. In the event that the S106 Agreement is not completed within 4 months of the date of this Committee meeting, the application shall be **REFUSED** due to the failure to secure affordable housing and Habitat Mitigation Fee.

THE APPLICATION

Outline planning permission with access is sought for the residential development of the Former Coal Yard, The Poplars, Thetford Road, Northwold (adjacent to the A134). The application site comprises approximately 0.95ha of previously developed land, previously utilised in connection with the coal yard however in more recent years diversifying to also include landscaping materials and natural stone.

Vehicular access is proposed to the A134 and a pedestrian link is proposed via footpath to Methwold Road to the east of the site.

SUPPORTING CASE

The site comprises a former coal storage and delivery yard, as well as natural stone merchants. The former coal yard has ceased trading from this site and the natural stone business has moved to Stoke Ferry Timber as a complementary associated business.

The site is now vacant and, given its previous use, is deemed to fall within the definition of previously developed land or a 'brownfield' site. The site is also affected by contaminants as a result of solid fuel storage and transport and will require significant remediation in order to be appropriate for any new development on the site.

The application is located adjacent to Northwold village and which, combined with Methwold, fall within the category of a Key Rural Service Centre, in which new residential will normally be permitted.

Under the previous local plan, all three housing allocations were identified in Methwold only, and all three have been, or are in the process of being, built-out indicating significant local demand for new housing provision.

No allocations were made in Northwold due to lack of identified sites. This site provides an opportunity for Northwold to provide modest additional housing to complement existing services and facilities. The site's contamination can be cleared and remediation measures put in place to create a 'clean' site, safe for future occupiers and adjoining residents.

The application site seeks outline permission for housing development, seeking only the principle and means of access to be established at this stage. Layout plans have been provided but these are for indicative purposes only and do not comprise part of the formal application.

The application has the support of the Parish Council and the majority of neighbouring residents (8). One neutral letter has been received and two letters expressing no objection to the principle but expressing concern regarding a new footpath to be provided from the site through to the Methwold Road and potential for overlooking.

All statutory consultees have no objection to the proposed development, instead requesting conditions sought to be imposed on any outline permission. Ongoing negotiations with the Highway Authority have resolved outstanding matters relating to vehicle access on to the A134 and the footpath/cycleway link into the village. Highways' holding objection to the scheme has now been lifted.

The site offers a significant opportunity for Northwold which has previously been omitted from any housing allocations. The letters of support welcome the provision of suitable new market and affordable housing provision, the remediation of a contaminated land use, removal of freight traffic to and from the site and the proposed developments' support for local services and facilities, helping to maintain and complement these.

All pedestrian and cycle movements can access local facilities and the primary school by the provision of a new footpath link between the site and Methwold Road in the village, thereby avoiding direct access onto the A134 which lacks footpath provision and street lighting.

The fact that the principle of residential development of a brownfield site is overwhelmingly supported by the Parish Council and local residents, as well as the consulted statutory consultees, indicates that there is an identified local need for new housing for the village.

The emerging Local Plan Review also reflects the advice contained in National policy with regard to directing growth to brownfield sites in sustainable locations. The site, located adjacent to the existing settlement, is ideally situated to provide the form of development that Northwold residents are seeking whilst removing significant commercial land use with its associated heavy vehicle usage and land contamination.

The Applicant is not a housebuilder, but a local businessman with a positive and vibrant vision for the site which will enhance and support the local environment for new and existing residents, provide safe vehicular access as well as new pedestrian and cycle link to the village and will enhance the character and appearance of the surrounding area whilst benefiting local businesses and services within the village itself.

It is respectfully requested that Members note the local support for new housing provision in this location for which outline permission is being requested.

PLANNING HISTORY

21/00612/F: Application Refused: 30/07/21 - Positioning of portable building with patio as a village shop with refreshments - Land Rear of 40 Methwold Road – DELEGATED DECISION

20/00094/PREAPP: INFORMAL - Likely to refuse: 08/09/20 - PRE-APPLICATION ADVICE (OUTLINE WITHOUT CONSULTATIONS): Proposed residential development - Coal Merchants

06/01502/F: Application Refused: 25/08/06 - Siting of log cabin for residential use - Land North West of 46 Methwold Road – DELEGATED DECISION

2/02/2096/F: Application Permitted: 20/01/03 - Erection of telecommunications mast and ancillary equipment – Coalyard – DELEGATED DECISION

2/00/0421/F: Application Refused: 16/05/00 - Construction of bungalow - Land Rear of 40-48 Methwold Road – COMMITTEE DECISION

2/00/0289/PN: : 29/03/00 - Erection of telecommunications mast and equipment compound - Mast Telecom – DELEGATED DECISION

2/96/0898/F: Application Refused: 03/09/96 - Construction of bungalow - Land South-east of The Poplars – COMMITTEE DECISION

2/96/0406/F: Application Refused: 07/05/96 - Construction of bungalow - Land South-east of The Poplars – DELEGATED DECISION

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RESPONSE TO CONSULTATION

Parish Council: NO OBJECTION to amended plans

Highways Authority: NO OBJECTION – recommended conditions relating to the laying out of proposed roads, footways, visibility splays and on-site parking for construction workers and delivery vehicles.

Environmental Health & Housing - Environmental Quality: NO OBJECTION - recommended conditions relating to contamination and remediation schemes as a result of potential sources of contamination on site which pose a risk to the proposed landuse.

Historic Environment Service: Recommended conditions relating to potential archaeological remains and a written scheme of investigation.

Arboricultural Officer: NO OBJECTION – Recommended conditions to ensure the development is completed in accordance with the arboricultural report and plans. An updated arboricultural report, accompanied by an arboricultural method statement, will be required at reserved matters stage. I also think that a landscaping scheme will be required and must show the tree replacements mentioned in the arboricultural report.

Natural England: NO OBJECTION

LLFA: NO OBJECTION

Housing Enabling Officer: No objection in principle – S106 agreement required, stating the following comments:

I have looked at the above application and can confirm that the site area and number of dwellings proposed trigger the thresholds of the Council's affordable housing policy as per CS09 of the Council's adopted Core Strategy.

At present a 20% provision is required on sites capable of accommodating 5 or more dwellings and/or 0.165ha in Northwold. The affordable housing provision is then further split into 70% of the affordable homes being made available for rent and the other 30% for shared ownership or any other intermediate product that meets the intermediate definition within NPPF, meets an identified need in the Borough and is agreed by the Council. In this instance 2 units would be required, 12 for rent and 1 for shared ownership.

It is important for the applicant to note that we operate a dynamic approach to viability whereby the affordable housing thresholds and percentages are reviewed on an annual basis and informed by the following factors;

- Market Land Values
- House Prices
- Level of contribution sought overall
- Index of Build Costs

However any S.106 agreement signed before the review will provide the prevailing affordable housing percentage at the time of determining the application.

The affordable housing mix i.e., unit types, layout etc. will need to be addressed in the reserved matters. Whilst at this stage I appreciate that it is difficult to agree the type of

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affordable housing unit, ie 2bed, 3 bed etc, I would recommend that, in order to best meet an identified housing need, mainly smaller units i.e. 2bed 4 person units are provided. Please note however that housing need is not static and therefore the affordable housing mix may change as time progresses particularly if there is a significant delay in submitting the reserved matters..

The affordable housing should be fully be integrated with the general market housing in order to achieve mixed and sustainable communities in which the accommodation is tenure blind. An objection from us is likely if this is not met.

All S106 Affordable Housing units should meet the Council's space standards, and any that do not are likely to result in an objection from us.

The affordable units must be transferred to a Registered Provider of Affordable Housing agreed by the Council at a price that requires no form of public subsidy.

Norfolk Fire and Rescue: NO OBJECTION in principle – recommended planning condition relating to installation of fire hydrant

REPRESENTATIONS

TWO letters of **OBJECTION**, stating comments summarised as follows:

- Loss of privacy from plots 7 & 8
- Footpath position and potential for anti-social behaviour and crime
- Crossing required for footpath on Methwold Road to allow safe access

FIVE letters raising **NO OBJECTION**, stating comments summarised as follows:

- Civil matter regarding existing right of way over existing access being used for footpath - please note: this letter has been withdrawn through further representations since submission
- Safety of pedestrians using footpath
- Impact on amenity/privacy of footpath users/residential dwellings adjacent to footpath
- Future maintenance and lighting of footpath
- Re-use of Brownfield/Previously Developed Land
- Affordable Housing
- Safety of access to A134
- Note status of emerging local plan
- Note regarding speed limit of A134 and potential need for additional speed restrictions

EIGHT letters of **SUPPORT** stating comments summarised as follows:

Benefit to local economy and services
Use of brownfield site
Compliments surrounding area
Mix of properties in keeping with rural character
Well located to existing village

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

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CS02 - The Settlement Hierarchy

CS08 - Sustainable Development

CS09 - Housing Distribution

CS10 - The Economy

CS11 – Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM9 - Community Facilities

DM15 – Environment, Design and Amenity

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2019

PLANNING CONSIDERATIONS

The key issues are:

Principle of Development

Previously Developed Land and Unneighbourly Use

Density and Form and Character

Access and Highway Safety

Affordable Housing

Ecology

Other Material Considerations

Principle of Development:

Outline planning permission with access is sought for residential development on land on the outskirts of Northwold. The application site comprises approximately 0.95ha of previously developed land, previously utilised in connection with a Coal Yard however in more recent years, diversifying into landscaping materials and natural stone.

Northwold, along with Methwold is categorised as a Joint Key Rural Service Centre in Policy CS02 of the Core Strategy (2011) and therefore benefits from a settlement boundary to guide development to the most sustainable positions. This application is outside the development boundary for Northwold and therefore considered to be within the wider countryside for the purposes of Policy DM2 of the Site Allocations and Development Management Policies Plan (2016). However the site is previously developed land as defined by Annex 2 of the NPPF which will be considered below.

Previously Developed Land and Unneighbourly Use

Whilst outside the Development Boundary for Northwold, the National Planning Policy Framework requires local planning authorities to give weight to the redevelopment of previously developed land.

Previously developed land is defined within the NPPF (2021) as:

'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.'

Para. 85 of the NPPF (2021) states that the use of previously developed land and sites that are physically well-related to existing settlements should be encouraged where suitable opportunities exist and Para 120 goes on to state that planning decisions should: give weight to the value of using brownfield land, support appropriate opportunities to remediate degraded or contaminated land, and promote the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing.

Policy CS10 of the Core Strategy states:

'Retention of Employment Land The Council will seek to retain land or premises currently or last used for employment purposes (including agricultural uses) unless it can be demonstrated that:

Continued use of the site for employment purposes is no longer viable, taking into account the site's characteristics, quality of buildings, and existing or potential market demand; or

Use of the site for employment purposes gives rise to unacceptable environmental or accessibility problems particularly for sustainable modes of transport; or

An alternative use or mix of uses offers greater potential benefits to the community in meeting local business and employment needs, or in delivering the Council's regeneration agenda.

With a lawful use as a coal yard/distribution use, the potential for adverse impacts on surrounding dwellings is considered high and therefore. Weight should also be given to the loss of an unneighbourly/nuisance use along with the potential benefits of providing up to 12 houses towards the Borough Council's housing supply target in an edge of settlement, brownfield location.

In applying CS10, any intensification of use of the site for employment purposes (in order to ensure its continued commercial viability) would have significant ramifications for surrounding residents, in particular the existing dwellings located either side of the existing access. The residential use of the site would allow for fewer vehicle movements (in particular slow moving HGVs accessing/turning onto the A134), remediation of a contaminated site and overall lesser adverse impacts on residential amenity.

DM9 relates to this proposal to the extent that the Coal Yard is a 'community facility', however considering the highway safety concerns relating to the site's location and the diminishing viability of the business noted within the agent's Planning Statement, the community is considered to be sufficiently provided for through the relocation of the business to Stoke Ferry Timber, which is approximately 2 miles north of the site.

Whilst the loss of an employment use is noted, on balance considering the amenity impacts and potential highway safety benefit (discussed in more detail below), the principle of residential development on site is considered acceptable in accordance with Paragraph 120 of the NPPF (2021) and Policies CS08 and CS10 of the Core Strategy 2011.

Density and Form and Character

The application site has existing vehicular access to Thetford Road/A134, approximately 150m from the junction of the A134 and Methwold Road. Whilst vehicular access will be remaining in largely the same position, a footpath link is proposed to be formalised to run from the site to between nos. 38 and 40 Methwold Road, via a site currently utilised for private storage purposes only. This footpath provides a safe pedestrian link between the site and the services available in the centre of the village without conflict with the crossroad junction to the south east of the site.

Whilst only access is to be assessed at this stage, the proposed number of houses must be assessed in order to ensure that there is a reasonable prospect of a suitable design coming forward at Reserved Matters stage and to prevent overdevelopment of the site

The number of dwellings has been reduced during the course of this application, from 15 to 'up to' 12 due to concerns raised over the potential for a cramped and uncharacteristic layout for this edge of settlement location.

By reason of the site's position, long views will be available on approach from the west and partial views will be available across fields to the north. Whilst some built form could be screened through appropriate design and landscaping, the density of development must reflect the site's surroundings which is low and rural in character.

The proposal for up to 12 dwellings would result in a density of approximately 12 dwellings per hectare. When considering the constraints of the site, primarily its edge of settlement rural character, location and the density of existing development in the immediate vicinity, to achieve a suitable scheme for 12 dwellings the scale of houses would need to be substantially decreased from that shown on indicative plans. As no quantity is noted within the amended description, a condition is recommended to control the number of units to up to 12 to allow full consideration of the number of dwellings and layout proposed at reserved matters stage. This gives officer's sufficient control to secure a scheme that reflects the form and character of the locality and it is considered likely that a design and layout could come forward at reserved matters stage which complies with policies CS08 and DM15 of the Local Plan.

Access and Highway Safety

Vehicular access is proposed following alterations to the existing access to the A134, however a pedestrian footpath link is proposed to be provided running towards the east of the site to Methwold Road. This footpath runs along the south boundary of a wider track between No. 38 and 40 Methwold Road and will allow a safe route for pedestrians towards the centre of Northwold. Conditions are recommended to ensure full details of the proposed footpath are provided, included a future maintenance scheme, prior to the first occupation of any dwelling.

The application site seeks the reuse of the existing access track directly to the A134 which is identified as a Principal Road in Norfolk's Route Hierarchy and as a strategic route in CS11 of the Core Strategy (2011).

The existing traffic numbers to/from site total between 30-60 customers visiting the site by car or by van each week day and up to 50 when the business is open until 12pm on Saturdays. Around 20 slow moving HGV movements to and from the site were noted on an average day – carrying out collections and deliveries.

Estimated figures (calculated on the basis of the original scheme for up to 15 dwellings) equate to an expected maximum of 6 departures and 3 arrivals in the peak AM hour, reversed in the peak PM hour – this quantum of development trips, a maximum of 1 trip every 6 minutes is not considered likely to cause any capacity issues and will be even less with the lower quantum of a max of 12 dwellings.

The above traffic information has been provided during the course of this application which demonstrates that the traffic associated with the change to residential use will be negligible when compared to the existing levels of traffic generated from the lawful use.

It is therefore considered that the use of the access for residential purposes for up to 12 dwellings is unlikely to lead to adverse impacts on highway safety. The footpath link provides a fundamental safe pedestrian link to the services available in the village and must therefore be retained to allow safe access for all modes as per Policy CS11 and Paragraph 112 of the NPPF (2021).

The LHA recommended conditions relating to the laying out of proposed roads, footways, visibility splays and on-site parking for construction workers and delivery vehicles.

Proposed off-site highway improvement works, including the provision of a drop kerb at Methwold Road are also controlled via condition.

The proposal therefore complies with policies CS08, CS11 and DM15 in regard to Highway Safety and the provision of safe access for all modes.

Affordable Housing

The site area and number of dwellings proposed trigger the thresholds of the Council's affordable housing policy as per CS09 of the Council's adopted Core Strategy. A S.106 Agreement will be required to secure the affordable housing contribution.

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

For a development of 12 units, the affordable housing contribution sought would be 2 units, 1 for rent and 1 for shared ownership.

Heads of terms was submitted clarifying the applicant is willing to enter into a S106 for Affordable Housing contribution. The proposal therefore complies with policy CS09 in regard to the provision of affordable housing.

Ecology

The ecology survey provided with this application demonstrates limited potential for protected species on site – mostly relating to bats within the buildings and nests available within the trees along site boundaries. Conditions are recommended to ensure that the development takes place in accordance with the measures proposed within the ecological

report – these measures also recommend further surveys take place for the warehouse and an ancillary building noted as having low roosting potential to confirm absence prior to the commencement of any demolition.

Changes have been made to the Conservation of Habitats and Species Regulations 2017 (as amended). The changes are made by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The 2017 Regulations are one of the pieces of domestic law that transposed the land and marine aspects of the Habitats Directive (Council Directive 92/43/EEC) and certain elements of the Wild Birds Directive (Directive 2009/147/EC) (known as the Nature Directives). Protected Species (PS) have full protection under the 2017 Regulations. It's an offence to deliberately capture, injure or kill, or deliberately disturb PS. These requirements are enforced in the 2017 Regulations and any derogation is regulated and overseen by a system of licensing administered by Natural England (NE).

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

NE will only grant a licence if satisfied that the three statutory tests prescribed under the directive and regulations have all been met. The tests are:

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

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

In this case, the survey work submitted concluded that there is potential for the development to result in the loss of a bat roost area with additional bat roost potential within the buildings on site, and that if the development were to proceed there is the possibility of a breach of the Directive. Additional survey work is required prior to the commencement of development, and it is likely that an EPS license from Natural England will be required prior to commencing works on site.

LPA's consideration of the tests:

1. IROPI – NE's guidance advises that IROPI can potentially include developments that are required to meet or provide a contribution to meeting a specific need such as complying with planning policies and guidance at a national, regional and local level. In this case, the principle of development is considered to accord with the NPPF (2021) and the proposed dwellings will contribute towards the housing supply.
2. No satisfactory alternatives – The demolition of the buildings would be required as part of the residential redevelopment of the site and the retention of the buildings alongside surrounding dwellings would lead to adverse impacts contrary to the Local Plan and it is

therefore considered to be reasonable to conclude that there are no satisfactory alternatives.

3. Population maintenance – it appears unlikely that the demolition of the buildings, subject to the appropriate mitigation measures, will affect the conservation status of the protected species.

The LPA can therefore reasonably form the view, from the information submitted to it for this planning application, that NE would be likely to grant a derogation license under the Regulations in relation to this development.

As a result, the additional survey work which will inform the appropriate mitigation measures and the EPS licence, in addition to the mitigation measures outlined in the Ecology Assessment can be conditioned accordingly.

Habitat Mitigation Fee is required and will be controlled through inclusion in the S106 agreement.

The application therefore complies with the NPPF (2021) and Policies CS08 and CS12 of the Core Strategy in regard to ecology, biodiversity and protected species or habitats.

Other Material Considerations

Trees

An arboricultural survey has been provided which indicates the retention of mature trees (a mix of Cherry, Silver Birch, Cypress and Walnut trees) towards the front of the site and adjacent to the footpath link. Whilst in outline form only, the layout could change with associated impacts on trees but it is considered that a suitable scheme could come forward at reserved matters stage to limit any adverse impacts. As a result, the Arboricultural Officer has recommended that an updated arboricultural report be submitted at reserved matters stage.

The proposal complies with para 131 of the NPPF and Policy CS12 of the Core Strategy (2011).

Setting of Conservation Area

The boundary line to the Northwold Conservation Area cuts along the rear of houses to the north of the site. Given the separation provided by the existing fields and vegetation along the north boundary of the site, it is considered that a suitable layout and detailed design could come forward at reserved matters stage to have limited impact on the designated heritage asset. The proposal would therefore comply with the NPPF and Policy C12 of the Core Strategy 2011.

Contamination

The Preliminary Contamination Assessment identified several potential sources of contamination on site. Conditions are recommended to ensure full details of contamination and remediation schemes are provided.

Archaeology

The proposed development site lies adjacent to the cropmarks of a large, probably Bronze Age ring-ditch, perhaps a ploughed-out burial mound or hengiform structure. In addition, Iron Age, Roman and medieval coins have been found in the field to the northwest. Consequently, there is potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance will be adversely affected by the proposed development. Conditions are therefore recommended to ensure an archaeological scheme of investigation is submitted and that post-investigation takes place – subject to the approval of the LPA. The proposal therefore complies with the NPPF and Policy CS12 of the Core Strategy 2011.

Norfolk Fire Service

The Norfolk Fire Service recommended conditions relating to the requirement for an additional hydrant on site. Conditions are recommended to ensure this detail is provided and the hydrant installed prior to the occupation of the dwellings.

Drainage

The LLFA raise no objection to the proposal in principle. A Flood Risk Assessment and Surface Water Drainage Strategy was provided as part of this application and outlines the flood mitigation measures required (drainage system designed to 100 year event) and outlines that there is an estimated 5% reduction in impermeable surfacing associated with the proposed development. A condition is recommended to ensure that full details of proposed drainage are provided prior to the commencement of development.

Crime and Disorder

Neighbour objections noted a potential safety issue regarding the footpath link. Whilst these comments are noted, the footpath link is open to one side as a result of the existing vehicular access point which runs alongside it which allows a clear view throughout the length of the path from Methwold Road. It is considered that a suitable layout can come forward at reserved matters stage which would allow passive surveillance of the footpath from proposed dwellings on site and would further limit the potential for adverse crime and disorder impacts. Conditions are recommended in relation to street lighting and footpath management detail which will allow further control over this proposed footpath link in perpetuity.

Remaining neighbour representations have been addressed throughout the body of this report.

CONCLUSION

The application site is located outside of the development boundary for Northwold and therefore within the wider countryside for the purposes of Policy DM2, however the NPPF (2021) gives weight to the reuse and redevelopment of brownfield land in suitable locations and the application would result in the loss of an unneighbourly use, a highway safety benefit and the remediation of contaminated land. The residential development of the site is therefore considered acceptable in principle.

Up to 12 dwellings are proposed under this application (following revisions to the scheme during the course of this submission) and this is considered likely to be acceptable subject to a suitable design being submitted at reserved matters stage.

The application is therefore considered to comply with the NPPF (2021), Policies CS02, CS08, CS09, CS10, CS11 and CS12 of the Core Strategy and Policies DM9, DM12 and DM15 of the Site Allocations and Development Management Policies Plan (2016).

RECOMMENDATION:

(A) APPROVE subject to the following conditions and satisfactory completion of S106 Agreement to secure affordable housing and habitats mitigation payment within 4 months of the date of this Committee Meeting.

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

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

2 Condition: Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted to the Local Planning Authority in writing and shall be carried out as approved.

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

3 Condition: Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

4 Condition: The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the latest such matter to be approved.

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

5 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans, in relation to access only:

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

6 Condition: The development hereby approved shall consist of no more than 12 dwellings.

6 Reason: For the avoidance of doubt and to define the terms of this consent where additional dwellings may lead to adverse impact on the countryside, contrary to Policies CS06, CS08 and DM15 of the Local Plan.

7 Condition: No works shall commence on the site until such time as detailed plans of the roads, footways including the footpath link to Methwold Road, street lighting, foul

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and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. All construction works shall be carried out in accordance with the approved plans.

- 7 Reason: This needs to be a pre-commencement condition to ensure fundamental elements of the development that cannot be retrospectively designed and built are planned for at the earliest possible stage in the development and therefore will not lead to expensive remedial action and adversely impact on the viability of the development.
- 8 Condition: Prior to the occupation of the final dwelling all works shall be carried out on roads/footways/street lighting/foul and surface water sewers in accordance with the approved specification to the satisfaction of the Local Planning Authority.
- 8 Reason: To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway.
- 9 Condition: Before any dwelling is first occupied the road(s)/footway(s) shall be constructed to binder course surfacing level from the dwelling to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority.
- 9 Reason: To ensure satisfactory development of the site.
- 10 Condition: Prior to the first occupation/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 0.225 metres above the level of the adjacent highway carriageway.
- 10 Reason: In the interests of highway safety in accordance with the principles of the NPPF.
- 11 Condition: Development shall not commence until a scheme detailing provision for on-site parking for construction workers, access arrangements for delivery vehicles and wheel washing for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.
- 11 Reason: To ensure adequate off-street parking during construction in the interests of highway safety. This needs to be a pre-commencement condition as it deals with the construction period of the development.
- 12 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 as indicated on Drawing No SE-1419-PP1001-Rev1 has/have been submitted to and approved in writing by the Local Planning Authority.
- 12 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.

- 13 Condition: Prior to the first occupation of the development hereby permitted the off-site highway improvement works referred to in Condition 12 shall be completed to the written satisfaction of the Local Planning Authority.
- 13 Reason: To ensure that the highway network is adequate to cater for the development proposed.
- 14 Condition: No development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation, 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation and 7) any further project designs as addenda to the approved WSI covering subsequent phases of mitigation as required.
- 14 Reason: To protect against harm to any archaeological assets in accordance with para 199 of the NPPF (2021).
- 15 Condition: No development shall take place other than in accordance with the written scheme of investigation approved under condition (13) and any addenda to that WSI covering subsequent phases of mitigation.
- 15 Reason: To protect against harm to any archaeological assets in accordance with para 199 of the NPPF (2021).
- 16 Condition: The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition (13) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 16 Reason: To protect against harm to any archaeological assets in accordance with para 199 of the NPPF (2021).
- 17 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.
- 17 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.
- 18 Condition: The development hereby permitted shall be constructed strictly in accordance with the Preliminary Ecological Appraisal produced by Phillip Parker Associates Ltd and dated 5th February 2021 and submitted as part of this application.
- 18 Reason: In the interests of protecting the environment and protected species in accordance with the NPPF and Core Strategy Policy CS12 of the LDF.

- 19 **Condition:** Notwithstanding Condition 17, prior to the commencement of the development hereby permitted, including any site clearance works, further surveys to identify the extent of bat populations on or adjacent to the development site shall be undertaken in accordance with a written survey proposal, which shall have been submitted to, and approved in writing by, the Local Planning Authority prior to the survey taking place.
- 19 **Reason:** In the interests of protecting the environment and protected species in accordance with the NPPF and Core Strategy Policy CS12 of the LDF.
- 20 **Condition:** The results of the survey required under Condition 18 above shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development hereby permitted, including site clearance works. The results shall also provide for any mitigation/enhancement measures appropriate for any bat populations recorded in order to minimise the impact of the development upon the bats both during construction and upon completion. A timetable for the implementation/completion/maintenance of the mitigation/enhancement works shall also be submitted with the results. The mitigation/enhancement works shall be completed and maintained in accordance with the agreed details and timetable, other than with the prior written approval of the Local Planning Authority.
- 20 **Reason:** In the interests of protecting the environment and protected species in accordance with the NPPF and Core Strategy Policy CS12 of the LDF.
- 21 **Condition:** Prior to the first occupation of any buildings a scheme outlining the provision of Fire Hydrants on site shall be submitted to and agreed in writing by the Local Planning Authority. No dwelling shall be occupied until the hydrant serving the group of properties has been provided to the satisfaction of the Council in consultation with Norfolk Fire and Rescue Service. The fire hydrant(s) shall conform to BS750 and should provide a minimum sustained outlet discharge in line with the National guidance document on the provision of water.
- 21 **Reason:** Condition is needed to ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire in accordance with the provisions of the NPPF (2021).
- 22 **Condition:** Prior to the first occupation of the dwellings hereby approved, a scheme for the future maintenance of the footpath to Methwold Road shown outlined in red on dwg No. SE-1419-PP1001 Revision I shall be submitted to and agreed in writing by the Local Planning Authority. The public footpath shall be made available prior to the first occupation of any dwelling on site, or in accordance with a programme agreed in writing with the Local Planning Authority and shall be retained and maintained as available for this specific purpose in accordance with the approved details thereafter.
- 22 **Reason:** In the interests of highway safety to ensure safe access for all users in perpetuity in accordance with the NPPF (2021) and Policy DM15 of the SADMPP (2016).
- 23 **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).

- 23 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.
- 24 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.
- 24 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.
- 25 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.

25 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.

26 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 23, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 24, 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 25.

26 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.

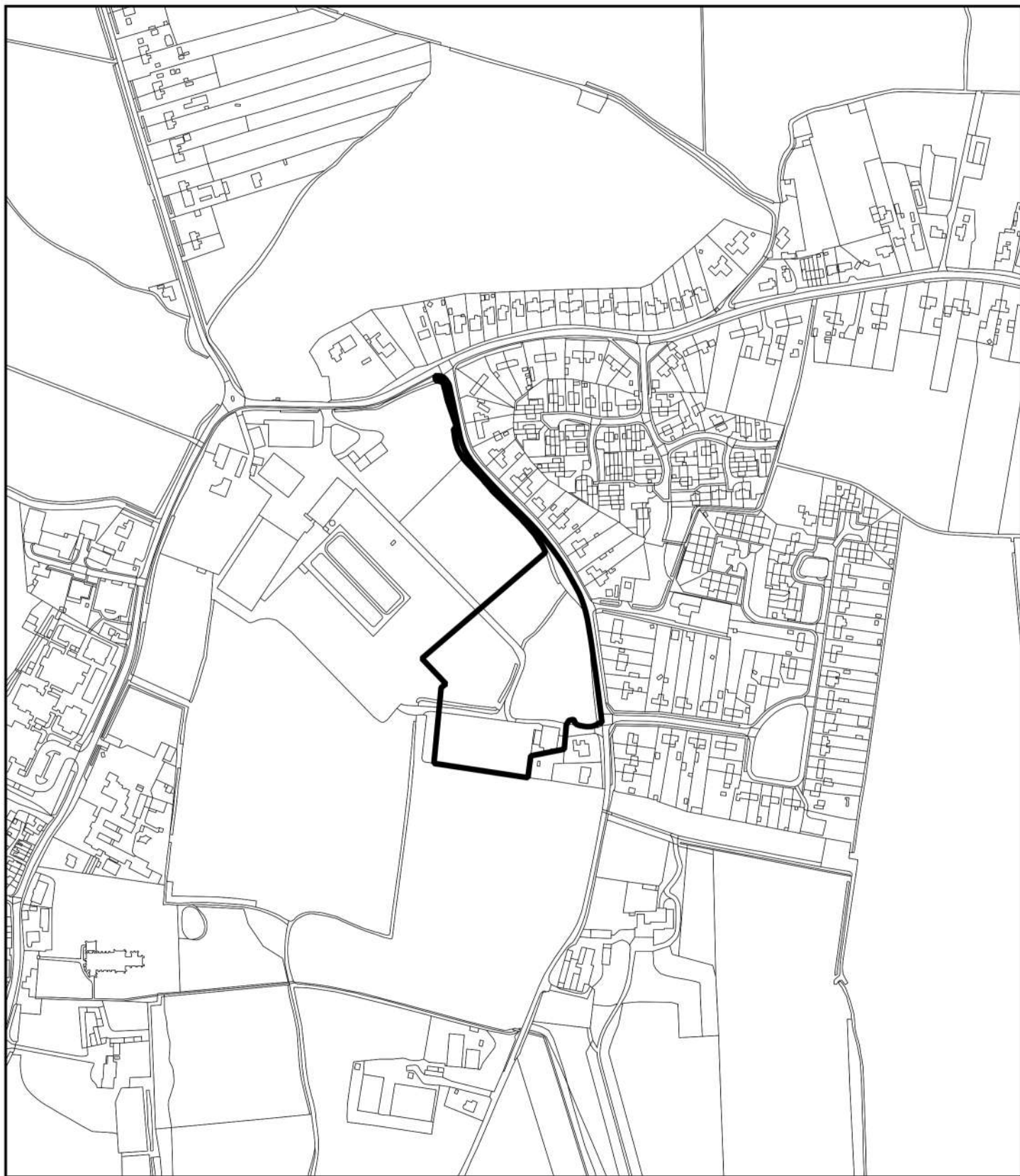
27 Condition: The reserved matters application shall include an updated Arboricultural Impact Assessment, Method Statement, Tree Protection Plan and a Landscaping Plan.

27 Reason: For the avoidance of doubt and to allow full consideration of impact on existing trees in accordance with the NPPF (2021) and Policy CS12 of the Core Strategy (2011).

(B) In the event that the S106 Agreement is not completed within 4 months of the date of this Committee Meeting, the application shall be **REFUSED** due to the failure to secure affordable housing and Habitat Mitigation Fee

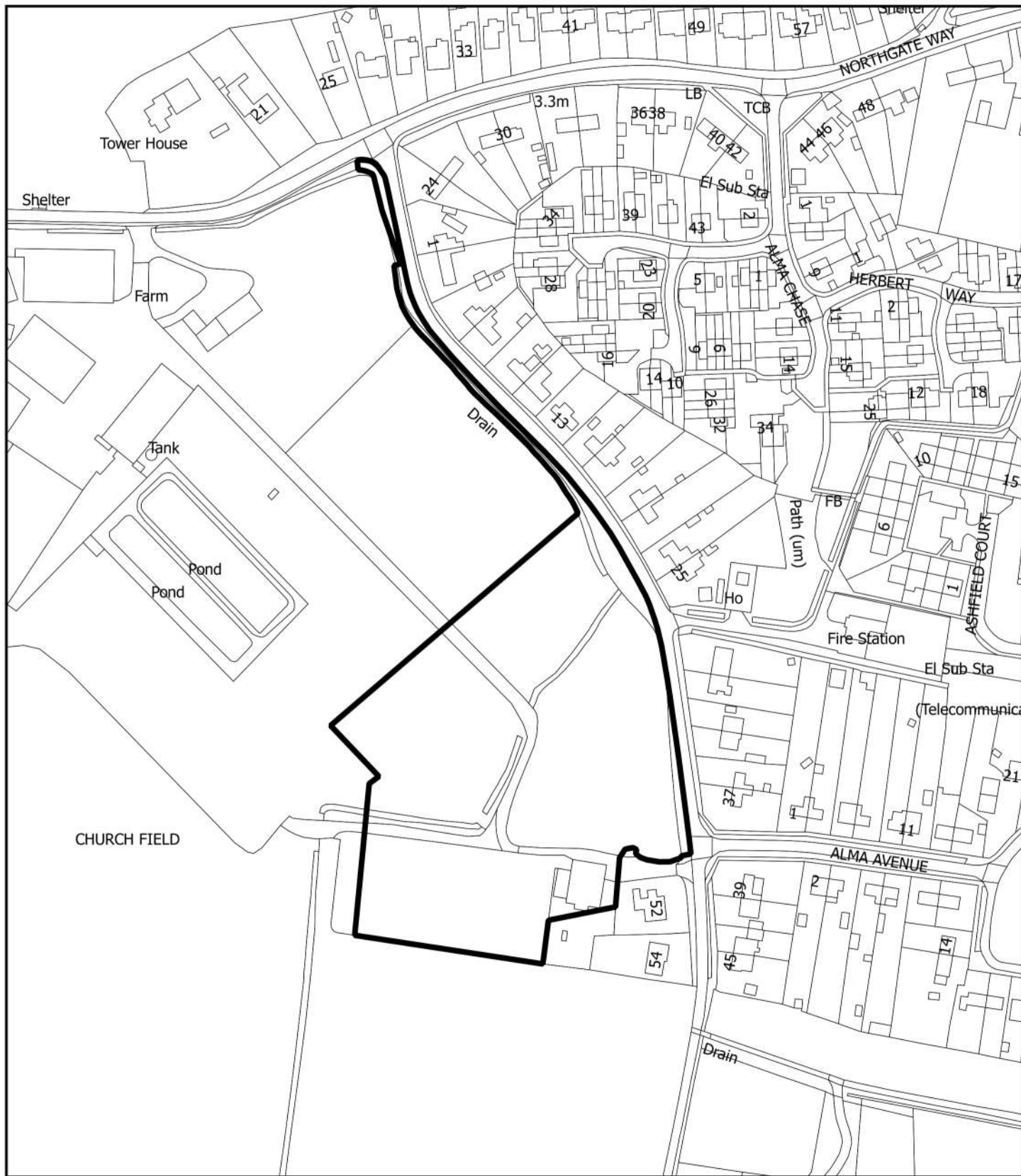
21/00589/RMM

**Land W of 23 to 37 and N and W of 52 Benns Lane
Terrington St Clement PE34 4JY**



21/00589/RMM

Land W of 23 to 37 and N and W of 52 Benns Lane Terrington St Clement PE34 4JY



Parish:	Terrington St Clement	
Proposal:	Reserved Matters Application for 43 dwellings	
Location:	Land W of 23 To 37 And N And W of 52 Benns Lane Terrington St Clement Norfolk PE34 4JY	
Applicant:	FGSPV3 Ltd	
Case No:	21/00589/RMM (Reserved Matters - Major Development)	
Case Officer:	Mr K Wilkinson	Date for Determination: 25 June 2021 Extension of Time Expiry Date: 14 January 2022

Reason for Referral to Planning Committee – The views of the Parish Council are contrary to the Officer recommendation and at the discretion of the Assistant Director.

Neighbourhood Plan: No

Case Summary

The application site comprises 2.34ha of redundant brownfield land to the western side of Benn’s Lane in the NE part of Terrington St Clement which is a Key Rural Service Centre in the settlement hierarchy. This site is allocated for residential development under Policy G93.3 of the Site Allocations & Development Management Policies Plan (SADMPP).

The principle of developing this site has already been established by the granting of outline planning permission under application 16/02230/OM for up to 44 dwellings.

This application seeks reserved matters (RM) approval for 43 dwellings.

Access to the site was approved at outline stage, so this RM application seeks approval of the layout, appearance, scale and landscaping.

Key Issues

- Condition/S106 Compliance
- Form and Character
- Highway Safety
- Residential Amenity
- Landscaping
- Impact upon setting of the Church and Conservation Area
- Other Considerations

Recommendation

APPROVE

THE APPLICATION

The application is for reserved matters on 2.34ha which is slightly larger than the allocation site area as it includes the buffer area to the land north-west of the site in employment use.

The outline permission was accompanied by a S106 Agreement that secured the following:

- on-site affordable housing contribution (20% of total number of dwellings – 70% of which to be rented and 30% shared ownership)
- open space provision of not less than 17m² per dwelling and management and maintenance thereof and
- SuDS provision and management and maintenance thereof.

Conditions on the outline application relate to access provision and visibility splays at its junction with Benn's Lane, and off-site highway improvement works (widening carriageway of Benn's Lane to 5.5m and provision of a 1.8m wide footway along the site frontage and beyond linking to Northgate Way); also specification of roads and services within the site and their management and maintenance.

Conditions on the outline application also cover:

- commencement of development that must be undertaken in accordance with any permission granted under this specific RM application
- ecology – water vole survey and mitigation measures plus no clearance works during March - August (unless agreed with LPA)
- flood risk mitigation – finished floor levels no lower than 3.7m aOD
- surface water drainage scheme
- provision of an attenuation pond
- gapping up of hedgerows and provision of native trees and shrubs
- tree and hedgerow protection in accordance with Arboricultural Impact Assessment
- contamination/remediation
- archaeological investigation
- provision of a fire hydrant
- construction traffic management plan and
- no more than 44 residential units.

Issues covered by the S106 and conditions on the outline permission do not need consideration under the current application other than to ensure compliance where necessary.

The proposal is for 43 two-storey dwellings comprising 11 pairs of semi-detached houses and 21 detached houses. In terms of bedrooms there would be 11 x 2-bed units, 20 x 3-bed units and 12 x 4-bed units. Nine units are required to be affordable under Policy CS09 and to accord with the S106 agreement (i.e. 20%). These units are shown to be: Plots 2, 3, 16, 17, 28, 29, 34, 37 & 38 (6 x 2-bed and 3 x 3-bed with a 70/30 percent split of affordable rented to shared ownership) which accord with the Housing Team's requirements. The units are also spread throughout the estate to meet our standards.

The exact materials are to be confirmed by condition due to supply/availability issues, but the palette submitted indicates walls of red multi facing bricks under a mix of dark red and dark grey concrete double pantiled roofs with off-white wood grain effect uPVC windows and doorframes, plus composite doors. Rainwater goods are to be black uPVC. Contrary to the

views of the Parish Council, this palette is considered to be acceptable in this locality. Officers are keen to ensure that a 'quality build' is achieved and the agreement of facing materials via condition will aim to meet the Parish Council's aspirations.

Under the terms of the S106 agreement 17m² of public open space/dwelling is required. A Local Area of Play (LAP) (with 6 items of equipment) measuring some 754m² is proposed towards the western side of the site. There are additional amenity areas around the drainage features and pockets within the estate. Notably there is an amenity space around an existing mature Willow tree midway along the southern boundary which is to be retained and protected during construction as agreed at the outline stage. The verdant edge on the western side of Benn's Lane is also to be maintained and enhanced.

The equipped playspace is slightly in excess of what is actually required (17 x 43 = 731m²). This therefore complies with Policy DM16 and S106 requirements.

An existing land drain presently bisects the site, but this is to be repositioned parallel and close to the NW boundary of the site to enable comprehensive development. This accords with the indicative layout considered at the outline stage and will require separate consent from the IDB under their powers (Land Drainage Act).

SUPPORTING CASE

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

"This reserved matters application seeks approval for the erection of 43 no. dwellings following the grant of outline approval reference 16/02230/OM which was for the demolition of existing structures and for the erection of up to 44 dwellings (Use Class C3) with means of site access from Benn's Lane. The scheme has been the subject of detailed negotiation which has led to various amendments being incorporated to the scheme, including reducing the proposed no. of dwellings from 44 to 43 dwellings to ensure that this development integrates well into its surroundings. The proposed dwellings will be of no more than two storeys, using a local palette of materials and will incorporate detailing that accords with the local vernacular and creates an open and generously spaced housing scheme that respects and reflects surrounding character.

In terms of house types and tenure, the scheme proposes 34 open market dwellings and 9 affordable dwellings, and therefore includes a policy compliant level of affordable housing, with 3x 3-bedroom houses & 6x 2-bedroom houses. The affordable units will be dispersed throughout the site to provide a tenure blind scheme with full integration throughout the development.

In terms of layout, the scheme proposes one main access from Benns Lane with a primary access road with private roads feeding this 'spine' road to serve clusters of dwellings. The site is fully permeable from a pedestrian perspective with links to connect with existing development and facilities within Terrington St Clement, including public transport links. In addition to this the scheme, facilitates connections to the proposed play area to the west of the site, which provides a high quality communal open space and play area for existing and future residents to benefit from.

The proposed house types are sympathetic to the prevailing pattern of development in the area but incorporate a mix of design to suit the needs of a variety of occupiers. This provides visual interest throughout the scheme. There has been a focus on opportunities for improved landscaping and tree planting and the reconfiguration of car dominated frontages to provide a more aesthetically pleasing environment. This has been created by off-street parking being

provided for each dwelling, predominantly along the sides of the properties set back from the frontage, with off-road visitor parking also incorporated within the development. This ensures parking is sensitively integrated into the built form and provides an attractive environment for all users.

The proposed landscaping is considered to enhance the defined settlement edge in this location, retaining its semi-rural appearance whilst contributing to the positive character and identity of the village. In terms of biodiversity, and in accordance with the outline consent, the scheme includes appropriate mitigation, which includes the provision of an attenuation pond, gapping up of hedgerows, improvements to existing ditch habitats and the provision of areas of new native trees and shrubs. These have been incorporated into the proposed development as shown on the accompanying plans to create a biodiversity net gain as part of the development as well as providing vital open spaces for users to enjoy and experience. The proposed development is considered to represent an attractive and distinctive place to live that would maintain a good relationship with existing surrounding development and one that protects the amenity of existing properties and future occupiers of the development.

In conclusion, the scheme represents a carefully thought-out scheme that is well-designed and will create a beautiful and sustainable place to live whilst making efficient and effective use of the site that is in keeping with the existing character of Terrington St Clement. The scheme is therefore considered to accord with the NPPF, local planning policies as well as respond positively to the National Design Guide and the National model Design Code.”

PLANNING HISTORY (Relevant)

16/02230/DISC_B: Discharge of Condition final letter: 12/08/21 - DISCHARGE OF CONDITION 19 of Planning Permission 16/02230/OM: OUTLINE APPLICATION SOME MATTERS RESERVED: Demolition of existing structures and for the erection of up to 44 dwellings (Use Class C3) with means of site access from Benn’s Lane (Delegated decision)

16/02230/DISC_A: Pending decision: DISCHARGE OF CONDITIONS 5, 8, 9, 12, 13, 16, 21, 23 and 27 of Planning Permission 16/02230/OM: Demolition of existing structures and for the erection of up to 44 dwellings (Use Class C3) with means of site access from Benn’s Lane

16/02230/OM: Application Permitted: 04/04/18 - OUTLINE APPLICATION SOME MATTERS RESERVED: Demolition of existing structures and for the erection of up to 44 dwellings (Use Class C3) with means of site access from Benn’s Lane (Committee decision)

Adjoining site to NW & W:

18/00940/OM: Decision pending: Outline Application: Erection of 76 dwellings with means of site access following demolition of existing structures

RESPONSE TO CONSULTATION

Parish Council: (Initial submission) OBJECTS - The Parish Council wish to raise the following matters in relation to the above application.

- The Council again object to the lack of provision for the increase of traffic that the development will create. Though it states there will be a “turn left” sign it is human nature to take the shortest route and this will be in Benn’s Lane. The Council re-iterate their objections and concerns in relation to the Highways issues.

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- During road works carried out in 2019 in Churchgate Way the Council's observations in relation to Benn's Lane were proven to be correct when Benn's Lane was used as a rat run with HGV's and vehicles causing a bottleneck and pedestrians were put at risk along the narrow lane and blind bends.
- Benn's Lane is the route for the Fire Brigade to access the Fire Station and in emergencies any disruption in Benn's Lane could affect the outcome of any incident the Fire Brigade are called out to.
- The Parish Council have asked Norfolk CC Highways on more than one occasion to apply a "No HGV's" policy in Benn's Lane but without success so far.
- The residents of the village were vociferously against the development and remain so and were disappointed with the approval of the application.
- The Council would not wish to take over any responsibility for the play area.
- The ponds do create a safety hazard and measures should be taken to secure the areas around the pond and it would be welcome if there is also habitat on the development and around the pond for the benefit of local wildlife and to enhance the development area.
- There have been requests for the provision of footpaths/cycle paths within the development to link in with existing footpaths in order to encourage people to walk/cycle in the village rather than use their vehicles which could alleviate some of the traffic along Benn's Lane.
- The Council do not wish to adopt any street lighting.
- The appearance of the development is not in keeping with the village setting.
- The chosen materials will allow the developer to build the houses cheaply and at minimal cost without taking into account the aesthetics of the development or the requirement of maintenance within 5 years of construction.
- The materials board is very vague which the Council consider to be a way for the developer to use low quality materials which is unacceptable.
- The timber cladding should be cedar or some form of hardwood and not soft wood which would fail in a matter of years if not maintained.
- The imitation slate tile and a rendered system to the exterior walls of the dwellings will not stay clean or be easily maintained which would mean the development would deteriorate within a short time. Other materials should be considered.
- The Council request that the developers should re-think materials used and upgrade the specifications. The Council feel that the developer's material choices are not acceptable and need to be upgraded.

(Revised scheme) OBJECTS - The Council re-iterate their previous objections in relation to highways concerns, use of Benn's Lane, standard of materials and habitat concerns.

Highways Authority (NCC): NO OBJECTION - Norfolk County Council would not wish to raise an objection to the proposed layout. However, I would make the following comments for information.

1. Whilst the layout does appear to provide a well-connected proposal with pedestrian links within the scheme and to the wide network. They are reliant on use of the private drives serving plots 6-11, 13-16 and 30-35. These routes will therefore only be available to residents of these private drives and not the wider public.
2. Whilst the allocated parking provision across the development is acceptable. There is a general lack of visitor parking provision across the development. The only spaces being adjacent to the POS and on the private drive serving plots 30-35.

Notwithstanding the above, should the Borough Council deem the proposed layout to be acceptable, I would not wish to raise a highway related objection to the granting of planning permission

King's Lynn Drainage Board: (Initial submission) NO OBJECTION - In order to avoid conflict between the planning process and the Board's regulatory regime and consenting process please be aware of the following:

- I note that the applicant intends to discharge surface water to a watercourse, with no other means of draining the site readily available or discussed. 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.
- I note that the applicant has not indicated how treated foul water from their site will be disposed of. If the applicant wishes to discharge foul water to a watercourse this proposal will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).
- I note the presence of a Board Adopted watercourse within the site boundary. Whilst not currently clear, should the applicant's proposals include works within 9 metres of the watercourse, consent would be required to relax Byelaw 10 (no works within 9 metres of the edge of drainage or flood risk management infrastructure).
- Whilst not currently clear, should the applicant's proposals include works to alter the Board Adopted watercourse, consent will be required under the Land Drainage Act 1991 (and byelaw 4).
- I 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).

Whilst the consenting process as set out under the Land Drainage Act 1991 and the aforementioned Byelaws are separate from planning, the ability to implement a planning permission may be dependent on the granting of these consents. As such I strongly recommend that the required consent is sought prior to determination of the planning application.

(Amended scheme): Comments awaited at time of writing this report

Lead Local Flood Authority (NCC): (Initial submission) OBJECTION - we object to this planning application in the absence of an acceptable Drainage Strategy and/or supporting information relating to:

* The functionality, capacity and performance of the surface water drainage system as a whole. From the details supplied it is unclear, in particular, with regard to water levels how the proposed system performs. While appropriate attenuation volume appears to be provided, it remains unknown how the proposed system performs in the 3.33% and the 1% critical rainfall event (plus climate change allowance).

(Amended scheme/additional information): NO OBJECTION - The documents submitted illustrate that the proposed layout has been appropriately designed to accommodate the approved surface water drainage strategy under outline planning application 16/02230/OM. Therefore, we have no objection to this application subject to condition being attached to any consent regarding implementation in accordance with those agreed details.

Environmental Health & Housing – Environmental Quality (BCKLWN): NO OBJECTION
Land contamination and air quality are covered on the outline permission.

We have previously provided comment on the Outline Application (16/02230/OM) and assessed the submitted information in line with EPUK and IAQM Planning for Air Quality

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Guidance, with no objection in principle regarding the impact on air quality from additional traffic movements in the operational phase. We did however recommend that a Construction Environmental Management Plan be required by condition as the development has the potential to create a short-term impact on air quality due to dust from construction.

Regarding this Reserved Matters application, 106 vehicular parking spaces are included. This could result in an estimated AADT of 212, which is not deemed a significant change in line with EPUK and IAQM Planning for Air Quality Guidance. Moreover, the proposed footpath along the front of the site will provide a safe pedestrian route for future residents to reach village services. Space for cycle parking is provided within the curtilage of each dwelling, with a post office, village hall, pub, and schools accessible from the site. There are also bus stops approximately 0.3 miles from the site, that are serviced by the number 505 bus which travels to King's Lynn and Spalding.

Annual mean background concentrations of particulate matter ($15.44 \mu\text{gm}^{-3}$) and nitrogen dioxide ($8.34 \mu\text{gm}^{-3}$) are both well below the annual mean objective of $40 \mu\text{gm}^{-3}$.

Norfolk Constabulary ALO: NO OBJECTION - no further comments or concerns with these plans.

Norfolk Fire & Rescue Services: NO OBJECTION providing the proposal meets the necessary requirements of the Building Regulations 2010 – Approved Document B (volume 1 – 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.

Housing Development Officer (BCKLWN): NO OBJECTION I have reviewed the revised affordable housing mix and confirm I am content with the proposals.

CSNN (BCKLWN): No comments received at time of writing

Open Space Team (BCKLWN): NO OBJECTION Following on from comments made in previous response to consultation, I can see that efforts have been made to increase the size of the open space to meet the policy requirement of 17m^2 per dwelling.

The positioning of the open space, however, is not ideal, as it should be central to the development, to ensure it is well overlooked and accessible to the majority of the development. Its position on the periphery of the development, as well as being flanked with trees along its eastern edge, will mean that the open space will likely become quite obscured as the trees become established. Its placement next to an attenuation pond is also a point of concern. The adjacent private driveway, by linking with the adopted road to the south and footpath to the north, is likely to become an unofficial thoroughfare, which may become a point of contention for those occupiers of the properties which it serves.

Clarity as to which areas are proposed to be managed by individual purchasers/occupiers and which areas are intended to be vested in the management company would also be appreciated.

Any proposed tree planting needs to be with careful consideration to the final height and spread of the species chosen, particularly where close to dwellings.

Soft landscaping next to/adjacent to parking bays can also be difficult to access and maintain without risking damage to parked vehicles – for this reason, it may be advisable to replace with hard landscaping, or utilise a slow-growing, ground-covering species selection which require minimal maintenance.

Retained trees should be subject to an arboricultural assessment with all action points addressed prior to the development becoming occupied. Routine maintenance that is anticipated for trees and other areas of soft landscaping which are proposed to be transferred to individual purchasers/occupiers should reasonably be expected to be maintained with standard domestic tooling.

Waste and Recycling (BCKLWN): NO OBJECTION based upon revised drawing (minor adjustment to bin collection points)

Conservation Officer: NO OBJECTION - This site was formerly used as a nursery complete with extensive glass houses and is between 270m and 350m distance away from both the listed church and the Terrington St Clement Conservation Area.

Within this section of Benn's Lane, the key views to and from the church lie further to the south marked by the arable field boundary adjacent to 54 Benn's Lane and the entrance to the public footpath which itself links back to the church. At this point, the church and the conservation area command impressive views across the fields which contribute strongly to their setting. The current disused nursery forms a scrubby edge to these views and does currently contribute to the setting. If the proposed edge of the new development could be landscaped carefully, and materials carefully selected, harm caused by the new houses will certainly be less than substantial. On this basis the public benefits would outweigh the less than substantial harm caused, according with the provisions of the NPPF.

Historic England: NO OBJECTION - On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

Anglian Water: NO OBJECTION

Arboricultural Officer: NO OBJECTION:

REPRESENTATIONS

A total of **52** items of correspondence received (**36** initial scheme and **16** amended scheme), including from KLWNBUG The Norfolk & Fens Cycling Campaign, raising **OBJECTION** on the following grounds:

- Grade 1 agricultural land and should not be developed
- Benn's Lane not suitable to take increased traffic from this development – village centre already congested with vehicles;
- Access directly opposite home which will devalue my property;
- Increased noise and light pollution
- Increased pollution from traffic
- Impact upon route/accessibility to Fire Station
- Impact on services – schools, doctors, shops and QEH
- No employment opportunities locally
- Existing drainage problems and low water pressure
- Impact upon ecology/wildlife
- Traffic will still use Benn's Lane to access Lynn Road which is single width and has a dangerous junction
- 340 residents objected to outline application
- Density not appropriate
- Low amount of Affordable Housing

Planning Committee
10 January 2022

- Too near to church and conservation area
- No need for additional housing – already too much in the village
- Drainage channel details and maintenance
- Prefer access onto Northgate Way
- Design still exceeds the limits on car parking provision set out in the Parking Standards for Norfolk
- Design of roads and junctions are not cycle orientated/friendly
- Nothing seems to be done to improve cycling connectivity to Clenchwarton and the King's Lynn Cycling and Walking Network beyond
- Plans fail to support Travel Choice and Access to Town Centres, so would result in an excessive car-commuting impact on the local highway network, contrary to several county and borough planning policies.

One item of correspondence received in **SUPPORT** of the proposal for the following reasons:

- Benn's Lane has been an eyesore for at least 25 years
- Allowing the build would improve the roads and footpaths in the area, and remove the rubbish that is dumped
- Northgate Way can handle the traffic as it does not have enough traffic to warrant white lines
- The end of Benn's Lane going onto Lynn Road is used as a rat run, when it should only be for access to homes
- Build the homes and secure the schools, the education authority will expand the schools as the numbers grow, people need somewhere to live and the land is idle, better to use the land there rather than between the village and the bypass
- The doctors is underused, and local businesses will welcome the new people and that will help them to thrive - there was a butchers years ago but it closed , now a new butchers has opened this will help all businesses in the village.

LDF CORE STRATEGY POLICIES

CS02 - The Settlement Hierarchy

CS01 - Spatial Strategy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS09 - Housing Distribution

CS11 – Transport

CS12 - Environmental Assets

CS13 - Community and Culture

CS14 - Infrastructure Provision

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM15 – Environment, Design and Amenity

DM16 – Provision of Recreational Open Space for Residential Developments

DM17 - Parking Provision in New Development

NEIGHBOURHOOD PLAN POLICIES

G93.3 Terrington St. Clement - Land West of Benn's Lane

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2019

PLANNING CONSIDERATIONS

The principle of residential development of the site along with access has already been established by outline planning permission granted under application ref: 16/02230/OM. This is a commitment and not therefore open for review.

This application is solely for the determination of Layout, Scale, Appearance and Landscaping (Reserved Matters). The main issues for consideration in the determination of this application are therefore:

Condition / S106 Compliance

Form and Character

Highway Safety

Residential Amenity

Landscaping

Impact upon setting of the Church and Conservation Area

Other Considerations

Condition / S106 Compliance

Conditions and S106 requirements on the outline permission that are pertinent to this reserved matters application (i.e. that could affect the layout, scale and landscaping), are: flood risk (finished floor levels), drainage and attenuation pond, tree/hedge protection, amount of open space and affordable housing. The layout, scale and landscaping of the current RM application is in accordance with conditions and S106 requirements.

Form and Character

Paragraph 124 of the NPPF states that planning policies and decision should support development that makes efficient use of land, with para 125 suggesting that design guides and codes be used to ensure that land is used efficiently while also creating beautiful and sustainable places. One such guide is *Building for a Healthy Life* (BHL) which can be used in conjunction with the National Design Guide (NDG) and National Model Design Code (NMDC).

BHL is a design assessment tool (with a traffic light scoring system to aid the design process) based on a set of 12 key questions (macro to micro.)

GREEN - A positive / high quality design solution. The scheme needs to achieve a majority of greens to be considered good design.

AMBER - Indicates that this aspect of a scheme currently fails to meet national policy and further amendments will be required to improve design quality (turn ambers to green where possible)

RED - Poor design quality / proposal that must be addressed – reds must be avoided where possible

Where an element of design is considered to fall between a green and a red light, an amber light can be assigned. In principle, the more green lights a proposed scheme secures the better the design outcome. The overall objective with a BHL assessment is to minimise the number of amber lights and avoid red lights where possible.

A BHL assessment has been carried out on this proposal to assess design and place-making qualities and compliance with the NPPF, NDG and NMDC.

The assessment was broken down into 24 questions under the 12 key question headings of:

- natural connections
- walking
- cycling and public transport
- facilities and services
- homes for everyone
- making the most of what is there
- memorable character
- well defined streets and spaces
- easy to find your way around
- healthy streets
- cycle and car parking
- green and blue infrastructure and
- back of pavement front of home.

The outcome of the assessment was 19 green and 5 amber which suggests an overall acceptable development that would meet the overarching aims of BHL and therefore the NPPF and NDG.

Density / Efficient use of Land (Layout): The number of dwellings has been reduced from the originally submitted 44 dwellings to 43. This change is in response to the raised FFLs and inter-relationships between existing and proposed dwellings plus an existing tree.

This gives a density of development of 18.4 dwellings/ha which accords with a minimum of 16 d/ha indicated in Policy G93.3. Officers consider this is an acceptable density given the fairly central village location of the site and its designation as a housing allocation. It is also similar that of Alma Chase.

Given the shape of the site, existing landscape and proposed drainage features, plus the agreed access point, this proposed layout is realistically the only one achievable. Additionally, it broadly accords with the indicative plan submitted as part of the outline application.

The proposed layout is therefore considered to be acceptable in this locality.

Scale and Appearance: The proposed dwellings are two-storey houses with eaves height of 5.1m and main ridges ranging from 8.2 – 9.4m. These heights and introduction of chimneys give variety to the roofscape and relate favourably to those in the vicinity.

Detached and semi-detached dwellings are common forms of development in Benn's Lane and are therefore considered appropriate for the site and its wider setting.

As stated above, the exact materials are to be confirmed by condition due to supply/availability issues. In response to the Parish Council's concerns the earlier rendered elements have been removed. The indicative palette submission now shows red multi facing bricks under a mix of dark red and dark grey concrete double pantiled roofs, with off-white wood grain effect uPVC windows and doorframes, plus composite doors. Rainwater goods are to be black uPVC. This palette is considered to be acceptable in this locality. Officers are keen to ensure that a 'quality build' is achieved and the agreement of facing materials via condition will aim to meet the Parish Council's aspirations.

The proposal is therefore considered to comply with the NPPF and Development Plan Policies CS01, CS08, CS12 and DM15.

Highway Safety

As stated above, the impact of the development on the local road network along with access via Benn's Lane have already been established at outline stage and is not a consideration in assessing the current application.

Parking provision, road types and turning heads are all in accordance with required standards / policy and no objection is raised by the Local Highway Authority.

Comments have been made in regards to pedestrian connectivity to Benn's Lane via private drives and not public, however this is to accommodate bin collection to Plots 9-11, and the link adjoining Plot 32 has been removed. Visitor parking has also been commented upon. There is no specific requirement for this, however three spaces are shown adjacent to the LAP and now three also on the private drive serving Plots 30-35. Additional spaces could have been sought/created elsewhere but to the detriment of the planted areas. This balance has been made appropriately.

Notwithstanding their comments related above, the Local Highway Authority raises no objections on the grounds of highway safety.

Criticism has been raised regarding pedestrian/cycle connectivity. It is accepted that the nature of the development means that the site is presently a 'destination' rather than a through route and therefore that it is currently constrained in terms of wider connectivity. However, there is a prospect that the adjoining site which is currently the subject of an undetermined outline application (ref: 18/00940/OM) could come forward for future development in the Local Plan Review. This would create the potential for pedestrian/cycle links to the school and doctors on Northgate Way to the west, thus avoiding the main road network. The pedestrian/cycle routes within this layout end at the NW and W edges of the application site and would afford the potential for future connectivity if further development arises.

Off-site highway improvement works will also lead to the prospect of safer cycling and pedestrian routes to school etc. in the interim.

The proposal is therefore considered to comply with the NPPF and Development Plan Policies CS11, DM15 and DM17.

Residential Amenity

Para 130 f) of the NPPF state that: *Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.* This is reiterated in Development Plan Policy DM15.

There are only two dwellings directly adjoining the site – Nos. 52 & 54 Benn's Lane, being a bungalow and house respectively. The common boundary between Plot 33 and No.52 is proposed to be a 2.5m high close boarded fence to negate the raised FFL. The separation distance (22m) and angle of first floor bedroom window ensures that there are no serious overlooking implications. The houses on Plots 33 & 34 are to the NW of No.52 so there are no overshadowing effects and they replace the substantial agricultural stores/workshops that are presently located there.

No.54 is set some 37m away from Plot33, so there are no concerns regarding impacts upon their amenities.

The properties on the eastern side of Benn's Lane are some considerable distance away from the new dwellings with a substantial hedge/tree line maintained in between.

The layout is therefore considered to offer acceptable separation distances between new and existing residential development and between proposed dwellings in terms of overlooking and overbearing impacts. Careful consideration has been given to common and peripheral boundary treatments where increased FFLs could have created issues.

Spaces for sheds and bin storage are afforded to every dwelling. Bin collection points to serve the properties off private drives have been provided in response to earlier concerns from our Waste & Recycling Manager. The layout is now satisfactory in this respect.

The development raises no specific crime or disorder issues although the Open Space Team have raised concerns regarding surveillance of the LAP and access via the adjacent private drive. Adequate surveillance is created by the adjoining houses and a footpath added to give a dedicated route avoiding the driveway. Norfolk Constabulary ALO raises no comments or objection to this scheme.

The proposal is therefore considered to comply with the NPPF and Development Plan Policies CS08 and DM15.

Landscaping

Detailed landscaping and boundary treatment plans have been submitted with the application. The soft element includes the supplementation of the existing hedge line along Benn's Lane with native species and western edges of the site; primary and secondary trees (Field Maple and Hornbeam respectively) supplemented with shrubs, to give structured planting in pockets of POS and road frontages throughout the estate; and Laurel hedging bordering plots and wild flower mix grassed areas for biodiversity enhancement.

The hard landscaping includes the use of close boarded fencing between dwellings and brick walling giving enclosure to prominent sites/spaces.

These schemes will be conditioned if permission is granted.

The future management and maintenance of these areas plus the attenuation pond will be covered by the S106 Agreement. In relation to this aspect, it is noted that the Local Authority's Open Space team have stated that they would not adopt such a layout and the Parish Council have indicated that they would not wish to adopt the play area (or street lighting, but none are proposed). These are likely to be dealt with via a Management Company.

The proposal is therefore considered to comply with the NPPF, National Design Guide and Development Plan Policies CS08, DM15, DM16 and G93.3.

Impact upon setting of the Church and Conservation Area

The Council has a duty under the provisions of the Planning (Listed Buildings & Conservation Areas) Act 1990 to assess such impact. In this instance the site is set some 325m away from the grade 1 listed St Clement's Church itself, and 270m from the Conservation Area which surrounds it, with open land in between. The housing would be seen in context with other development to the east and be contained within landscaped boundaries. It is considered that the proposal would have a less than substantial harm on the setting of the aforementioned heritage assets and the public benefits of fulfilling the housing allocation would vastly outweigh any impact.

This is also the opinion of our Conservation Officer. Historic England have no comments to make on the proposed development.

The proposal accords with the provisions of the NPPF and Policy CS12 of the Development Plan.

Other Considerations

In relation to third party comments not covered above, the LPA comments as follows:

- Grade 1 agricultural land and should not be developed – this allocated site already benefits from outline planning permission
- The village does not have the facilities to support this number of additional houses, and the doctors, schools, shops and QEH will not cope – this allocated site already benefits from outline planning permission
- Existing off site drainage issues and water pressure - will be dealt with by the appropriate bodies/authorities; it is unreasonable for the developers of this site to be expected to resolve these matters, and providing the site can cater for the drainage requirements of the new scheme without impacting upon existing development, this is acceptable
- Increased traffic and highway safety – this allocated site already benefits from outline planning permission and this was considered at that time
- Impact on wildlife/ecology – this allocated site already benefits from outline planning permission and this was considered at that time
- Increased light pollution – there are no exceptional sources of illumination (e.g. street lighting) proposed for this development
- Increased air pollution – outline issue/please refer to Environmental Quality comments in consultation section above
- Devaluation of property - effect upon value of adjoining property (either up or down) is not a material planning consideration

Drainage is not a reserved matter and will be dealt with via discharge of conditions attached to the outline permission; the only consideration with regards to layout is the inclusion of the attenuation pond with adequate capacity. The LLFA have agreed the specifications of the

attenuation pond under the discharge of condition application, but are seeking confirmation of consent to discharge into the IDB network. That consent, and the realignment of the drainage channel, is covered by separate legislation (Land Drainage Act 1991) and does not prevent the determination of this RM application. However discussions with both bodies indicate that this is near completion and the LLFA have withdrawn their earlier holding objection. Confirmation from the IDB is expected and will be reported as late correspondence.

Details of the footbridge over the realigned drainage channel may be secured via condition which accords with the IDB's requirements received verbally.

It is noted that there is a foul water pumping station located within the site which indicates connection to the mains sewer. There is usually a 'cordon sanitaire' or exclusion zone around such facilities of 15m between the centre of the wet well and adjoining residences. The agent has produced a plan to show that this is the case and Anglian Water have confirmed that they have no objection to this proposed layout.

CONCLUSION

Local concerns remain regarding the principle of this residential development, however that was dealt with at the outline stage. This development would provide 43 dwellings on a housing allocation that will support the local economy and address housing need in an area considered highly sustainable.

Many of the issues raised by third parties and the Parish Council were fully considered at the outline stage e.g. highway safety, congestion, drainage, etc. or could be suitably conditioned.

It is therefore considered that the proposal complies with the overarching aims of the NPPF and Development Plan Policies CS01, CS02, CS03, CS08, CS09, CS11, CS12, CS13, CS14, DM1, DM2, DM15, DM16, DM17 and G93.3. It is therefore recommended that permission be granted subject to the conditions stated below.

RECOMMENDATION:

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

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

- 2021-01 0200 K Development Plan
- 2021-01 0250 R House Type Plan
- 2021-01 0450 D External Works - Soft Landscaping, Landscape Spec & Details
- 2021-01 0451 E External Works - Hard Landscaping
- 2021-01 0460 B Playground Layout
- 2021-01 2101 F House Type A [Plot 1]
- 2021-01 2101.1 House Type A [Plots 39 & 40]
- 2021-01 2102 D House Type B [Plot 43]
- 2021-01 2103 F House Type C [Plots 20, 27 & 35]
- 2021-01 2103.1 House Type C1 [Plot 36]
- 2021-01 2104 E House Type D [Plot 13]
- 2021-01 2105 G House Type E [Plot 07]
- 2021-01 2106 G House Type F [Plots 06 & 12]

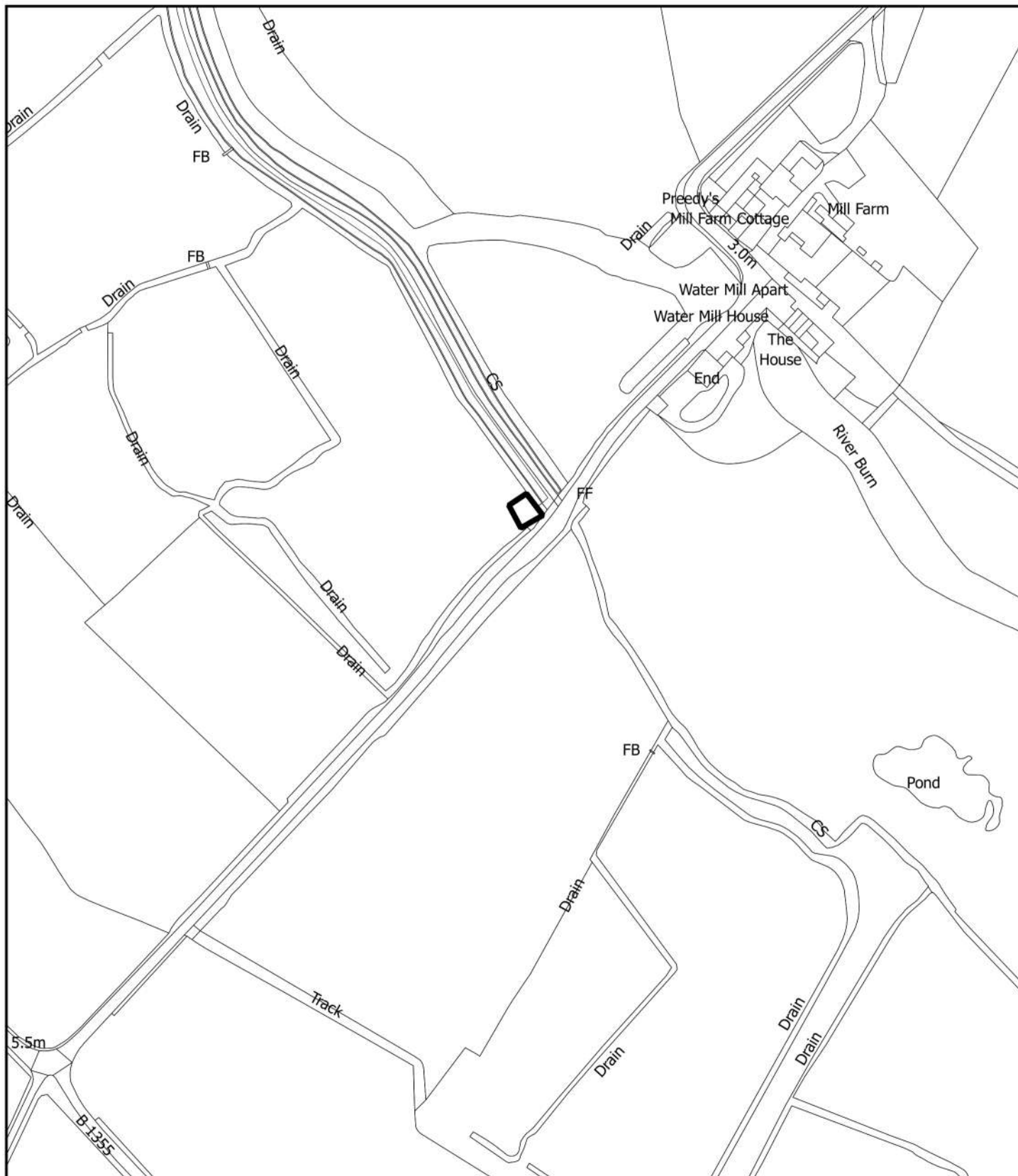
2021-01 2106.1 A House Type F1 [Plot 22]
 2021-01 2106.2 House Type F [Plot 24]
 2021-01 2106.3 House Type F [Plot 32]
 2021-01 2107 F House Type G [Plots 02 & 03]
 2021-01 2107.1 House Type G [Plots 14, 15, 33 & 34]
 2021-01 2108 G House Type H [Plots 37 & 38]
 2021-01 2108.1 House Type H [Plots 04 & 05]
 2021-01 2109 F House Type J [Plots 10, 11, 25, 26, 30 & 31]
 2021-01 2109.1 House Type J [Plots 18, 19, 28 & 29]
 2021-01 2110 A Garages
 2021-01 2111 E House Type K [Plot 08]
 2021-01 2111.1 House Type K [Plots 21, 23 & 41]
 2021-01 2111.2 House Type K [Plots 09 & 42]
 2021-01 2112 E House Type L [Plots 16 & 17]

- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: Prior to any development on any external surface of the development hereby permitted full details of the type, colour and texture of all materials to be used for the external surfaces of the buildings shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 2 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 3 Condition: Prior to the first occupation of any dwelling hereby permitted 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.
- 3 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 4 Condition: Prior to the first occupation of each dwelling hereby permitted the proposed car parking / turning area for that specific dwelling shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plans and shall after be retained available for that specific use.
- 4 Reason: To ensure the permanent availability of the car / cycle parking / manoeuvring areas in the interests of highway safety in accordance with the NPPF and Development Plan.
- 5 Condition: Prior to the occupation of the 40th dwelling all works shall be carried out on roads, footways/cycleways, foul and surface water sewers in accordance with the approved specification to the satisfaction of the Local Planning Authority.
- 5 Reason: To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway.

- 6 Condition: Prior to construction work above Finished Floor Levels, details of the foot/cycleway bridging point over the land drain shall have been submitted to, and agreed in writing by, the Local Planning Authority. It shall be implemented as agreed and all foot/cycleways constructed to the edges of the site (as per approved plan Drawing No.2021-01 0200 K) prior to occupation of the 40th dwelling.
- 6 Reason: In order to secure appropriate foot/cycleway provision and connectivity of the development in accordance with the provisions of the NPPF and Development Plan Policies CS11 & DM15.
- 7 Condition: Notwithstanding the plans already submitted, prior to the first occupation of any dwelling hereby permitted the attenuation pond shall be enclosed with a boundary treatment and have safety measures installed, the details of which shall be submitted to and agreed in writing by the Local Planning Authority. The boundary treatment and safety measures, shall be erected prior to the first occupation of any dwelling hereby permitted and shall thereafter be retained and maintained in accordance with the agreed details.
- 7 Reason: In the interests of safety in accordance with the NPPF and Development Plan.

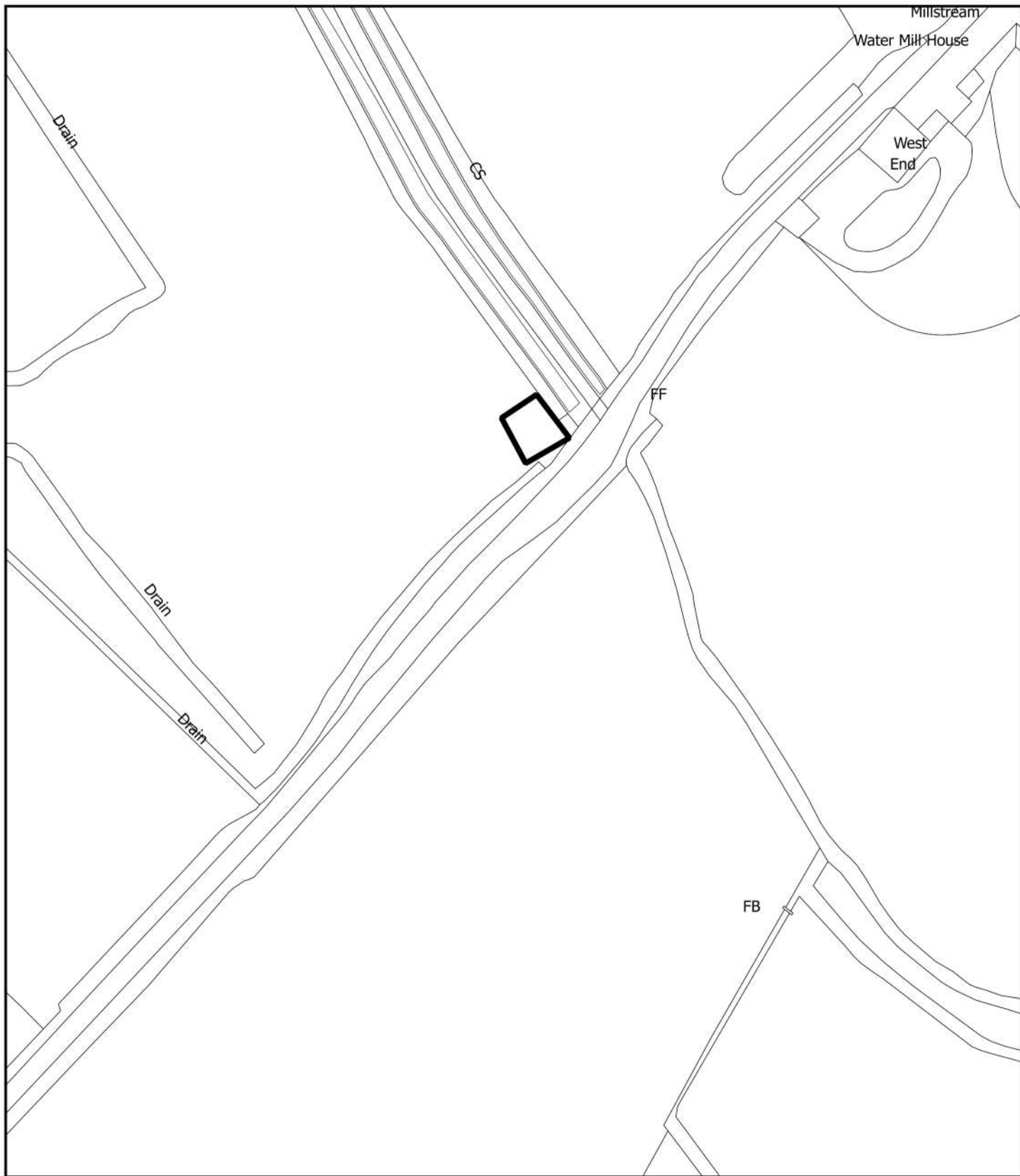
21/01376/F

Land North of Tower Road Burnham Norton PE31 8JB



21/01376/F

Land North of Tower Road Burnham Norton PE31 8JB



Parish:	Burnham Norton	
Proposal:	Part retrospective application for engineering works to improve access to the field, replacement agricultural gate and fence	
Location:	Land North of Tower Road Burnham Norton King's Lynn Norfolk PE31 8JB	
Applicant:	Mr Nigel Marsh	
Case No:	21/01376/F (Full Application)	
Case Officer:	Connor Smalls	Date for Determination: 22 October 2021 Extension of Time Expiry Date: 11 January 2022

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

Neighbourhood Plan: No

Case Summary

This application proposes, part retrospective, engineering works (the laying of hardcore) to improve access to the field, a replacement agricultural gate and fence. The proposal has been amended since its original submission to accord with the Local Highway Authority's requirements which includes an 8m setback for the gate and the removal of a pedestrian stile.

The site is located within Burnham Norton, set within open countryside with the Listed Mill complex to the North along with Burnham Overy Mills Conservation Area.

The site falls within the Norfolk Area of Outstanding Natural Beauty and is in close proximity to the North Norfolk Coast SPA, Ramsar and SSSI sites.

The application site has recent enforcement history regarding the proposed change of use of the land to a campsite. This is currently prevented by a planning injunction which prohibits camping and development in association with that use, without the necessary permissions in place.

Key Issues

- Principle of Development
- Enforcement History
- Form and Character and impact on the AONB
- Highways Safety
- Impact on Protected Species and Designated Areas
- Impact on Heritage
- Other Material Considerations.

Recommendation

- A) **REFUSE**
- B) Enforcement action be authorised to secure the removal of the area of hardcore already laid on site.

THE APPLICATION

This application seeks permission for the retrospective engineering works already undertaken to lay hardcore creating an improved access. Further, the application seeks permission for a replacement agricultural gate and new areas of fencing.

The proposal has been amended since its original submission; the address and description have been updated and flood risk and tree impacts have been corrected. The Local Highway Authority has required an 8m setback for the gate and the removal of a pedestrian stile.

The site and existing dwelling are located within the Parish of Burnham Norton, set within open countryside. The Listed Mill Complex is located to the north of the site along with the Burnham Overy Mills Conservation Area.

The application site falls within the Norfolk Area of Outstanding Natural Beauty and is in close proximity to the North Norfolk Coast SAC, SPA and Ramsar, SSI sites and the Wash and North Norfolk SAC.

SUPPORTING CASE

None received at time of writing.

PLANNING HISTORY

QB-2021-002656 Injunction in place until 31 May 2022

RESPONSE TO CONSULTATION (Summarised for clarity)

Parish Council: OBJECT:

- The site is currently under an injunction.
- Inaccuracies with the application form, address and elevations.
- Parish objects to change of use on the site to create a campsite.
- These works are plainly intended to make the site better suited to the proposed camping use as there can be no other reason for making the vehicular access so wide or in providing a pedestrian stile.
- Unacceptable impact upon highway safety as set out in NPPF 1 11. The location of the access onto the busy coast road, A 149, with inadequate sightlines, is quite inappropriate for the traffic likely to be generated by a camp site.
- The new access would detract from the landscape and visual amenity of the AONB at this point through the use of a significant area of compacted hardcore and its width which is out of character with the other field accesses in the vicinity of the site.
- The new and unsightly access would adversely affect the setting of the nearby listed buildings for similar reasons.
- The proposed access would facilitate year round vehicular use of the meadow whereas in agricultural use there was only infrequent use of the access and then in the drier months of the year (April to October). The increased vehicular traffic on site would be likely to cause compaction of the soil and be harmful to it as marshland and its wildlife interest generally.

Highways Authority: NO OBJECTION

There are no changes proposed to be made to the roadside verge between the carriageway and the site, as such this would do little to improve the access from a highways perspective. The visibility photographs clearly show obstructions to emerging visibility in both directions and the requirement for a derestricted road would be 215m each way from a 2.4m setback which is clearly not achievable.

Nothing will be done to the highway verge/crossover, leaving it unmade and still unsuitable for any increased use above that currently permitted ie grazing.

The new gate is acceptable whilst the frontage fence would continue to restrict emerging visibility to the east, due to the height of the posts, visibility is already restricted by existing trees/vegetation.

What is proposed would make the field access no worse than existing, as such I cannot see any valid reason to resist, however I would seek to remove permitted development rights from the site, In the interests of highway safety, if considered to be appropriate.

Natural England: COMMENT

The land on which this development proposal is located has been the subject of a court injunction. It is also in close proximity to the designated North Norfolk Coast SAC, SPA and Ramsar and the Wash and North Norfolk SAC and within the Norfolk Coast Area of Outstanding Natural Beauty.

Intensification of activity would not be consistent with the historic use of the land in the Burn valley and potentially damaging to the interests of the designated sites. The development footprint is situated in an unimproved narrow valley with a history of grazing. The valley is contiguous with the European designated site and is functionally linked.

The application documents submitted request planning permission for engineering works to improve access to the site and replacement of an agricultural gate, style and fence. Natural England are concerned that this could facilitate an intensification of use at a later date. The proposed hard standing created from recycled hardcore could also potentially facilitate an intensification of use and we highlight that the extent and footprint is not explicitly clear within the application. We also note that such improvements to the gateway and hard standing have not been required historically to facilitate the historic and sympathetic use of the land.

RSPB: Comment:

The RSPB is very concerned about the impact that this and any future planning proposals, such as camping and any associated facilities at this site, will have on sensitive wildlife in the area as a result of habitat destruction and species disturbance. Protected species using the area or within close proximity include breeding bittern and roosting marsh harrier. In addition, we have concerns over waste water management and the impacts on the nearby North Norfolk Coast SPA, Ramsar and SSSI sites.

Such a development would also be at odds with the area's green recovery and AONB objectives for the natural environment. Due to the proximity of the application site to internationally protected sites, any further development applications should be subject to Habitats Regulations Assessment (HRA).

We would advise scrutiny at this stage to ensure the terms of the current injunction have not been broken and that the landowner appreciates the level of assessment required for any future development proposals.

Conservation Officer: NO OBJECTION

Looking at this application only, and the current use of the land as agricultural, the installation of a new timber gate, fence and stile, will not cause any harm to the setting of the listed mill complex, or the Conservation Area.

Internal Drainage Board: NO OBJECTION

Consent is required regarding IDB bylaws which are separate to the planning process.

Environment Agency: NO COMMENT

Environmental Quality: NO OBJECTION

The site of the above planning application is an agricultural field with land surface generally natural and there appears to be no contamination legacy as shown on BCKLWN historic archives.

In addition, the existing use is currently as an access to the field and the land /site is not known to be contaminated or suspected of any contamination either in part or whole as stated on the application form. In view of this, we have no objection and no further observation may be required with regards to contaminated land assessment.

Arboricultural Officer: NO OBJECTION

REPRESENTATIONS

75 Public OBJECTIONS for the following reasons:

- The application form stated that works hadn't started. However, works had already started on site before the current injunction prohibited this.
- *Incorrect Address.
- Incorrect Plans
- *Any works carries out should be removed.
- The site has got priority species present and there is a designated site (SSSI) with important habitats on land adjacent to application site.
- *Adverse impact on protected species and sensitive habitats.
- The proposed access is not necessary for the use of the land as a grazing field.
- Previous gate was not rotten or degraded and didn't need to be removed.
- New entrance would encourage entry onto the A149 and increase the risk of traffic accidents. Hard-core area could provide area for parking on the roadside to the detriment of highways safety.
- The proposal is unsightly, overly large and would harm the Area of Outstanding Natural Beauty (AONB) and nearby Conservation Area.
- *This application is clearly part of the applicants aim to use the land for a campsite. This would create a threat to the natural environment, create ground contamination, fire risk, pollution, interruption of nesting, loss of flora and fauna and visual impact on unspoilt landscape.
- Widespread local opposition to use of land as a campsite.

- This work will facilitate the use of land as a campsite, something it is still being advertised for.
- There is a pedestrian gate but there are no paths on A149.
- Quiet enjoyment of surrounding by nearby residents will be impacted.
- The applicant is seeking to circumvent the planning process.
- Flooding and drainage issues on site and impact of the application.
- Impact on trees
- Work not carried out as required by the Injunction on the site.
- An Article 4 direction should be applied on the area.
- No local consultation.
- *Other developments on the land.

The latest Plans:

- In consistencies with the plans and elevations, it is also unclear as to the exact location of the gate and fence. It is also not clear the exact area of hardstanding.

LDF CORE STRATEGY POLICIES

CS12 - Environmental Assets

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM15 – Environment, Design and Amenity

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

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

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

National Design Guide 2019

PLANNING CONSIDERATIONS

The main issues are:

Principle of Development

Enforcement History

Form and Character and impact on the AONB

Highways Safety

Impact on Protected Species and Designated Areas

Principle of Development

This application is located outside of a development boundary and is therefore considered to be in the countryside in both physical and policy terms. Development falling within the countryside will be more restricted and “the strategy will be to protect the countryside for its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, and its natural resources to be enjoyed by all.”- Policy CS06, Development in Rural Areas. Low level development will be acceptable where it is consistent in scale to its setting and does not adversely affect the surrounding area or any neighbouring amenity. As this development proposes a wooden fence and gate with a small area of hardcore, it is considered that the proposal accords with this policy. As such, the principle of sensitively improving an access may be supported subject to considerations of the sites context and compliance with local and national policy, as well as consideration of other material considerations that are discussed below.

Enforcement history

This site is subject to very notable enforcement history regarding a proposed change of use of the land to a campsite as well as associated development; this includes the partial laying of hardcore which forms part of this planning application. This change of use of the land is currently prevented by a legal injunction sought by the LPA; this prohibits development in association with that use proposed use, without the necessary consents being in place.

The injunction was sought and granted due to concern over use of the site for a campsite, on the locality. This included the impact on the Norfolk Area of Outstanding Natural Beauty (AONB) and Heritage Coast, impact upon the European Designated Sites and impact on Highways Safety.

Form and Character and impact on the AONB

Based on the Landscape Character Assessment of the Borough, the site is contained within the landscape area “Overy Creek” within the Norfolk Area of Outstanding Natural Beauty.

The Character Assessment states that the Inherent Landscape Sensitivities include:

- Wide open panoramic views across the salt marshes and the ever-changing seascape.
- Intricate network of inter-tidal habitats.
- Strong sense of openness, with open views towards a generally undeveloped coastal skyline.
- Strong recognisable sense of place, overall.
- Predominantly isolated and rural character.

The Landscape Planning Guidelines states that proposal should:

- Seek to conserve the intricate network of inter-tidal habitats and recognisable landscape pattern.
- Seek to conserve the isolated and rural nature of the landscape.
- Seek to conserve the open nature of the mosaic of saltmarsh, mudflats and other inter-tidal habitats.
- Seek to conserve the overall strong sense of tranquillity and remoteness throughout the character area.

This application proposes a gate with a setback of 8m from the roadside which will be 4.8m in width. 8m of fence will be present from the gate to the roadside and then a stretch of around 5m of fencing will run parallel to the roadside. This area of fencing is located to the south/east of the wider site which is currently a grass field. The area of land in front of the gate leading to the highway is hardcore which has already been laid on site. The hardcore has been confirmed to only be laid on this area (measuring 4.8m by 8m), but this is some 38.4 square metres, and this will be visible and contrast with the grassed nature of the site and area in general. This is considered to be an extensive area of hardcore which is visually excessive and represents a development above and beyond that necessary for a simple rural agricultural gate and access to a field. The overall size and scale of the development therefore appears excessive in scale compared to the agricultural use of the land, previous gate arrangement and the immediate locality.

The large area of fencing, gate and hardcore would not conserve the isolated and rural nature of the landscape, nor conserve the open nature of the locality or conserve the overall strong sense of tranquillity of this part of the AONB.

For reasons outlined above, the proposal is considered contrary to Policy CS06 and CS08 of the Core Strategy as well as DM15 of the Site Allocations and Development Management Policies Plan.

Highways Safety

NCC Highways raised no objection to the application.

Based on highways comments it can be determined that the proposal is only suitable for the current use of the land as an agricultural field for grazing. This proposal would not be suitable for any intensification of the access. As such, whilst NCC Highways raise no objection the provision of this hardcore area and large gate and fence, it is unnecessary for the present purposes of managing the land and will see no highways safety benefit compared to the previously existing arrangement.

Impact on Protected Species and Designated Areas

The site is in close proximity to the Norfolk Coast SPA, Ramsar and SSSI sites.

Natural England and the RSPB have raised concerns around the use of this land and the wider ecological impact which is clearly based on the enforcement history of the site.

Concerns are also raised by Natural England and the RSPB on the potential impact of the scheme and future development and seek to clarify the area of hardcore. This has been clarified as detailed and re-consulted where no further comments were given.

Impact on Heritage

The application site lies in close proximity to the Burnham Overy Mill Conservation Area and the Listed Mill complex. As such, the site is close to sensitive heritage assets. The Conservation officer raises no objection for the proposed development. It is considered that the wooden fence, gate and hardcore are of a significant enough distance away from the complex, so as not to have a detrimental impact on designated heritage assets.

Other Material Considerations

Flood Risk

The proposal site is within Flood Zone 3. The proposal would be for a gate, fence and hardcore only and as stated, will not facilitate an increase in a more vulnerable use. Therefore, there will not be an increase in flood risk either on the site or in the wider area as a result of this development only.

Parish Council Comments

All matters raised around the application form have been addressed and subsequently re-consulted upon on receipt of the amended forms

The previous condition of the fencing on site is not part of the consideration for this proposal.

The area of hardcore has been detailed above.

Comments are addressed in the above officer's report and use of the land as a campsite is not the consideration of this application, nor is the future strategy for the site.

Public Objections

All issues with the application form were resolved and the application re-consulted.

All plans have been corrected and the area of hard standing has been confirmed as detailed above.

Regarding the request that works already carried out(hardcore) should be removed, this forms part of the application and the area of hardcore will be explicitly specified. It is also considered that enforcement action can be taken on the already laid hardcore.

Regarding widespread local opposition to the use of land as a campsite, this application is not for that development.

The pedestrian stile has been removed from the scheme.

The Arboricultural Officer has confirmed no objection regarding impact on trees.

Regarding work not carried out as required by the Injunction on the site, this is not a matter for this planning application.

An Article 4 direction being applied on the area is a separate consideration to this planning application.

Regarding local consultation, this planning application has provided the opportunity for extensive public consultation.

CONCLUSION

To conclude, whilst a wooden gate, fence and area of hardstanding forming an access may be considered smaller scale development in many situations, each case must be determined on its own merits and the context of the locality taken into account.

The site falls within an extremely sensitive area within the Norfolk Coast Area of Outstanding Natural beauty. It is located directly off the A149, and is prominent. The areas of fencing, the gate and the large area of hardcore proposed (almost 40 square metres), would not conserve the isolated and rural nature of the landscape, nor conserve the open nature of the locality or

the overall strong sense of tranquillity and remoteness. This is considered to be contrary to both local and national policy and as such, the proposal should be refused.

RECOMMENDATION:

(A) REFUSE for the following reason

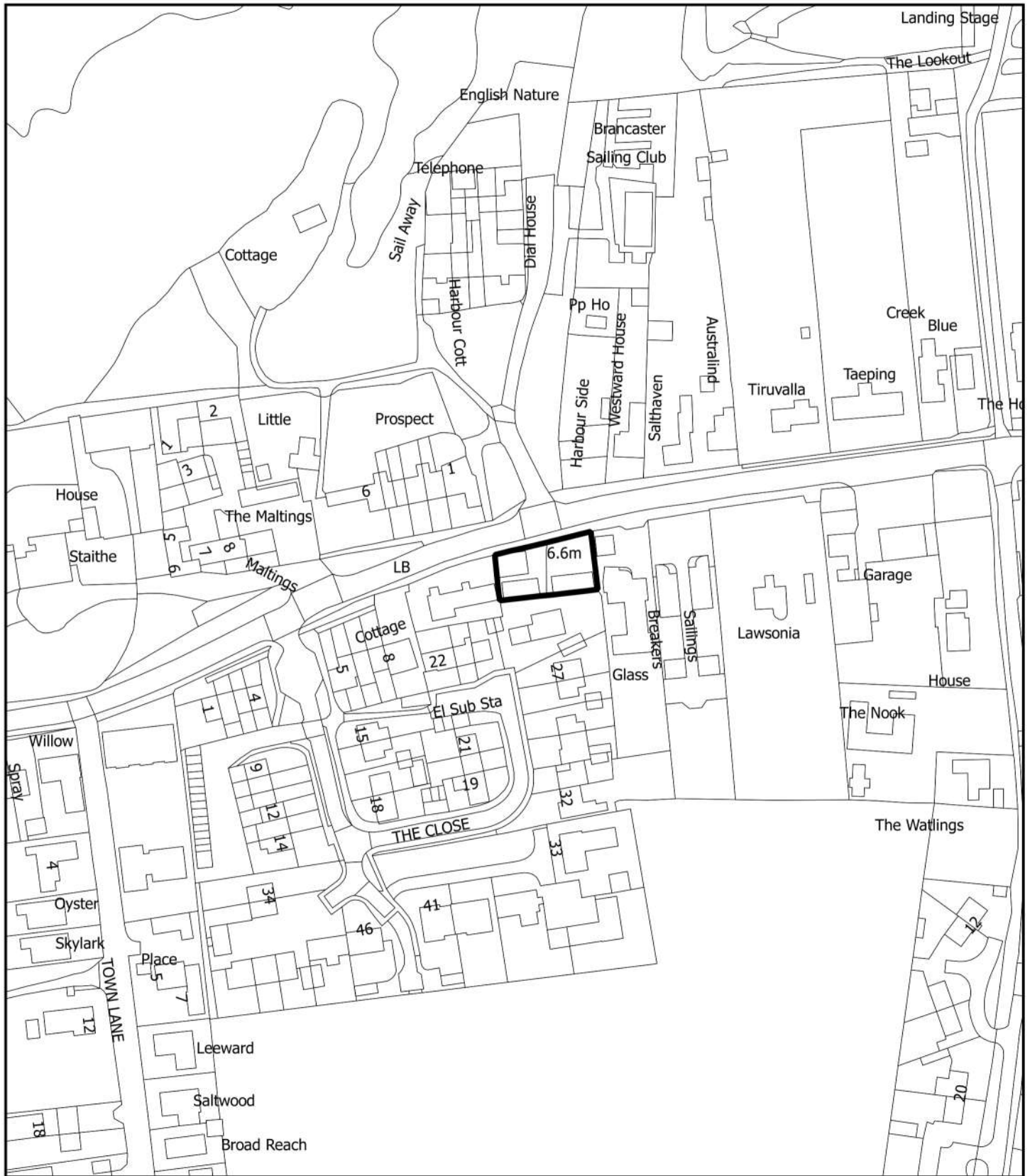
- 1 The nature and scale of the large area of fencing, gate and extensive area of hardcore proposed, would not conserve the overall isolated and rural nature of the landscape, nor conserve the open nature of the locality or the overall strong sense of tranquillity and remoteness in that area. The proposal would therefore represent an incongruous addition to the locality harming the special character of the Area of Outstanding Natural Beauty, and the intrinsic character and beauty of the countryside. This is considered to be contrary to Policies CS06 and CS08 of the Core Strategy, DM15 of the Site Allocations and Development Management Policies Plan, and paragraph 176 of the National Planning Policy Framework.

(B) That ENFORCEMENT ACTION be authorised to secure the removal of the area of hardcore already laid on site.

20/01955/F

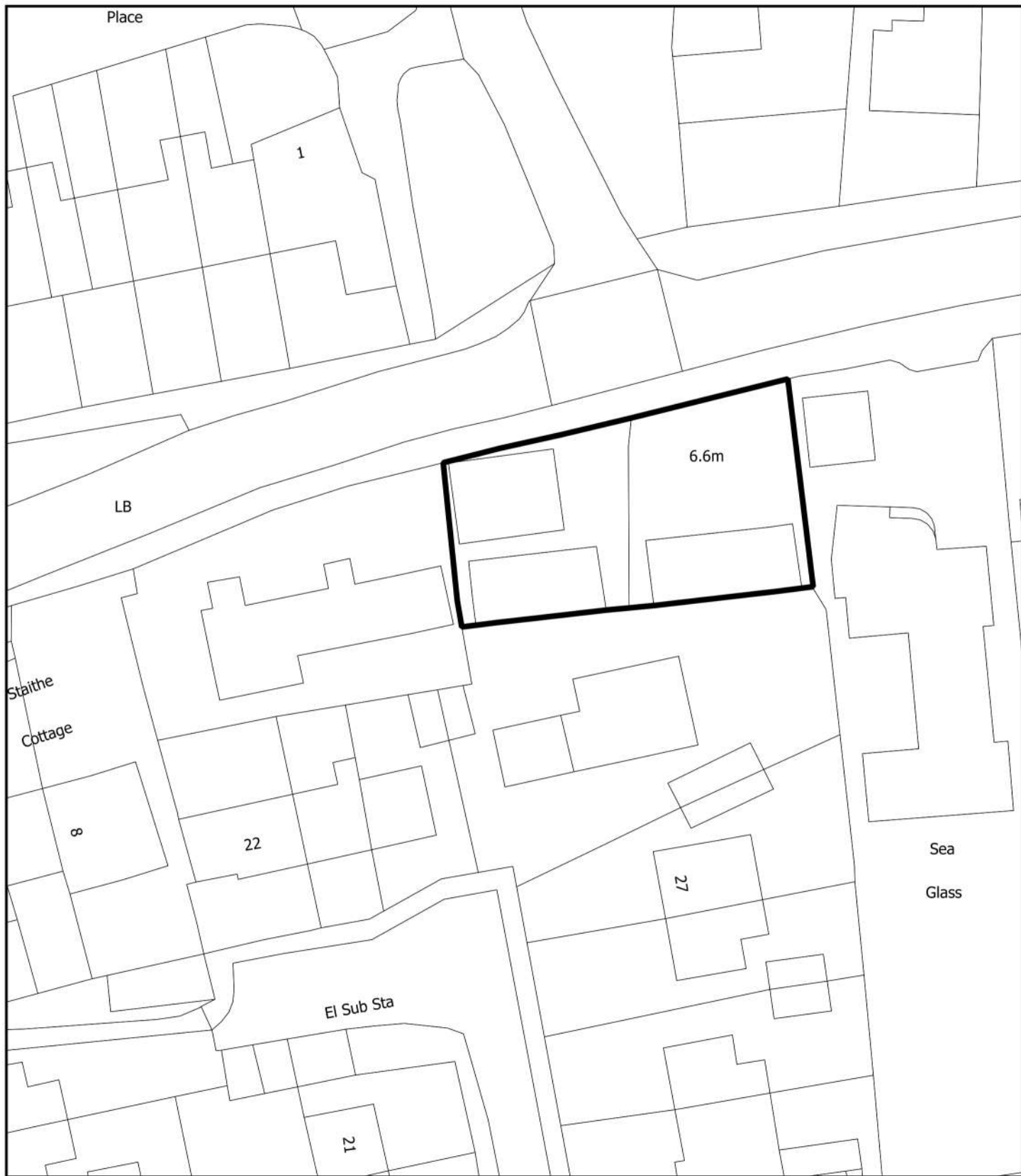
Sailcraft Sea School The Boatyard Main Road

Brancaster Staithe PE31 8BP



20/01955/F

**Sailcraft Sea School The Boatyard Main Road
Brancaster Staithe PE31 8BP**



Parish:	Brancaster	
Proposal:	Proposed demolition of three vacant existing commercial buildings and construction of two residential dwellings.	
Location:	Sailcraft Sea School The Boatyard Main Road Brancaster Staithe	
Applicant:	Langton Homes Ltd	
Case No:	20/01955/F (Full Application)	
Case Officer:	Olivia Luckhurst	Date for Determination: 1 February 2021 Extension of Time Expiry Date: 11 January 2022

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

Neighbourhood Plan: Yes

Case Summary

The application seeks permission for the demolition of three vacant existing commercial buildings and the construction of two residential dwellings.

The site is located within Brancaster Staithe which in planning policy terms is identified as a Key Rural Service Centre within the Core Strategy and SADMP and is considered to provide basic day to day facilities and can accommodate a small amount of growth.

Brancaster has an adopted Neighbourhood Plan (including Brancaster Staithe) and in this respect the site is within the Neighbourhood Plan (NP) settlement boundary.

The entire village is within the AONB.

Key Issues

The key issues to be determined in this case are:

- Principle of Development and policy considerations
- Planning History
- Impact on Amenity
- Design and Form
- Impact on the ANOB
- Highways and
- Other Materials Considerations

Recommendation

APPROVE

PLANNING HISTORY

20/00339/F Application Refused: Proposed demolition of redundant commercial properties and construction of 2 residential dwellings and new commercial building with associated accommodation

20/01955/F: Under Consideration (to be determined by Planning Committee as 'called-in' by Cllr Lawson) Recommendation of Refusal: Proposed demolition of three vacant existing commercial buildings and construction of two residential dwellings.

19/00471/CU: Non-determined Invalid now returned: 14/03/19 - Change of use from A1 Retail to A3 Deli / Café / Restaurant

2/99/0572/F: Application Permitted: 21/06/99 - Construction of single storey building and extension of workshop

CONSULTATIONS

Town/Parish Council: OBJECT

The Parish Council provided objecting comments on the following grounds:

- A desire to keep commercial properties in preference to residential, in such a prominent and central Village location;
- The complete lack of relevant and appropriate design, given the surrounding street scene, and residential properties nearby – specifically the materials, shape, flat roof, etc. (NP Pol 2 – “Any new dwelling, redevelopment or extension to a dwelling in the area should be carefully designed to blend in with adjacent properties and areas to maintain the character of the village.”)
- The scale and density of the proposals clearly conflict with this in as stark a fashion as possible.
- Overlooking (DM15)
- Density not being congruent with adjacent properties
- Lack of a turning space if allocated car parking is used, both for residents and deliveries (this being relevant given the A149 and nearby junction – especially in busy times of year).
- We would also note that properties in this location are likely to have boats, further reducing the space, and more interference with what would then be a residential street scene.

Consultation on Amended Scheme

Following the submission of amended plans received 8th September 2021, the Parish Council noted the improvement in terms of amenity impacts and design however, still stated that the preferred use for the site would be commercial as opposed to residential.

Local Highway Authority (NCC): NO OBJECTIONS subject to standard conditions

Environment Agency: NO OBJECTIONS

Internal Drainage Board: No comments received

Norfolk Landscape Archaeology: No comments received

Environmental Health & Housing – Environmental Quality: NO OBJECTIONS

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Norfolk Constabulary: No comments received

REPRESENTATIONS

A total of **16 OBJECTING** representations were received (from 15 individuals. The objections including the followings concerns:

- Lack of information regarding contamination onsite
- Overdevelopment
- Impact on amenity
- Non compliance with policy DM12 and DM15.
- Lack of information regarding site levels
- Design is out of keeping with the surrounding area
- Impact on AONB
- Highways and parking issues
- Preference for commercial use of site
- Lack of amenity space
- Overlooking and loss of privacy

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

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

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

DM19 - Green Infrastructure/Habitats Monitoring & Mitigation

DM19 - Green Infrastructure/Habitats Monitoring & Mitigation

DM2 – Development Boundaries

DM9 - Community Facilities

NEIGHBOURHOOD PLAN POLICIES

Policy 1 - Appropriate Housing

Policy 2 - Design, Style and Materials

Policy 3 - Footprint for New and Redeveloped Dwellings

Policy 4 - Parking Provision

Policy 7 - Development of Shops, Workshops and Business Units

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 2021

Principal of Development and policy considerations

The site is located within the built environment of Brancaster Staithe. The Parish of Brancaster has an adopted (revised version) Neighbourhood Plan (including Brancaster Staithe and Burnham Deepdale). This is the most up to date document in the Development Plan, when considering policies for the area. The policies within the Neighbourhood Plan include Policy 1, Policy 2, Policy 3, Policy 4, and Policy 7 are especially relevant in the consideration of the proposed development.

Policy 1 seeks to ensure that all residential development including new houses, replacement dwellings, conversions to homes or extensions to existing properties should be of a type and size that positively contributes to meeting the latest assessment of housing needs in general, and for smaller properties in particular.

Policy 2 focuses on design, style and materials and requires new development to be designed to a high quality that reflects and respects the character and appearance of the villages. Within the AONB and Conservation Area, sensitive design which reinforces local distinctiveness will be particularly required.

Policy 3 states that new, redeveloped and extended residential buildings should occupy no more than 50% of the plot unless the setting of a listed building, or the character and appearance of the conservation area, would be better conserved or enhanced by higher plot coverage.

Policy 4 states that new developments of two or more dwellings, a minimum of two off-road parking spaces for two-bedroom dwellings.

Policy 7 states that the development of shops, workshops and business units will be supported in appropriate locations (as defined by the Borough Council's Local Plan and by other development plan policies). The development and growth of existing businesses in the villages will also be supported.

In term of the Local Plan, the application site is located within Brancaster Staithe which is a Key Rural Service Centre within the Core Strategy and SADMP and is within the settlement

boundary. Policy DM2 states development will be permitted within the development boundaries of settlements provided it is in accordance with the other policies in the Local Plan. The whole of Brancaster Staithe lies within the Area of Outstanding Natural Beauty (AONB).

Policy DM15 also seeks to protect and enhance the amenity of the wider environment including its heritage and cultural value. All proposals will be assessed against their impact on neighbouring uses and their occupants as well as the amenity of any future occupiers of the proposed development. Proposals will be assessed against a number of factors including Heritage impact, overlooking, overbearing, overshadowing, contamination and visual impact.

Policy CS10 of the Core Strategy states that the council will seek to retain land or premises currently or last used for employment purposes (including agricultural uses) unless it can be demonstrated that continued use of the site for employment purposes is no longer viable, taking into account the site's characteristics, quality of buildings, and existing or potential market demand.

Policy DM9 also seeks to encourage the retention of existing community facilities and the provision of new facilities, particularly in areas with poor levels of provision and in areas of major growth.

Development leading to the loss of an existing community facility will not be permitted unless it is demonstrated that either:

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

In terms of national policy, the NPPF seeks the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities (para 126).

Para 130 refers that 'planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.'

Para 134 also seeks high quality design, stating that 'development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to: a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.'

The NPPF refers to development within the AONB, and states that great weight should be given to conserving and enhancing landscape and scenic beauty in these areas which have the highest status of (para 176). The scale and extent of development within these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

The above policy considerations will be considered in detail below.

Planning History

Planning permission was previously sought for the demolition of redundant commercial properties and construction of 2 residential dwellings and new commercial building with associated accommodation under application 20/00339/F. This was refused on the basis that the proposed dwellings would have an unacceptable impact on residential amenity along with not being able to accommodate sufficient parking, turning or private amenity space.

It was also considered that there was a lack of any parking for the commercial element and the poor parking and turning provision for the residential element would result in significant off-site parking which would lead to a severe impact on the road network and highway safety.

The proposal was considered to not function well with the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, be sympathetic to local character and history, or provide a high standard of amenity for either exiting or future occupants.

The current submission has removed the proposal for a new commercial building and provided a revised design for the proposed dwellings. The current proposal has attempted to overcome the previous reasons for refusal on design and layout, although the loss of all the commercial elements is a change that also needs to be considered.

Loss of commercial facility

Policy CS10 of the Core Strategy states:

'Retention of Employment Land The Council will seek to retain land or premises currently or last used for employment purposes (including agricultural uses) unless it can be demonstrated that:

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

A relevant application should therefore meet one of the criteria set out above.

The application has been submitted with a supporting market statement which confirms that the site was first marketed for letting in October 2017 both privately and full market. A letting was agreed for the whole site in November 2017 however, this offer fell through due to the construction/quality/layout of the buildings and site. Multiple offers were also received for the lettings of individual units on site however, again, nothing came from these offers. The owner decided after 1.5 years of unsuccessful marketing and failed offers, to sell the site subject to planning permission to Langton Homes and it was considered that there was no reasonable prospect of a tenant for the existing use of the buildings and the site as a whole. The applicant also confirms within the statement that the site has been continued to be marketed throughout the planning process. The first criterion of CS10, and the second criterion of DM9, relating to lack of viability, are therefore considered to be met.

Notwithstanding the conclusion on viability, with a lawful use as a commercial boat sail yard, and possible changes of use, the potential for adverse impacts on surrounding dwellings is considered high. Therefore, in applying CS10, any intensification of use of the site for employment purposes (in order to ensure its continued commercial viability) would have significant ramifications for surrounding residents, in particular the existing dwellings located either side of and to the rear of the site. The residential use of the site would allow for fewer vehicle movements, remediation of a potentially contaminated site and overall lesser adverse impacts on residential amenity. The second criterion of CS10 above is also therefore considered to be met.

Whilst the loss of a commercial use in this area is regrettable, the information provided shows a sufficient marketing exercise, over an acceptable period has been carried out and is evidence that the sites current use is no longer viable as a whole given the lack of successful offers. In addition and in any case, the second criterion relating to amenity is also considered to be met. The information provided is considered to comply with the requirements of local policy.

Form and Character

The site is currently host to 3no. commercial units constructed from painted brick and cladding with the main access positioned in the middle of the site. Given that the units have remained unused for some time, the buildings currently appear fairly rundown and tired, therefore, appearing at odds with the attractive character of the area.

Main Road and the whole of the village are located within an AONB and is characterised by detached dwellings, which are a mixture of design styles of varied heights; single, one and a half storey and two storey properties. The majority of the surrounding properties are host to low level brick walls, fencing or landscaping to the front the plots and whilst the design of the properties varies, the common design element is the traditional building materials used including brick, flint and render.

The proposed dwellings will be constructed from red brick with flint and render and will be of a modest scale. The two storey, two bed properties will be positioned in line with the neighbouring dwellings located to the west and allow for sufficient separation distances to the surrounding boundaries. A Design and Access Statement has been submitted with the application and explains how the proposed dwellings will relate well to the area. For example, the inclusion of dormer windows to the front elevation, a design feature that can be seen throughout Main Road.

The properties are set back in the site providing a parking and manoeuvring area to front with amenity space enclosed by a new boundary wall and hedging. This design and layout will contribute to the leafy and verdant character of the area and will soften the appearance of the parking area. A suitable landscaping scheme can be conditioned

Overall, the proposed dwellings are considered to be of an acceptable scale, design and form and will appear in keeping with the character and appearance of the area whilst incorporating traditional materials and common design features. The dwellings will create a sense of place and make a positive contribution to the street scene in terms of visual amenity. They are considered to meet the terms of policies 1-4 of the Neighbourhood Plan (NP), as well as other policy on design.

Impact upon the AONB

AONB's have the highest status of protection in relation to landscape and scenic beauty. In this case the site is in the Coastal Slopes landscape character area of the AONB and one of the pressures includes 'Small-scale or incremental development within villages which may be inconsistent with local built character and materials'. The site is considered to be Sui Generis use and is host to 3no. redundant commercial buildings. The site is bordered by existing residential development and is viewable from within the street scene from multiple vantage points.

The proposed dwellings will be located next to a large two storey dwelling to the east and a modest cottage to the west. The proposed properties are positioned in line with the neighbouring dwellings and are of a comparable height or smaller.

The original design for the proposed dwellings incorporated cladded elements with a 'box like' form and was considered to be at odds with the majority of the more traditional homes, therefore, eroding the specially character of the area.

Following the receipt of amended plans, the proposed cladding and excessive glazing has been removed from the dwellings and the form and design of the properties has been completely changed to create a pair of modest, traditional looking dwellings that are not considered to detrimentally impact visually on the AONB, subject to standard conditioning regarding light spillage.

Impact on Amenity

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

In this case, the application site is surrounding by residential properties with a two storey dwelling located to the east with a separation distance of 4.5m and a row of 3no. two storey dwellings positioned to the south with a separation distance of 7.8m. To the west is two storey cottage with a 3.2m separation distance. The proposed dwellings do not incorporate any first floor windows on the rear elevation that serve habitable rooms, with roof lights serving the ensuite bathrooms. The side elevations do not incorporate any windows and only a ground floor door serving the kitchen. Overall, the proposed dwellings are not considered to result in any overlooking or loss of privacy given the window placement and the separation distances from the surrounding properties. The site will also be enclosed to the front with a new brick wall with the side and rear fencing retained with new hedging planted to increase the screening of the site. The units currently positioned on the site are single storey, however, the proposed dwellings will measure only 7.5m in height and will not exceed the ridge height of neighbouring properties. Given the orientation of the site, it is considered that the proposed development will not create any overshadowing or loss of light that is considered detrimental enough to warrant refusal. Overall, the proposed dwellings are considered to be of an acceptable design, scale and form that will not have a material impact on the residential amenity of the surrounding area.

Highways

The site will utilise an existing access off of Main Road and allows for 2no. parking spaces per dwelling which accords with adopted standards for the two bedroom dwellings. Given the sites previous commercial use, it is clear that the site access is capable of accommodating numerous vehicle movements. Overall, the site provides adequate parking and is not considered to result in any detrimental impacts on the highway.

Landscaping

The site is currently fairly open to the front with a white picket fence enclosing the site to the north. As shown on drg no. D2.6-04003, soft landscaping consisting of hedging (Laurel) will be planted to the front and rear of the site with close boarded timber fencing to the sides along with a new brick and flint wall to the front of the site. The hard and soft landscaping is considered to appear in keeping with the surrounding area which is host to a variety of enclosure types and planting. The hedging will soften the appearance of the driveway whilst the new brick wall will appear in keeping with the traditional materials seen throughout Main Road.

Other Material Considerations

Ecology

Natural England had no objections to make on the application. Whilst the site is located within a SSSI Impact Zone, the site is within the built extent of the village within a site that has already been developed and would have minimal if any impact on the SSSI.

Contamination

The application was supported with a contamination proforma document which was made publicly viewable on the Councils website. A consultation response was received from the Environmental Health Officer regarding the possibility of chemical residues from boat maintenance over the years as result of the sites current use, therefore, more information was requested. The applicant has provided a statement explaining how the existing uses were carried out and the measures put in place to avoid contamination. The Environmental Health Officer was reconsulted on the statement and provided further comments confirming that due to the previous commercial use, there is a possibility of unsuspected contamination, and it is likely that buildings on site contain asbestos materials. A condition will be added to ensure that 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. The asbestos issue will be dealt with by an informative on any permission.

Crime and Disorder

There are no specific crime and disorder applications associated with this application.

Drainage

The application will use soakaways as a form of drainage, and will connect to mains drainage.

CONCLUSION

Whilst the application site currently falls under a commercial use, the retention of which is favoured by the Parish Council, DM9 of the Site Allocations and Development Management Policies Plan and Policy CS10 of the Core Strategy states that the council will seek to retain land or premises currently or last used for employment purposes (including agricultural uses) unless it can be demonstrated that continued use of the site for employment purposes is no longer viable. It is the opinion of the Local Planning Authority that sufficient evidence has been provided to prove that the site is no longer viable for its current use, therefore, the principle of development is acceptable. Notwithstanding this the site could also be used for a range of commercial uses, which it is considered may not be particularly appropriate in an area surrounded by residential development.

Following the receipt of amended plans, it is considered that the proposed dwellings are now of an acceptable scale, design and form that incorporate materials that respect the character and appearance of the area and the AONB. It is believed that the character of the street scene will be maintained and the development will contribute to the varied street scene of Main Road.

The majority of the issues raised by third parties and the Parish Council are considered to have been overcome by the revised drawings, with the proposal no longer expected to detrimentally impact upon the residential amenity of surrounding properties or appear out of keeping.

The site can evidence a sufficient amount of parking with the acceptable utilisation of an existing access along with a safe turning area for its users.

Overall, and given the above, the proposed development is considered to comply with the overarching aims of the NPPF, Core Strategy policies CS1, CS2, CS08, CS09, CS10, CS11, CS12, CS13, Site Allocations and Development Management Policies Plan policies DM1, DM2, DM15, and DM17, and the relevant policies from the Brancaster Neighbourhood Plan, especially Policy 1, Policy 2, Policy 3, Policy 4, and Policy 7.

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:

D3-9-04003 Proposed Floor Plans Received 08/09/2021
D3-9-04003 Proposed Floor Plans Received 08/09/2021
D2-6-04003 Site & Location Plans Received 08/09/2021
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order (2015), (or any Order revoking, amending or re-

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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.

- 3 Reason: In the interests of highway safety.
- 4 Condition: Prior to the first occupation of the development hereby permitted the proposed on-site car parking/turning/waiting area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 4 Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.
- 5 Condition: Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.
- 5 Reason: To ensure adequate off-street parking during construction in the interests of highway safety. This needs to be a pre-commencement condition as it deals with the construction period of the development.
- 6 Condition: 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.
- 6 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 7 Condition: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with current best practice, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

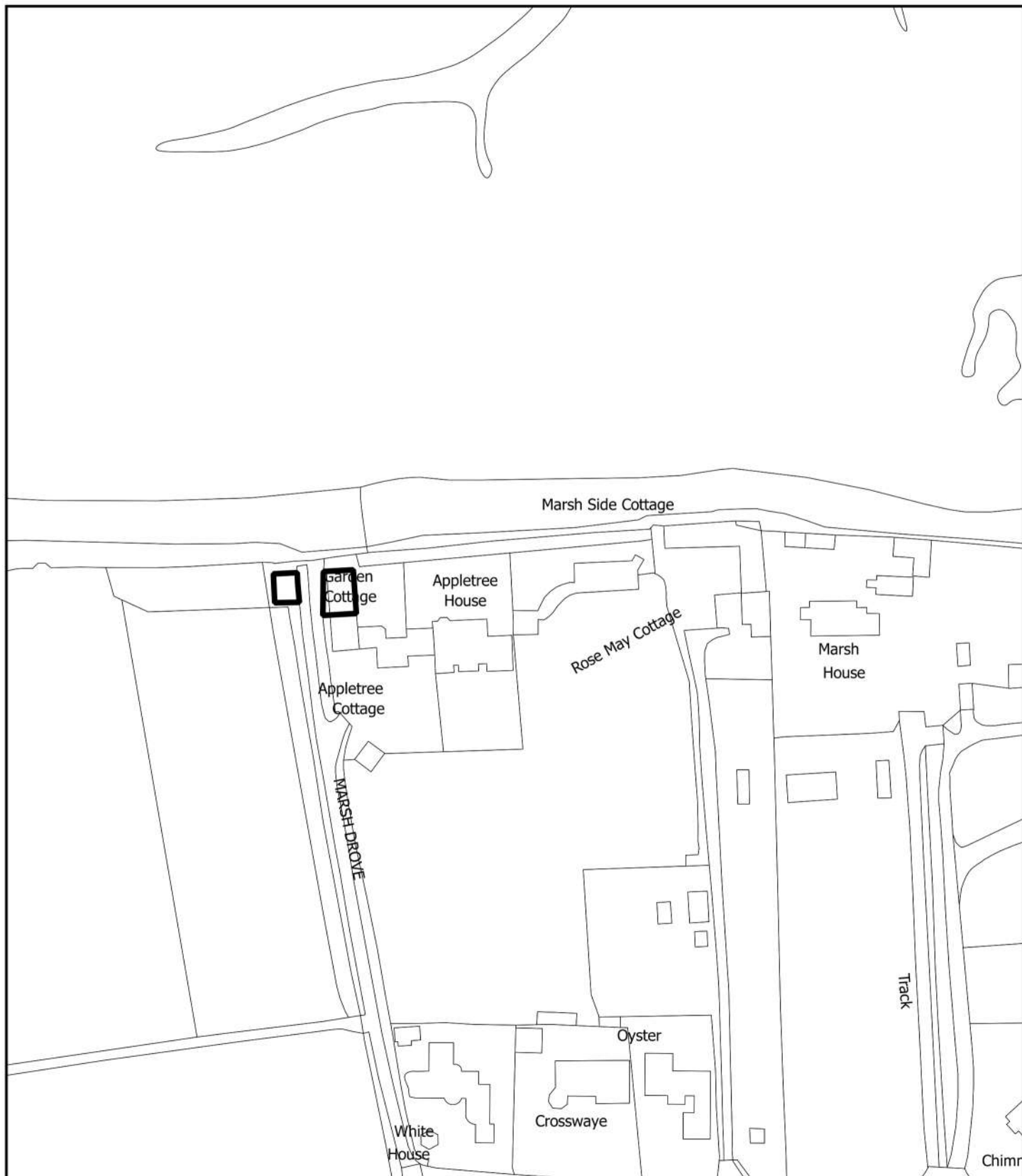
- 7 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 8 Condition: Prior to the first occupation of the development hereby approved, 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.

- 8 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.

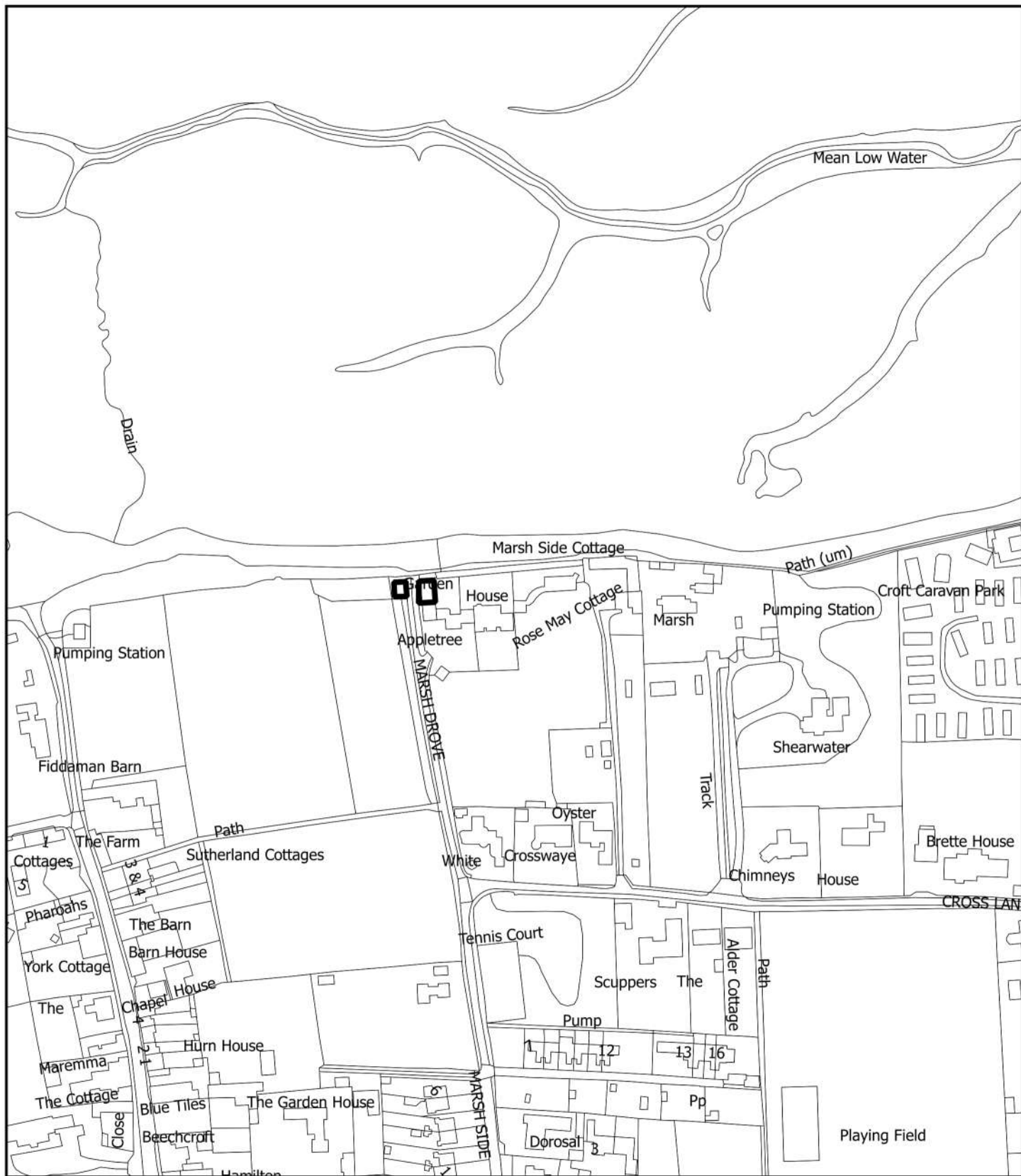
21/02060/CU

Garden Cottage Marsh Drove Brancaster PE31 8FY



21/02060/CU

Garden Cottage Marsh Drove Brancaster PE31 8FY



Parish:	Brancaster	
Proposal:	Change of use of self contained residential annexe to holiday let	
Location:	Garden Cottage Marsh Drove Brancaster KINGS LYNN PE31 8FY	
Applicant:	Mr and Mrs J Stocks	
Case No:	21/02060/CU (Change of Use Application)	
Case Officer:	Mr C Fry	Date for Determination: 4 January 2022

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

Neighbourhood Plan: No

Case Summary

The application is for a change of use of an annexe (restricted by condition to be used in connection with the Appletree House), that has been used unlawfully as a holiday let.

The site is outside of the development boundary of Brancaster and is contained within the Area of Outstanding Beauty and Brancaster Conservation Area.

Key Issues

1. Planning History
2. Principle of Development
3. Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

The site is contained within an area designated as countryside, outside of the Development Boundary of Brancaster by some 80m.

The site contains an annexe (Garden cottage) for staff accommodation to Appletree House that was granted permission on 28th April 2003 (2/03/0512/F). Appletree House is the associated dwellinghouse to the annexe. The annexe building is 1 ½ storey in scale and contains 2 bedrooms as well as living rooms and kitchen facilities.

The annexe has been used unlawfully as a holiday let, in effect a separate residential dwelling but not for a period in excess of 4 years and has been the subject of a breach of condition notice, (20/00495/BOC), for a breach of condition 2 of 2/03/0512/F which states

“This permission relates to the creation of an accommodation ancillary to the existing dwelling in connection with that dwelling. The ancillary accommodation shall at times be held and occupied with the existing dwelling within the same curtilage and shall at no time be occupied as a separate unit of residential accommodation”

This application seeks a change of use of the annexe to a holiday let with associated parking already in the applicant’s control on the western side of the Public Right of Way (Brancaster Restricted Byway 24), which dissects the application site. No external alterations are proposed.

SUPPORTING CASE

Garden Cottage originally obtained planning permission in 2003 and was erected shortly afterwards. It was built as the house keepers’ cottage for Appletree House, and a condition was imposed for it to be used as ancillary accommodation to Appletree House. However, since 2012 until a few weeks ago, it was rented as a separate cottage. The building is a small 2-bedroom cottage with a bathroom and a living room.

An application by the previous owner in 2020 for a Lawful Development Certificate was refused as Officers considered that there was insufficient evidence to prove the cottage had been used as a dwelling for more than 4 years.

We bought Appletree House with Garden Cottage a year ago. The cottage was occupied by an nurse. A breach of condition notice was served on us (as the cottage was being used as a dwelling in breach of the ancillary use condition), and very reluctantly we had to ask the lady to leave the cottage to comply with the Notice.

Following the receipt of the notice we approached the Planning Officers with a pre application to obtain a change of use from staff accommodation to a dwelling. Officers would not support this use.

The Officers helpfully suggested they would support a holiday let application as this is in line with the local plan. We were happy to make an application on this basis as the cottage will be put to good use, generate employment and bring tourist revenue to the Village Shop and other local facilities.

PLANNING HISTORY

21/00131/preapp PRE- APPLICATION FULL (WITH CONSULTATIONS AND A MEETING):
Change of use of self contained residential annexe to holiday let Likely to Approve –
22.09.2021- Delegated

21/00056/PREAPP PRE- APPLICATION (WITH CONSULTATIONS AND A MEETING):
Change of use for garden cottage from annex to dwelling (retrospective) Sub division of
Appletree House to form Appletree House and Appletree Cottage as 2 separate dwellings –
Likely to refuse 07.06.2021 – Delegated

19/01123/LDE Lawful development certificate for existing use as a separate dwelling house
– NOT LAWFUL 17.02.2020 - delegated

2/03/0512/F: Application Permitted: 28/04/03 - Creation of self contained residential annexe for staff accommodation – Delegated.

RESPONSE TO CONSULTATION

Parish Council: NO OBJECTION

Highways Authority: NO OBJECTION Having reviewed the submission it is clear that this is a 2 bedroom self-contained unit of accommodation, sought for staff accommodation, rather than for family members. I would consider that the usual synergy would be lost and private trips by staff would be separate from the main household, engendering an element of independent use.

The 2003 consent restricted the use, as it was “inappropriately sited as a separate unit of accommodation” and not for highway related reasons, as such, whilst the shared access/PRoW is not ideal, given the nature of the building and its history, I would find an objection difficult to sustain in the event of an appeal.

Should your authority be minded to grant of consent, I would seek to append that the proposed on-site parking area be laid out, levelled, surface and drained in accordance with the approved plan.

Public Rights of Way (PROW) Officer: NO OBJECTION We have no objection in principle to the application but would highlight that a Public Right of Way, known as Brancaster Restricted Byway 24 is coincident with the proposed access. This Public Right of Way does not offer any means of public vehicular access and it is not maintainable at the public expense to a vehicular standard. The applicant will need to ensure that they have an established private right of access to the land suitable for residential purposes. It would be expected that any damage cause to the Restricted byway by the exercise of the private right remains with the rights holders to repair.

The full legal extent of the Restrictive Byway must remain open and accessible for the duration of the development and subsequent occupation.

Natural England: NO OBJECTION the proposed development will not have significant adverse impacts on statutorily protected nature conservation site.

Coastal Partnership Officer: NO OBJECTION As there are no external changes proposed to the fenestration of the cottage nor its means of enclosure, or any external lighting proposed we have no objections.

Conservation Officer: NO OBJECTION given that there are no physical changes to the external elevations or site layout.

REPRESENTATIONS

Called in by Cllr Lawton if recommending approval.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS11 – Transport

CS10 - The Economy

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM11 – Touring and Permanent Holiday Sites

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

DM2 – Development Boundaries

NEIGHBOURHOOD PLAN POLICIES

Policy 8 - Protection of Heritage Assets and Views

Policy 9: Rural Exception Sites

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2019

OTHER GUIDANCE

Conservation Area Character Statement.

PLANNING CONSIDERATIONS

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

1. Planning History
2. Principle of Development
3. Other Material Considerations

Planning History

The application site was granted consent for a self-contained annexe (Garden Tree Cottage) for staff accommodation on 28th April 2003 (2/03/0512/F). The planning permission provided for a carport, living room and kitchen at ground floor and at first two bedrooms and a bathroom. However, the annexe has been unlawfully used as a separate residential property

Planning Committee
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(holiday let) from Appletree House. This matter has been the subject of planning enforcement investigations because of the use is in breach of condition 2 of 2/03/0512/F.

“this permission relates to the creation of accommodation ancillary to the existing dwelling for occupation in connection with that dwelling. The ancillary accommodation shall at all times be held and occupied with the existing dwelling within the same curtilage and shall at no time be occupied as a separate unit of residential accommodation”

The reason

“To meet the applicant need for additional accommodation and to ensure that the building, which is inappropriately sited as a separate unit of accommodation is not occupied as such”.

The applicant submitted for pre-application advice for the retrospective use of the building as a separate dwelling. The informal advice offered by the officer was that the proposal by virtue of being outside of the development boundary, not being an affordable house, not benefiting from the isolated dwellings paragraph of the NPPF, too intensive domestication of the Area of outstanding Natural Beauty, and taking more than 50% of its proposed curtilage, would mean that the proposal would be contrary to the Site Allocation and Development Management Plan Policy DM2, DM15 and Policy 9 of the Brancaster Neighbourhood Plan. As such a formal application was unlikely to gain officer support.

After the receiving informal advice for a residential dwelling, the applicant had submitted a pre-application as to whether the building could be used as a holiday let. This received a likely to gain officer’s support recommendation as it was considered that the proposal could comply with the provisions of DM11 Touring and Permanent Holiday sites. By virtue of the proposal being a small scale operation with no additional structures and the parking area associated with it, already being used for Garden Cottage, it would mean that there would be no harm the Area of Outstanding Natural Beauty as a result of the change of use to a holiday let. Furthermore, it would provide a base for people to stay and visit local attractions thus helping to support the wider economy.

This application therefore follows that positive pre-application advice.

Principle of Development

In this case, by virtue of the site being contained in an area of countryside, the Site Allocation and Development Management Policies Plan states DM2 – Development Boundaries is relevant. DM2 states that areas that are outside of development boundaries (except for 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 Local Plan, including: - Tourism activities and small scale employment.

Furthermore, Site Allocation and Development Management Policies Plan Policy, DM11 Touring and Permanent Holiday Sites states that:-

Location Requirements

Proposals for new holiday accommodation sites or units or extension or intensification to existing holiday accommodation will not normally be permitted unless:-

- 1 The proposal is supported by a business plan demonstrate how the site will be managed and how it will support tourism or tourist related uses in the area:-

- 2 The proposal demonstrates a high standard of design in terms of layout, screening and landscaping ensuring minimal adverse impact on visual amenity and this historical and natural environmental qualities of the surrounding landscape and surroundings; and
- 3 The site can be safely accessed;
- 4 It is in accordance with national policies on flood risk
- 5 The site is not within the Coastal Hazard Zone indicated on the Policies Map, or within areas identified as tidal defences breach hazard zone in Borough Council' strategic Flood Risk Assessment and the Environment Agency's mapping

Small scale proposals for holiday accommodation will not normally be permitted within the Norfolk Coast Area of Outstanding Natural Beauty (AONB) unless it can be demonstrated that the proposal will not negatively impact on the landscape setting of AONB if outside the designated area. Proposals for uses adversely affecting Sites of Special Scientific Interest (SSSIs) or European Sites will be refused permission.

The application has been accompanied by a Design and Access Statement and a business plan that references Policy DM11 and states in regard to each point:-

1. Business Plan – The holiday unit will be advertised via specific holiday let company such as Norfolk Hideaways with the cleaning, management, maintenance done by the owner and a local resident. Any professional trades will be called in to fix/refurbish the cottage. It will be let for around 25-30 weeks each year. Whilst the business statement has not been explicit stating how the occupation of the holiday let will support tourism, the holiday let will act as a base for holiday makers to travel around the locality and visit attractions in the local area.
2. The proposal does not involve additional structures or extensions to facilitate the change of use. The site is well screened from the coastal path and there would on this basis be no harm caused in general visual amenity terms.
3. The site can be safely accessed. The Highways Officer has no objection to the use of the cottage as a holiday let, where they previously objected to two residential dwellings. The two residential dwellings would have created in an increase of 200% vehicular trips per weekday, where this proposal would generate far less trips. The existing property will still retain parking to be adequately served as will the holiday let.

The applicant enjoys a private right of way over the restricted byway and not a public right over it. It is considered that to ensure that the site can be accessed by the future occupants of the holiday let that it would be reasonable to condition that the holiday let doesn't become a separate unit of accommodation from Appletree House, thus benefiting from the applicant's private right of way over the restricted byway. The applicant's attention is drawn to the PROW Officer comments that the full legal extent of the Restrictive Byway must remain open and accessible for the duration of the development and subsequent occupation.

4. The site is contained within Flood Zone 1 the least restrictive zone.
5. The site is not contained within a coastal hazard zone

The scale of the proposal will not adversely affect the landscape setting of the AONB. The main issue with the pre-application for two dwellings, was that in this very rural tranquil area, the splitting of the garden area across two proposed properties Appletree cottage would have resulted in an intensification of the use of the site, contrary to the established character of the built form where houses benefit from wide or deep gardens, and thus detrimental to the AONB. By virtue of being a holiday let and conditioned to be retained with Appletree

House (the main dwelling), it will not result in a situation that would be detrimental to the AONB. It must be noted that the Norfolk Coast Partnership Officer has no objection to the application as there are no changes to the fenestration of the cottage nor its means of enclosure and the parking area on the western side of the byway already being used for parking to Garden Cottage would not harm the character of the Area of Outstanding Natural Beauty.

Being a dark sky area, ordinarily conditions would be imposed that ensures that any external lighting be subject to approval by the LPA. However the existing annexe is not subject to any conditions and without any alterations to the building it would be unreasonable to impose any conditions. An informative can be imposed to draw the applicant's attention to consider external lighting and implications upon the dark sky area.

Given the above, the proposal is considered to comply with Policy DM11 of the Site Allocation Development Management Policies Plan Document.

Other Material Impacts

Impact upon Brancaster Conservation Area

The site lies within Brancaster Conservation Area. S.72 of the Town and Country Conservation and Listed Buildings Act 1990. In the exercise, with respect to any buildings or other land in a conservation area, of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The site is not specifically referenced in the conservation area character statement for Brancaster. However, the area is referenced on page 8 of the Character Statement as being a "rural feel" and there being a "strong environmental feel" to the coastal edge. The character of this area is said to be one of "peace" and "tranquillity".

The Conservation officer has no objection to the change of use.

The previous pre-application for the subdivision of the site, two residential dwellings, would have created an intensification of the site and domestication that would have caused harm to the Conservation Area and contrary to Policy 3 of the Brancaster Neighbourhood Plan. By virtue of not being a residential dwelling, conditioned to be retained with Appletree House would overcome the harm caused to the Conservation Area and contrary to Policy 3 of the Brancaster Neighbourhood Plan.

The proposal now therefore complies with Policy CS12 of the Core Strategy in relation to protecting Heritage Assets, Policy DM15 Environment, Design and Amenity, Policy 8 of the Brancaster Neighbourhood Plan, the Brancaster Conservation Character Statement and chapter 16 of the NPPF "Conserving and Enhancing the Historic Environment".

Neighbour Amenity

There are no residential neighbours other than the donor dwelling that would be materially impacted by the development.

Ecology

No alterations are proposed because of the change of use of the building accordingly it is considered that no protected species report was required. However, the applicant's attention

is drawn to the provisions of the Wildlife Countryside Act 1981 where it is unlawful to intentionally kill, injure or take any protected species.

Natural England have no objection to the proposal in terms of its impact upon the Statutory Designated Sites and subject to the habitats mitigation payment there should be no detrimental impact upon the European Designated sites that cannot be effectively mitigated.

CONCLUSION

The application seeks consent for the change of use of the annexe to a residential holiday let. The proposal has been supported by a business statement and Design and Access Statement which in your officer's opinion met the provisions of Policy DM11 which is the key policy in regard to tourism and permanent holiday accommodation.

There are no outstanding issues from statutory consultees.

The proposal complies with Site Allocation and Development Management Plan Policies DM2,11 and 15; Core Strategy Policies CS01,02,06,08,10,11,12; Policy 8 and 9 of the Brancaster Neighbourhood Plan. The Brancaster Conservation Area Character Statement and the overarching provisions of the NPPF and is therefore recommended for approval subject to conditions.

RECOMMENDATION:

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

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - 21/0104/00 - Location Plan
 - 21/0104/01D - Garden Cottage
 - 21/0104/02 - Ground Floor Plan
 - 21/0104/03 - First Floor Plan
- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: The holiday accommodation hereby approved shall be held at all times in conjunction with the land and buildings outlined in blue on plan 21/0104/01D received the 27th October 2021 and shall be subject to the following:-
 - The use of the holiday let hereby approved shall be limited to occupation for holiday accommodation purposes only and shall be made available for rent or as a commercial holiday let, and
 - The accommodation shall be for short stay accommodation only (no more than 28 days per single let) and shall not be occupied as a person's sole or main place of residence, and

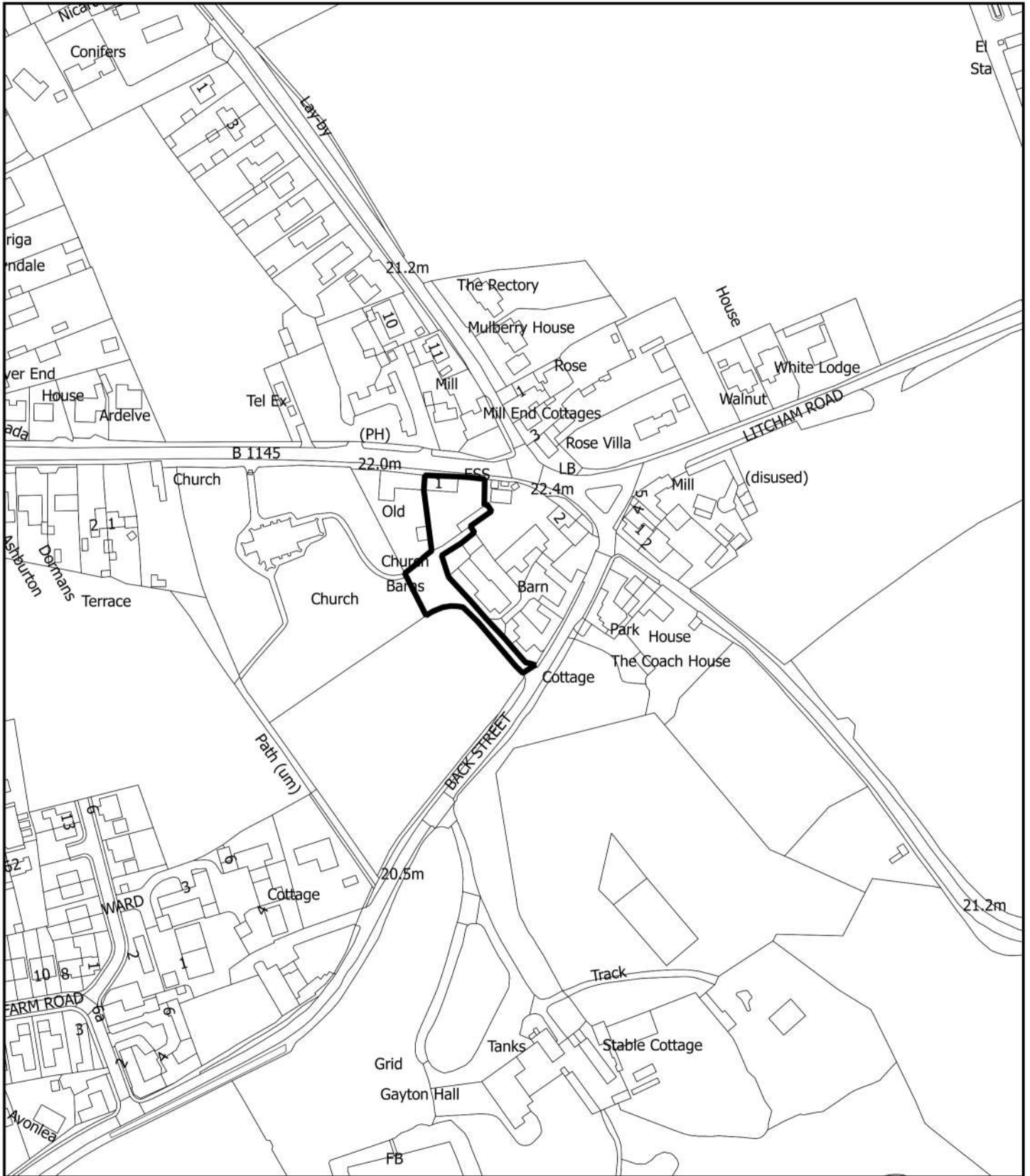
- The owners / operators shall maintain an up-to-date register of lettings/occupation and shall make the register available at all reasonable times to the Local Planning Authority.

At no time shall the holiday accommodation be used for anything other business or commercial purpose.

- 3 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.
- 4 Condition: The on-site car parking area as defined in red, on the western side of Brancaster Restricted Byway 24, as shown on plan 21/0104/01D shall be retained for the purposes of serving the holiday let accommodation hereby approved.
- 4 Reason To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.

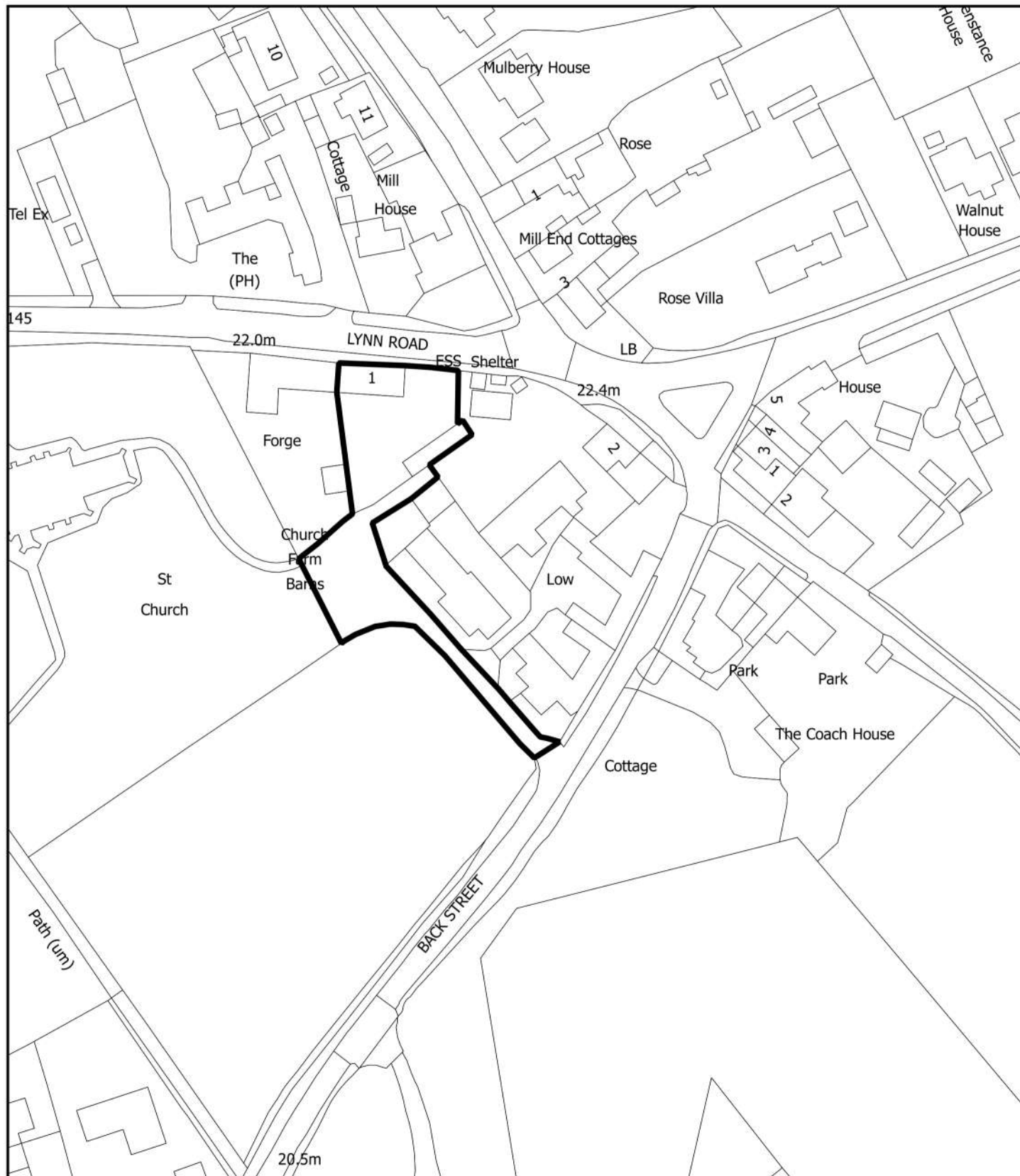
21/01956/F

1 Church Farm Barns Back Street Gayton PE32 1QR



21/01956/F

1 Church Farm Barns Back Street Gayton PE32 1QR



Parish:	Gayton	
Proposal:	Retrospective Change of use of former garage to 1 Church Farm Barns to residential accommodation	
Location:	1 Church Farm Barns Back Street Gayton Norfolk PE32 1QR	
Applicant:	OHPM Ltd	
Case No:	21/01956/F (Full Application)	
Case Officer:	Mr C Fry	Date for Determination: 7 December 2021

Reason for Referral to Planning Committee – Called in by Cllr de Whalley

Neighbourhood Plan: No

Case Summary

This application seeks retrospective consent for the conversion of the garage a residential annexe at 1 Church Farm Barns Gayton.

1 Church Farm Barns (the main house) is currently being used as a holiday let.

The application site is accessed via a private road from Back Street Gayton.

The site is contained within the development boundary which is a Key Rural Service Centre.

Key Issues

1. Principle of Development
2. Impact upon Visual Amenity
3. Impact upon Neighbour Amenity
5. Highway Safety
5. Any other material considerations

Recommendation

APPROVE

THE APPLICATION

The application seeks retrospective consent for the use of the garage at 1 Church Farm Barns, Gayton as residential annexe accommodation. The annexe residential

accommodation provides 1 bedroom, wet room and kitchen/living facility. The application also makes provision for an access ramp.

The applicant is required to live in the annexe for health reasons as it provides a level access and living accommodation.

The building is currently fenced off from the main house by trellis.

The application site is contained within the settlement boundary of Gayton. The site is not contained within an area of outstanding natural beauty or Conservation Area.

SUPPORTING CASE

No supporting statement to accompany the application has been submitted to date.

PLANNING HISTORY

2/80/3615/CU/F Conversion of agricultural buildings to four dwellings Approved 19th January 1981.

RESPONSE TO CONSULTATION

Parish Council: OBJECTION on the following grounds

- non-compliance with the previous planning permission.

The original planning permission for 1 Church Farm Barns (2/80/3615/CU/f) condition 7 states that no outbuilding within the curtilage of any dwelling shall be used for purposes other than those incidental to the needs and personal enjoyment of the occupants of the dwelling and at no time shall be used for business or commercial purposes. The Parish Council suggests that the original dwelling is being used as a holiday let business. The Parish Council suggests that this application does not conform to condition 7 of the original planning approval as it goes beyond using an outbuilding for purposes "incidental" to the needs etc. of the occupants of the main house.

- Inadequate parking provision

Church car park:- The land outside of the boundary of 1 Church Barns is a shared access and the Church carpark belongs to the Church for users of the Church and is not an overspill facility for 1 Church Farm Barns. This is a car park for users of the Church and for when the community attends relatives' graves. The cars "using" 1 Church Farm Barns are habitually parking in the Church Car Park and the PC objects to this application as it is likely to continue and exacerbate this parking problem.

- Inappropriate design of the annex

The garage at 1 Church Farm Barns is now a separate dwelling but with the garage door still in place so that it looks, to all intents and purposes, like a garage but it has a "home" behind them.

Gayton Parish Council also wishes to draw the following relevant matters to the attention of the planning officer:-

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- The property is covenanted and stipulates a limit of 6 dwellings each for a single family and the dwellings are not to be used for business purposes.
- The plot, as detailed in the application is incorrect permission is being sought over a much larger area than that which belongs to this property. The Parish Council requests that the curtilage of 1 Church Farm barns is shown correctly with immediate effect.
- This applicant appears to have already carried out the work
- The Parish Council believes that 1 Church Farm is being run as a holiday let and the people living in the garage are doing the changeovers, making beds, clearing etc. and the conversion of the garage is a creeping development to enhance this business?
- The Parish Council is not clear about the planning permission how the permission can be granted for 5 years. Will the planning permission clearly state it is to be returned to its original usage? Will the planning department check upon this property and ensure that it is converted back to use as a garage or will be forgotten and remain as two dwellings forever.

Local Highways Authority: NO OBJECTION

REPRESENTATIONS

18 letters of **OBJECTION** to the application

- The applicants drawing shows that the church car park is included in this application.
- The house is being used as Air BnB accommodation and often uses the church carpark for parking or the patrons of the Air BnB accommodation do.
- The access roads are not under the applicants control as they are under shared ownership
- The owners converted the garage before occupying the house. There was therefore no intention to occupy the house
- The application shows shared use of laundry room and downstairs room in the main house. The Air bnb website mentions that you can have the whole house to yourself.
- Separate fencing has been provided between the house and garden
- The Gayton and Gayton Thorpe Neighbourhood Plan states that a 4 bedroom unit requires at least 3 carparking spaces and one bedroom unit requires at least 1 car parking space. 1 Church Farm barns has only 3 carparking spaces.
- Contravention of a covenant on the title, stating that "other than the conversion shall be for the erection of 6 private dwellinghouses and each for the occupation of one family only and no building to be erected or to be erected on the property hereby converted shall be used otherwise than as a private dwellinghouse or a private garage and no trade or business shall be carried on upon the said property.
- Increase disturbance from the use of cars

- Does not comply with the original planning application
- 5 year time limit will be impossible to manage
- 3 cars cannot fit in the driveway
- The application should be turned down on the ground alone to protect the church and amenities which have stood therefore 400 years without interference.
- Can the planning department ask the applicant to provide a detailed, scale drawing for proposals after 5 years to demonstrate what the garage will look like in 5 years' time, if this is to be temporary arrangement.
- I would imagine that the documentation for No.1 Church Farm Barns needs to be accurate before the Planning Department can even consider this further or is retrospective the way to circumnavigate the correct procedures for planning applications.
- There is a duty of care towards residents who are tax payers in regards to unauthorised building works. It took 6 months to June to place and enforcement notice to stop using the garage extension.
- The red line of the application site is not the same as the land registry red lined title plan.

Councillor de Whalley: Concerns include the overdevelopment, loss of amenity, lack of parking/vehicle storage and safety fear regarding increased traffic turning into/from Back Lane.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

DM7 - Residential Annexes

NATIONAL GUIDANCE

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

PLANNING CONSIDERATIONS

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

1. Principle of Development
2. Impact upon Visual Amenity
3. Impact upon Neighbour Amenity
4. Highway Safety
5. Any other material considerations

Principle of Development

The site is contained within the development boundary of Gayton

The proposal seeks retrospective consent for the use of the former garage as residential annexe accommodation which will be used in association with the main house.

Policy DM7 of the Site Allocation and Development Plan Policy refers to the principles of allowing Residential Annexes. The supporting paragraph c.8.1 states that “residential annexes can be defined as being accommodation ancillary to the main dwelling within the residential curtilage and a form of extra accommodation in the same way an extension to the dwelling would be. Annexes should be well related to the main dwelling and for it not to be considered a separate dwelling, it must share the same garden, parking and access as the main dwelling. It should also be smaller or subordinate to the main dwelling, as close as possible to the main dwelling and it should not be designed as being capable of being sold or let as a separate unit. Annexes can be formed by extensions to the main dwelling, conversion of a building ancillary to the dwelling such as a garage or the development of a new separate unit”.

Within designated settlements, annexes are generally an acceptable form of additional accommodation for residents. The design, layout and scale of annexes are crucial factors in determining the impact on the amenity of existing or new residents and on the visual form and character of the local area. Ensuring that there remains a safe and adequate parking and access is also a key factor in assessing applications. Problems arise when developing annexes separate from the main dwelling, because they appear to be used as separate dwellings and are intrusive in the landscape in countryside locations.

Policy DM7 therefore has 5 principles that need to be established as to whether development of residential annexes will be approved only subject to the following being secured by condition or planning agreement:-

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

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In this case, the application has been supported by a DAS to support the application and considers the following criteria.

Remains in same ownership and is occupied in conjunction with the principal dwelling and does not appear tantamount to a new dwelling

The DAS states that the occupation of the annexe is in the same ownership as the main house (principal dwelling). It is occupied in conjunction with the main dwelling as the owner uses half of the ground floor of the house as a utility room/laundry room which is shared with the main house, cupboard/storeroom for spare laundry for the main house as well as other household items and an office and bedroom. The western half of the house and the upper floors are used as the holiday let, which is managed by the applicants.

The annexe has a kitchen/living room, bedroom and wet room with a access ramp.

It is ancillary and subordinate in scale to the principal dwelling

The DAS states that the annexe building is subordinate in scale and appearance to the main dwelling.

Its occupants share the existing access, garden and parking of the main dwelling

The plans and DAS that have been submitted with the application states that the parking and access are shared.

Occupation of the annexe is subsidiary to that of the main dwelling

The DAS refers to the service and management functions of the owners meaning that the scale and functional terms of the occupancy is subsidiary.

Not capable of subdivision

The DAS states that it is not the applicant's intention to create a separate dwellings on site; the reliance on the annex on some rooms within the main house for storage and laundry is such that a separation to create a separate dwelling would not be practical in functional terms – also the garden would need significant reconfiguration to create separate garden areas which would be likely to harm the amenity of the dwellings.

The LPA considers that in line with Policy DM7 and notwithstanding the separate curtilage (through the erection of the trellis), through the erection of a trellis, the holiday let and annexe still function as one planning unit, as a C3 use. Accordingly your officers considers that the annexe is occupied in connection with the principal dwelling and does not appear to be tantamount to a new dwelling.

Reading as one planning unit, the scale of the 1 bedroom annexe is ancillary in terms of its function and is subordinate in scale to the dwelling (C3 use) and uses the existing access and parking arrangements with the main dwelling. The occupation remains subsidiary to that of the main dwelling.

By virtue of the planning unit remaining as one unit, it is not considered necessary to impose the original 5 year request that made by the applicant's agent that this annexe by used for a temporary period. Instead a condition will be imposed that it is held and occupied in association with the dwelling.

The proposal complies with Policy DM7 of the SADMPP 2016.

Impact upon Visual Amenity

In order to facilitate the annexe the only external alterations have been the sealing off of the garage door and the provision of a ramped access. The ramp is on the northern side of the garage and is not evident from the public domain. The proposal therefore complies with the provisions of Policy DM15 of the Site Allocation and Development Policies Plan and paragraph 126 and 130 of the NPPF.

Impact upon Neighbour Amenity

The ramped access is on the northern side of the building, and this elevated platform does not provide any outlook into neighbouring properties. The intensification of parking and turning for residential use in a residential area causes no undue noise and disturbance that would warrant any conditions to be imposed or a refusal of the application. The proposal therefore complies with the provisions of Policy DM15 of the Site Allocation and Development Policies Plan and paragraph 126 and 130 of the NPPF.

Impact upon Highway Safety

Misconceptions from 3rd parties and the Parish Council are that the red line is trying to demonstrate an extended curtilage of the site, in order to provide ample space for parking for the annexe and holiday let. The red line of the application has been drawn in such a way to identify the access to the public highway and the applicant's agent has served the required certificate B ownership certificates.

Notwithstanding the above, the applicant has demonstrated that within the curtilage of the building there is enough parking to accommodate three cars which is the minimum number of parking spaces that could legitimately be requested in line with NCC Parking Standard requirements for a 4+ bedroom property. This is compliant with Policy GT 1 of the Draft Gayton Thorpe and Gayton Neighbourhood Plan which is currently at Regulation 14 stage.

The Highways Officer has confirmed that they have no objection to the proposal. The proposal therefore complies with Policy DM15 of the SADMPP 2016.

Other Material considerations

The site is contained within Flood Zone 1, the least restrictive flood zone.

The existing property and annexe are not listed, however they are within close proximity to the Grade I listed Church and a Grade II listed cottage on the corner Back Street, Lynn Road and the B1153. The ramp cannot be seen in context with the setting of the listed cottage as it is screened by the existing garage structure on the site. Accordingly no material harm is caused to the setting of these designated heritage assets.

The planning history of the site is noted (2/80/3615/Cu/F) and condition 7 of that permission states that no shall be used for the purposes other than those incidental to the needs and personal enjoyment of the occupants of the dwelling and at no time shall be used for business or commercial purposes. The applicant is in breach of that condition in so far as to the use of the building being ancillary and not incidental and hence this is why the application has been submitted. The outbuilding is not being used for commercial purposes.

Any breach of restrictive covenants on the property and land is a civil matter and not within planning control.

CONCLUSION

The application seeks retrospective consent for the conversion of a garage into annexe accommodation. It is your officer's opinion that the site remains one planning unit, a C3 use. Accordingly, the annexe is subordinate to the main dwelling and through conditions imposed, it will be held and occupied in association with it in accordance with Policy DM7 of the SADMPP 2016.

There are no parking, neighbour amenity or visual amenity issues resulting from the conversion of the garage and its use as an annexe.

Therefore, your officers are recommending that the application be approved subject to the following conditions.

RECOMMENDATION:

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

- 1 Condition: The additional residential accommodation hereby approved shall only be used as ancillary accommodation to the main dwelling and shall at no time be used as an independent unit of residential accommodation.
- 1 Reason: For the avoidance of doubt and to ensure that the building is not used for unrelated purposes that would be incompatible with the provisions of the NPPF.

21/01740/F

3 Nursery Lane, South Wootton, PE30 3LB



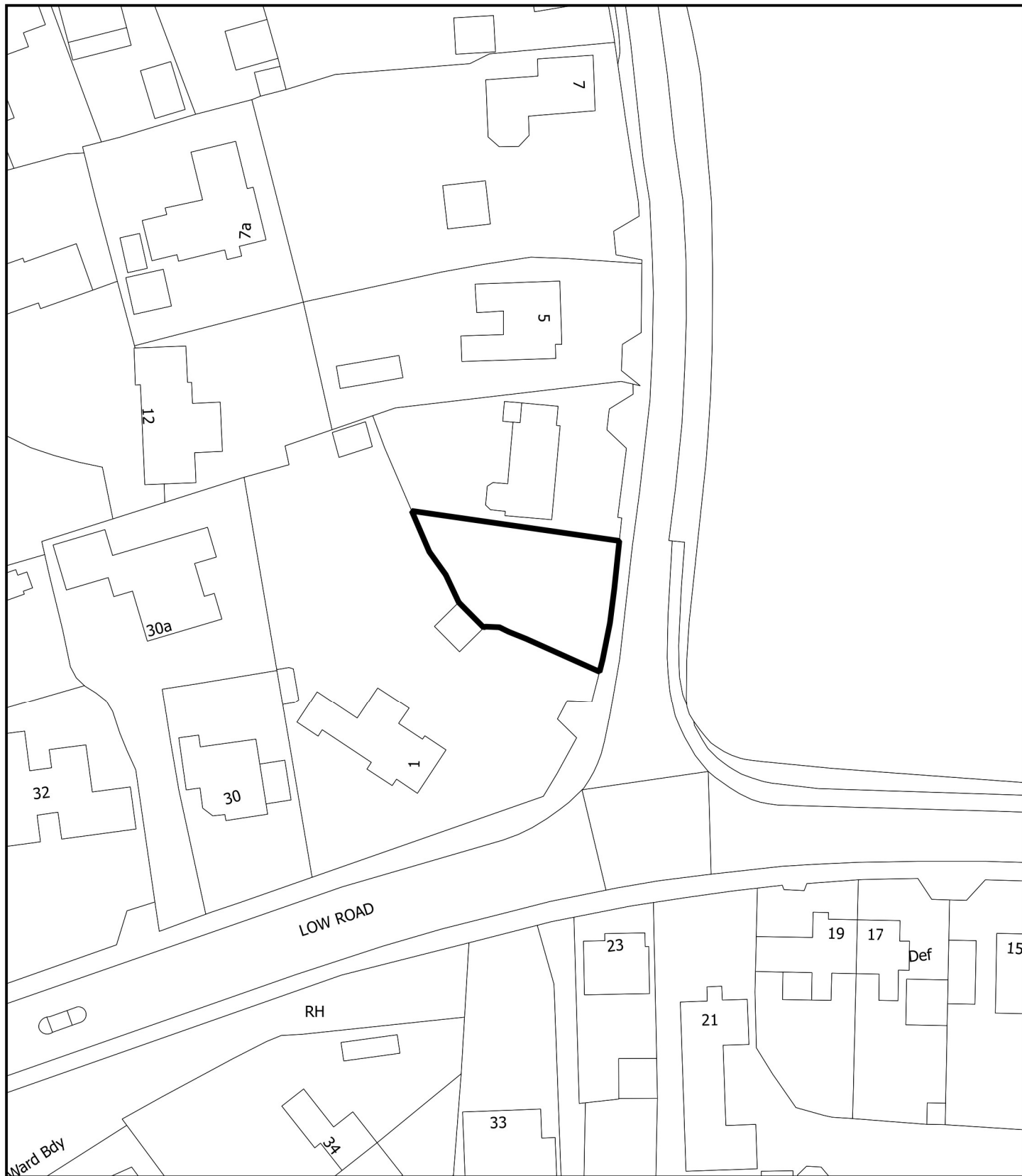
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21/01740/F

3 Nursery Lane, South Wootton, PE30 3LB



Parish:	South Wootton	
Proposal:	Proposed new Residential Dwelling	
Location:	3 Nursery Lane South Wootton King's Lynn Norfolk PE30 3LB	
Applicant:	MRS M ALBINSON	
Case No:	21/01740/F (Full Application)	
Case Officer:	Mrs Jade Calton	Date for Determination: 16 November 2021

Reason for Referral to Planning Committee – Called-in by Councillor Middleton

Neighbourhood Plan: Yes

Case Summary

The application site relates to an irregular parcel of land, measuring approximately 431 square metres. It is currently used as garden land associated with No. 3 Nursery Lane, situated on the west side, near the junction of Low Road, South Wootton.

The application seeks consent for the construction of a chalet style bungalow.

South Wootton is classified as a settlement adjacent to Kings Lynn within the Core Strategy's Settlement Hierarchy.

Key Issues

- * Principle of Development;
- * Form and Character;
- * Neighbour Amenity;
- * Highway Safety;
- * Other Material Considerations

Recommendation

REFUSE

THE APPLICATION

The application site relates to an irregular parcel of land, measuring approximately 431 square metres. It is currently used as garden land associated with No. 3 Nursery Lane, situated on the west side, near the junction of Low Road, South Wootton.

The application seeks consent for the construction of a detached 3 bedroom chalet style bungalow. It is proposed to subdivide the existing plot of No. 3 leaving the donor property with a smaller garden.

The proposed dwelling has a footprint of approximately 90.1 square metres, measuring 10.6m in depth by 8.5m in width. It is approximately 6.5m in overall height to the ridge and 2.3m to the eaves. The new dwelling will be set back within the site by approximately 4.2m from the frontage, approx. 3.4m from the southern boundary and approx. 6.4m from the northern boundary.

It is proposed to be constructed using buff coloured facing brickwork, grey/black concrete interlocking roof tiles and double-glazed white uPVC doors and windows.

A new vehicular access is proposed to the northern end of the sites frontage, serving a parking and turning area to the front and side of the proposed dwelling.

A new pedestrian access is also proposed to serve the front of the property. The proposed private amenity space to the rear is an irregular triangular shape, measuring approximately 15.6m in depth at its maximum point along the northern boundary; and approximately 4.5m in depth at its minimum point to the southern side. The width of the garden across the back of the house measures approximately 15m.

The new dwelling is proposed to be located towards the southern side of the application site with a separation distance between its northern elevation and the donor dwelling's flank elevation of approximately 7.2m.

The new subdividing boundary will be set approximately 1.5m from the donor dwellings flank elevation.

This application is a resubmission of previous scheme (21/00437/F) which was refused for the following reason: -

1. The application is for the construction of a new dwelling near to the junction of Nursery Lane and Low Road, South Wootton. By reason of the constrained size of the plot, combined with the existing character of the streets by this road junction and the prominence of the site, the proposed dwelling is considered to comprise a cramped form of development which represents an incongruous addition to the street scene which is contrary to Policy CS08 of the Core Strategy (2011), Policy DM15 of the Site Allocations and Development Management Plan Policies (2016) and Policies H2, H3 and H4 of the South Wootton Neighbourhood Plan.

The current submission before the Committee is exactly the same as the previous scheme, no changes have been made to the proposal. However, it is proposed to revise the visibility splays slightly in accordance with standards so that more of the highway junction and pavement can be observed.

SUPPORTING CASE

A Planning Statement accompanies the application, which offers the following supporting case: -

Background:

The site is currently part of a large residential garden consisting of grassed areas, flower and vegetable plots attached to no 3 Nursery Lane, South Wootton. The area is predominantly built up with residential dwellings of various sizes ranging from single storey bungalows through to large two storey dwellings, the existing residential dwellings form a linear development along Nursery Lane which this proposal is in keeping with. The site also lies within the current development boundary for the village as indicated on the plans provided by the Borough Council of Kings Lynn and West Norfolk.

Recent planning history within close proximity to the site:

Over the previous years, several planning applications for new dwellings have been submitted and approved by the Borough Council of King's Lynn & West Norfolk in the parish of South Wootton, these include back yard developments of either one or several houses constructed behind existing properties, new houses constructed in front of existing dwellings and other small properties constructed within existing residential gardens. Listed below are four such applications which have been approved in recent times which have provided much needed additional housing in the fast-growing village of South Wootton, all within very close proximity to our site.

17/01924/O – 30 Low Road, South Wootton

18/02240/RM – Plot one, Low Road, South Wootton

16/01991/RM – Coach House, 12 Church Lane, South Wootton

16/00696/F – Land to the rear of 19 Nursery Lane, South Wootton

Site Information:

The existing site area is currently part of the large residential garden to No. 3 Nursery Lane, South Wootton King's Lynn, consisting of grass land and borders planter with flowers and vegetables as indicated on the photographs at the end of this document. The site is level and not considered to be in an area susceptible to flooding. The boundary to the South of the site consists of mature conifers trees which have been pollarded over the years however as no major trees will be affected by the proposals it is not considered that a tree report is required.

External Appearance:

The proposals for the site are to construct a new chalet style dwelling constructed in buff facing brickwork with a pitched roof over clad in concrete interlocking roof tiles, the windows will be UPVC double glazed and the building will be completed with fascia's, soffit's, and barge boards. The front porch will be an oak framed structure complete with glass infill guarding to provide views over the common. The dwelling has been designed with a gable front the Nursery Lane which will ensure that with the ridge running parallel with the existing property as no. 3 Nursery Lane will not create any over shadowing issues, the attached garage will have a gable wall adjacent to the new boundary created between the two properties however this is of small scale and not considered significant.

Impact:

With the design of the proposed new dwelling being of chalet style, with the main gable running from the front of the site to the rear, we do not consider that the proposal will have any affect on the adjacent properties. There are three windows on the side elevation, one over-looking no. 3 Nursery lane which is a bathroom window and will therefore be obscure glazed and two overlooking the property to the South of the site. These two windows are

adjacent to the hedged and conifer boundary which will prevent over-looking into the adjacent garden area.

Internal Layout:

The proposed accommodation will consist of the following:

Ground Floor:

Entrance hall

Ground floor shower room

Kitchen

Utility room

Family dining and lounge area

One double bedroom

First Floor:

Master bedroom

One further double bedroom

A Jack and Jill shower room

Landscaping:

New landscaping for the site will be introduced once the proposed new dwelling has been constructed, this will include landscaped borders to the rear together with grassed areas and a patio. The front will consist of landscaped borders.

Access:

This will be via a new vehicular access to the front providing all the required visibility splays together with a separate small pedestrian access to the front door.

PLANNING HISTORY

21/00437/F: Application Refused: 28/07/21 - Proposed new residential dwelling - 3 Nursery Lane, South Wootton

19/00184/PREAPP: INFORMAL - Likely to refuse: 17/01/20 - PRE-APPLICATION ENQUIRY (WITH CONSULTATIONS): new dwelling on plot adjacent - 3 Nursery Lane, South Wootton

RESPONSE TO CONSULTATION

Parish Council: OBJECT

The Parish Council has viewed the new proposed plans and after much consideration still feels that the subdivision of the plot would leave the new and existing dwellings with little private amenity space contrary to the characteristic of the built form in the locality. The proposed dwelling would comprise a cramped form of development and represent an incongruous addition to the street scene, contrary to the NPPF and the South Wootton Neighbourhood Plan, Policies H2,H3 and H4.

The proposed new vehicular entrance is too close to the junction of Low Road and the entrance is blind both ways. This would cause difficult vehicular access and exit and cause highway safety issues.

Planning Committee
10 January 2022

The Parish Council views all proposed Planning Applications individually and looks at the site, access and the street scene when making decision.

We note the comments in the Design and Access Statement regarding recent Planning History and would comment as follows:

17/01924/O – 30 Low Road. The Parish Council supported this application.

18/02240/RM – Plot one, Low Road. This site does not sit within the Parish Boundary of South Wootton. No Parish Council consultation or response.

16/01991/RM – Coach House. 12 Church Lane. The Parish Council objected to this application for a cramped form of development, out of character within the surrounding area. This was granted at appeal.

16/00696/F – Land rear of 19 Nursery Lane. The Parish Council supported this application.

I would also like to add that further applications in the area have also been objected to, as being a cramped form of development and out of character with the locality. The Red House, Hall Lane and Umberleigh, Hall Lane.

Highways Authority: NO OBJECTION conditionally

Internal Drainage Board: NO COMMENTS TO MAKE

Environmental Health & Housing – Environmental Quality: NO OBJECTION

Natural England: NO COMMENTS TO MAKE

REPRESENTATIONS

ONE representation received from a local resident OBJECTING on the same grounds as in the previous application.

Flooding/run off – impact on nearby properties.
Existing high water table. Nearby gardens flood in winter.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS08 - Sustainable Development

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NEIGHBOURHOOD PLAN POLICIES

Policy H2 - Encouraging High Quality Design

Policy H3 - Infill Developments

Policy H4 - Local Character

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: -

- Principle of Development;
- Form and Character;
- Neighbour Amenity;
- Highway safety; and
- Other Material Considerations

Principle of Development:

South Wootton is classified as a 'Settlement Adjacent to King's Lynn Sub Regional Centre' within the Core Strategy's Settlement Hierarchy. The principle of new development is acceptable in these locations where it can demonstrate a positive impact on the adjacent Sub Regional Centre and which will assist in both maintaining and enhancing the provision of services, employment and local retail needs.

Form and Character:

The creation of high quality, beautiful and sustainable places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development in creating better communities to live and work.

The overarching NPPF (paragraph 130) states that 'planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

Locally, Policy DM15 of the SADMPP echoes the NPPF and explains how the scale, height, massing, materials and layout of a development should respond sensitively and sympathetically to the local setting and pattern of adjacent streets, including spaces between buildings through high quality design and use of materials. Development that has a significant adverse impact on the amenity of others or which is of a poor design will be refused.

Policy H2 of the South Wootton Neighbourhood Plan requires that development respects the form and character of the area in which it sits.

Policy H3 states that where infill plots or development in existing residential garden areas is proposed, the proposal should be sensitively designed and of high quality and not have a significant impact on surrounding amenity. Policy H4 requires that densities respond to local character.

The SADMPP (E.3.1) refers to South Wootton as a favoured residential area with its own distinct identity, with the area having a pleasant character with mature trees and gardens among mainly fairly low-density housing.

The proposed dwelling would be 1.5 storeys high with a porch, first floor balcony, flank dormer, solar panels and accommodation at roof level. It would be constructed from buff facing brickwork with concrete interlocking roof tiles. The porch would be oak framed with glass infill guarding. It would occupy the existing side garden of 3 Nursery Lane (No.3) and be near to the road junction with Low Road.

To the north of the application site is the donor dwelling No.3, a detached bungalow, and to the south and west lies No. 1 Nursery Lane which is a detached 1.5 storey dwelling. The immediate area comprises of predominantly large dwellings set within generous sized plots, often with spacious and/or verdant street frontages. At present the overall bulk and mass of properties near to the junction of Low Road and Nursery Lane are set back from the road, which allows trees and vegetation to dominate views. This also complements the village green on the opposite side of Nursery Lane.

The proposed dwelling would have a gable fronting on to Nursery Road and it would be highly visible along both Low Road and Nursery Lane due to its prominent position close to the road junction. Furthermore, the proposed dwelling would significantly reduce the size of the garden of No.3, which would reduce the spaciousness of the existing plot when viewed from both Low Road and Nursery Lane. The result is the proposed development would result in a cramped form of development which would result in the dwelling forming an incongruous addition to both street scenes.

By reason of the site location near to a road junction, the overall design fails to complement the character of the street scenes and is considered to comprise a cramped form of development. The application therefore fails to comply with policies CS08 and DM15 of the Local Plan and Policies H2, H3 and H4 of the South Wootton Neighbourhood Plan.

Neighbour Amenity:

The proposed ground floor flank windows would serve shower and utility rooms and the flank dormer would be for a stairwell, and these would not directly face neighbouring properties windows. The proposed balcony would face towards Nursery Lane. Due to its position at the front of the site and its set back from the flank boundaries, it would not harm neighbouring properties living conditions in terms of loss of privacy.

Given the scale and position of the proposed development, it would not result in an adverse loss of light or outlook to neighbouring properties or gardens and would comply with Policies CS08 and DM15 in this regard.

Highway Safety:

Whilst the proposed vehicular access off Nursery Lane serving the new site is within relatively close proximity of the junction at Low Road, NCC Highways have raised no objection on highway safety grounds because the visibility splays are proposed to be improved in accordance with adopted standard.

There is also adequate provision for on-site parking and turning.

The proposal would comply with Policy CS11, DM15 and DM17 in this regard.

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 is not considered to have any material impact upon crime and disorder.

Third Party Comments:

In regards to the concerns raised relating to drainage at the application and neighbouring sites, it is not considered that one additional dwelling of the scale proposed would materially affect the current drainage issues.

The applicant has indicated that soakaways are proposed to treat surface water, which is adequate for a development of this scale. It is unknown at this stage how foul sewage is going to be treated but if the application were recommended for approval, a suitable condition could deal with this.

Applicant's Agents comments:

In regard to other nearby sites which have been approved referenced in the Agent's Planning Statement, each application is considered on its own merits and those approvals do not create a precedent for other such proposals.

CONCLUSION

This application is a resubmission of a previous scheme for the subdivision of a site and the construction of a chalet style dwelling that was refused on grounds of cramped form of development.

In assessing a re-submission it is necessary to consider if the previous reason for refusal has been adequately addressed and the issues have been overcome.

As the scheme is the same and no changes have been made, other than the revised visibility splays at the proposed access, the previous reason still stands. The site is contrived and this, together with its prominence close to the junction of Nursery Lane with Low Road, will result in a cramped appearance within the street scene, which would be out of keeping with the character of the area.

Consequently, the proposal is contrary to the provisions of the NPPF, in particular paragraph 130, Policy CS08 of the Core Strategy (2011), Policy DM15 of the Site Allocations and Development Management Plan Policies (2016) and Policies H2, H3 and H4 of the South Wootton Neighbourhood Plan.

RECOMMENDATION:

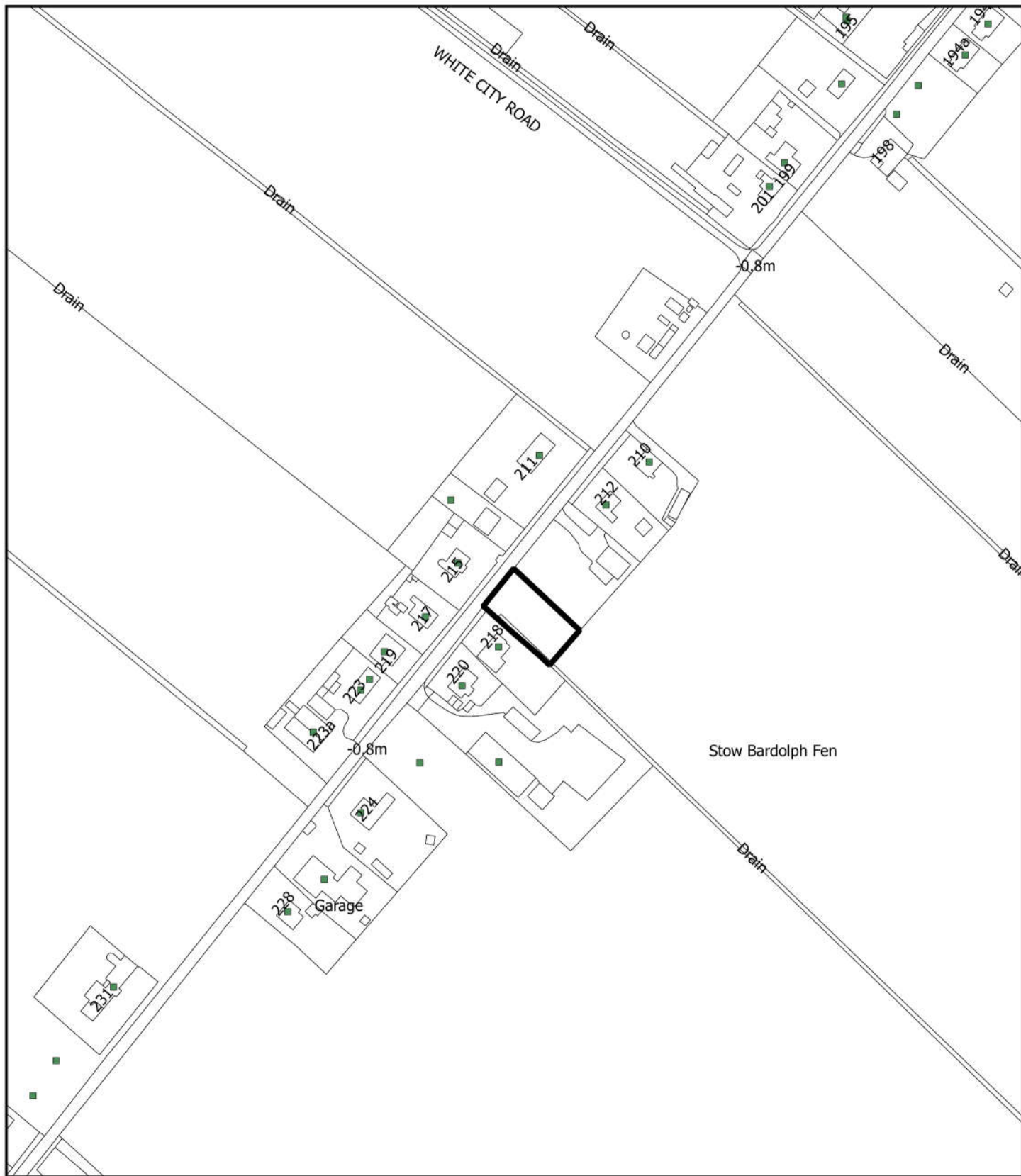
REFUSE for the following reason(s):

- 1 The application is for the construction of a new dwelling near to the junction of Nursery Lane and Low Road, South Wootton. By reason of the constrained size of the plot, combined with the existing character of the streets by this road junction and the prominence of the site, the proposed dwelling is considered to comprise a cramped form of development which represents an incongruous addition to the street scene which is contrary to the provisions of the NPPF, in particular paragraph 130, Policy CS08 of the Core Strategy (2011), Policy DM15 of the Site Allocations and Development Management Plan Policies (2016) and Policies H2, H3 and H4 of the South Wootton Neighbourhood Plan.

21/00787/RM

Land Between 212-218 The Drove Barroway Drove

PE38 0AN



21/00787/RM

**Land Between 212-218 The Drove Barroway Drove
PE38 0AN**



Parish:	Stow Bardolph	
Proposal:	Reserved matters application for proposed 2 storey dwelling	
Location:	Land Between 212-218 The Drove Barroway Drove The Drove Barroway Drove PE38 0AN	
Applicant:	FBI CAD & Design Solutions	
Case No:	21/00787/RM (Reserved Matters Application)	
Case Officer:	Lucy Smith	Date for Determination: 9 July 2021 Extension of Time Expiry Date: 14 January 2022

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

Neighbourhood Plan: No

Case Summary

Reserved Matters consent is sought for the construction of a new dwelling on land between 212-218 The Drove, Barroway Drove.

The site is within Flood Zone 3 of the Borough Council's SFRA (2018).

Key Issues

Design and Form and Character
Impact on Neighbours
Flood Risk
Impact on Trees
Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

Reserved Matters consent is sought for the construction of a new dwelling on land between 212-218 The Drove, Barroway Drove.

Outline permission was granted on 17th October 2017 for one dwelling.

The site comprises a parcel of land bound to the south east by agricultural fields, to the each side by residential dwellings and their curtilage. Access to the site is via The Drove which forms the North West boundary. A row of young maple trees, belonging to a third party, runs

Planning Committee
10 January 2022

parallel to the north east boundary and a drain is proposed to be culverted along the South West boundary, maintaining access to blue land to the rear.

The site is within Flood Zone 3 of the Borough Council's SFRA (2018).

SUPPORTING CASE

As part of our resettlement plan for when I finally leave the Army, my wife and I made the decision to purchase a plot of land with approved outline planning permission to build our 'forever home'. A typical Forces family, we are currently in our 9th home. This is the opportunity to finally put down roots for our children and to be closer to our families. We completed the purchase of the plot May 21 and, after working with our architect since Jan 21, submitted our RM application. Deciding to delay my commissioning application, I extended for 1 year in my current role in Colchester to benefit the project; aiming to move into the completed build Summer 23. It is likely I'll spend my final assignment unaccompanied, but this is viewed as an acceptable sacrifice to gain stability prior to our eldest child starting secondary school.

We were distressed to see objections appear on the portal from the three neighbours. It was surprising, as we had enjoyed conversations with immediate neighbours whilst visiting the plot; no issues or concerns were raised (plans were public). As potential future neighbours for the next 30/40 years, it was upsetting to read. Viewing the comments, it is reasonable to assume one neighbour encouraged not only 210 to object (as stated 5 Jun 21), but also 218. We respected the objections and worked with the planning office in an attempt to resolve what was relevant. We submitted revised plans to appease the objections. One neighbour, despite the subject of his original objection being outside of the development boundary, continued to object. It became particularly unreasonable when the neighbour's son's newly employed agent started submitting objections. The language and tone used has since become personal, subjective and derogatory. Unnecessary demands were made. Regardless, we continued to appease the objections systematically by making reluctant and severe amendments to our plans; each time the planning department was satisfied. This was often difficult as the agent had submitted contradictory objections e.g. 1 Jul demanding an "extra high fence" (para 3) then on 12 Nov stating the fence is too high and "overbearing" (as applicants, we did not want a fence in the first place). This process repeated itself several times between May and Dec 21, at great cost and additional stress. Regrettably the hostility received is plain to see on the portal. The formal neighbour consultation expiry date was 9 Jul 21.

The planning department are recommending approval with conditions. From the planning department's view, and ours, all objections have been suitably appeased and/or mitigated. The following agencies are also in favour/have no objections to our application:

Environmental Agency 24 May and 30 Jun 21.
Stow Bardolph Parish Council 4 Jun 21.
Internal Drainage Board 22 Jul (formally submitted 18 Nov 21).
Council Arboricultural Officer* 16 Nov 21 and 9 Dec 21
Highways Agency* 19 Nov 21.

Despite all objections being suitably mitigated, the objector employed a solicitor Dec 21 to challenge our application directly with the Assistant Director (circumnavigating the process). None of the matters raised by the solicitor were new, relevant or considered 'planning reasons'. Some information provided was not valid (e.g. outdated covenants). Our planned build is inside the development boundary of approved outline planning permission 17/01730/O3, approved with no objections 17 Oct 17.

Planning Committee
10 January 2022

Finally, please may I request the Planning Committee consider the Armed Forces Covenant when deciding on this RM application. Thank you.

PLANNING HISTORY

17/01730/ETLCON: Application Permitted: 12/11/20 - CONFIRMATION OF EXTENSION OF UNIMPLEMENTED PERMISSION, REFERENCE (17/01730/O) TO MAY 2021 - Land Between 212 & 218 The Drove

17/01730/O: Application Permitted: 17/10/17 - Proposed Two Storey Dwelling - Land Between 212 & 218 The Drove

RESPONSE TO CONSULTATION

Parish Council: SUPPORT - no reasons given

Highways Authority: NO OBJECTION - subject to standard access/turning area conditions

Internal Drainage Board: NO OBJECTION to amended plans - an application for Byelaw consent for in the infilling of the dyke has been submitted by the applicant

Arboricultural Officer: NO OBJECTION - subject to conditions, stating the following comments:

'I've re-visited the above in light of new representations and I am still of the opinion that the proposals can be built.

The tree survey, submitted by the neighbour, and subsequent mitigation measures supplied by the applicant detail suggest that the use of mini piles/screw piles with a ring beam will enable the dwelling to be built in its current proposed footprint. As the trees are still in the first phase of their growth, they will be able to be pruned, and will respond well to pruning, to allow the trees to continue to grow in their location in conjunction with the new building.'

REPRESENTATIONS

14 letters of **OBJECTION** total (on behalf of three addresses), including a third party's tree survey. The comments raise issues summarised as follows:

- Filling in of drainage dyke and flooding
- Loss of privacy from windows and patio doors on side elevations - obscure glazing and restricted opening requested
- Proposed boundary construction and implementation
- Impact on trees - including a tree survey
- Query/concern raised over ownership of south west strip of land/dyke
- Impact of proposed staircase and screening
- Existing covenants on site
- Ability for visibility splays to be provided across third party ownership

LDF CORE STRATEGY POLICIES

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM3 - Development in the Smaller Villages and Hamlets

DM15 – Environment, Design and Amenity

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2019

OFFICER ASSESSMENT

The key issues are:

Design and Form and Character

Impact on Neighbours

Flood Risk

Impact on Trees

Other Material Considerations

Design and Form and Character

The principle of development on site has previously been established and this application seeks consent for the reserved matters which include scale, layout, appearance and landscaping.

The proposed design includes the construction of a two-storey dwelling with front gable projection comprising a garage at ground floor. The site will be sloped at the front to allow a level access to the garage and parking/turning area for cars however land levels are proposed to remain as existing to the rear of the dwelling. Proposed floor levels will be raised by a maximum of approximately 1.4m to 0.250AOD to accord with the approved FRA in line with a condition on the outline approval. Ground levels will be left as existing to the rear of the dwelling, with steps provided from the rear elevation.

With a maximum height of approximately 10.8m (including raised floor levels), the proposed dwelling's ridge height will extend above that of the existing dwelling to the immediate south. To the north, the dwelling approved under application ref 19/01133/RM has a total height of approximately 10.3m (including raised ground levels) and therefore, the total height of the proposed dwelling is not considered likely to lead to significant adverse impacts on the form and character of the street scene or amenity of the locality. The reduced height of the front garage projection and feature gable ends (8.3m and 7.2m to ridge) and eaves height of 5m from proposed ground level, further limits any significant impact and will soften the overall appearance of the dwelling when viewed from the wider street scene.

A high level of brick detailing is proposed, with eaves detailing, contrasting brickwork above windows and a brick plinth. Given the mix of dwelling types in the immediate vicinity, the overall design of the dwelling is therefore considered acceptable and complies with policies CS08 and DM15 of the Local Plan.

No material details were provided as part of this application and conditions and therefore recommended to ensure a suitable external appearance.

Impact on Neighbours

The dwelling is considered to be sufficiently distanced from the south west boundary of the site to mitigate any potential impact on the adjoining property.

To the north east, the neighbouring dwelling has extant planning permission for a new dwelling, which will also be raised by 1.4m from existing ground level (to a total height of approximately 10m). This neighbouring dwelling benefits from an unobscured sitting room window on the side elevation facing the site and has a patio to the rear for which 1.8m high screening is conditioned to limit any impact on the application site.

Proposed roof lights serving the guest bedroom in the eaves are considered suitably distanced from the dwelling to the south west of the site to limit any adverse impact.

The proposed plans have been amended during the course of this application to change windows to high level and to alter the internal layout to ensure that there are no windows to habitable rooms proposed close to the shared boundary on this north east side elevation. Proposed conditions will limit windows on this elevation to be high level and/or obscure glazed in the interests of the amenities of the neighbouring dwelling. Living room windows are proposed on the ground floor side elevations of a feature gable to the rear of the dwelling, whilst located on side elevations, given the size of these windows and the distance to boundaries, 8m to the north and 9m to the south, the windows are considered unlikely to lead to any significant impact on the amenity of surrounding dwellings. It should be noted that application ref 19/01133/RM to the north was approved to include a similar window, also to a habitable room, approximately 4m to the shared boundary. The proposed windows are therefore considered unlikely to lead to any significant impact on the amenity of adjoining properties.

Proposed steps on the north east elevation are located forward of the front elevation of the approved neighbouring dwelling and therefore any loss of privacy would occur only to the front parking/driveway area. The angle between dwellings is such that, when combined with proposed screening, any window to window relation is unlikely, however it is recommended that the proposed steps and screening is conditioned to ensure that suitable details are provided for the avoidance of doubt to ensure that the doorways and raised platform on this elevation will not lead to any adverse impact on adjoining dwellings.

Sitting room windows are proposed on both side elevations of a central gable projection to the rear of the property. Whilst these windows may allow some viewpoint towards neighbouring dwelling, the proposed windows are suitably distanced from neighbouring dwellings to mitigate any significant adverse impact.

Windows on the front and rear elevations will not impact on the amenity or privacy of neighbouring dwellings.

Boundary treatments include close boarded fencing to side boundaries and hedging to the rear which is considered acceptable given the mix of materials in the immediate locality.

Overall subject to the aforementioned conditions, the proposal is considered to comply with para 130 of the NPPF (2021) and policy DM15 of the SADMPP (2016).

Flood Risk

Outline planning permission was granted subject to conditions ensuring that the proposed finished floor levels are no lower than 0.250m AOD, that no ground floor sleeping accommodation is proposed and that flood resilient measures are incorporated into the design. The application complies with this recommendation which results in raised land and foundations measuring a maximum of approximately 1.5m from ground level.

The ground is proposed to be raised in a gradual slope from the level of the adjacent highway to the front door of the property, leaving spaces to the side of the property at existing ground level to allow access to the culverted drain to the south and to ensure no damage to the roots of the adjacent trees to the north. Whilst the impact of raised ground levels on the overall height of the dwelling is noted, given the mix of dwellings in the immediate locality, including existing dwellings which have similar constraints, the proposed flood risk mitigation measures are considered acceptable. The dwelling will be safe for its lifetime and complies with the revised NPPF.

The raised floor level will increase the overall height of the dwelling and therefore has the potential to increase any impact on neighbouring dwellings, however proposed ground levels and distance to side boundaries (approximately 2m to the north and 5m to the south) are considered sufficient to limit any adverse impact on adjoining properties. The dwelling to the north is also subject to the same flood risk mitigation measures and so is also raised above existing ground level by approximately 1.4m which further limits the impact on the street scene.

The proposed raised external staircase on the north east elevation of the proposed will project in close proximity to the shared boundary, as a result of the tree mitigation measures and proximity to the boundary, a condition it recommended to ensure that full details of this proposed staircase and side boundary treatment come forward prior to the occupation of the dwelling to ensure a suitable external appearance with limited impact on both the third party trees as well as on the amenity of the street scene. Grounds levels are not proposed to be raised to the south of the dwelling and so it is not necessary to condition proposed boundary treatments on this elevation.

Impact on Trees

A row of young maple trees is positioned directly adjacent to the shared north east boundary of the site (5 trees total). These trees are in third party ownership and, given their proximity to the boundary where foundations are proposed, may be impacted by the proposal if adequate mitigation measures are not in place.

A tree survey was submitted on behalf of a third party which outlined the impact to trees discussed above. The conclusions of the tree survey are noted however, following discussions with the Arboricultural Officer, the mitigation measures proposed (i.e. piling foundations and re-routing of services) which meet with the British Standards requirements are considered sufficient to overcome the issues raised. Conditions are recommended to ensure that the building is completed in full accordance with the proposed measures.

The agent has, in response to the tree survey, submitted a method statement and amended plans to clarify that piling foundations are proposed (as recommended by the British Standard BS5837 - 2012) and all services are to be run under the floor of the dwelling rather than underground along the site boundary. This limits the amount and type of works that are

to take place within the root protection area of these trees. The Arboricultural Officer has raised no objections to the scheme on these grounds, subject to conditions relating to a detailed methodology of works.

Other material considerations

An existing drain runs along the south west boundary of the site and is proposed to be culverted/piped. This process will require additional consent from the IDB under separate legislation.

Contradictory land ownership certificates and information have been provided by the applicant/agent and the neighbouring dwelling. The issues raised around land ownership (in particular the ownership of the drain to the south of the site) are noted, however this application is for a reserved matters consent based on the approved outline planning permission's red line area. The original outline application is a valid planning permission, and it was not challenged (through Judicial Review) within the correct time period, following its issue. It should be noted that land ownership itself is a civil matter and the possibility for implementation of this consent given conflicting ownership details would need to be considered by the applicants prior to the commencement of works on site.

Comments have also been received in relating to existing covenants on site which restrict potential nuisances. Covenants are a civil matter do not restrict this granting of this current application.

A neighbour representation noted the existing visibility splay condition on the outline and queried how this could be secured given the applicants have no control of surrounding plots. These comments are noted however this condition states that the splays shall be provided across the whole of "the site's" roadside frontage and therefore does not require the control or ownership of any land other than that which is within the red line area. This condition has been recommended again as part of the LHA's response to this application however it is not considered reasonable or necessary to re-impose this condition given compliance with the outline consent is also required. Other conditions recommended by the LHA are recommended to ensure that suitable access and parking/turning arrangements are implemented and thereafter retained.

CONCLUSION

The application site has extant outline consent for the construction of one new dwelling and therefore the principle of development on site is considered acceptable. The proposed dwelling is considered to be sufficiently distanced from side boundaries and suitably designed to have minimal impact on the overall form and character of the area. Conditions are recommended to ensure that obscure glazing is implemented in accordance with the approved plan and to ensure that full details of the proposed external screen are supplied prior to the first occupation of the dwelling to protect the amenity of adjoining properties.

The application is therefore recommended 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 carried out in accordance with the following approved plans:

Drawing 1 Rev 8
Drawing 2 Rev 8
Drawing 3 Rev 8
Drawing 4 Rev 7
Drawing 5 Rev 10
Drawing 6 Rev 8
Drawing 8 Rev 4
Drawing 10 Rev 7
Drawing 11 Rev3
Drawing 12 Rev 6
Drawing 14 Rev 7
Drawing 15 Rev 1

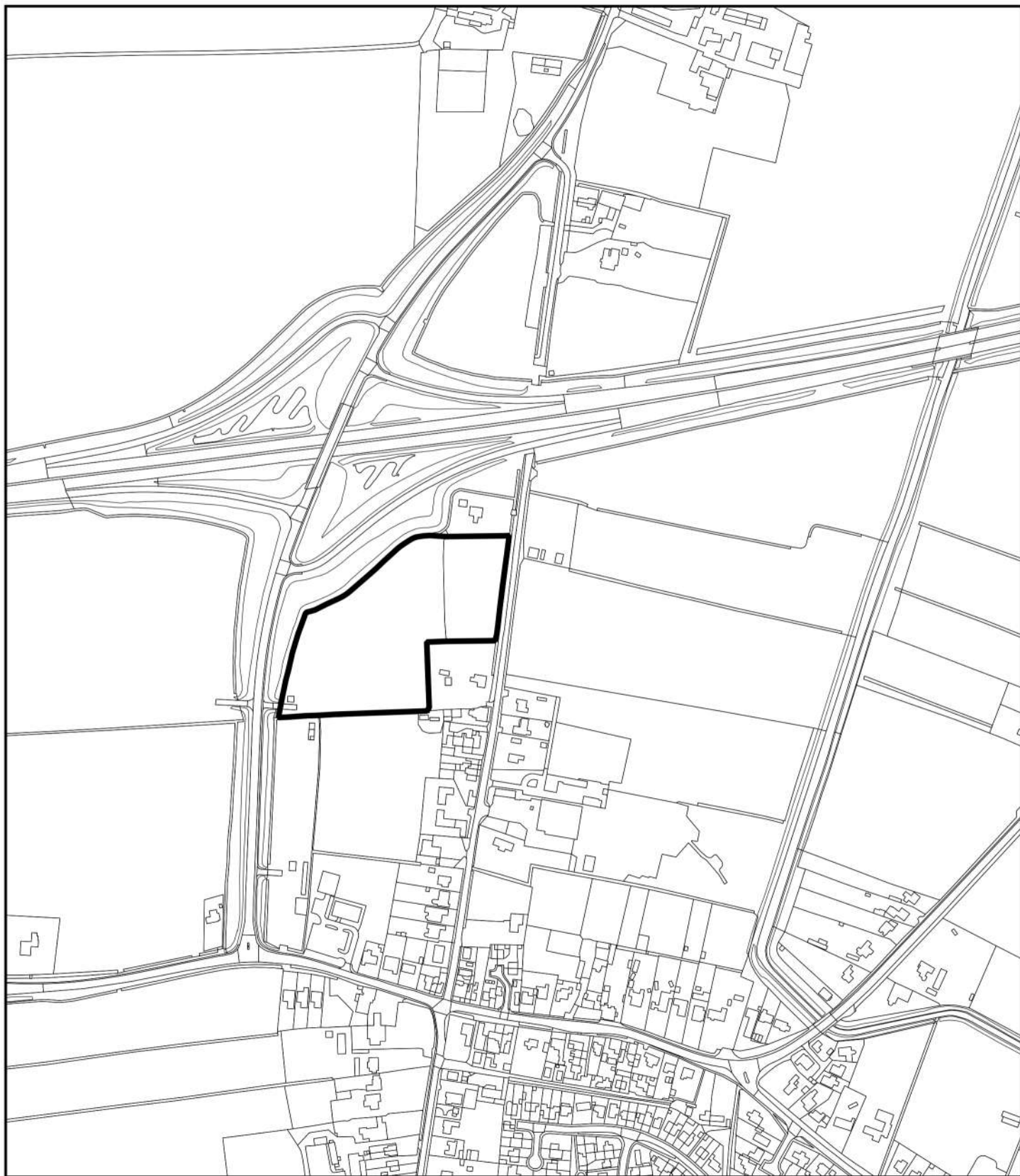
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: The development hereby permitted shall be completed in accordance with the Proposed Mitigation measures and Method Statement for foundations and services within Tree T1, T2 & T3 RPA's received via email on 5th December 2021 and in accordance with the details shown on the approved plan, dwg No. 10 Rev 7. In particular, the report states:
 - Service trenches and waste water to be routed through floor
 - Surface water, guttering downpipes outside of RPAs
 - Existing grounds levels retained adjacent to trees
 - Dwelling and adjacent external staircase to be constructed using sleeved bore mini piles or screw piling foundations of smallest practical size possible to prevent striking roots
- 2 Reason: To ensure that third party trees are suitably protected in accordance with the NPPF (2021) and to protect the amenities of the locality in accordance with Policy DM15 of the SADMP (2016).
- 3 Condition: Prior to the commencement of groundworks, full details of the proposed piling method and location of the proposed ring beam as noted in Part B, para 4,5,6,7 of the submitted Proposed Mitigation Measures and Method Statement, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.
- 3 Reason: To ensure that third party trees are suitably protected in accordance with the NPPF (2021) and to protect the amenities of the locality in accordance with Policy DM15 of the SADMP (2016).
- 4 Condition: Notwithstanding the details shown on the approved plan, prior to the first occupation of the development hereby permitted, full details of the proposed external staircase and staircase screening and north east boundary treatment shall have been submitted to and approved in writing by the Local Planning Authority. Details shall include the type, height and materials of the proposed screen and fencing. The screening and boundary treatment shall be constructed in accordance with the approved details prior to the first occupation of the dwelling and retained and maintained in accordance with these details thereafter.
- 4 Reason: In the interests of the amenities of the locality in accordance with the NPPF.
- 5 Condition: Prior to the first occupation of the dwelling hereby permitted, the windows shown on north east elevation shown on dwg No. 18 Rev 3, serving the Kitchen, Dining

Area, Utility Room, Gym, Main Bathroom and Hallway/Play Room shall be fitted with obscured glazing and any part of the window(s) that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The window(s) shall be permanently retained in that condition thereafter.

- 5 Reason: In the interests of the amenities of the locality in accordance with the NPPF.
- 6 Condition: Prior to the first occupation of the development hereby permitted the 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 disposed of separately so that it does not discharge from or onto the highway.
- 6 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.
- 7 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.
- 7 Reason: In the interests of highway safety in accordance with Policy DM15 of the SADMP (2016).
- 8 Condition: Prior to the first occupation of the development hereby permitted the proposed access / on-site car parking / turning area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 8 Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.
- 9 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.
- 9 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.

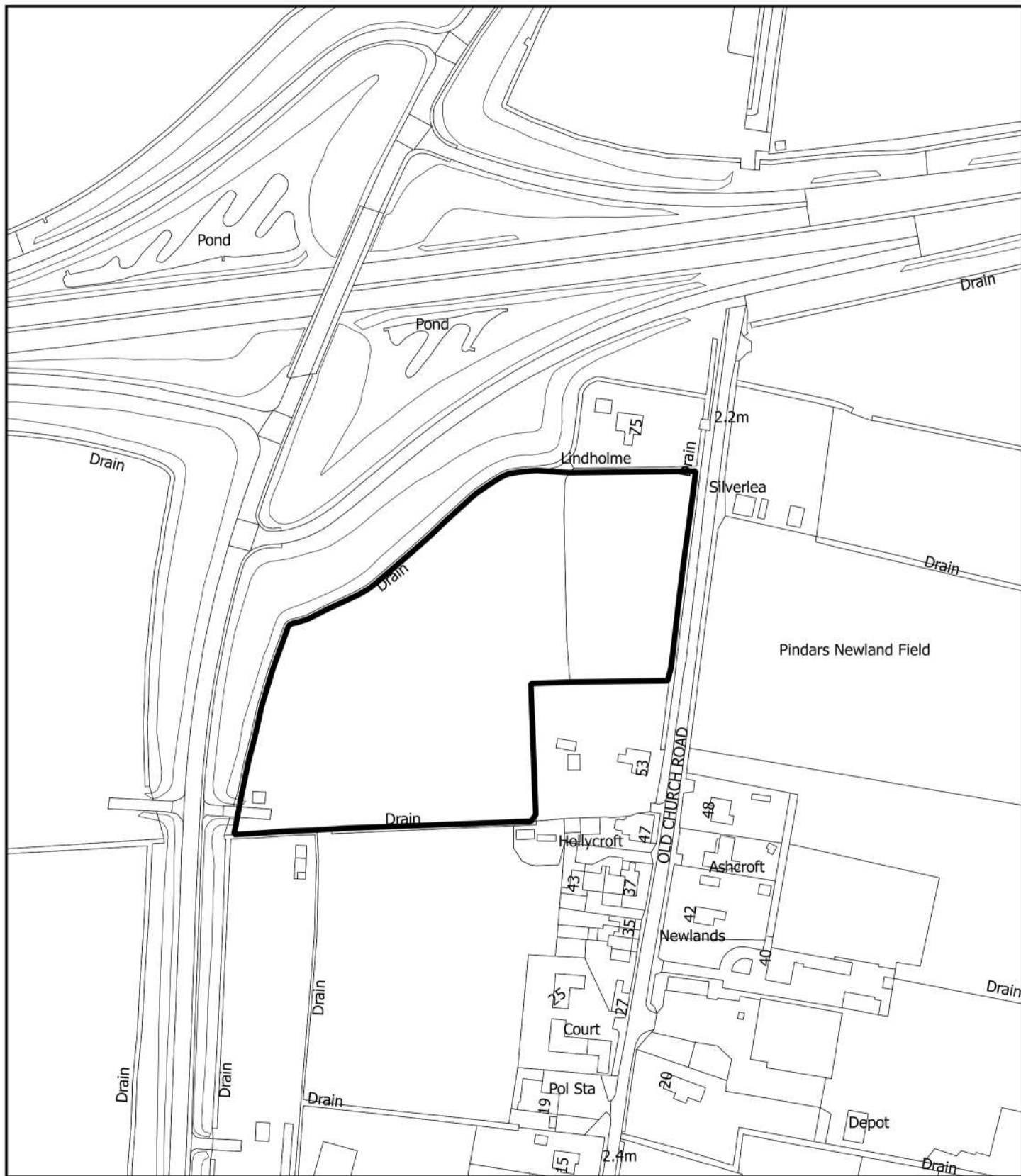
21/01836/F

**Land on the North West Side of Old Church Road
Terrington St John PE14 7XA**



21/01836/F

**Land on the North West Side of Old Church Road
Terrington St John PE14 7XA**



Parish:	Terrington St John	
Proposal:	Variation of condition 8 of planning permission 15/01499/OM to allow occupation of 1st phase of development before completion of footway works along Old Church Road (Units 1-22)	
Location:	Land On The North West Side of Old Church Road Terrington St John Norfolk PE14 7XA	
Applicant:	Coparek Ltd	
Case No:	21/01836/F (Full Application)	
Case Officer:	Mr K Wilkinson	Date for Determination: 12 November 2021 Extension of Time Expiry Date: 14 January 2022

Reason for Referral to Planning Committee – The views of the Parish Council are contrary to the Officer recommendation and at the instruction of the Planning Committee Sifting Panel (17/11/21).

Neighbourhood Plan: No

Case Summary

This application relates to an estate development of 46 houses between Old Church Road, slip road off the A47 and Church Road, to the NW of the village. Initially outline permission was granted under application ref: 15/01499/OM when the Council had an issue with the 5-year supply of housing land. This was followed with reserved matters approval under application ref: 18/02176/RMM and development has commenced.

The outline permission included condition 8 which stated:

“Notwithstanding the details indicated on the submitted drawings no works shall commence on site unless otherwise agreed in writing until a detailed scheme for the off-site highway improvement works to provide a continuous footway on Old Church Road as indicated on drawing number 36480/5501/SK01 rev A have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

The approved off-site highway improvement works shall be completed to the written satisfaction of the Local Planning Authority prior to the first occupation of any dwelling hereby permitted.”

This application seeks to vary that condition to allow Plots 1-22 to be constructed and occupied prior to the footpath link being completed.

Key Issues

Procedural matters
Previous permission
Proposed variation
Impact upon delivery of development
Other material considerations

Recommendation

APPROVE

THE APPLICATION

This application relates to an estate development of 46 houses between Old Church Road, slip road off the A47 and Church Road, to the NW of the village. Initially outline permission was granted under application ref: 15/01499/OM when the Council had an issue with the 5-year supply of housing land. This was followed with reserved matters approval under application ref: 18/02176/RMM and development has commenced. The infrastructure is being implemented and 3-4 house shells are constructed but some time away from the prospect of completion/occupation.

The outline permission included condition 8 which stated:

“Notwithstanding the details indicated on the submitted drawings no works shall commence on site unless otherwise agreed in writing until a detailed scheme for the off-site highway improvement works to provide a continuous footway on Old Church Road as indicated on drawing number 36480/5501/SK01 rev A have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

The approved off-site highway improvement works shall be completed to the written satisfaction of the Local Planning Authority prior to the first occupation of any dwelling hereby permitted.”

This application seeks to vary that condition to allow Plots 1-22 to be constructed and occupied prior to the footpath link being completed.

Technically the applicants are in breach of condition as the pre-commencement part of the condition has not been discharged. It is however recognised that a discharge of condition application was submitted in a timely fashion (ref: 15/01499/DISC_A) but Condition 8 was not finalised at that point. Since then the applicants have been undertaking prolonged negotiations with the Local Highway Authority’s contractors to resolve the issue, which is still on-going.

SUPPORTING CASE

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

“The developer is requesting this relaxation in the condition to enable the first phase properties (Plots 1-22) to be sold before the off-site footpath works have been completed.

Bingham Hall Associates are the appointed highways consultant to prepare and obtain the technical approval for the off-site highway works relating to the footpath provision/improvements. They have been working with Norfolk County Council for almost 2 years now to resolve implications.

There have been delays with obtaining the technical approval of the footpath provisions due to working restrictions/staffing levels over the difficult global pandemic period and anomalies with third party boundary positions along Old Church Road together with previous developments not fulfilling highway obligations which are now being included with these works.

The developer is a relatively small scale business working within the borough, and would like to emphasize that they are not trying to avoid providing the footpath. It is merely a point of practicality with the first phase being furthest from the access point onto the new footpath and any user of the first phase would only be able to access the path through the second phase construction site.

We feel this would be a safety concern with construction traffic and unnecessary, when there is an accessible public footway from the entrance to the site that links to the village facilities.

The developer is required to pay a financial bond to secure the satisfactory completion of the footpath works which is usually valued at the cost of the works. If the developer fails to complete the works, or the works are not to the satisfaction of the highway inspectors, the bond funds are there to finance the corrections.

The developer would like to reiterate that they are fully committed to providing the footpath but simply would like to be able to sell/occupy some of the properties on the development to aid the progression of the development.”

PLANNING HISTORY

15/01499/DISC_B: Discharge of Condition final letter: 24/11/20 - DISCHARGE OF CONDITION 7 of Planning Permission 15/01499/OM: Residential development to 2.07 hectares (Delegated decision)

15/01499/DISC_A: Discharge of Condition final letter: 13/05/20 - DISCHARGE OF CONDITIONS 6, 8, 13, 14, 15, 16 AND 18 of Planning Permission 15/01499/OM: Residential development to 2.07 hectares (Delegated decision)

18/02176/RMM: Application Permitted: 13/09/19 - Reserved Matters Application for construction of 46 dwellings (Delegated decision)

15/01499/NMAM_1: Application Permitted: 11/09/19 - NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 15/01499/OM: Outline application, residential development to 2.07 hectares (Delegated decision)

15/01499/OM: Application Permitted: 19/05/16 - OUTLINE APPLICATION ALL MATTERS RESERVED: Residential development to 2.07 hectares (Committee decision)

RESPONSE TO CONSULTATION

Parish Council: OBJECT - The members of Terrington St John Parish Council do not support the variation as this should have been agreed upon at the pre-construction plan

Planning Committee
10 January 2022

stage. This is a strong objection as this variation does not meet the condition relating to this and there is a legal obligation to build the footpath to meet the requirements of the condition.

Highways Authority: NO OBJECTION - As stated by the applicant, plots 1 - 22 would have no direct access to Old Church Road and can access village services via existing provision to the west. Therefore, it would be my view that the County Council would not be able to substantiate a highway related objection to proposed amendment.

REPRESENTATIONS One item of correspondence from 47 Old Church Road stating: "We at this address have no strong feelings either way."

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS08 - Sustainable Development

CS11 – Transport

CS14 - Infrastructure Provision

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM15 – Environment, Design and Amenity

NEIGHBOURHOOD PLAN POLICIES

Policy 1: Village Development Boundary

NATIONAL GUIDANCE

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

PLANNING CONSIDERATIONS

The key issues in determining this application are as follows:

Procedural matters
Previous permission
Proposed variation
Impact upon delivery of development
Other material considerations

Procedural matters

Section 73 of the 1990 Town and Country Planning Act provides that applications may be made for planning permission without complying with conditions applied to a previous permission. Planning authorities may decide whether to grant permission, subject to differing

Planning Committee
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conditions, remove the conditions altogether or refuse to alter conditions. Thus it is possible to apply for conditions to be fully removed or varied/modified (as in this particular case).

Section 73 makes it clear that in considering an application to remove or modify a condition or conditions, a Local Planning Authority may only consider the question of the condition/s. However, just like the determination of any other application due regard must be paid to the development plan and other material considerations.

Ministerial advice, on the question of the planning considerations to be applied when dealing with an application for the 'removal' or 'modification' of existing conditions is found in the Planning Practice Guidance (Paragraph: 013 Reference ID: 17a-013-20140306).

Thus the key issue in the consideration of this application is whether there are sound and clear-cut reasons for Condition 8 of planning permission 15/01499/OM to be retained in its current format.

Previous permission

There is a Section 106 agreement associated with the permission granted under application ref: 15/01499/OM which contains a clause (8.10) allowing for applications made under Section 73 of the Act. The affordable housing provision, SUDS management, education and library contributions would remain unchanged by the determination of this application.

Proposed variation

Accompanying the application, the agent gives the following reason for pursuit of the variation of condition:

"The reason for this is a practical and Health & Safety Issue. Access to the footpath along Old Church Road from the first phase will need to be across the 2nd phase construction area which causes a Health & Safety issue with plant and machinery using the area. In practical terms, the 1st phase completed units are more likely to use the main entrance to the site utilising the existing highway footpaths rather than through a construction site."

This has been embellished by the Statement of Support covered earlier in this report.

The Local Highway Authority have responded to this application to the effect that they have no objection to this proposal as plots 1 - 22 would have no direct access to Old Church Road and can access village services via existing provision to the west. They add that the County Council would not be able to substantiate a highway related objection to proposed amendment. Your officers concur with this opinion.

The condition can be varied to state that no more than 22 dwellings can be occupied until such time as the off-site works are agreed and completed. This could read as follows:

"No more than 22 dwellings shall be occupied prior to a detailed scheme for the off-site highway improvement works to provide a continuous footway on Old Church Road (as indicated on drawing number 36480/5501/SK01 rev A) has been agreed and completed to the written satisfaction of the Local Planning Authority."

The Council is also conscious that in response to the pandemic, the Local Highway Authority has contracted out a large portion of its technical design work for off-site works as in this case. This has also created a delay in the agreement of Section 278 (Highways Act 1980) works. Discussions with both parties indicate that this matter can be resolved in the near future.

Impact upon delivery of the development

As things presently stand, none of the dwellings can be occupied until such time as the footpath link is completed. Given the prospective delays in resolving the technical issues and safety implications, it is considered to be unreasonable to resist this proposal.

The variation of condition would secure the timely and safe provision of 22 dwellings which would go towards meeting our corporate and national housing targets.

Other material considerations

Crime and Disorder - There are no implications regarding Crime and Disorder issues related to this proposal.

All other conditions attached to that earlier consent have been reviewed and amended as necessary as part of this assessment. Condition 13 was a pre-commencement condition relating to foul and surface water drainage details which was not discharged, however in the interim the applicants inform that they have secured agreement with Anglian Water and a Section 106 agreement (Water Industry Act 1991) has been issued. This can be covered/secured via modified condition as part of this application to be agreed prior to occupation of any dwelling (see proposed Condition 8).

There are no material changes to other matters of planning importance.

The proposal would not contravene the provisions of the NPPF or Policies CS11 and DM15 of the Development Plan, nor any policies contained in the Neighbourhood Plan.

CONCLUSION

The variation of condition as proposed would secure the safe and timely provision of 22 dwellings which would contribute towards both corporate and national housing targets. There is a safe pedestrian route linking to village services from the western access point of the site where the estate has commenced.

The off-site footpath works to the east would ultimately be implemented as per the expectations of the Parish Council, but to a slightly delayed timescale, which is not considered to be unreasonable given the economic and health problems currently being experienced.

The application therefore complies with the provisions of the NPPF and Policies CS11 and DM15 of the Development Plan, and is recommended for approval subject to the conditions stated below – all other conditions attached to that earlier consent have been reviewed and amended as necessary as part of this assessment.

RECOMMENDATION:

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

- 1 Condition: For the duration of the construction period the Construction Management Plan approved under application ref: 15/01499/DISC_A shall be fully complied with unless otherwise agreed in writing by the Local Planning Authority.

- 1 Reason: In the interests of highway efficiency and safety and the amenity of occupiers of nearby residential development in accordance with the NPPF and Development Plan.
- 2 Condition: The works to roads and footways (including drainage) shall be carried out in accordance with the approved details and plans agreed under application ref: 15/01499/DISC_B.
- 2 Reason: To ensure satisfactory development of the site and a satisfactory standard of highway design and construction in accordance with the NPPF and Development Plan.
- 3 Condition: No more than 22 dwellings shall be occupied prior to a detailed scheme for the off-site highway improvement works to provide a continuous footway on Old Church Road (as indicated on drawing number 36480/5501/SK01 rev A) has been agreed and completed to the written satisfaction of the Local Planning Authority.
- 3 Reason: To ensure that the highway network is adequate to cater for the development proposed in the interests of highway safety in accordance with the NPPF and Development Plan.
- 4 Condition: No dwelling shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).
- 4 Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in the interests of highway safety in accordance with the NPPF and Development Plan.
- 5 Condition: Before any dwelling hereby approved is first occupied the road(s) and footway(s) shall be constructed to binder course surfacing level from the dwelling to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority.
- 5 Reason: To ensure satisfactory development of the site in the interests of highway safety in accordance with the NPPF and Development Plan.
- 6 Condition: All footways shall be fully surfaced in accordance with a phasing plan to be approved in writing by the Local Planning Authority prior to the occupation of any dwelling hereby approved.
- 6 Reason: To ensure satisfactory development of the site in the interests of highway safety in accordance with the NPPF and Development Plan.
- 7 Condition: Prior to the first occupation of any dwelling hereby approved a visibility splay measuring 4.5 x 160 metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.

- 7 Reason: In the interests of highway safety in accordance with the NPPF and Development Plan.
- 8 Condition: No dwelling shall be occupied until foul and surface water drainage (the latter to include SuDS) details have been approved and completed in accordance with those details agreed to the satisfaction in writing of the Local Planning Authority. The submitted details shall:
- I. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - II. include a timetable for its implementation; and
 - III. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 8 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF.
- 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 14, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 15, 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 16.
- 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: The scheme to protect the dwellings from road traffic shall be implemented as approved under application ref: 15/01499/DISC_A.
- 10 Reason: To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.
- 11 Condition: The development hereby permitted shall be carried out in accordance with the mitigation measures recommended in the Flood Risk Assessment (ref: GCB/GOSLING) dated February 2019 and prepared by Geoff Beel Consultancy.
- 11 Reason: To reduce the risks associated with flooding in accordance with the NPPF, NPPG and Development Plan.
- 12 Condition: Prior to the first occupation of any dwelling hereby permitted a flood evacuation plan should be submitted to and approved in writing by the Local Planning Authority. The plan should include actions to take on receipt of the different warning

levels, evacuation procedures and evacuation routes. The plan shall be implemented in the event of a flood.

- 12 Reason: To reduce the risks associated with flooding in accordance with the NPPF, NPPG and Development Plan.
- 13 Condition: There shall be no ground floor sleeping accommodation.
- 13 Reason: To reduce the risks associated with flooding in accordance with the NPPF, NPPG and Development Plan.
- 14 Condition: The development shall not be brought into use until a scheme for the provision of fire hydrants has been implemented in accordance with a scheme that has previously been submitted to and approved in writing by the Local Planning Authority.
- 14 Reason: In order to ensure that water supplies are available in the event of an emergency in accordance with the NPPF.

PLANNING COMMITTEE – 10 JANUARY 2022

APPLICATIONS DETERMINED UNDER DELEGATED POWERS

PURPOSE OF REPORT

- (1) To inform Members of the number of decisions issued between the production of the December Planning Committee Agenda and the January agenda. 157 decisions issued, 148 decisions issued under delegated powers with 9 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 19/11/21 – 20/12/21

	Total	Approved	Refused	Under 8 weeks	Under 13 weeks	Performance %	National Target	Planning Committee decision	
								Approved	Refused
Major	3	3	0		2	67%	60%	3	0
Minor	59	52	7	54		91%	80%	0	2
Other	95	91	4	86		91%	80%	4	0
Total	157	146	11						

Planning Committee made 9 of the 157 decisions, 6%

PLANNING COMMITTEE - 10 JANUARY 2022

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
17.02.2020	15.12.2021 Application Permitted	20/00242/F	The Old Rectory Overy Road Burnham Market King's Lynn Conversion of outbuilding to annex accommodation for use by main house	Burnham Market
17.02.2020	15.12.2021 Application Permitted	20/00243/LB	The Old Rectory Overy Road Burnham Market King's Lynn Listed Building Application: Conversion of outbuilding to annex accommodation for use by main house	Burnham Market

22.04.2020	15.12.2021 Application Permitted	20/00599/LB	Old Hall Whitecross Lane Tilney All Saints King's Lynn Listed building application for conversion of existing garage into residential holiday let	Tilney All Saints
01.05.2020	15.12.2021 Application Permitted	20/00639/F	Staithe House Staithe Lane Thornham Hunstanton Proposed door and window changes to guest annexe	Thornham
21.07.2020	03.12.2021 Application Permitted	20/01060/F	Hall And Premises The Beck Feltwell Norfolk Conversion of and extension to hall to form three dwellings	Feltwell
30.09.2020	19.11.2021 Split Decision - Part approve_refuse	20/01500/A	Bloomin Gorgeous 16 Ulph Place Burnham Market Norfolk Retrospective Advertisement non-illuminated signage to the front and side elevations	Burnham Market
08.10.2020	08.12.2021 Application Permitted	20/01595/F	Manor Holds Sandy Lane Docking King's Lynn Replacement of existing dwelling with three dwellings	Docking
05.01.2021	01.12.2021 Application Withdrawn	21/00049/F	Smithdon High School Downs Road Hunstanton Norfolk Proposed installation of wall mounted roof ladder to enable maintenance of flat roof and demolition of attached swimming pool.	Hunstanton

05.01.2021	01.12.2021 Application Withdrawn	21/00050/LB	Smithdon High School Downs Road Hunstanton Norfolk Listed Building Application: Proposed installation of wall mounted roof ladder to enable maintenance of flat roof and demolition of attached swimming pool.	Hunstanton
28.01.2021	30.11.2021 Application Permitted	21/00225/LB	Emorsgate Farm Emorsgate Terrington St Clement King's Lynn Listed Building: Repairs using new material on two outbuildings , the North Barn and a Store Building (retrospective)	Terrington St Clement
03.03.2021	02.12.2021 Application Permitted	21/00546/FM	Land South of Chapel Lane Ringstead Norfolk 10 dwelling proposal comprising 6 buildings on a brown field site	Ringstead
04.03.2021	01.12.2021 Application Withdrawn	21/00563/F	Smithdon High School Downs Road Hunstanton Norfolk Window replacement to 'A' Block Music Block Canteen Maths Block and Gymnasium	Hunstanton
04.03.2021	01.12.2021 Application Withdrawn	21/00575/LB	Smithdon High School Downs Road Hunstanton Norfolk Listed Building Application: Window replacement to 'A' Block Music Block Canteen Maths Block and Gymnasium	Hunstanton
15.03.2021	25.11.2021 Application Permitted	21/00674/F	1 Ringstead Road Heacham KINGS LYNN Norfolk New dwelling	Heacham

30.03.2021	07.12.2021 Application Permitted	21/00789/F	Hayfield House 74 Hay Green Road South Terrington St Clement King's Lynn New storage and distribution building and extension of yard area	Terrington St Clement
14.04.2021	01.12.2021 Application Permitted	21/00712/F	Green Marsh Farm Green Marsh Road Terrington St Clement Norfolk Demolition of existing barn and erection of agricultural building to use as grain store and installation of water tank	Terrington St Clement
19.04.2021	20.12.2021 Application Permitted	21/00733/F	The Garden House 24 Front Street Burnham Market Norfolk Renovation of existing building and Conversion of Attic into habitable space with the addition of velux to the south facing roof plane	Burnham Market
26.04.2021	02.12.2021 Application Permitted	21/00987/F	104 Salts Road West Walton Norfolk PE14 7EF Proposed Front and Rear Extension to Existing House.	West Walton
29.04.2021	16.12.2021 Application Permitted	21/01009/F	Homefields Low Lane Terrington St Clement Norfolk Conversion of existing detached domestic barn to residential holiday accommodation	Terrington St Clement
05.05.2021	19.11.2021 Application Permitted	21/00874/F	Tower Court Tower Place King's Lynn Norfolk Variation of conditions 1 -17 of planning permission 19/00756/F	King's Lynn

05.05.2021	14.12.2021 Application Permitted	21/01072/F	Gable House High Street Docking KINGS LYNN VARIATION OF CONDITIONS 2 AND 7 TO PLANNING PERMISSION 17/02049/F: to amend drawings.	Docking
18.05.2021	22.11.2021 Application Permitted	21/00983/F	23 St Johns Road Tilney St Lawrence Norfolk PE34 4QJ Vehicle access to property with a dropped kerb	Tilney St Lawrence
18.05.2021	29.11.2021 Application Permitted	21/01145/F	Emorsgate Farm Emorsgate Terrington St Clement King's Lynn Continued conversion and retention of new build elements of North Barn (conversion previously approved 2/95/1316/CU) and continued repairs including new build elements of store building	Terrington St Clement
09.06.2021	10.12.2021 Application Permitted	21/01142/F	Invermore Hunstanton Road Heacham King's Lynn Proposed extensions and alterations to existing dwelling	Heacham
11.06.2021	25.11.2021 Not Lawful	21/01168/LDE	Horseshoe Farm Roman Road South Creake Norfolk Application for a Lawful Development Certificate for the erection of an existing dwellinghouse	South Creake
11.06.2021	14.12.2021 Application Permitted	21/01276/F	North of 77 Castle Rising Road South Wootton King's Lynn Norfolk Construction of two detached dwellings and garages.	South Wootton

14.06.2021	30.11.2021 Application Permitted	21/01172/F	Skylark Glebe Lane Burnham Overy Staithe Norfolk Demolition of the garage and single storey kitchen. One and a half Storey Side Extension. Relocate the family bathroom on the first floor and add an extra dormer on the front elevation. Replace the existing UPVC windows with painted timber side hung casements. Increase area of drive by adding one space to provide 3no. spaces in total.	Burnham Overy
18.06.2021	24.11.2021 Application Permitted	21/01226/F	Land S of 4A To 7A Furlong Road Stoke Ferry Norfolk Proposed two-storey new dwelling with garage	Stoke Ferry
18.06.2021	06.12.2021 Application Refused	21/01306/F	48 Elm High Road Emneth Wisbech Norfolk Erection of a single storey granny annexe for ancillary use to the main dwelling.	Emneth
21.06.2021	25.11.2021 Application Permitted	21/01235/F	Vacant 33 - 39 Tower Street King's Lynn Norfolk Variation of Conditions 2, 4, 6, 8, 10 and 11 attached to Planning Permission 20/01436/FM: Conversion and extension of existing building into 14 flats.	King's Lynn
28.06.2021	13.12.2021 Was Lawful	21/01356/LDE	Annexe Staithe House Staithe Lane Thornham Lawful Develment Certificate: Self Catered holiday accommodation.	Thornham

29.06.2021	25.11.2021 Application Permitted	21/01318/F	Ravenshaw 23B Field Lane Gaywood King's Lynn Change of use of garage/workshop for use as residential annexe (granny flat) using existing footprint (retrospective)	King's Lynn
05.07.2021	23.11.2021 Application Permitted	21/01366/RM	West of Woodstock Mill Hill Road Boughton King's Lynn RESERVED MTTTERS APPLICATION: Construction of one dwelling	Boughton
06.07.2021	06.12.2021 Application Permitted	21/01421/F	139 Sutton Road Terrington St Clement King's Lynn Norfolk Replace/rebuild outbuilding to provide ancillary accommodation	Terrington St Clement
08.07.2021	03.12.2021 Application Permitted	21/01394/F	Terns 49 Peddars Way Holme next The Sea Norfolk Extensions and alterations to dwelling	Holme next the Sea
08.07.2021	24.11.2021 Would be Lawful	21/01402/LDP	9 Margaretta Close Clenchwarton King's Lynn Norfolk Certificate of lawfulness: Extension of existing roof to form a gable end where there is presently a hipped profile	Clenchwarton
12.07.2021	02.12.2021 Application Refused	21/01455/F	Adjacent No 2 Church Road Wimbotsham King's Lynn New dwelling	Wimbotsham
14.07.2021	20.12.2021 Application Permitted	21/01435/F	Botany Farm The Common South Creake Fakenham Construction of side and rear extensions	South Creake

19.07.2021	19.11.2021 Not Lawful	21/01444/LDE	70 South Beach Road Heacham King's Lynn Norfolk Certificate of Lawfulness: Use of part of the former grain store (agricultural) as camping showers and toilets	Heacham
23.07.2021	02.12.2021 Application Permitted	21/01480/F	Highleigh 16 Brow of The Hill Leziate King's Lynn Proposed garage/carport (in line with approved cartshed to adjacent property (21/00384/F))	Leziate
26.07.2021	25.11.2021 Application Permitted	21/01489/F	Hideaway 6 Old Field Lane Thornham HUNSTANTON Proposed outbuilding	Thornham
27.07.2021	29.11.2021 Would be Lawful	21/01547/LDP	Wildacres Station Road Little Massingham Norfolk Lawful Development Certificate: Stationing a caravan to be used for residential purposes as ancillary accommodation to the existing dwellinghouse, laying a hardstanding and demolition of two buildings.	Little Massingham
28.07.2021	20.12.2021 Application Permitted	21/01511/F	23 Dunns Lane North Creake Fakenham Norfolk Single Storey Front Extension and new rear dormer in connection with loft conversion	North Creake
28.07.2021	01.12.2021 Application Permitted	21/01514/F	15 Mill View Sedgeford Hunstanton Norfolk Change of use from 'landscape' land to 'garden' of 15 Mill View, including erecting fences to secure land.	Sedgeford

28.07.2021	29.11.2021 Application Permitted	21/01553/F	Barmer Hall Farm Fakenham Road Barmer Syderstone Construction of a new farm entrance to the B1454 to serve Barmer Hall Farm	Bagthorpe With Barmer - VACANT
09.08.2021	30.11.2021 Application Permitted	21/01588/F	The Lincs Thornham Manor Church Street Thornham Single storey rear extension	Thornham
12.08.2021	02.12.2021 Application Permitted	21/01633/F	Fire Station 1 Ingleborough Farm Mill Road West Walton New single-storey side extension to accommodate store room and welfare facility	West Walton
16.08.2021	01.12.2021 Application Permitted	21/01618/F	Abbey Farm Chapel Lane Barton Bendish King's Lynn VARIATION OF CONDITION 2 OF PLANNING PERMISSION 19/01789/F: Alterations, conversion and extensions to existing barns to create new wedding events venue with associated parking and new access	Barton Bendish
17.08.2021	06.12.2021 Application Permitted	21/01634/F	The Gables 35 Gravelhill Lane West Winch King's Lynn To erect home office garden building	West Winch

17.08.2021	30.11.2021 Application Permitted	21/01686/F	The Barns 139 Church Drove Outwell WISBECH Variation of Conditions 2, 9 and 10 of Planning Permission 18/00801/F: Conversion of Dis-used agricultural Barn into a residential dwelling and construction of new vehicular access	Outwell
18.08.2021	25.11.2021 Application Refused	21/01688/F	College of West Anglia Wisbech Centre Meadowgate Lane Emneth Change of use and conversion of former teaching block to 5no dwellings.	Emneth
20.08.2021	30.11.2021 Application Permitted	21/01665/O	Land Adjacent Westwood Station Road Ten Mile Bank Norfolk Outline planning application with all matters reserved for the demolition of the existing commercial building to the front of the site and the erection of a single detached new home	Hilgay
20.08.2021	01.12.2021 Application Refused	21/01733/O	Land S of 4 To 8 Munsons Lane Feltwell Thetford Outline Application: Construction of two detached dwellings.	Feltwell
23.08.2021	19.11.2021 Application Permitted	21/01678/F	Meadow Bank 40 Bagthorpe Road East Rudham King's Lynn New detached Garage & Carport, Two storey extension, replacement rear single storey extension, change of fenestration and exterior to be timber clad and rendered as shown	East Rudham

23.08.2021	30.11.2021 Application Permitted	21/01684/F	Plot Adjacent Willowdene 260 The Drove Barroway Drove Norfolk Variation of Condition 1 of Planning Permission 19/02097/RM: Reserved matters application for new dwelling	Stow Bardolph
23.08.2021	14.12.2021 Application Permitted	21/01709/F	Lodge Farm Barn 141 Lynn Road Grimston Norfolk Retrospective Outbuilding	Grimston
24.08.2021	08.12.2021 Application Permitted	21/01691/F	1 Davy Field Hill Road Ingoldisthorpe KINGS LYNN VARIATION OF CONDITION 1 and 2 OF PLANNING PERMISSION 20/01174/F: Residential development and new public amenity area	Ingoldisthorpe
24.08.2021	03.12.2021 Application Permitted	21/01693/F	9 Woodend Road Heacham King's Lynn Norfolk Single storey extension to dwelling	Heacham
25.08.2021	08.12.2021 Application Permitted	21/01697/F	Manor Farm Back Street Gayton King's Lynn VARIATION OF CONDITION 2 OF PLANNING PERMISSION 18/00125/F: Conversion and extension of workshop outbuilding to dwelling house, addition of workshop/plant room and associated works	Gayton
25.08.2021	08.12.2021 Application Permitted	21/01725/F	Land Off Station Road Clenchwarton Norfolk Construction of new agricultural field access	Clenchwarton

25.08.2021	13.12.2021 Consent Required Not	21/01732/AG	Land Off Station Road Clenchwarton Norfolk Agricultural Prior Notification: Steel framed and clad building in modern style of farm buildings	Clenchwarton
26.08.2021	22.11.2021 Application Permitted	21/01736/LB	Vacant 23 Tuesday Market Place King's Lynn Norfolk Listed building application for internal alterations and replacement of roofs/skylights as part of change from Restaurant E(b) to Estate Agents Offices E(c)	King's Lynn
01.09.2021	23.11.2021 Application Permitted	21/01728/F	7 & 8 Church Bank Terrington St Clement King's Lynn Norfolk Variation of Condition 11 attached to Planning Permission 19/00601/F: Redevelopment of site for 3 No. dwellings following the demolition of No 7 and 8	Terrington St Clement
01.09.2021	23.11.2021 Application Permitted	21/01729/F	1, 4 & 5 Church Bank Terrington St Clement King's Lynn Norfolk VARIATION OF CONDITION 10 of Planning Permission 19/00609/F: to amend drawing in connection with Surface Water Drainage	Terrington St Clement
02.09.2021	07.12.2021 Application Permitted	21/01744/CU	Annexe 2 Crew Yard Barns Church Road Crimplesham Change of use of residential dwelling (holiday let) to permanent residential dwelling.	Crimplesham
02.09.2021	02.12.2021 Application Permitted	21/01768/F	Birch Tree Cottage Church Road Old Hunstanton Norfolk Extension and conversion of outbuildings.	Old Hunstanton

02.09.2021	07.12.2021 Application Permitted	21/01772/LB	Birch Tree Cottage Church Road Old Hunstanton Norfolk Extension and conversion of outbuildings.	Old Hunstanton
06.09.2021	19.11.2021 Application Refused	21/01761/F	The Sailings Main Road Brancaster Staithe King's Lynn Erection of no.1 self-build dwelling	Brancaster
06.09.2021	15.12.2021 Application Permitted	21/01775/F	15 Barnwell Cottages Aslack Way Holme next The Sea Norfolk Erection of single storey insulated timber garden office to enable working from home	Holme next the Sea
07.09.2021	01.12.2021 Was Lawful	21/01785/LDE	Thorpe House Shouldham Road Shouldham Thorpe King's Lynn Lawful Development Certificate: Residential dwelling occupied in breach of agricultural condition	Shouldham Thorpe
07.09.2021	01.12.2021 Application Permitted	21/01789/LB	Bank House High Street Docking Norfolk LISTED BUILDING APPLICATION: Change of Use from Commercial to Residential including internal and external alterations	Docking
08.09.2021	01.12.2021 Application Permitted	21/01788/F	Bank House High Street Docking Norfolk Change of Use from Commercial to Residential including internal and external alterations	Docking
08.09.2021	03.12.2021 Application Permitted	21/01795/F	33 Wodehouse Road Old Hunstanton HUNSTANTON Norfolk Alterations to dwelling, proposed pergola and proposed studio.	Old Hunstanton

08.09.2021	26.11.2021 Application Permitted	21/01796/F	27 Kenwood Road Heacham KINGS LYNN Norfolk Single storey side extension	Heacham
08.09.2021	08.12.2021 Application Permitted	21/01797/F	6 St Peters Road Watlington Norfolk PE33 0JW Single storey side extension	Watlington
09.09.2021	30.11.2021 Application Permitted	21/01792/F	The Cottage School Road St John's Fen End Terrington St John Variation of Condition 2 attached to Planning Permisison 20/01542/F: Proposed residential development including demolition of existing structures	Terrington St John
10.09.2021	06.12.2021 Application Permitted	21/01804/F	Peaceful Pets Grange Lane Pockthorpe West Rudham Construction of new equestrian manege and install floodlights.	West Rudham
13.09.2021	14.12.2021 Application Permitted	21/01811/F	53 Pentney Lakes Common Road Pentney Norfolk Variation of Condition 2 of Planning Permission 20/00593/F: New boat shed and garaging with sail loft over, raised decking area and shed	Pentney
13.09.2021	19.11.2021 Was_Would be Lawful	21/01817/LDP	49 Folgate Road Heacham King's Lynn Norfolk Certificate of Lawfulness: Remove existing garden walls to side of existing bungalow and build new walls and flat roof for extension	Heacham

14.09.2021	15.12.2021 Application Permitted	21/01815/F	Fairlawn 7 Lark Road Watlington King's Lynn Replacement of existing garage with two storey extension to detached dwelling	Watlington
15.09.2021	25.11.2021 Application Permitted	21/01828/F	Lyndhurst 27 Onedin Close Dersingham Norfolk Extension and Car Port	Dersingham
16.09.2021	02.12.2021 Application Permitted	21/01826/F	Thornleys Barn High Street Thornham Hunstanton Exension and alterations to existing dwelling	Thornham
16.09.2021	14.12.2021 Application Permitted	21/01827/F	Eastfields 173 The Drove Barroway Drove Norfolk Proposed Rear and First Floor Extension	Stow Bardolph
16.09.2021	07.12.2021 Application Permitted	21/01829/F	Shaun Hagen Motor Services Maple Road Saddlebow Industrial Estate King's Lynn New Vehicle Access and Proposed New Gate	King's Lynn
17.09.2021	24.11.2021 Application Permitted	21/01835/F	The Nar Ouse Regeneration Area (NORA) Wisbech Road King's Lynn Norfolk Variation of condition 1 of planning permission 19/00351/RMM	King's Lynn
20.09.2021	29.11.2021 Application Permitted	21/01840/F	Barachel Flegg Green Wereham King's Lynn Variation of Condition 2 of Planning Permission 17/02337/F: Construction of three dwellings & garages to replace existing dwelling and outbuildings	Wereham

20.09.2021	25.11.2021 Application Permitted	21/01842/F	329 Wootton Road King's Lynn Norfolk PE30 3AX Extension and alterations to dwelling with drainage and landscape works carried out as incidental to the development	King's Lynn
20.09.2021	07.12.2021 Application Permitted	21/01845/F	Shama 19 Little Lane Stoke Ferry Norfolk Extension to dwelling	Stoke Ferry
21.09.2021	22.11.2021 Application Permitted	21/01846/RM	Adj. 40 Marshland Street Terrington St Clement Norfolk Reserved Matters Application for Plots 2 and 3 only	Terrington St Clement
21.09.2021	24.11.2021 Application Permitted	21/01848/F	The Old Chapel 17 High Street Northwold Norfolk REPLACEMENT WINDOWS	Northwold
21.09.2021	15.12.2021 Would be Lawful	21/01850/LDP	Flint House 19 Lynn Road Great Bircham King's Lynn Lawful Development Certificate: Construction of dormer extension to rear	Bircham
21.09.2021	22.11.2021 Application Permitted	21/01851/A	Deers Leap Bar And Restaurant 361 Wootton Road King's Lynn Norfolk ADVERT APPLICATION: Installation of replacement illuminated and non illuminated signs to exterior of the building	King's Lynn
21.09.2021	23.11.2021 Application Permitted	21/01852/F	97 Small Lode Upwell Wisbech Norfolk Two Storey Side Extension to dwelling	Upwell

22.09.2021	24.11.2021 Application Permitted	21/01854/F	Harwil 120 Smeeth Road Marshland St James Wisbech Conversion of existing garage into bed/sitting room with ensuite.	Marshland St James
22.09.2021	01.12.2021 Application Withdrawn	21/01857/F	The Old Jam Factory & Jam Makers Cottage Chapel Lane Emneth Norfolk Retrospective application for a two storey infill extension and remodeling, combining both buildings, to form a three bedroom house, with garage and a dance studio/gym that is run as a business	Emneth
22.09.2021	30.11.2021 Application Permitted	21/01860/F	Skylark Orchard Close Brancaster Staithe Norfolk Proposed First Floor Extension	Brancaster
23.09.2021	19.11.2021 Application Permitted	21/01859/F	Lyncroft 8 Sandy Lane South Wootton King's Lynn Variation of Condition 2 of Planning Permission 20/01053/F: Extension and alterations to dwelling	South Wootton
23.09.2021	09.12.2021 Would be Lawful	21/01861/LDE	3 Grays Cottages Low Road Pentney King's Lynn Lawful Development Certificate for Garden office / Summer house	Pentney
23.09.2021	22.11.2021 Application Permitted	21/01863/F	18 Bridle Lane Downham Market Norfolk PE38 9QZ Variation of condition 1 of planning permission 19/01981/F	Downham Market

23.09.2021	01.12.2021 Application Permitted	21/01866/F	71 West Way Wimbotsham King's Lynn Norfolk single storey side and rear extension to two storey house	Wimbotsham
23.09.2021	22.11.2021 Application Permitted	21/01871/F	Chalfont House High Street Docking King's Lynn Two storey rear extension	Docking
24.09.2021	03.12.2021 Application Permitted	21/01864/F	5 White Sedge King's Lynn Norfolk PE30 3PN Single storey extension to rear and side of existing two storey dwelling	King's Lynn
24.09.2021	19.11.2021 Application Permitted	21/01865/A	6 Broad Street King's Lynn Norfolk Consent To display 1No. Internal illuminated fascia sign 1No.Non illuminated entrance sign and 1No.Internally illuminated Projection Sign all to front elevation.	King's Lynn
27.09.2021	06.12.2021 Application Permitted	21/01870/F	42 High Street Methwold Thetford Norfolk Change of use from residential to retail space with office and store above.	Methwold
27.09.2021	22.11.2021 Application Permitted	21/01874/F	Land Between 11 And 15 Whin Common Road Denver Norfolk VARIATION OF CONDITION 2 OF Planning Permission 18/01638/F: To amend drawings	Denver
28.09.2021	07.12.2021 Application Permitted	21/01878/F	Homeleigh 81 Ryston End Downham Market Norfolk Variation of Condition 2 of Planning Permission 19/00646/F: Construction of Two Storey Rear Extension	Downham Market

28.09.2021	02.12.2021 Application Permitted	21/01879/F	Greenmase 20 Long Lane West Winch King's Lynn Extension and alterations to dwelling	West Winch
29.09.2021	19.11.2021 Application Permitted	21/01883/F	The College of West Anglia Tennyson Avenue King's Lynn Norfolk Retrospective planning application for the relocation of the existing modular medical centre	King's Lynn
29.09.2021	24.11.2021 Application Permitted	21/01884/F	Morgan Trusts & Tax Planning Ltd 42 Chapel Street King's Lynn Norfolk Replacement windows	King's Lynn
29.09.2021	23.11.2021 Application Permitted	21/01885/LB	Morgan Trusts & Tax Planning Ltd 42 Chapel Street King's Lynn Norfolk Application for listed building consent for replacement windows	King's Lynn
29.09.2021	19.11.2021 Application Permitted	21/01887/A	GHR Greatest Hits Radio 18 Blackfriars Street King's Lynn Norfolk 1 No internally illuminated fascia sign (text and logo only illuminated), 1 No Internally illuminated projecting sign (logo only illuminated) and 1 No edgelit poster display sign	King's Lynn
29.09.2021	29.11.2021 Application Permitted	21/01888/F	21 Revell Road Downham Market Norfolk PE38 9SE Extension and alterations to dwelling	Downham Market

29.09.2021	19.11.2021 Would be Lawful	21/01890/LDP	Pump Cottage Lynn Road Gayton King's Lynn Lawful Development Certificate: Conversion of shed/store to bathroom/bedroom to be used by mother (C3).	Gayton
30.09.2021	24.11.2021 Application Permitted	21/01891/F	5 Clare Road South Wootton King's Lynn Norfolk New porch area and rear extension	South Wootton
01.10.2021	02.12.2021 Application Permitted	21/01900/F	Caravan 1 At 48 Beach Road Snettisham Norfolk Holiday caravan renewal of application expired on 30th September 2020 Ref: 11/02057/F	Snettisham
01.10.2021	24.11.2021 Application Permitted	21/01904/F	62 London Road Downham Market Norfolk PE38 9AT Single storey rear extension and alterations to the dwellinghouse and construction of replacement garage	Downham Market
04.10.2021	29.11.2021 Application Permitted	21/01914/F	8 Field House Farm Cottages Mill Road Brancaster Norfolk Timber Framed Garden Office/Workshop	Brancaster
04.10.2021	29.11.2021 Application Permitted	21/01915/F	Land South of 76 School Road West Walton Norfolk Proposed extension to existing stables (equestrian use)	West Walton
04.10.2021	26.11.2021 Application Permitted	21/01916/F	Apple Acre 28 Back Street Harpley King's Lynn Single storey rear extension to dwelling house	Harpley

04.10.2021	08.12.2021 Application Permitted	21/01920/F	Genesis Taggs Lane Outwell Wisbech Erection of double garage	Emneth
04.10.2021	14.12.2021 Application Permitted	21/01934/F	Land Off Bede Close North Wootton Norfolk The installation of a 25.2m telecommunications tower supporting 3no. antennas and 1no. 0.3m dish - 4no. cabinets a 1.8m high chain link fenced compound and associated ancillary equipment.	North Wootton
05.10.2021	10.12.2021 Application Permitted	21/01926/F	14 Station Road Dersingham King's Lynn Norfolk Proposed Extensions to Existing Dwelling House, balcony applied to existing south facing single storey projection and erection of additional solar panels.	Dersingham
06.10.2021	01.12.2021 Application Permitted	21/01939/F	Laurel Cottage 67 High Street Heacham King's Lynn Alterations to existing dwelling comprising of recladding and replacing roof of existing extension. Internal layout changes including new dormer window in same style as the ground floor proposals.	Heacham
06.10.2021	02.12.2021 Application Permitted	21/01941/F	Rohan Lynn Road Gayton King's Lynn Proposed Cart Lodge	Gayton
06.10.2021	01.12.2021 Application Permitted	21/01942/F	Riseholme Lynn Road Gayton King's Lynn Proposed cart lodge	Gayton

06.10.2021	01.12.2021 Application Permitted	21/01953/F	34 Neville Road Heacham King's Lynn Norfolk Removal of conservatory and single storey rear extension with alterations	Heacham
07.10.2021	01.12.2021 Application Permitted	21/01948/F	Meadowside 24 Brook Lane Brookville Thetford Single storey side extension	Methwold
08.10.2021	03.12.2021 Application Permitted	21/01965/F	The Rectory 27 Weasenham Road Great Massingham King's Lynn Development of an outdoor swimming pool and plant building.	Great Massingham
08.10.2021	02.12.2021 Application Permitted	21/01970/F	Pendoggett 80 Nursery Lane South Wootton King's Lynn Proposed cart shed	South Wootton
11.10.2021	02.12.2021 Tree Application - No objection	21/00206/TREECA	Newfoundland 5 Abbey Road Flitcham King's Lynn Trees in a Conservation Area: Ash Tree - Fell, due to disease and strong winds potentially causing it to fall on persons and property; endangering life and property. Cherry Tree - Chop branches near overhead telephone line.	Flitcham with Appleton
11.10.2021	03.12.2021 Application Permitted	21/01958/F	Bluestone Cottage 73 Bluestone Road South Creake Fakenham First floor extension and new windows and rooflights	South Creake
11.10.2021	08.12.2021 Application Permitted	21/01959/F	1 Wodehouse Road Old Hunstanton Hunstanton Norfolk Single storey front and rear extensions to dwelling	Old Hunstanton

11.10.2021	07.12.2021 Application Permitted	21/01961/F	Braybrook 19 Town Street Upwell Norfolk Proposed extension	Upwell
11.10.2021	19.11.2021 LDP LB NOT Lawful	21/01964/LDP	29 North Beach Heacham King's Lynn Norfolk Certificate of Lawfulness: Construction of a double garage/boat store	Heacham
11.10.2021	03.12.2021 Application Permitted	21/01996/F	3 Mount Park Close Middleton King's Lynn Norfolk Single storey front and rear extensions	Middleton
12.10.2021	10.12.2021 Application Permitted	21/01973/F	Church Barn 5 West Hall Farm Barns Church Lane Sedgeford Construction of two buttresses built from concrete blocks and then rendered. Each buttress will be circa 1300mm x 750mm x 3600mm.They are required to support a retaining wall to the north of the property	Sedgeford
12.10.2021	03.12.2021 Application Permitted	21/01977/F	7 Courtnell Place King's Lynn Norfolk PE30 4TW Extension to rear of detached dwelling	King's Lynn
12.10.2021	03.12.2021 Application Permitted	21/01978/F	Rose Cottage 4 Old Field Lane Thornham HUNSTANTON To knock down existing single story garage conversion and conservatory and to replace with single storey extension for new kitchen & dining area	Thornham

12.10.2021	15.12.2021 Application Permitted	21/01985/F	6 Broad Street King's Lynn Norfolk Cover installation of new external HVAC Plant to rear of existing retail unit on existing 1st floor external plant deck. Comprising 2no Daikin Condensing Units mounted externally on anti-vibration feet against 1st floor rear wall on existing plant deck	King's Lynn
12.10.2021	23.11.2021 Prior Approval - Not Required	21/01997/PAGPD	Meadow View 9 Marham Road Fincham Norfolk Single storey rear extension which extends beyond the rear wall by 5.01m with a maximum height of 3.5m and a height of 2.7m to the eaves.	Fincham
13.10.2021	19.11.2021 Application Permitted	16/00342/NMA_1	Waverly Warehouse Oslers Yard Norfolk Street King's Lynn KINGS LYNN NON-MATERIAL AMENDMENT to Planning Permission 16/00342/F: Construction of four dwellings and conversion of barn to three dwellings and completion of previously approved (partial) demolition	King's Lynn

13.10.2021	16.12.2021 Application Permitted	21/01987/F	Agricultural Building At Duchy Farm Broad Drove Methwold Hythe Norfolk Variation of condition 4 of planning permission 19/00329/FM to enable accommodation of seasonal workers from 1st May to 31 December in any calendar year for the following 5 years starting from 2021	Methwold
13.10.2021	08.12.2021 Application Permitted	21/01990/F	West Cottage 42 West Street North Creake Fakenham Proposed side & rear extensions	North Creake
13.10.2021	06.12.2021 Application Permitted	21/01992/F	Poachers 46 Brow of The Hill Leziate King's Lynn Ground and first floor extensions to dwelling	Leziate
13.10.2021	10.12.2021 Application Permitted	21/01993/F	Lumbertubs 7 Wheatley Drive North Wootton King's Lynn Demolition of existing side extensions. Construction of 2 storey side extension and single storey front porch	North Wootton
13.10.2021	08.12.2021 Application Permitted	21/01995/F	Ashfield House Hall Lane South Wootton King's Lynn Single storey side/rear extension	South Wootton
14.10.2021	03.12.2021 Application Permitted	21/02000/F	Seefeld Station Road Docking King's Lynn Extension and alterations to dwelling	Docking

14.10.2021	08.12.2021 Application Permitted	21/02010/F	4 Rookery Road Clenchwarton King's Lynn Norfolk Demolition of Existing Conservatory and replace with a two storey rear extension.	Clenchwarton
14.10.2021	17.12.2021 Was Lawful	21/02011/LDE	West Hall Farm Winch Road Gayton King's Lynn Lawful Development Certificate: Change of use of paddock to garden land and the use of stabling as domestic storage	Gayton
15.10.2021	02.12.2021 Tree Application - No objection	21/00212/TREECA	Talbot Manor Barn Lynn Road Fincham Norfolk Trees in a Conservation Area: Sycamore removal - growing within very close proximity to garden wall. Magnolia removal - growing within very close proximity to house wall. Plans to replant with at least 3 new trees, Liquid Amber/Indiian Bean and Oak, in a better location	Fincham
15.10.2021	10.12.2021 Application Permitted	21/02006/F	19 S-Bend Lynn Road Walsoken WISBECH VARIATION OF CONDITIONS 2 AND 8 OF PLANNING PERMISSION 21/01002/F: Proposed 2-storey 4-bed dwelling & detached double garage	Walsoken
15.10.2021	13.12.2021 Application Permitted	21/02008/F	Mansefield Marsh Road Walpole St Andrew Wisbech Proposed Extension	Walpole

15.10.2021	10.12.2021 Application Permitted	21/02012/F	2 Bushell Gardens Pott Row King's Lynn Norfolk Construction of front porch (retrospective)	Grimston
18.10.2021	17.11.2021 Tree Application - No objection	21/002111/TREECA	Norton Hall Farm 34 Norton Street Burnham Norton Norfolk All trees located and identified within report.	Burnham Norton
18.10.2021	10.12.2021 Application Permitted	21/02015/F	Ouse Amateur Sailing Club High Road Saddlebow Norfolk Erection of modular for use as changing rooms by Sailing Club	Wiggenhall St Germans
18.10.2021	14.12.2021 Application Permitted	21/02016/F	Land North of 65 Hollycroft Road Emneth WISBECH Norfolk VARIATION OF CONDITIONS 2, 3, 5, 7, 10 AND 12 OF PLANNING PERMISSION 16/01431/F: Erection of 2No dwellings and detached garages	Emneth
18.10.2021	09.12.2021 Application Permitted	21/02020/F	31 Low Road Grimston King's Lynn Norfolk Rear extension	Grimston
18.10.2021	15.12.2021 Application Permitted	21/02024/F	2 Bangers Lane Emneth Wisbech Norfolk Removal of Existing Flat roof rear Extension and Replacement with a new Flat Roof Extension and Parapet Walls	Emneth

19.10.2021	06.12.2021 Tree Application - No objection	21/00215/TREECA	Sea Peeps 19 Norton Street Burnham Norton Norfolk T1 Silver Birch, T2 Rowan, T3 Silver Birch - Fell all three of the above tress because they are having a detrimental effect on the bungalow	Burnham Norton
19.10.2021	29.11.2021 AG Prior Notification - NOT REQD	21/02034/AG	Dutch Barn And Grain Stores At Outfal Farm Edward Benefer Way King's Lynn Norfolk 24m x 14m x 6m (to eaves) open sided dutch barn for the storage of straw	South Wootton
19.10.2021	07.12.2021 Application Permitted	21/02035/F	2 The Broadway Heacham King's Lynn Norfolk Proposed Rear Extension to existing dwelling, including interior alterations	Heacham
20.10.2021	25.11.2021 Application Permitted	21/00976/NMA_1	8 Sussex Farm Ringstead Road Burnham Market KINGS LYNN NON-MATERIAL AMENDMENT to Planning Permission 21/00976/F: Single storey extension to dwelling	Burnham Market
20.10.2021	08.12.2021 Application Permitted	21/02082/F	Heros Fitness 23 Bryggen Road North Lynn Industrial Estate King's Lynn RETROSPECTIVE PLANNING APPLICATION: Entrance Canopy	King's Lynn

21.10.2021	02.12.2021 Tree Application - No objection	21/00222/TREECA	5 Back Street South Creake Fakenham Norfolk T1 Sycamore peripheral crown reduced by no more than 1.5 to 2m. T2 Sycamore tip back conflicting branches with neighbouring trees and overhead wires. T3 - Hawthorn to be prune to give clearance around overhead wires and crown raise to 3m. T4 & T5 The two cherries shall have the lower crowns raised over drive to 3.5 metres which will also require the removal of the branch immediately over gate back to suitable sub lateral point. Also prune back to give a clearance of 1 metre from the building fabric. The larger cherry shall also be pruned back from driveway by 2 to 2.5 metres	South Creake
21.10.2021	08.12.2021 Application Permitted	21/02049/A	11 Broad Street King's Lynn Norfolk PE30 1DP Advertisement application for 1 x internally illuminated fascia sign and 1 x internally illuminated projecting sign	King's Lynn
21.10.2021	13.12.2021 Application Permitted	21/02051/F	Thomas's Showboat 18 - 22 Le Strange Terrace Hunstanton Norfolk Conversion of upper floors into 5 residential dwellings	Hunstanton

22.10.2021	02.12.2021 Tree Application - No objection	21/00220/TREECA	Yewtree House 1 Abbey Road Great Massingham King's Lynn T1 Irish Yew - Reduce height by 2.5 metres T2 Holly - Remove Trees in a conservation area	Great Massingham
22.10.2021	19.11.2021 Application Permitted	21/00924/NMA_1	Springwood High School Queensway King's Lynn Norfolk NON-MATERIAL AMENDMENT to Planning Permission 21/00924/F: Proposed installation of new Modular Canteen Building and associated access works and service connections	King's Lynn
22.10.2021	08.12.2021 Application Permitted	21/02063/F	5 Fakenham Road South Creake Fakenham Norfolk Proposed two storey rear extension and minor internal alterations	South Creake
25.10.2021	13.12.2021 Application Permitted	21/02076/A	20 King Street King's Lynn Norfolk PE30 1ES Installation of new fascia and hanging signage	King's Lynn
25.10.2021	20.12.2021 Was Lawful	21/02105/LDE	Botany Farm The Common South Creake Fakenham Lawful Development Certificate: To confirm the lawfulness of the garden and access	South Creake
26.10.2021	15.12.2021 Application Permitted	21/02089/F	7 Feltwell Road Southery Downham Market Norfolk Brick and block built double garage	Southery

26.10.2021	30.11.2021 Application Refused	21/02090/O	18 Kent Road King's Lynn Norfolk PE30 4AU OUTLINE APPLICATION WITH SOME MATTERS RESERVED: Construction of single dwelling within garden of existing dwelling	King's Lynn
27.10.2021	03.12.2021 Would be Lawful	21/02093/LDP	17 The Cedars Snettisham Norfolk PE31 7XG Lawful Development Certificate: Single storey flat roof extension to be constructed under permitted development rights.	Snettisham
28.10.2021	03.12.2021 Application Permitted	20/01044/NMA_1	Lyng Farm Ringstead Road Thornham Norfolk NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 20/01044/F to change the description to: Variation of conditions 5 and 11 (to allow changes to the timing of the approved landscaping / planting) of planning application 19/01080/F which varied condition 13 of planning permission 13/00049/FM (to extend the operational life to 40 years) of the solar farm and associated infrastructure permitted under application 13/00049/FM.	Thornham
28.10.2021	02.12.2021 Tree Application - No objection	21/00225/TREECA	72 Manor Road Dersingham King's Lynn Norfolk CONIFER HEDGE - Remove as dead/dying and replace with appropriate alternative hedging trees within a conservation area	Dersingham

28.10.2021	16.12.2021 Application Permitted	21/02101/F	1 Thornham Road Methwold Thetford Norfolk Loft conversion with new rooflights	Methwold
03.11.2021	20.12.2021 TPO Work Approved	21/00129/TPO	Warren Lodge Gayton Road Ashwicken KINGS LYNN 2/TPO/00037: T1. Co-dominant stemmed Holly. Severely unbalanced. Fell. T2 - Silver Birch - unbalanced poor specimen. Fell Replant elsewhere in garden with 3 suitable species	Leziate
05.11.2021	20.12.2021 Tree Application - No objection	21/00229/TREECA	Park House Church Road Old Hunstanton Hunstanton T1 Lime Tree - Fell.	Old Hunstanton
05.11.2021	14.12.2021 Application Permitted	21/02164/F	25 Wodehouse Road Old Hunstanton HUNSTANTON Norfolk Variation on condition 2 of planning permission 21/01512/F	Old Hunstanton
11.11.2021	16.12.2021 Application Permitted	20/01798/NMA_1	(Plot 4) 42 London Road Downham Market DOWNHAM MARKET Norfolk Construction of 2 dwellings & garages (plots 4-5) following demolition of existing dwelling	Downham Market

11.11.2021	03.12.2021 Application Permitted	21/01182/NMA_1	1 Gravel Hill Mill Road Burnham Overy Town King's Lynn NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 21/01182/F: Replacement of Rear East Facing single storey Extension with 2 Storey Extension, with additional single storey extension to the new North Elevation of the said 2 storey extension and re-design of the front West facing single storey element	Burnham Overy
12.11.2021	10.12.2021 AG Prior Notification NOT REQD	21/02218/AG	Westgate Farm Ringstead Road Burnham Market King's Lynn AGRICULTURAL PRIOR NOTIFICATION: Steel framed building for storage of farm machinery	Burnham Market
16.11.2021	10.12.2021 Tree Application - No objection	21/00238/TREECA	Micklefields High Street Stoke Ferry King's Lynn T1 Oak Tree - 2m crown reduction, remove limb over the cart shed within a conservation area	Stoke Ferry
17.11.2021	15.12.2021 Application Permitted	18/01502/NMA_1	56 The Birches South Wootton King's Lynn Norfolk NON MATERIAL AMENDMENT TO PLANNING PERMISSION 18/01502/F: Two storey and single storey extensions to dwelling, alterations and creation of new access	South Wootton

17.11.2021	10.12.2021 Tree Application - No objection	21/00239/TREECA	Ash Cottage Chapel Road Boughton King's Lynn T1 Ash - Remove lowest limb and reduce / prune the crown by up to 2 metres and balance	Boughton
17.11.2021	30.11.2021 Application Permitted	21/00883/NMA_2	Green Gates Walton Road Walsoken Norfolk NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 21/00883/F: Variation of condition 2 of planning permission 20/00885/F to amend drawings	Walsoken
18.11.2021	14.12.2021 Application Permitted	21/00670/NMA_1	6 Smugglers Close Old Hunstanton Hunstanton Norfolk NON-MATERIAL AMENDMENT TO 21/00670/F: Single storey rear extension and replacement flat roof over existing garage and utility	Old Hunstanton

19.11.2021	10.12.2021 Tree Application - No objection	21/00244/TREECA	Westfield House 70 Bexwell Road Downham Market Norfolk T1 - Walnut, ht 9m spread 5m radial to reduce back to previous cut points. T2 neighbours Holly - remove limb growing against fence which is 25cm diam, extends 4m into site and is 8m tall. T3 and T4 - Norway Maple to reduce limbs extending over neighbouring property by 6m. Ht 18m Crown spread 9m over neighbours. T5 - Norway Maple to fell this stem it's 30cm diam and 9m tall and all growth is over neighbours fence and beyond extending 7m to the South. T5 - Norway Maple to reduce limbs over neighbouring roof to clear it by 2m and reduce lateral extents on that side by 5m. Currently making contact with tiles. Tree ht is 16m and crown spread is 9m over the neighbours roof, within a Conservation Area	Downham Market
22.11.2021	20.12.2021 Application Permitted	19/00083/NMA_1	3 Portland Street King's Lynn Norfolk PE30 1PB NON-MATERIAL AMENDMENT TO PLANNING CONSENT 19/00083/F: Conversion of offices to 3No flats and basement to offices	King's Lynn

22.11.2021	20.12.2021 Application Permitted	20/01371/NMA_1	Lyng Farm Ringstead Road Thornham Norfolk NON-MATERIAL AMENDMENT to Planning Permission 20/01371/F: Proposed substation and associated buildings to be used at the approved solar farm	Thornham
22.11.2021	15.12.2021 Consent Not Required	21/02263/AG	Land N of The Pumping Station And SE Titchwell Nature Reserve Carpark Main Road Titchwell Norfolk Agricultural Prior Notification: New general purpose agricultural store	Titchwell
23.11.2021	07.12.2021 Application Withdrawn	21/02261/RM	4 Lucky Lane Walpole St Andrew Norfolk PE14 7NX Approval of reserved matters for appearance, landscaping, layout and scale	Walpole
23.11.2021	20.12.2021 GPD HH extn - Not Required	21/02265/PAGPD	24 Woodland Gardens North Wootton Norfolk PE30 3PX Single storey rear extension which extends beyond the rear wall by 5.01 metres with a maximum height of 3.50 metres and a height of 2.50 metres to the eaves	North Wootton