

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



Planning Committee

Agenda

Tuesday, 9th January, 2024
at 9.30 am

in the

Assembly Room
Town Hall
King's Lynn

Also available to view at:

<https://youtube.com/user/WestNorfolkBC>



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: Tuesday, 9th January, 2024

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 Monday 4 December 2023 (previously circulated).

3. DECLARATIONS OF INTEREST (Page 6)

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 Chair 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. CHAIR'S CORRESPONDENCE

To receive any Chair's correspondence.

7. RECEIPT OF LATE CORRESPONDENCE ON APPLICATIONS

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

8. GLOSSARY OF TERMS (Pages 7 - 11)

To note the Glossary of Terms.

9. INDEX AND DECISIONS ON APPLICATIONS (Pages 12 - 146)

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

10. DELEGATED DECISIONS (Pages 147 - 171)

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

11. TREE UPDATE REPORT (Pages 172 - 175)

The Committee is asked to note the report.

To: Members of the Planning Committee

Councillors B Anot, R Blunt, F Bone (Chair), A Bubb, M de Whalley, T de Winton, P Devulapalli, S Everett, S Lintern (Vice-Chair), B Long, S Ring, C Rose, A Ryves, Mrs V Spikings, M Storey and D Tyler

Site Visit Arrangements

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

If there are any site inspections arising from this meeting, these will be held on **Thursday 11 January 2024** (time to be confirmed) and the meeting reconvened on the same day (time to be agreed).

Please note:

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

Please note that the deadline for registering to speak on the application is 12 noon the working day before the meeting, **Friday 5 January 2024**. 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.

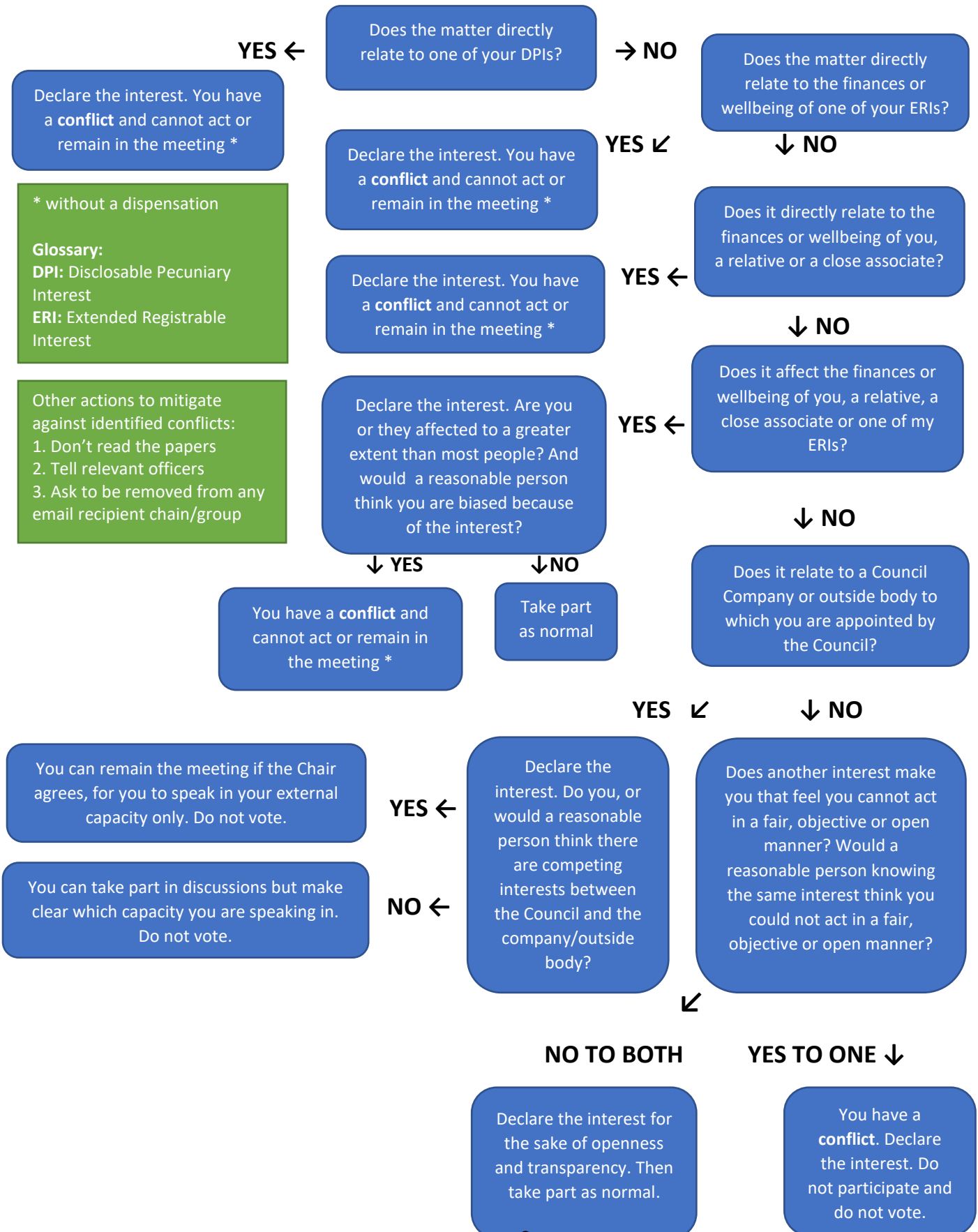
For Further information, please contact:

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

DECLARING AN INTEREST AND MANAGING ANY CONFLICTS FLOWCHART



START



Glossary of Terms and Abbreviations

AIA	Arboricultural Impact Assessment
AMS	Arboricultural Method Statement
AOD	Above Ordnance Datum
AONB	Area of Outstanding Natural Beauty
AQMA	Air Quality Management Plan
ATC	Air Traffic Controller
BCKLWN	Borough Council of King's Lynn and West Norfolk
BCN	Breach of Condition Notice
BNG	Biodiversity Net Gain
BS	British Standard
CA	Conservation Area
CCTV	Closed Circuit Television
CHZ	Coastal Hazard Zone
CIL	Community Infrastructure Levy
CLEUD	Certificate of Lawful Existing Use or Development
CLOPUD	Certificate of Lawful Proposed Use or Development
CRM	Collision Risk Modelling
CS	Core Strategy
CSH	Code for Sustainable Homes
CSNN	Community Safety and Neighbourhood Nuisance
CTMP	Construction Traffic Management Plan
CWS	County Wildlife Site
D and A	Design and Access Statement
DDA	Disability Discrimination Act
DEFRA	Department for Environment, Food and Rural Affairs
DISC	Discharge of Condition
DMPP	Development Management Policies Plan
DS	Design Statement
EA	Environment Agency
EBR	Economic Benefit Report
EIA	Environmental Impact Assessment
EN	Enforcement Notice
EVC	Electric Vehicle Charging

FFL	Finished Floor Level
FRA	Flood Risk Assessment
GCN	Great Crested Newts
GIRAMS	Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy
GPDO	General Permitted Development Order
HAS	Health and Safety Assessment
HELAA	Housing and Economic Land Availability Assessment
HPG	Historic Parks and Gardens
HRA	Habitat Regulations Assessment
HSE	Health and Safety Executive
IAQM	Institute of Air Quality Management
IDB	Internal Drainage Board
IROPI	Imperative Reasons of Overriding Public Interest
LB	Listed Building
LCA	Landscape Character Assessment
LDFCS	Local Development Framework Core Strategy
LHA	Local Highway Authority
LLFA	Lead Local Flood Authority
LP	Local Plan
LPA	Local Planning Authority
LVA	Landscape and Visual Appraisal
LVIA	Landscape and Visual Impact Assessment
MOD	Ministry of Defence
MUGA	Multi Use Games Area
NCC	Norfolk County Council
NCP	North Coast Partnership
NDG	National Design Guide
NE	Natural England
NHBC	National House Building Council
NMDC	National Model Design Guide
NMP	Noise Management Plan
NNR	National Nature Reserve
NP	Neighbourhood Plan
NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guidance

OIA	Ornithological Impact Assessment
OS	Ordnance Survey
PADHI	Planning Advice for Development near Hazardous Installations
PCN	Planning Contravention Notice
PCPA	Planning and Compulsory Purchase Act
PEA	Preliminary Ecological Appraisal
PINs	Planning Inspectorate
POS	Public Open Space
PPG	Planning Practice Guidance
PROW	Public Rights of Way
PS	Protected Species
PSS	Protected Species Survey
RP	Registered Provider
RPA	Root Protection Area
RS	Ramsar Site
RSS	Regional Spatial Strategy
S106	Section 106 Agreement (Planning Legal Agreement)
S278	Section 278 Agreement (provide the legal mechanism required to carry out highway alterations)
S38	Section 38 Agreement (secure new road adoption by the highway authority)
SAC	Special Areas of Conservation
SADMPP	Site Allocations and Development Management Policies Plan
SCI	Statement of Community Involvement
SD	Sustainable Development
SFRA	Strategic Flood Risk Assessment
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SME	Subject Matter Expert
SOS	Secretary of State
SPA	Special Protection Area
SPD	Supplementary Planning Document
SS	Spatial Strategy
SSSI	Site of Special Scientific Interest
SUDS	Sustainable Urban Drainage Scheme
TA	Transport Assessment
TCPA	Town and Country Planning Act

TEMPO	Tree Evaluation Method for Preservation Orders
TPO	Tree Preservation Order
TPP	Tree Protection Plan
TRO	Traffic Regulation Order
UCO	Use Class Order
UU	Unilateral Undertaking
VA	Viability Assessment
VOA	Valuation Office Agency
WHO	World Health Organisation
WSI	Written Scheme of Investigation

10

Suffixes to Reference Numbers	
A	Advertisement Consent
AG	Agricultural Prior Notification
BT	Adoption/Removal of BT Payphone Box
CM	County Matter
CU	Change of use (where no development is involved)
CON	Consultation by Adjoining Authority
DM	Demolition Prior Notification
F	Full Application (including Householder)
FM	Full Major Application
HZ	Hazardous Substance Application
LDE	Lawful Development Certificate (existing use or development)
LDP	Lawful Development Certificate (proposed use or development)
NMA	Non Material Amendment
O	Outline Application
OM	Outline Major Application
PACU	Prior Notification for a change of use (i.e. barn to dwelling)
PAGPD	Householder Prior Notification (larger home extension)
PAGAA	Householder Prior Notification (increase by adding an additional storey onto a dwelling)
PIP	Permission in Principle
RM	Reserved Matters Application
RMM	Reserved Matters Major Application

S257	Divert/stop up a Public Right of Way
T3	Telecoms Prior Notification
TPO	Application for works to Tree(s) subject to a TPO
TREECA	Application for works to Tree(s) in a Conservation Area

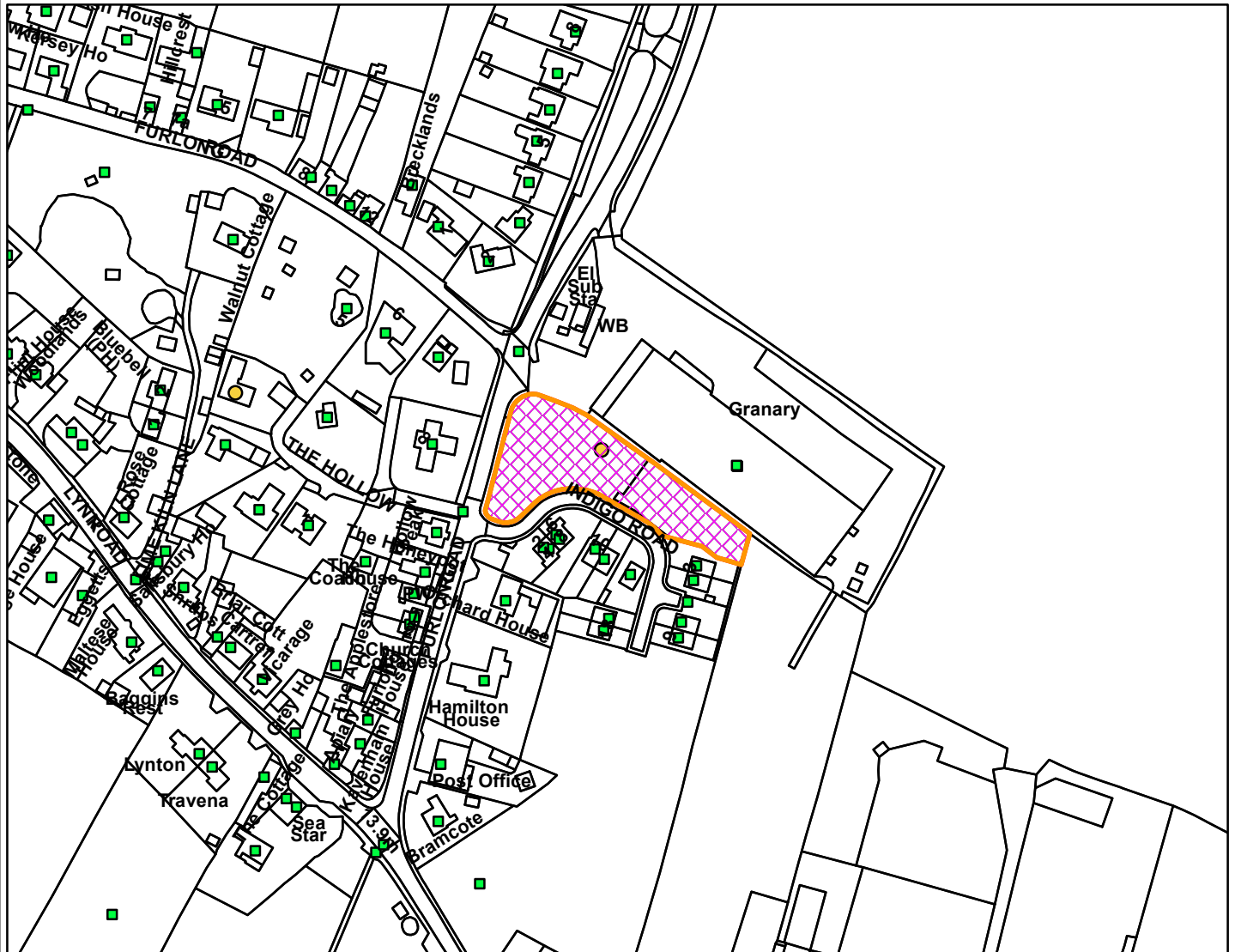
**INDEX OF APPLICATIONS TO BE DETERMINED
BY THE PLANNING COMMITTEE AT THE MEETING
TO BE HELD ON TUESDAY 9TH JANUARY 2024**

Item No.	Application No. Location and Description of Site Development	PARISH	Recommendation	Page No.
9/1 DEFERRED ITEMS				
9/1 (a)	23/00605/O Land East of Furlong Road Stoke Ferry King's Lynn Norfolk PE33 9SU Outline planning application for construction of 2 no. retail units (and storage) plus associated parking and access and 2 no. flats to be held in association with the retail units.	STOKE FERRY	APPROVE	14
9/2 MAJOR DEVELOPMENTS				
9/2(a)	23/01475/FM Land Between Bramcote House And Village Hall Lynn Road Stoke Ferry Norfolk PE33 9SU Full application for the erection of 29 no. dwellings, Village hall car park and associated infrastructure.	STOKE FERRY	APPROVE	38
9/3 OTHER APPLICATIONS/APPLICATIONS REQUIRING REFERENCE TO THE COMMITTEE				
9/3(a)	23/00681/F Porcherie 4A Hall Close Heacham Norfolk PE31 7JT Proposed 3 Bedroom Bungalow	HEACHAM	APPROVE	70
9/3(b)	23/00940/F 1 Liege Cottages Basin Road Outwell Wisbech Norfolk PE14 8TQ Retrospective: Change of use of dwellinghouse to a mixed use as a dwellinghouse and for the keeping and breeding of up to 16 dogs together with the retention of kennel buildings, a cat building and open runs and a proposed field shelter	OUTWELL	APPROVE	83
9/3(c)	23/01693/F Blackbarn Drove Ringmore Road Southery Norfolk PE38 0NL Proposed erection of cottage and barn/carport	SOUTHERY	REFUSE	97

9/3(d)	<p>23/02010/F Long Beach Farm Thurlands Drove Upwell Norfolk PE14 9AP Conversion of agricultural building to 2 x residential dwellings to include proposed works to adjacent building for conversion into a garage</p>	UPWELL	DEVOLVED AUTHORITY FENLAND	TO	107
9/3(e)	<p>22/01857/F Ford Cottage Low Road West Acre KINGS LYNN Norfolk PE32 1TR The Stag Inn- Alterations and extension to pub, change of use to bedrooms for short- term letting. Enlarge the car park. Ford Cottage- Change of use from dwelling house to short-term let bedrooms including extension and alterations, car park and associated landscape work</p>	WEST ACRE	APPROVE		115



Land East of Furlong Road Stoke Ferry Kings Lynn Norfolk PE33 9SU



Legend

[Empty legend box]

Scale: 1:2,500

Reproduced from the Ordnance Survey map with permission of the Controller of His Majesty's Stationery Office © Crown Copyright 2023.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	20/12/2023
MSA Number	0100024314

Parish:	Stoke Ferry	
Proposal:	Outline planning application for the construction of 2 no. retail units (and storage) plus associated parking and access and 2 no. flats to be held in association with the retail units.	
Location:	Land East of Furlong Road Stoke Ferry King's Lynn Norfolk PE33 9SU	
Applicant:	Mr Paul Bishopp	
Case No:	23/00605/O (Outline Application)	
Case Officer:	Mrs C Dorgan	Date for Determination: 6 July 2023 Extension of Time Expiry Date: 12 January 2024

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

Neighbourhood Plan: Yes

Members Update

Members deferred this planning application at the 16th November (2023) Planning Committee meeting. This deferral was to allow for a thorough assessment of the impact of the adjacent storage building and its use on the proposed dwellinghouses, and to allow for the submission and review of a noise impact assessment. The application has since fundamentally changed with the four dwellings fronting onto Furlong Road having been entirely removed from the proposal. Therefore, the report has been amended accordingly.

Case Summary

The application site lies to the north of the village of Stoke Ferry, and fronts onto Furlong Road. Stoke Ferry is categorised as a Key Rural Service Centre in the adopted Local Plan. Inset map G88 identifies that the application site lies outside of the development boundary for Stoke Ferry. The application site abuts the Stoke Ferry Conservation Area, which runs along the front of the site. The application site includes two trees protected under a Tree Protection Order, is within Flood Zone 1 (low risk) and within the Zone of Influence for protected sites.

The application seeks outline planning consent with some matters reserved for the construction of 2 no. retail units (and storage) plus associated parking and access and 2 no. flats to be held in association with the retail units. Access is via Indigo Road. The matters included within this application are access, layout and scale.

Key Issues

- Planning History
- Principle of Development
- Access/ Highway Safety
- Form and Character and Impact on Conservation Area
- Protected Trees
- Neighbour Amenity
- Other material considerations

Recommendation

APPROVE.

THE APPLICATION

The application site lies to the north of the village of Stoke Ferry, and fronts onto Furlong Road. Stoke Ferry is categorised as a Key Rural Service Centre in the adopted Local Plan. Inset map G88 identifies that the application site lies outside of the development boundary for Stoke Ferry. The application site abuts the Stoke Ferry Conservation Area, which runs along the front of the site. The application site includes two trees protected under a Tree Protection Order, is within Flood Zone 1 (low risk) and within the Zone of Influence for protected sites.

The application seeks outline planning consent with some matters reserved for the construction of 2 no. retail units (and storage) plus associated parking and access and 2 no. flats to be held in association with the retail units. Access would be via Indigo Road. The matters included within this application are access, layout and scale. A subsequent reserved matters application would need to include appearance and landscape.

The proposed commercial unit would include a retail unit (no.1) of 200 square metres and a second small retail unit (no.2) with a floorspace of 30 square metres. There is also a storage area proposed for unit 1. On the first floor would be two flats. The indicative plans show the building as one and a half storeys in height and could include a hipped roof and catslide dormer windows at first floor. The ridge height proposed is 7.4m, and the eaves height is 2.7m.

The area of land to the west of the proposed retail units is not proposed for development as part of this application but on the plans is notated as an 'area for future residential development subject to removal of adjacent warehousing and future planning application – to be maintained in the interim'. However, the decision made will not bind to any future approval of residential development on this land. The description of development forms the extent of consideration in this matter. An informative note can be added to any planning decision. The boundary treatments would be 1.2m post and rail with wire mesh fencing. The landscaping/ maintenance of this part of the site could be addressed as part of the reserved matters application.

SUPPORTING CASE

Following deferral at November Planning Committee to allow consideration of the impact of the adjacent 2Agriculture storage building and use on the proposed development in the event this building / use remains, the applicant made the decision to revise the proposal and omit the 4 no. residential properties from the scheme. As a result, this outline application now seeks approval for the construction of 2 no. retail units (and storage) with 2 no. flats situated above, which are to be held in association with the retail units. Access, layout and scale are for consideration now, with landscaping and appearance to be dealt with at reserved matters stage.

The western part of the site fronting Furlong Road is to be retained by the applicant as an area for future residential development, that would be subject to a separate planning application once the adjacent storage building is removed.

The application site lies outside of but immediately adjacent to the development boundary of Stoke Ferry, highlighting its sustainability for 2 no. small retail units that would support the rural community with associated residential accommodation above. This is affirmed by the continuing growth of the village to the north, encompassed by the existing development on Indigo Road and the 2Agriculture Grain Store site with outline consent for 30 no. units and reserved matters pending determination, as well as other nearby residential sites on Lynn Road with applications pending consideration.

The site comprises brownfield land that benefits from an extant consent and the development proposed represents natural infill that would bring significant benefits to the village and rural economy. Development of the land would not only provide visual enhancement to the streetscene and adjacent conservation area, but would also provide an additional community facility in the form of the small retail units which is supported by both national and local planning policies.

In particular, Policy SF1 of the recently 'made' Stoke Ferry Neighbourhood Plan (NP) (Aug 2023) gives support for the development of new community facilities and 'Community Action 1 – Sites for Visual Enhancement' within the NP specifically includes part of the application site at item 5 'Land between Indigo Road and the 2Agriculture Grain Store', encouraging measures to improve its visual appearance.

Although new residential development outside the development boundary would normally conflict with Policy DM2 of the SADMP (2016), given the circumstances of the site and the fact that the 2 no. residential flats would be held in association with the retail units which could be secured by condition, it is considered that the proposal complies with the objectives of this policy. The small scale residential element of the scheme would support the provision of the community facility and small scale employment use in a sustainable location that would significantly benefit the village.

Stoke Ferry is designated as a Key Rural Service Centre in the adopted Development Plan. Policies CS01 Spatial Strategy and CS02 Settlement Hierarchy of the Core Strategy (2011) set out the Council's strategy for growth in the Borough and identify that in rural areas development will be focussed in the most sustainable locations, which includes the Key Rural Service Centres that are one of the highest tiers of settlement.

The development of this site would not encroach into open countryside but instead would utilise overgrown brownfield land in order to provide 2 no. small retail units for the community. The layout has been carefully revised in order to address the input of consultees so that it demonstrates an acceptable and high quality scheme that would improve the visual

appearance of the site, be in keeping with the established character of the area, enhance the adjacent Conservation Area and not result in any harm to residential amenity. The scale of the retail unit and flats has been kept to a minimum in order to reduce visual impact and integrate well in the streetscene.

Given the 4 no. residential units on the western part of the site have now been omitted from the scheme, there would be no impact on the RPA of the protected Oak tree on Furlong Road.

NCC Highways are satisfied suitable access can be achieved along with on site parking provision that would meet adopted standards. Indigo Road is proposed to be widened from 4.8m to 5.5m with provision of a 1.8m wide footway from the Furlong Road junction to the retail access, which will be an additional public benefit of the scheme.

For the reasons given, we consider the revised application proposal constitutes sustainable development that accords with the provisions of the NPPF and Development Plan as a whole, including the recently made Stoke Ferry Neighbourhood Plan. We therefore respectfully request that Members grant outline planning permission subject to conditions in accordance with the Officer recommendation.

PLANNING HISTORY

10/01814/FM: Application Permitted: 27/01/11 - Construction of 13 social houses, including new village hall and 30 parking spaces and new access - Land Adjacent To Furlong Road

10/00564/FM: Application Refused: 19/08/10 - Construction of 13 social houses, including new village hall and 25 parking spaces and new access - Land At Furlong Road

10/01814/NMAM_1: Application Permitted: 21/06/11 - NON-MATERIAL AMENDMENT TO PLANNING CONSENT 10/01814/FM: Construction of 13 social houses, including new village hall and 30 parking spaces and new access - Land Adjacent To Furlong Road

RESPONSE TO CONSULTATION

Parish Council: OBJECT

The Parish Council's position has not changed. They do not believe the revisions have made the necessary changes for them to approve this application and we have asked our BC to continue with the call-in for this application.

Comments on previous scheme: The area where the 3 bungalows are proposed to be sited is an open space area which was part of planning application ref: 10/01814/FM (13 Social Houses, New Village Hall & 30 Parking Spaces from 2010. It was agreed by the Parish Council, at the time of consultation, that this open space could be used for the new village hall that had been promised to the village in a S106. This was because the development was on Exception Land and would not have been as welcomed without this offer of village gain.

Outside the development boundary: The only time residential units have been agreed outside of the development boundary is when there has been village gain. This development has actually taken away a historically agreed green open space. Hence a reduction in village assets, not a village gain. The building of the village hall did not take place because the

company went bust, not because of any other reason. This is exception land and only considered desirable due to the promised village gain that never happened. There is no evidence to prove a retail unit would be viable at this time.

Contaminated land - We dispute the comments made. When Indigo Road was being constructed there was a spike in contamination which has never been explained. Our concern that disturbing this land may cause air quality deterioration remains valid.

Social facilities- School places and bus service. Our school, All Saints Academy, was oversubscribed this year, 12 children who actually live in the village now could not have a place there and have to travel outside of the village. Stoke Ferry does not have many buses that service it and none covering working hours. The development of 30 + 62 houses mentioned here has village gain. We will be losing an out of date mill and open green space will be provided. This development does not have any village amenities. These new units will be adding to the already overstretched infrastructure, with no open green space and no added village gain at all.

Highway issues- The visibility on Furlong Road towards the busy A134 from this access is not good, when you add numerous large articulated lorries this is a potential hazard. Also, due to the existing large area of tarmac, which would have been the new village hall car park, there is a lot of car parking spaces for such a small amount of homes. The 2nd oak tree (TPO pending) could obstruct the new allocated parking spaces and have an effect on the Highways required widening of the road and new pathway.

Physical Infrastructure- We would like to see a plan for the monitoring of the tarmac area being left untouched to ensure this happens. By making the surface not permeable there is a risk of flooding. This goes against environmental recommendations for surface runoff water.

Trees- We are amazed the developers own tree report did not pick up on a substantial oak tree on the edge of the site. This suggests there is no regard whatsoever for the environment and throws doubt on the credentials of their tree report. The BC arborist has confirmed the oak tree does merit a TPO.

S106 open space- Please provide evidence of the signed and completed version of the S106. We still believe the requirement for open green space should be fulfilled. There is no comparison between the promised open space, or the village hall that was not built and the now proposed retail space. There is no evidence a retail space is "much needed", or the proposed retail space will enhance the conservation area.

Policy SF1 has been misquoted. In principle support is offered for the development of new community facilities with specific support for proposals that would provide health and medical facilities; school outreach facilities; an outdoor classroom; outdoor recreation facilities; a Post Office; opportunities for shared spaces/multiuse community facilities. The Neighbourhood Plan does not intend to alter the current adopted Development Boundary. The proposal would only be a village gain if it were to include open green space.

Highways Authority: NO OBJECTIONS subject to conditions

With reference to the amendment consultation and associated drawings, no objection to the proposed alterations and continue to recommend the conditions of our previous correspondence.

Internal Drainage Board: NO COMMENTS

Environmental Health & Housing - Environmental Quality: NO OBJECTIONS subject to conditions.

Awaiting comments on current scheme. Consultation period expires 21 December 2023.

Comments on previous scheme: Air Quality - The development is in addition to a number of recent major developments within Stoke Ferry including:

- *23/00177/RMM Reserved Matters Application for 62 dwellings pending decision*
- *23/00178/RMM Reserved Matters Application for 30 dwellings pending decision*
- *22/00871/FM Proposed residential development of 13 dwellings pending decision*

Changes in traffic movements become of significant concern for air quality where they approach Institute of Air Quality Management's (2017) screening criteria, such as 500 vehicles per day. The average trip rate per dwelling in this area can be factors higher than other developments for example with better connectivity and potentially of concern.

These additional emissions have known damage costs and whilst this application individually is unlikely to lead to an exceedance in the air quality objectives, we must recommend effective mitigation of the additional emissions. Mitigation can be achieved in part via policy CS08 that seeks a reduction of 10% in the building emission standards when compared to SAP and therefore recommend this to be secured via condition. This is in addition to the standard mitigation such as electric vehicle charging infrastructure, which also should be secured through conditions.

Contaminated Land- We have reviewed the application in the light of the earlier consent (10/01814/FM) which is referred to in the screening assessment provided by the applicant. The investigation and remediation (by soil stabilisation) was signed off for the main phase of residential development to the south, and for the village hall and car park. However, although the car park was constructed, the village hall development was not completed.

The approved remediation was carried out for the consented use as a village hall and car park. The current proposal is for a new, more sensitive residential use and requires a review of the previous work, and risk assessment by a competent person in line with the requirements of National Planning Policy Framework (para 183) and Land contamination risk management (LCRM) to demonstrate that the site can be made suitable for the proposed use. Recommend conditions are attached to secure this.

Community Safety and Neighbour Nuisance Officer (verbal): NO OBJECTION subject to conditions.

A Noise Impact Assessment is required for the residential flats proposed above the retail units. While these are associated with the retail uses, they are also in close proximity to the neighbouring commercial use. This can be conditioned as noise can be mitigated against by the use of materials, insulation and the placement of windows etc. This assessment can inform the detailed design and materials of the flats at the reserved matters stage.

Support the inclusion of conditions for the submission of a Construction Management Plan, site hours, drainage details and a Noise Management Plan for the operation of the retail units.

Arboricultural Officer: NO OBJECTION subject to conditions

Awaiting comments on current scheme. Consultation period expires 21 December 2023.

Comments on previous scheme: An objection now on Arb grounds would not stand up to serious scrutiny, the applicant has done just enough by moving most of the hardstanding away from the oak tree to make this acceptable subject to a detailed tree friendly spec for the hardstanding (covered by the condition).

The most recent PROPOSED BLOCK PLAN AND LOCATION PLAN, drawing number 230953 /10 /100 revision G significantly reduces the hardstanding for vehicle access and parking at the front of the property within the root protection area of the mature oak tree protected by Tree Preservation Order 2/TPO/00287 (listed as T1 in the TPO).

The British Standard does advise that any incursion with hard surfacing within an RPA if there is justification should provide a technical reason to prevent damage to the tree and not exceed 20% of any unsurfaced ground within the RPA, the applicant advises that this revised layout reduces the hard surfacing to just under 16%, in accordance with current guidance.

Should Committee approve this proposal and grant consent for this scheme in its current form the following is a list of suggested Tree Protection and Landscape planning conditions aimed at protecting the existing trees and softening the impact of hard surfacing and 6 car parking spaces at the Furlong Road front of site.

Historic Environment Service: NO COMMENTS

Conservation Officer: NO OBJECTION

The amended plans omit the residential units which would be directly adjacent to the Conservation Area and continue with applications for the retail unit as previously considered under the previous plans. The retail unit, providing it comes in for reserved matters in the way it is currently designed and landscaped, would be unlikely to impact upon the character of the conservation area. At reserved matters we are likely to want to consider signage and lighting as well as quality of materials and detailed landscape plan which could make the building more impactful or successful but at outline, we do not have any further objections to the scheme or comments to make.

One point of note: Should the reserved matters application contain a requirement for Carstone or flint pre-cast panels, these will not be considered acceptable materials. The agent should therefore bear this in mind when submitting details at reserved matters stage.

Natural England: NO OBJECTION

Awaiting comments on current scheme. Consultation period expires 21 December 2023.

Comments on previous scheme: It has been identified that this development falls within the 'Zone of Influence' (Zoi) for one or more of the European designated sites scoped into the Norfolk Green Infrastructure and Recreational disturbance Avoidance and Mitigation Strategy ('GIRAMS'). It is anticipated that certain types of new development (including new tourist accommodation) in this area is 'likely to have a significant effect' on the sensitive interest features of these European designated sites, through increased recreational pressure when considered either alone or 'in combination' with other plans and projects. The

GIRAMS has been put in place to ensure that this additional recreational pressure does not lead to an adverse effect on European designated sites in Norfolk.

Strategic Housing: NO OBJECTION

The total number of units proposed has reduced to 2. As the site area is under 0.5ha and only 2 units are proposed, no affordable housing contribution will be sought.

REPRESENTATIONS

Awaiting representations on current scheme. Consultation period expires 21 December 2023.

*Comments on previous scheme: **FIVE OBJECTIONS** received and **ONE SUPPORT**, these are summarised below -*

Objections-

- *The entrance/ exit is dangerous.*
- *It is land given to the village and would serve the village better as a green space.*
- *Enough houses have been built/ are underway but not enough amenities e.g. doctors and schools are over run, public transport needs improvement.*
- *Toxic fumes from the waste that was buried and disrupted previously. This could cause some serious damage to people's health*
- *This land was promised to the village hall. Even if it was used for parking when events are on there, it would be better for the village than the current plans.*
- *Increasing amounts of traffic going through our small village we have plenty already with the large lorries from the mill, create noise issues.*
- *The land has not been touched since the owners promised a new Village Hall to be built on that land over ten years ago. The land has been fenced off with harris fencing which was 'Ugly' at the time. The land has become overgrown with greenery plants, trees, blackberry bushes and lots more. There is also a huge oak tree which should be protected. There are animals which use the land including an owl which could live in the Oak tree, as well as deer, woodpeckers.*
- *Biggest concern would be the huge hole they made to bury asbestos on that land distal from the road. Would they be digging this up?*
- *Supports-*
- *The retail unit must be on the main road, based on the first principles of the location of retail properties.*
- *Should not have concern re the dust during the construction stage, when the mill at the centre of the settlement is the major cause of respiratory problems for the local community.*

- *The proposed development will be sympathetic with the other proposed residential development that has been approved on the neighbouring plot where one finds the bulk store for the polluting mill due to cease operations.*

LDF CORE STRATEGY POLICIES

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS09 - Housing Distribution

CS11 – Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM2 – Development Boundaries

DM9 - Community Facilities

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NEIGHBOURHOOD PLAN POLICIES

Stoke Ferry Neighbourhood Plan

Policy - SF1 Community Facilities

Policy - SF3 Housing Mix

Policy - SF4 Design and Character

Policy - SF5 HE and CA

Policy - SF6 Non-designated Heritage Assets (important unlisted buildings)

Policy - SF7 Accessibility

Policy - SF9 Development boundary

Policy - SF12 Drainage and Flood Risk

Policy - SF14 Protection and Enhancement of Natural Features and Species

Policy - SF16 New and existing business

Stoke Ferry Design Codes

23/00605/O

Planning Committee
9 January 2024

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations are:

- Planning History
- Principle of Development
- Access/ Highway Safety
- Form and Character and Impact on Conservation Area
- Protected Trees
- Neighbour Amenity
- Other material considerations

Planning History:

The Parish Council has raised concerns about the scheme and the planning history on the site.

The application site (as part of a wider area of land) has extant planning consent for the construction of 13 social houses, including the provision of a new village hall and 30 parking spaces and a new access under planning reference 10/01814/FM.

The developer at that time constructed the 13 affordable homes and these were handed over to the social housing provider.

However, the developer did not progress the remaining elements of the scheme, the new village hall and car park. This planning consent was subject to a Section 106 agreement on the land which included within the Third Schedule of the legal agreement that the construction of the hall will commence no later than 3 months from the completion of the affordable housing units. Also, that the owner complete the village hall within eighteen months from the commencement of development.

The Council took the decision back in 2012 to halt enforcement action on the site. The file note reads-

'After months of negotiating, corresponding and meeting parties and successors in title, on financial viability it has not been possible to secure compliance – delivery of a new Village hall on site. With formal legal opinions taken, it was not viewed as a matter of expediency to take injunctive action or direct action. Therefore, no further action can be taken: the affordable housing was delivered, the monitoring charge paid, but no new village hall constructed. Therefore, the third schedule and the clause in the Deed of Variation concerning the land sale of the old village hall parcel of land are non-compliant. Given this position, with no enforcement action authorised, no further monitoring is required.'

The decision was taken at this time with considered legal opinion, and in accordance with the Council's scheme of delegation. Therefore, officer's report that this decision estops, (prevents contrary action following a formal decision), the Council from taking any further

23/00605/O

Planning Committee
9 January 2024

action in pursuit of delivering the new Village Hall under the historic planning permission or S106 agreement.

The previous planning consent also included the provision of an area of open space (sited on the current application site) as part of that scheme however this was not as a result of a policy requirement or an allocation. Current local plan policy only requires open space on developments for more than 20 homes (Policy DM16). Therefore, while the approved scheme included the area of open space, this was not a policy requirement. Going forward a new application would not require the provision of open space. Therefore, open space is not a policy requirement for the site and the current scheme should be considered on its own merits, as otherwise being policy compliant.

Principle of Development:

The application site lies outside of the development boundary for Stoke Ferry, but directly abuts this development boundary.

Policy CS06 of the Core Strategy outlines the strategy for rural areas is to:

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

Policy CS10 of the Core Strategy supports the rural economy and states that permission may be granted on land which would not otherwise be appropriate for development for an employment generating use which meets a local business need. Any development must satisfy the following criteria:

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

Policy DM2 of the Site Allocations and Development Management Policies Plan states that 'Development will be permitted within the development boundaries of settlements shown on the Policies Map provided it is in accordance with the other policies in the Local Plan. The areas outside development boundaries (excepting specific allocations for development) will be treated as countryside where new development will be more restricted and will be limited to that identified as suitable in rural areas by other policies of the local plan.'

Policy DM 9 'Community Facilities' states that the Council will 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.

The Stoke Ferry Neighbourhood Plan also includes a number of relevant policies including SF1 Community facilities, SF9 Development Boundary and SF16 New and existing businesses. These echo the Local Plan policies regarding the principle of development.

While the site lies outside of the development boundary it is located between existing residential development to the south (Indigo Road) and to the north by the existing

commercial site which is still in use. This commercial site has an extant outline planning consent for residential development, and there is currently a reserved matters application under consideration (23/00178/RMM). As such while the site is outside of the development boundary it is viewed locally as derelict land in appearance and is otherwise locationally within the established built form of the village.

Stoke Ferry is a Key Rural Service Centre and as such the development of the site for mixed uses including two retail units brings additional services to the village. While the site is located outside of the development boundary, this is a sustainable location for this type of development and the proposal meets the policy criteria of CS10 and is fully in accordance with the development plan. Whilst there is an element of residential development proposed this is ancillary to the primary use and would be conditioned as such. Furthermore, the nature of the locality and the proposed uses of the site outweigh the loss of land designated as countryside in this case. The principle of development is therefore in accordance with the NPPF, and policies CS02, CS06 CS10 and DM9 of the adopted Local Plan and as well as Neighbourhood Plan policies SF1, SF9 and SF16.

Access/ Highway Safety:

The application seeks to provide a customer parking area of 14 spaces to the south east of the site to serve the two retail units and the two flats above, as well as a secure cycle parking area, from a single point of access off Indigo Road. Indigo Road is to be widened and a 1.8m width footpath is to be provided.

The Parish Council has raised concerns that visibility on Furlong Road towards the busy A134 from this access is not good, which may result in a hazard with increased traffic.

However, the Local Highway Authority has no objections to the scheme subject to conditions being attached. The road mitigation proposed is in accordance with the required guidance and ownership details have been submitted which show the developer has the ability to implement the scheme. There are no objections to the parking and turning arrangements proposed for the retail units.

The proposed development is in accordance with the NPPF, policies CS11 and DM17 of the adopted Local Plan and Neighbourhood Plan policy SF7 (Accessibility).

Form and Character and Impact on the Conservation Area:

The application site is directly adjacent to the Stoke Ferry Conservation Area and as such careful consideration has been given to the access, scale and layout proposed. The applicant has worked with and responded to comments from officers to secure a layout which works in this locality, and amendments have been made through the planning process. The siting of the retail units and parking set back from Furlong Road, enables the protection of the retained (and Tree Preservation Order) trees and provides an opportunity for the development of the frontage of Furlong Road to come forward at a later time. The area of land to the west of the proposed retail units is not proposed for development as part of this application but this application does include boundary treatments of 1.2m post and rail with wire mesh fencing around this part of the site. The landscaping of this part of the site can be addressed as part of the reserved matters application. The positioning of the retail units and car park to the rear of this area of land, alongside the height of the buildings proposed (which is approximately 1m lower at ridge height than the dwellings adjacent) will limit the impact of this on the street scene particularly if and when the western part of the site comes forward for development at a later date. Given the proposed scale it is considered

that an appropriate scheme could come forward at reserved matters which would be acceptable in this locality.

The Stoke Ferry Design Codes document which sits alongside the Neighbourhood Plan identifies the application site as 'a patch of derelict land with extensive metal security fencing; an eye-sore that detracts from the charm of Stoke Ferry and provides an opportunity for a managed site or future development. The 250-year-old oak at this location is worthy of recording.' Policy SF4 of the Neighbourhood Plan specifically refers to the site as an 'opportunity for visual enhancement and renewal'.

Policy SF 5 (Historic Environment and Conservation Area) supports national policy guidance regarding Conservation Areas and Local Plan policy CS12. Policy SF5 states-

'The special character of Stoke Ferry Conservation Area and its setting will be preserved and enhanced with specific regard to the Stoke Ferry Conservation Area Character Statement 1992.

This will be achieved by:

- a. Encouraging the retention and maintenance of buildings which contribute to the overall character of the Conservation Area, whether listed or not.*
- b. Ensuring that new development is in keeping with the special qualities, character and appearance of the Conservation Area*
- c. Protecting the setting of the Conservation Area from development which adversely affects views into or out of the Conservation Area.*
- d. Encouraging the maintenance and enhancement of features and details which contribute to the area's local distinctiveness.'*

The conservation officer has no objections to the proposed scheme, finding that 'the retail unit, providing it comes in for reserved matters in the way it is currently designed and landscaped, would be unlikely to impact upon the character of the conservation area.' While the plans have shown the proposed design, this is indicative only as the appearance (including materials) and landscaping are yet to be determined at reserved matters.

The proposed access, layout and scale of the development proposed is in line with the NPPF, policies CS12 and DM15 of the Local Plan and policies SF4 and SF5 of the Stoke Ferry Neighbourhood Plan.

Protected Trees:

The application site includes two Oak trees. The older Oak tree which is on Furlong Road has been protected by a Tree Preservation Order (TPO) for some time. A recently served TPO extends protection to include the smaller Oak which is at the entrance to Indigo Road. As such the proposed development must seek to protect these valuable trees, although the current scheme does not propose to develop the area of land directly around the protected trees. That said a condition should be attached to ensure that during the construction period the trees would remain protected from any damage from the storage of materials, vehicles etc. The trees will again be considered as part of the landscaping scheme submitted at the reserved matters stage. Given the western part of the application site is in a prominent location in the conservation area it is appropriate that a landscape management/maintenance plan should also be submitted alongside the landscaping scheme. This will ensure this area of land is suitably maintained.

The proposed development is in accordance with the NPPF, policies CS08 and CS12, and DM15 of the development plan. Also, policy SF14 Protection and enhancement of natural features and species of the Neighbourhood Plan.

Neighbour Amenity:

The application site is surrounded by a commercial development to the north of the site, residential development on Indigo Road to the south and east and Furlong Road to the west.

Paragraph 187 of the NPPF states that decisions should ensure that new development can be integrated effectively with existing businesses and community facilities and that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

Given the adjacent commercial use to the east of the application site, it is necessary for the applicant to submit a Noise Impact Assessment to consider potential noise from the commercial use on the residents of the proposed flats. The noise could be mitigated against, but the Assessment would need to inform the design of the flats and ensure any mitigation is incorporated at the design stage. This would also be secured via condition.

The planning application secures the layout of the site and the scale of development. With regard to the proposed retail units, consideration should be given to both delivery and operating hours to manage the potential traffic, noise and disturbance generated on both the residential neighbours and occupants of the flats proposed. It is appropriate that the applicant submits a Noise Management Plan for the proposed development within which the hours of operation and delivery will be agreed. It should also include any proposed noise mitigation measures deemed necessary and this is attached as a proposed condition. A condition is also attached to tie the occupants of the two residential flats to the retail uses below for the same amenity reasons.

It is necessary to receive information regarding the storage and disposal of commercial waste on site.

Finally, the existing residential development is within close proximity of the site, and the applicant will need to submit and have agreed a Construction Management Plan for the site which should include, for example, hours of work and off-site parking provision. Given the speculative nature of the development in terms of the end users for the retail units, it is appropriate that these conditions allow a degree of flexibility and enable further discussion to respond to the end users, and so the use of conditions will facilitate this.

In terms of neighbour amenity subject to the conditions detailed above, the development proposed is in line with the NPPF and policies CS08 and DM15 of the adopted Local Plan.

Other material considerations:

Flood Risk and Drainage – The application site lies within Flood Zone 1, an area of low risk. The application form states that foul sewage will be disposed of via the main sewer, although detailed drainage details have not yet been submitted and so it is necessary to attach a condition requiring full details of foul and surface water drainage arrangements to be submitted and agreed in writing. In accordance with policies CS08 and DM15 of the Local Plan and policy SF12 'Drainage and flood risk'.

Ecology – The application site is derelict and partially covered in tarmac. There is limited ecological value in its current form. The site does lie within the 'Zone of Influence' (Zol) for one or more of the European designated sites scoped into the Norfolk Green Infrastructure and Recreational disturbance Avoidance and Mitigation Strategy ('GIRAMS'). The GIRAMS has been put in place to ensure that the additional recreational pressure created, as a result of new residential development, does not lead to an adverse effect on European designated sites in Norfolk. Natural England advise that a contribution to the Norfolk GIRAMS should be sought from this development to ensure that the delivery of the GIRAMS remains viable. The applicant has already paid this sum in full. A Shadow Habitats Regulations Assessment has been completed which identifies that subject to these mitigation measures being secured via the GIRAMS payment, this assessment is able to conclude no adverse effects of the development proposal on the integrity of internationally designated wildlife sites in relation to recreation.

Contamination – The Parish Council advises that when Indigo Road was being constructed there was a spike in contamination which has never been explained. Disturbing this land may cause air quality deterioration. The Environmental Quality team has considered the application alongside a screening assessment submitted by the applicant, and in the light of the earlier consent (10/01814/FM). The investigation and remediation (by soil stabilisation) was signed off for the main phase of residential development to the south, and for the village hall and car park. However, although the car park was constructed to some extent, the village hall development was not completed.

The current proposal requires a review of the previous work, and risk assessment by a competent person in line with the requirements of National Planning Policy Framework (para 183) and Land contamination risk management (LCRM) to demonstrate that the site can be made suitable for the proposed use and conditions are proposed to secure this.

Air Quality – The Environmental Quality Officer states that in terms of this application, it is unlikely to lead to an exceedance in the air quality objectives, however it is suggested we seek a reduction of 10% in the building emission standards as well as electric vehicle charging infrastructure. The 10% target is not a measure the Council are actively seeking to secure at this time because through the required Building Control standards the development will be required to deliver a sustainable scheme. A condition is attached to request a scheme for the provision of electric charging within the development to be submitted, as requested.

Affordable Housing - The total number of units proposed has reduced to 2 and as the site area is under 0.5ha, therefore no affordable housing contribution is required.

Local concerns - The Parish Council has requested information regarding the maintenance of the parking area for the retail units, however this is a private development and as such the landowner would be responsible for the development of the scheme in accordance with the approved plans and the management/ maintenance of the site going forward.

The Parish Council stated that they wish part of the application site to come forward for community open space. As stated above there is not a policy requirement for this nor is there an allocation in the Local Plan or Neighbourhood Plan for this use. As such this is not an essential policy requirement that can be insisted upon. The site immediately adjacent to the application site is currently under consideration for residential development and contains a small area of community open space within the proposals.

CONCLUSION:

23/00605/O

Planning Committee
9 January 2024

The application seeks outline planning consent (including access, scale and layout) for the development of a derelict site on the edge of Stoke Ferry. The application site lies outside of the development boundary but given the nature of the site, the existing development surrounding it and the proposed use of the site in a sustainable location (in a Key Rural Service Centre), on balance the principle of development is considered acceptable in this particular set of circumstances.

The application site has an extant consent, as part of a larger site, for a scheme including affordable housing and a village hall and car park. The affordable housing has been delivered but it is not the intention of the developer to construct the village hall and car park. The Council has taken the view (in 2012) that enforcement action would not be taken against the developer. Therefore, this application should be considered on its own merits.

The site lies adjacent to the Conservation Area and includes two protected trees, the scale and layout proposed would not result in harm but rather makes a visual improvement to the locality. The site is recognised in the adopted Neighbourhood Plan as an opportunity for visual enhancement and renewal with a proposed design which is considered sympathetic to characteristics of the site and its context. The development will require the widening of Indigo Road and the provision of a footpath alongside the site. There are no objections to proposal from the Local Highway Authority.

In terms of the impact on neighbour amenity, conditions are proposed to secure adequate management and mitigation measures for the site, in relation to the neighbouring commercial use, and both the long-term retail use and the construction period, which will ensure the development would not be detrimental to surrounding residents (both proposed and existing).

In conclusion of the detailed discussions above, the proposed application is broadly in accordance with the NPPF, policies CS02, CS06, CS08, CS09, CS11, CS12 of the Core Strategy and policies DM9, DM15 and DM17 of the Site Allocations and Development Management Policies Plan. Where there is conflict with Policy DM2 because the development lies outside of the development boundary, the planning balance has been considered and the development would not result in harm. The proposed development is also in accordance with the following policies within the Stoke Ferry Neighbourhood Plan; SF1, SF3, SF4, SF5, SF7, SF9, SF12, SF14 and SF16, and is thereby recommended for approval.

RECOMMENDATION:

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

- 1 Condition: Approval of the details of the means of 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 Reasons: 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 Reasons: 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 Reasons: 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 Reasons: 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: Notwithstanding the approved details the development hereby permitted shall be carried out in accordance with the following approved plans in so far as access, layout and scale only. Drawing Nos -
- 230953/10/100I PROPOSED BLOCK PLAN AND LOCATION PLAN 29 NOV 2023
- 230953/10/103C PROPOSED SITE PLAN SHOWING VEHICLE TRACKING 5 OCT 2023 in so far as vehicle tracking only.
- 230953/10/102A PROPOSED FLOOR PLANS AND ELEVATIONS OF FLATS AND RETAIL UNITS 25 JUL 2023 in so far as scale only.
- 5 Reasons: For the avoidance of doubt and in the interests of proper planning.
- 6 Condition: No works shall commence on the site until such time as detailed plans of the roads, footways, foul and surface water drainage, private accesses 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.
- 6 Reasons: 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.
- 7 Condition: Prior to the occupation / use of the first retail unit all works shall be carried out on roads/footways and surface water sewers in accordance with the approved specification to the satisfaction of the Local Planning Authority.
- 7 Reasons: To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway.
- 8 Condition: Prior to the first occupation of the development hereby permitted 2.4 metre wide parallel visibility splay (as measured back from the near edge of the adjacent highway carriageway) shall be provided across the whole of the site's roadside frontage of Indigo Road .The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.

- 8 Reasons: In the interests of highway safety in accordance with the principles of the NPPF.
- 9 Condition: Prior to the first occupation of the development hereby permitted the proposed access / on-site car parking / servicing / loading / unloading / turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 9 Reasons: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.
- 10 Condition: Prior to first use, details of a suitable electric vehicle charging scheme shall be submitted to and approved in writing by the Local Planning Authority
- 10 Reasons: To ensure the charging is safe, accessible and convenient for all users including visitors to dwellings and retail unit in accordance with section 112(a) of the NPPF, AQAP and the NCC's parking standards (July 2022).
- 11 Condition: Prior to the commencement of development a Noise Impact Assessment must be submitted to and approved in writing by the Local Planning Authority. The Assessment should consider all noise impacts of the existing commercial use to the east of the site, and include a scheme identifying the mitigation methods to address these impacts on the residents of the flats. The scheme shall be implemented as approved and retained in perpetuity.
- 11 Reasons: To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.
- 12 Condition: No development above foundation level shall take place on site until a scheme to protect the neighbouring residential dwellings and the flats from noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved before the development is brought into use. The Noise Protection Scheme should include the hours of opening, hours of delivery, door openings, and any ventilation, cooling or extraction equipment required.
- 12 Reasons: To ensure that the amenities of neighbouring residents are safeguarded in accordance with the NPPF.
- 13 Condition: Prior to commencement of development a detailed construction management scheme must be submitted to and approved by the Local Planning Authority; this must include proposed timescales and hours of the construction phase, deliveries/collections and any piling. The scheme shall also provide the location of any fixed machinery, their sound power levels, the location and layout of the contractor compound, the location of contractor parking, the location and layout of the materials storage area, machinery storage area and waste & recycling storage area, proposed attenuation and mitigation methods to protect residents from noise, dust and litter and communication methods to the wider community regarding the construction phases and likely disruptions. Details of the storage of fuels, liquids and lubricants The scheme shall be implemented as approved.
- 13 Reasons: To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.

- 14 Condition: No development shall commence until full details of the foul and surface water drainage arrangements for the site, including percolation test results, have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.
- 14 Reasons: To ensure that there is a satisfactory means of drainage in accordance with the NPPF.
- 15 Condition: Prior to the commencement of use of the retail units a waste management plan shall be submitted in writing to the Local Planning Authority. This will include the storage and removal of all types of commercial waste. The development shall be implemented in accordance with the approved plan.
- 15 Reasons: To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.
- 16 Condition: Prior to the commencement of use of the retail units hereby approved a lighting scheme for the site shall be submitted and approved in writing to the Local Planning Authority. This shall include all forms of external lighting proposed and also detail any light spill from the retail units. The development shall be implemented in accordance with the approved scheme.
- 16 Reasons: To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.
- 17 Condition: The buildings hereby approved shall be used for the purposes of Class E(a) only (i.e. excluding Class E(b)-(g) inclusive), (as defined within the Town and Country Planning (Use Classes)(Amendment)Order 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and shall not be used for any other purpose, including any use permitted under Schedule 2, Part 3 'Changes of Use' of the Town and Country Planning (General Permitted Development) Order 2015, as amended, or any order revoking and re-enacting that Order with or without modification.
- 17 Reasons: In order that the Local Planning Authority may retain control over the use of the premises where an alternative use otherwise permitted by the above mentioned Order would be detrimental to the parking requirements and amenities of the locality.
- 18 Condition: No development or other operations on site shall commence on site until the existing Oak trees to be retained have been protected in accordance with a scheme (section 5.5, BS 5837:2012, the Tree Protection Plan) to be submitted to, and approved in writing by the Local Planning Authority.

This scheme shall include:

- a. A site layout plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (section 4.6 of BS5837:2012) of every retained tree on site superimposed on the layout plan. The positions of all trees to be removed shall be indicated on this plan.
- b. A schedule of tree works for all the retained trees in paragraphs (a) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard

abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 2010, Recommendations for tree work.

- c. The details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers, (section 6.2 of BS5837:2012), to form a construction exclusion zone, and the type and extent of ground protection (section 6.2.3 of BS5837:2012) or any other physical tree protection measures, such as tree boxes. These details are to be identified separately where required for different phases of construction work (e.g. construction, hard landscaping). Barrier and ground protection offsets must be dimensioned from existing fixed points on the site to enable accurate setting out. The position of barriers and any ground protection should be shown as a polygon representing the actual alignment of the protection.

The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.

- d. a detailed Construction Specification/Method Statement for the design and installation of a no-dig access driveway and hard surfacing within the Root protection area of the Oak tree T1, the ground shall not be lowered within the root protection areas of any protected trees.
- e. the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 7.7 of BS5837:2012). the details of the working methods to be employed with regard to site logistics including, the proposed access and delivery of materials to the site; space for storing materials spoil and fuel, and the mixing of cement; contractor car parking; site huts, temporary latrines (including their drainage), and any other temporary structures.

- 18 Reasons: To ensure the existing trees on site protected by Tree Preservation Order 2/TPO/00287 are suitably protected throughout the construction of this development.

- 19 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).

- 19 Reasons: 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.

- 20 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.

- 20 Reasons: 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.

- 21 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.

- 21 Reasons: 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.

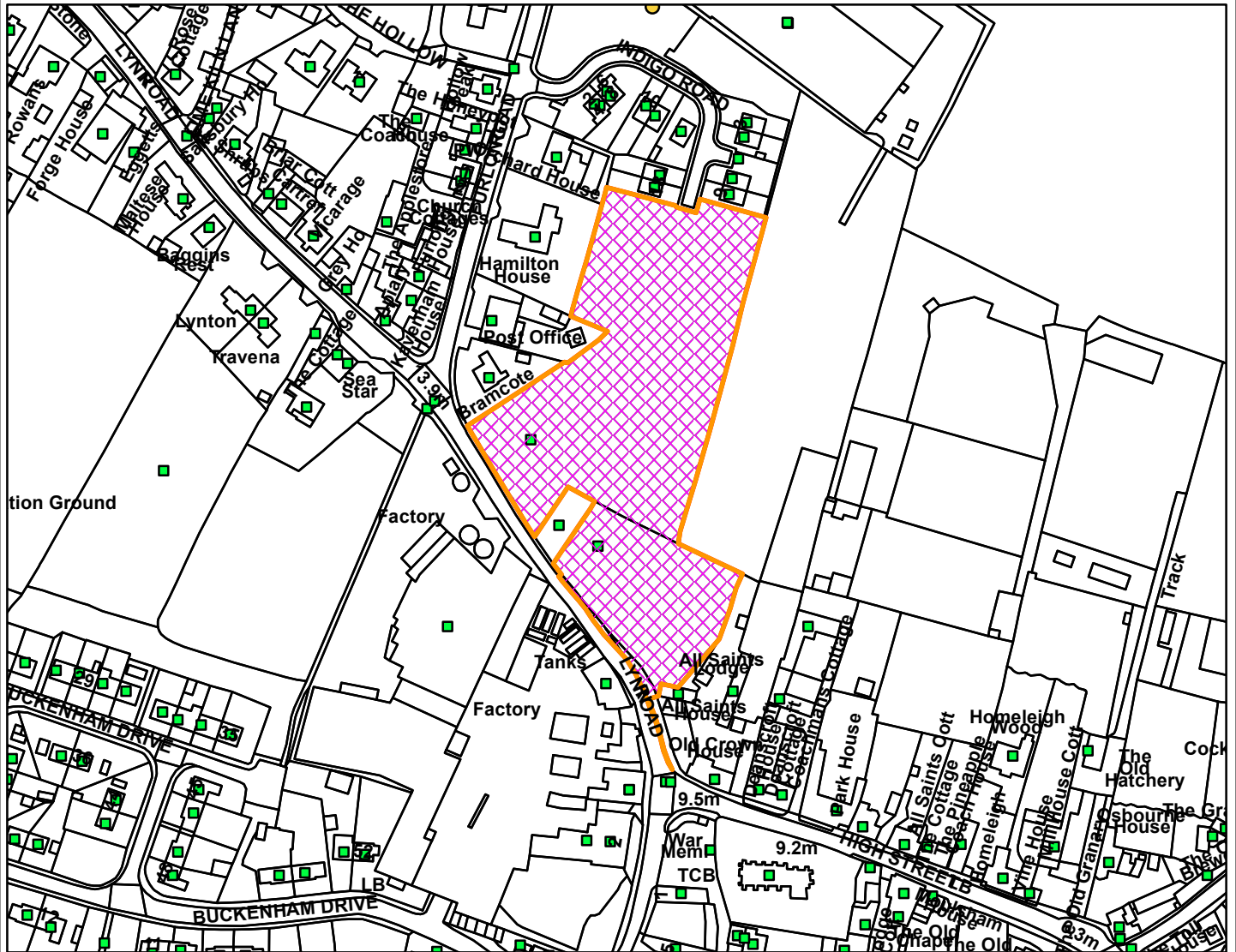
- 22 Condition: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 19, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 20, 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 21.

- 22 Reasons: 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.
- 23 Condition: The two residential flats hereby approved shall be held and occupied in connection with the retail units as shown on Drawing No 230953/10/1001 (also hereby approved) at all times and shall at no time be used as an independent unit of residential accommodation. Furthermore, the residential flats hereby approved shall at no time be used as business or commercial premises.
- 23 Reasons: In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the neighbouring residents and the future occupants in accordance with the NPPF.
- 24 Condition: Prior to the first use of the retail units hereby approved full details of the storage and disposal of commercial waste on site shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter maintained as agreed.
- 24 Reasons: In the interests of the amenities of the locality in accordance with the NPPF.



Land Between Bramcote House and Village Hall Lynn Road Stoke Ferry Norfolk



Legend

[Empty legend box]

Scale: 1:2,500

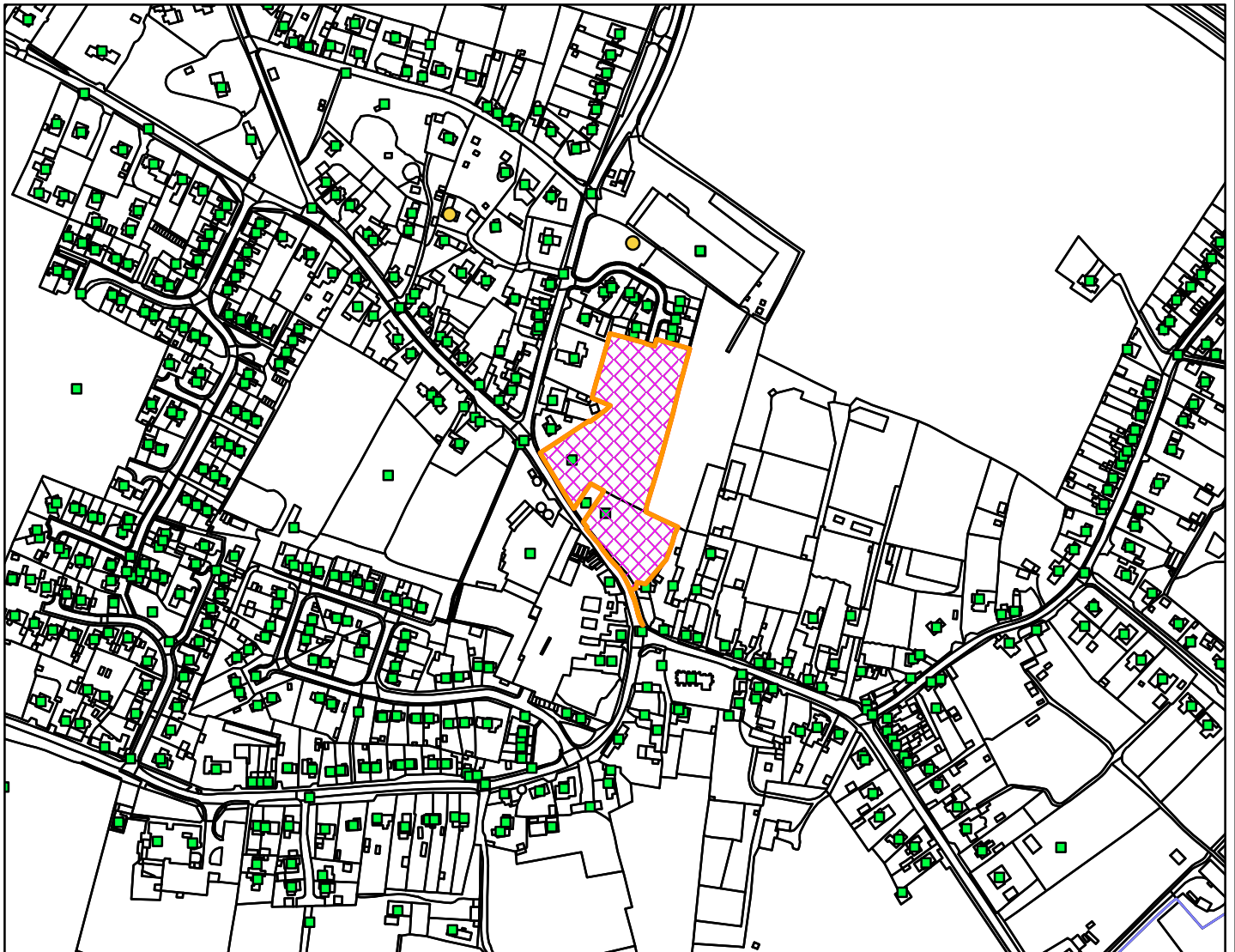
Reproduced from the Ordnance Survey map with permission of the Controller of His Majesty's Stationery Office © Crown Copyright 2023.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	20/12/2023
MSA Number	0100024314



Land Between Bramcote House and Village Hall Lynn Road Stoke Ferry Norfolk



Legend

Scale: 1:5,000

Reproduced from the Ordnance Survey map with permission of the Controller of His Majesty's Stationery Office © Crown Copyright 2023.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	20/12/2023
MSA Number	0100024314

Parish:	Stoke Ferry	
Proposal:	Full application for the erection of 29 no. dwellings ,Village hall car park and associated infrastructure.	
Location:	Land Between Bramcote House And Village Hall Lynn Road Stoke Ferry Norfolk PE33 9SU	
Applicant:	Freebridge Community Housing	
Case No:	23/01475/FM (Full Application - Major Development)	
Case Officer:	Mrs C Dorgan	Date for Determination: 16 November 2023 Extension of Time Expiry Date: 12 January 2024

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

Neighbourhood Plan: Yes

Case Summary

The application site is situated centrally within the village of Stoke Ferry to the south of the Indigo Road residential development and to the north of Lynn Road and the 2Agriculture feed mill, adjacent to Stoke Ferry Village Hall. The southern and western boundaries abut the development boundary, with the southern boundary adjacent to the Stoke Ferry Conservation Area and opposite a row of Grade II Listed Buildings. Access would be via a single point off Lynn Road.

Stoke Ferry is categorised as a Key Rural Service Centre in the adopted Local Plan. The application site includes an allocation within the Site Allocations and Development Management Policies Plan. Policy G88.3 'Land at Indigo Road / Lynn Road' amounts to 0.5 hectare, is identified on the Policies Map G88 and is allocated for residential development of at least 12 dwellings. The rest of the site is within Stoke Ferry development boundary. The site area is 1.17ha in total.

This application seeks planning consent for the development of 29 dwellings and associated infrastructure, and the provision of a village hall car park for 23 spaces. All 29 dwellings would be affordable housing units. A Section 106 agreement is necessary to secure the GIRAMS payment, the phasing and delivery of the village hall car park, the financial contribution for open space equipment and the affordable housing units required by policy CS09.

Key Issues

- Principle of Development
- Highways/ Access and Village Hall Car Park
- Form and Character and Impact on the Historic Environment
- Neighbour / Residential Amenity
- Planning Obligations
- Other Material Considerations

Recommendation:

(A) APPROVE subject to conditions and the completion of a Section 106 Agreement to secure affordable housing, GIRAMS payment, Open Space contribution and delivery of the car park within four months of the date of this resolution to approve.

(B) REFUSE In the event that the Section 106 Agreement to secure affordable housing, GIRAMS payment, Open Space contribution and delivery of the car park is not agreed within four months of the date of this resolution to approve.

THE APPLICATION

The application site is situated centrally within the village of Stoke Ferry to the south of the Indigo Road residential development and to the north of Lynn Road and the 2Agriculture feed mill, adjacent to Stoke Ferry Village Hall. The southern and western boundaries abut the development boundary, with the southern boundary adjacent to the Stoke Ferry Conservation Area and opposite a row of Grade II Listed Buildings. Access would be via a single point off Lynn Road.

Stoke Ferry is categorised as a Key Rural Service Centre in the adopted Local Plan. The application site includes an allocation within the Site Allocations and Development Management Policies Plan. Policy G88.3 'Land at Indigo Road / Lynn Road' amounts to 0.5 hectare, is identified on the Policies Map G88 and is allocated for residential development of at least 12 dwellings. The rest of the site is within Stoke Ferry development boundary. The site area is 1.17ha in total.

This application seeks planning consent for the development of 29 dwellings and associated infrastructure, and the provision of a village hall car park for 23 spaces. All 29 dwellings would be affordable housing units. A Section 106 agreement is necessary to secure the GIRAMS payment, the phasing and delivery of the village hall car park, the financial contribution for open space equipment and the affordable housing units required by policy CS09.

The site layout provides 29 dwellings off a single access road from Lynn Road. This access road serves the dwellings and the village hall car park proposed to the west of the site. This cul de sac style of development allows a pedestrian access to the north into Indigo Road. The development generally consists of frontage development facing onto the road which runs north to south. There are three small areas of open space proposed, although equipment is not to be provided on site. The density of the proposed development is 24.7 dwellings per hectare (or 34 dwellings per hectare excluding the car park).

There are 4 one bedroom dwellings proposed, 11 two bedroom, 10 three bedroom (for 5 people) and 2 three bedroom (for 6 people), and finally 2 four bedroom dwellings. Each dwelling has the required amount of off road parking and private amenity space.

The dwellings include terraced, semi-detached and detached dwellings. These are generally two storey but include a few 1.5 storey dwellings. These range from a ridge height of 7.8m to 8.2m in height and eaves heights are between 3.9 and 5.2m. The materials proposed on the plans includes flint, buff/ cream brick and red brickwork with rather slate or red pantiles roof tiles. The proposed scheme includes a range of detailing which includes brick quoin detailing, dentil and string courses, corbelled brick eaves, stone cills, brick window and door arch/ header details, timber doorcases, porches, dummy chimneys and window detailing including sliding sash windows.

In terms of levels the site slopes from the north east to the south west of the application site with the higher land being at the Indigo Road end of the site which shapes the form of development proposed and this change in gradient will be retained. This is consistent with adjacent land outside of the application site.

Submitted plans identify the boundary treatments proposed which include a range of boundary walls some of which include vertical railings, a knee high rail fence, picket fencing, vertical railings and close board fencing. Plans also provide an indicative landscaping scheme for the site identifying existing and proposed planting and trees, gardens etc.

There are a number of existing mature trees which border the application site, although these are within the control of neighbouring residents and are awarded some protection given their position in/ adjacent to the Conservation Area.

The applicant has stated that they believe development commenced on site towards the end of August 2018 in order to carry out the agreed remediation work as part of works to the village hall car park. These works continued on site until early 2020 but nothing has happened in relation to the permitted development since. Planning permission 17/00469/F is therefore arguably extant and could be completed, which is a material consideration in this case.

SUPPORTING CASE

The application site on Lynn Road in Stoke Ferry comprises 1.17ha of brownfield land within the heart of the village. The site surrounds Stoke Ferry Village Hall and is adjacent to existing residential development on its northern and western sides. The site lies in a highly sustainable location, in close proximity to existing services and facilities in this Key Rural Service Centre.

Part of the site lies within the development boundary of Stoke Ferry and the part that lies outside is allocated for residential development under Policy G88.3 Stoke Ferry – Land at Indigo Road/Lynn Road of the SADMP 2016. A similar scheme has previously received planning permission in 2017 when the site was under different ownership, and has been implemented but not completed. The principle of development of the site is therefore already established, subject to compliance with all relevant planning policies.

The proposals seek an alternative scheme to meet the requirements of the Freebridge Community Housing, who is the new landowner. The proposals seek approval for 29 new homes and a village hall car park, with associated open space, access and infrastructure. The new homes would include 4 no. 1-bedroom houses, 11 no. 2-bedroom houses, 12 no. 3-bedroom houses and 2 no. 4-bedroom houses.

As the applicant is an affordable housing provider, it is intended that all new homes on the site will be provided as an affordable housing tenure, however in order to be policy compliant 20% of the units will be secured by s106 agreement. This is a significant benefit over the previously approved scheme that did not include provision of any affordable housing units on viability grounds.

The proposed new homes are designed to be in keeping with the surrounding built form in terms of scale, massing and design, with a high-quality materials palette proposed to reflect the Conservation Area and historic core of the village. The layout seeks to maximise natural surveillance to encourage safe, active streets, with the proposal receiving praise from Norfolk Constabulary for its design.

The scheme offers a density of approximately 34 dwellings per hectare, which makes effective use of the site whilst boasting green infrastructure across private gardens, public open space and green verges.

The single vehicular access from Lynn Road in the south eastern corner of the site accords with the principles established under the previous permission and the internal road layout follows the line of the existing foul sewer. The development will have a road hierarchy comprising an adoptable central access road, together with four shared private drives with designated refuse collection points. Amendments have been made to the proposals to ensure that they comply with the requirements of the Local Highway Authority.

Footpaths will also be provided within the site, linking different areas and providing a connection for new residents to the services and facilities within Stoke Ferry. This ensures that, as well as green infrastructure provision within the site, future occupiers will be able to take advantage of the existing playing fields within the village. A financial contribution will also be made towards provision of equipment for the main village play area.

All plots benefit from private allocated parking spaces, in line with Norfolk County parking standards, as well as six unallocated visitor spaces and ample hard paved areas for dropping off and deliveries.

Cycle storage for individual dwellings will be provided in the form of timber sheds located within rear gardens. Each garden will also be provided with a designated area to store refuse bins as indicated on the submitted site plans.

The proposals also include the provision of a car park to serve the existing village hall comprising 23 no. parking spaces, which is to be accessed from the proposed internal estate road. Delivery of this will be prior to the occupation of Plots 1 to 3 and 27 to 29, as agreed with the Parish Council. Pedestrian access into the car park and village hall will also be provided from Lynn Road, via a pedestrian gate. Additionally, ducting will be provided to facilitate the installation of an electric vehicle charging point in the car park.

The design and layout of the proposed development responds positively to the context of the site, with the scheme's density and scale reflective of the previous planning permission with appropriate separation created by green verges and private gardens to all units.

All proposed units will benefit from high levels of insulation and thermally efficient windows. Other sustainable design measures incorporated into the scheme include air source heat pumps (ASHPs), solar panels and electric vehicle charging points.

The siting and orientation of the proposed dwellings, alongside their distance from shared boundaries and the position of habitable room windows ensures there will be no significant

overlooking or loss of privacy to any of the existing properties that adjoin the site. An acoustic fence will be installed to plots 27-29 as recommended by the submitted noise assessment.

The proposal has been subject to input from relevant technical consultees and care has been taken to ensure that any concerns raised have been adequately addressed. Consequently, there are no objections from these parties in respect of technical matters.

To conclude, the proposed development would provide good quality, much needed affordable housing on an allocated brownfield site in a sustainable location within Stoke Ferry, as well as providing a valuable new car park facility for the village hall. The proposal is acceptable in terms of flood risk and highway safety, would provide a high quality living environment for future occupiers and would not result in any detrimental impact on the Conservation Area or neighbour amenity.

As a result, the development is considered to accord with all relevant planning policies of the Local Plan and Neighbourhood Plan, would comply with national planning policies and guidance within the NPPF, and would contribute to all three pillars of sustainable development. It is therefore respectfully requested that Members resolve that planning permission be granted subject to conditions and completion of the s106 agreement in accordance with the Officer recommendation.

PLANNING HISTORY

17/00469/F: Application Permitted: 13/07/18 - VARIATION OF CONDITIONS 8, 9, 14, 21, AND 29 OF PERMISSION 16/00493/FM: Proposed residential development (29 dwellings) with minor demolition of former opening in boundary wall for access to plot 24. To include parking and access to existing village hall - Land Between Bramcote House And Village Hall

16/00493/FM: Application Permitted: 09/02/17 - Proposed residential development (29 dwellings) with minor demolition of former opening in boundary wall for access to plot 24. To include parking and access to existing village hall - Land Between Bramcote House And Village Hall

06/02248/F: Application Permitted: 15/12/06 - Construction of mixed housing development comprising 4x3 bed, 2x4 bed and 2x5 bed dwellings of detached, terrace and semi-detached, two and three storey construction together with associated new private road, landscaping, car ports and parking - Land At Lynn Road

06/02247/CA: Application Permitted: 15/12/06 - Demolition of existing buildings on site - Land At Lynn Road

08/02642/F: Application Permitted: 03/03/09 - Variation of Condition 11 of Planning Permission 06/02248/F to permit a scheme for the provision and implementation of contamination investigation to be undertaken in a phased manner - Land At Lynn Road

2/03/1087/F: Application Permitted: 22/07/03 - Extension to create disabled toilet facility - Village Hall

RESPONSE TO CONSULTATION

Parish Council: SUPPORT

The position of the Parish Council remains unchanged. The Parish Council would like to support this application but only with very strict conditions to ensure the following points:

- The last 6 houses (1,2,3,27,28,29) are to remain unoccupied until the car park has been handed over to the village hall
- The off-site financial contribution towards play equipment is secured
- The members would like electrical cabling to be installed under the village hall car park in preparation for the future installation of electric vehicle charging stations and
- The Parish Council would like to have access to the construction management plan.

Highways Authority: NO OBJECTION subject to conditions.

No objection subject to conditions requiring full details of the roads, footways, drainage etc to be submitted and agreed. Road surfacing to an appropriate standard, and the access, parking and turning areas to be set out as approved. Submission of a Construction Traffic Management Plan and construction traffic parking, and the securing of a Traffic Regulation Order.

Public Rights of Way: NO OBJECTION

We have no objections on Public Rights of Way grounds as although Stoke Ferry Footpath 17 is in the vicinity, it does not appear to be affected by the proposals.

Internal Drainage Board: NO OBJECTIONS

Comments were previously provided by the Board to the LPA under cover of a letter dated 8 Sept 2023.

The contents of the letter may be summarised as stating that providing satisfactory details were provided in terms of the information relating to the suitability of the proposal to use infiltration drainage within the development, and there being no positive surface water outfall, then the proposals would have no adverse impact on the Board.

The information provided in support of the planning application subsequent to the letter of 8th September confirm the information required, and therefore it is considered the proposals have no adverse impact on the Board or its operations.

Natural England: NO OBJECTION subject to GIRAMS payment.

This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for a European designated site[s], Norfolk Green Infrastructure and Recreational disturbance Avoidance and Mitigation Strategy ('GIRAMS'). It is anticipated that new residential development within this ZOI is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development. On this basis the development will require an appropriate assessment. Your authority has measures in place to manage these potential impacts in the form of a strategic solution Natural England has advised that this solution will (in our view) be reliable and effective in preventing adverse effects on the integrity of those European Site(s) falling within the ZOI from the recreational impacts associated with this residential development.

Housing Enabling Officer: NO OBJECTION

The applicant is proposing 4 x 2 bed 4 person houses for rent and 1 x 3 bed 5 person house & 1 x 2 bed 4 person house for shared ownership as the s106 units. We are content with these proposals and can confirm the units are policy compliant.

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

Air Quality - The amended application includes details of ducting for future EV charging for the Village Hall car park (shown on drawing FB.1008.P03D). This is welcomed and alleviates need to condition EV charging infrastructure as previously recommended. Furthermore, we had recommended a condition for an energy report to derive the percentage of renewable energy under policy CS08. On reflection, as long as air source heat pumps are implemented for space heating, this would appear to meet policy CS08's requirement for min.10% from the renewable / low carbon sources, as heating is likely to be the predominant energy form to the dwellings.

Contaminated Land - The submitted additional and amended information does not change our previous comments and recommendations for conditions on any consent.

The layout of the current proposal shows houses and gardens across the site plus areas of open space in the south, and a play space in the northern section alongside the Indigo Rd development (located on an existing SUDS feature). The other areas of green space are also proposed to accommodate below ground surface water attenuation. The Village Hall car park is depicted to the southern boundary alongside Lynn Rd.

We understand that the application site was granted consent for 29 dwellings under planning permission 16/00493/FM, later varied under planning permission 17/00469/F to allow groundworks to take place in advance of the remainder of the development. We are aware that the groundworks included some remediation of contamination and the placement of material within 'borrow pits'. The Design and Access statement states that 'There are 4 borrow pits on site created by the previous developer. One of the borrow pits is under the proposed new car park and therefore can remain. The other three conflict with the layout and therefore will be carefully excavated and relocated on site in appropriate new locations.' The information submitted includes plans showing borrow pit locations and relocation plans. The applicant has also submitted a Land Quality Statement (LQS), June 2023, by BHA Consulting. The LQS reports on a ground investigation and soil testing undertaken in March 2023 to delineate the extent of borrow pits and to establish landfill requirements for stockpiled soils. The conditions on the previous application referred to parts of the site which were subject to a remediation plan to address asbestos contamination in shallow soils (referred to as 'remainder of site') and the other parts of the site, which were also potentially affected by solvent contamination. Conditions requiring the remediation scheme to be carried out and validated have not been fully discharged. The applicant will need to undertake a thorough review of the earlier investigations and remediation strategy in order to understand the site conditions and remediation objectives. The review should ensure that all of the site has been sufficiently characterized to ensure that it can be suitable for the proposed use. The work must be carried out by a suitably qualified and competent person as required by the Environment Agency's LCRM Guidance. In order to ensure this safeguard, any consent should include conditions.

The applicant will also need to contact the Environment Agency to clarify if the movement of the material within borrow pits will constitute a waste activity, and if this will need to be carried out under an environmental permit or waste exemption.

Community Safety and Neighbour Nuisance: NO OBJECTION subject to conditions

Please condition construction as per the specifications identified in the Environmental Assessment, Report No.JG/J3726/18417:

- Gardens should be surrounded by 1.8 m close-boarded fences (with a minimum surface density of 10kg/m²), with the exception of plots 27-29, where a 2.5 m tall barrier/close[1]boarded fence fences (with a minimum surface density of 10kg/m²) should be erected.
- Double glazing fitted with compression seals should be built into all bedrooms and living rooms. The weighted sound reduction index of the windows should be no lower than $R_w = 32$ dB.
- In plots 26-29 a Type 4 ventilation system should be installed, without trickle vents or in-wall vents in bedrooms.

The following conditions are requested to be attached to any consent issued:

- Lighting Scheme
- Protection scheme from construction
- Further details required – air source heat pump(s)
- Piling

Greenspace Officer: NO OBJECTION

- There may be bollards/fencing/shrubs needed to stop people parking on the green spaces.
- Usually a 29 dwelling development would provide a LAP. Will there be a LAP or any off-site contribution?
- We will need detailed landscaping plans including planting schedules to provide further comments.

Arboricultural Officer: NO OBJECTION subject to conditions.

The Arboricultural Impact Assessment provides a summary of the tree constraints and impacts on the existing trees of the proposed layout, with a detailed Tree Survey in accordance with British Standard 5837:2012, indicative guidance of the principles for the protection of retained trees during construction work, with a recommendation that the detailed tree protection details, replacement tree planting details and details of arboricultural supervision will need to be provided at a later date.

It appears that the site layout was determined prior to the tree constraints being assessed, and by not responding to the existing tree constraints, and although the design will result in some conflict between trees and construction work the applicant has proposed arboricultural solutions to mitigate these constraints, which will be covered by conditions, and post build there will be a less than harmonious relationship between the existing trees and new dwellings for Plot numbers 11, 7 & 8, 5, and 13.

Because of this, a new Tree Preservation Order will be made to help resist future resident requests for harsh pruning and felling of the trees. This will also include the 8 new trees proposed as replacements for those to be removed for development purposes.

Conflicts of the design with existing trees-

1, There is a slight incursion into the minimum root protection area of T3 sycamore adjacent to the proposed play area and car parking.

2, The gable end wall of plot number 11 is proposed to be constructed within the minimum root protection area of T5 Horse Chestnut; the tree will require pruning to make space for construction work. Post development this tree is likely to be under constant pressure for pruning and or removal.

3, Construction activity is likely to need to be carried out within the root protection area of T6 and T7 and their crowns are recommended to be laterally pruned to make space for development work, this indicates the buildings are too close.

4, There is an incursion with the minimum root protection areas for T14 Sweet Chestnut and T15 Sycamore for parking hard surfacing for plot 1. The trees are very close to this property, the edge of the crown of T15 will be within 3 metres of the new dwelling. One of the car parking spaces will be partly beneath the crown of the sycamore tree T15, and any vehicles parked here will suffer from honeydew drop, fruit and leaf fall. The detached 3 bed property is shown as having PV panels on the south facing roof. PV Panels in this location will be shaded out by T14 and T15 especially when in leaf, this will impact the capability of these panels. The whole of the main roof of this property will be shaded by these trees and there will be an impact on the amount of light reaching the front sitting room because of the location and orientation of this house so close to the existing trees.

5, A new access hard surface is proposed within the minimum root protection area of T1 willow. The level of change around the tree is such that the desire to see this tree retained may be misplaced. In the long term it would be unsuitable in this location and without extensive engineering roots are likely to create disturbance to adjacent surfaces.

6, A small area of the village hall car park surface will be within the minimum root protection area of off-site trees listed as G1 self-set ash.

7, gardens of plot numbers 5, 7, and 8, will be dominated by existing broad crowned horse chestnut trees, and to a lesser extent plot 6.

Although I understand a previous broadly similar layout was approved under 16/00493/FM, it is still disappointing to see this layout with so many tree conflicts. In technical terms, arboricultural solutions can be used to mitigate the potential harm to trees from construction work, but even if they can be successfully retained and protected through the build process, they will be subject to pressure for regular pruning or removal post development by new residents, which will lead to degradation of canopy cover and loss of trees in the future.

Conservation Officer: NO OBJECTION subject to conditions.

Following on from the agents email below, we can confirm that pre-cast flint panels are not acceptable. We therefore suggest that an alternative material is sought such as painted brick which still allows for a traditional finish both in terms of materials and construction technique but avoids the join lines which are inevitable with the pre-cast panels that detract from the traditional character of a building which should be built properly of flint.

Historic England: NO COMMENTS

Historic Environment Service: NO OBJECTION subject to conditions.

Our advice remains unchanged from that given in relation to previous applications. There is potential for previously unidentified heritage assets with archaeological interest (buried archaeological remains) to be present within the current application site and that their significance would be affected by the proposed development. If planning permission is

granted, we therefore ask that this be subject to a programme of archaeological mitigatory work in accordance with National Planning Policy Framework (2021), Section 16: Conserving and enhancing the historic environment, para. 205. We suggest that conditions are imposed to secure this information.

Environment Agency: NO OBJECTION

Air Quality - This proposal will be situated next to an existing permitted Environmental Permitting Regulation (EPR) installation. As part of a technical review of the Food & Drink Sector, required by law, a number of improvement conditions have been set. These include conditions to ensure that air quality improvements are made by the operator. To date the response to those improvement conditions have not been submitted but will have to be complied with by 07 December 2023.

Any proposal will require amenity issues (odour and noise) to be mitigated as there are historical, and more recent, issues with respect to these impacts.

Contamination - Ordinarily we would wish to review the submitted contamination assessment. However, we have significant resource pressures and do not currently have the capacity to technically review the submissions. We would encourage your Authority in discussion with your Environmental Health Team to ensure the developer has addressed risks to controlled waters from contamination at the site through relevant planning conditions having full considered the guidance below.

Detailed information is provided regarding the use of Sustainable Drainage Systems (SuDS). For further information on EA requirements with regard to SuDS see the EA Groundwater protection position statements (2017) and this representation letter includes detailed guidance for the applicant/ developer.

Anglian Water: NO OBJECTION

Assets Affected - There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that an Informative be included within your Notice should permission be granted.

Wastewater Treatment - The foul drainage from this development is in the catchment of Stoke Ferry Water Recycling Centre that will have available capacity for these flows.

Used Water Network - This response has been based on the following submitted documents: Drainage strategy 3861.SK01 P4 dated Feb 2023. The sewerage system at present has available capacity for these flows.

Please attach Informatives.

Norfolk Constabulary: NO OBJECTION

The Constabulary comments, made in the previous response, have now all been addressed in this revised application and we would be happy to accept a Secured by Design Award Application for this development. Secured by Design aims to achieve a good standard of security for buildings and the immediate environment. With these aspects now incorporated in the design, there is no reason why this proposed development would not easily achieve the Secured by Design Gold Award.

Planning Obligations (NCC): NO OBJECTION

These comments are made “without prejudice” and are an officer-level response to your consultation. The requirements are based on 29 dwellings.

Education - There is currently spare capacity within the Early Education, High and Sixth Form Sectors. There is insufficient capacity in the Primary Sector, even taking the other developments into account in table 7 for all the primary age children generated from this development to be accommodated. To increase the capacity at the primary school Norfolk County Council would therefore seek contributions for this proposed development as follows and includes the pro-rata SEND contribution.

- Primary School: 5 places (2 places gifted) x £22,200 (cost per place) = £111,000.00

- SEND Contribution: 0.25 places x £74,920 (cost per place) = £18,730.00

Total Education contribution = £129,730.00.

Fire Service - Norfolk Fire Services have indicated that the proposed development will require the provision of at least one fire hydrant, connected to the potable water supply, for every 50 dwellings forming part of the development. A condition should be attached to secure this.

Library Provision - It has been calculated that a development of this scale would require a total contribution of £2,900 (i.e., £100 per dwelling). This contribution will be spent on increasing the capacity of the library serving the development.

Waste and Recycling Officer: NO OBJECTION

The only omission is that there is no demonstrated collection point for the bins from plots 27-29 inclusive. This should be either at the point where the pavement meets the new spine road with a suitable hard standing to avoid blocking the pavement to reduce the risk of loss of amenity to residents.

REPRESENTATIONS

Conservation Area Advisory Panel –

The Panel support the application in principle. The Panel felt the layout and design were good but would require conditions on the materials and a change of elevation on the rear of plots 27-29 from brick and flint to flint.

TWO letters of OBJECTION received –

- The Norfolk and Fens Cycling Campaign echo the objections that the (lack of) cycle parking for the village hall does not comply with the Parking Standards for Norfolk (a number of Sheffield racks should be provided) and that the only walking/cycling route through that is shorter than a driving route uses what appears to be a private road. This does not comply with Borough policy CS11 Transport. We also ask that the plans are checked to ensure that dropped kerbs are provided for cycles, wheelchairs and other wheeled users at appropriate points on walking/cycling routes.

- Loss of privacy and overshadowing of our property All Saints Lodge by the proposed new 3 bedroom property shown immediately to the west. The 3 bedroom property will be able to look down (as would be elevated 1.00 metre) directly into rooms of our property. An existing tree and electricity pole appear to be proposed to be removed, leaving clear line of sight.

- Also overshadowing and right of light - Due to proposed site levels the new proposed 3 bedroom property will overshadow our property to a noticeable extent, particularly as the sun moves around to the West each day.

- Design and appearance of new 3 bed property, effect on conservation areas and listed buildings, and boundary treatment. Would like to see more use of flint/stone in the South/SE elevation of the new proposed 3 bedroom property, to blend in with the style of adjacent buildings. The boundary line should avoid the creation of unmaintainable areas or inaccessible corners in the south-eastern corner, and the change in levels in that area between the proposed Site and our property driveway.

- Noise - The proximity of the proposed new 3 bed property including its garden being only several metres from our boundary, is likely to generate noise affecting All Saints Lodge.

ONE NEUTRAL representation received -

- Concerns regarding the potential visual intrusion and loss of privacy that would result from the current proposal to Bramcote House. The proposed development leaves a gap in the trees along the boundary line, which will allow me to see the backs of three of the new houses from my (neighbouring) property (plots 26, 25, 24). In addition, the trees that are currently there and marked on the plans are small in nature and die back significantly in winter leaving the view exposed. This intrusion into my privacy and the obstruction of my view from the windows and garden from the side of my house would have a negative impact on my well-being and the enjoyment of my property.

- Request conditions are imposed upon the planning approval to mitigate these concerns:
- Tree Planting on the Boundary Line of sufficient height and density to act as an effective visual barrier.
- Higher Fences be erected (especially in areas where the ground drops away significantly) for privacy and minimize the visual impact of the new houses.

This will help preserve the character of the neighbourhood and prevent any undue harm to my property's value and livability.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS09 - Housing Distribution

CS11 – Transport

CS12 - Environmental Assets

CS13 - Community and Culture

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM16 – Provision of Recreational Open Space for Residential Developments

DM17 - Parking Provision in New Development

NEIGHBOURHOOD PLAN POLICIES

Stoke Ferry Neighbourhood Plan

Policy SF1: Community Facilities

Policy SF3: Housing Mix

Policy SF4: Design and Character

Policy SF5: HE and CA

Policy SF6: Non-designated Heritage Assets (important unlisted buildings)

Policy SF7: Accessibility

Policy SF8: Village Hall car park

Policy SF12: Drainage and Flood Risk

Policy SF13: Dark Skies

Policy SF14: Protection and Enhancement of Natural Features and Species

Stoke Ferry Design Codes

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations are:

- Principle of Development
- Highways/ Access and Village Hall Car Park
- Form and Character and Impact on Historic Environment
- Neighbour / Residential Amenity

- Planning Obligations
- Other Material Considerations

Principle of Development:

The application site is on land allocated within the Site Specific Allocations and Development Management Policies Plan.

Policy G88.3 Stoke Ferry:

Land at Indigo Road / Lynn Road amounting to 0.5 hectare, as identified on the Policies Map, is allocated for residential development of at least 12 dwellings. Development will be subject to compliance with all of the following:

- 1. Submission of a detailed contamination assessment in accordance with the requirements of the NPPF and the Environment Agency’s ‘Guiding Principles for Land Contamination’*
- 2. Safe access and visibility being achieved to the satisfaction of the local highways authority;*
- 3. Submission of details showing how sustainable drainage measures will integrate with the design of the development and how the drainage system will contribute to the amenity and biodiversity of the development. A suitable plan for the future management and maintenance of the SUDS should be included with the submission;*
- 4. Land to the west of the village hall will be allocated for a c.26 car space car park. Submission of a suitable plan for the future management and maintenance of the car park;*
- 5. Submission of an agreed schedule for financial contributions to the village hall community facility.*
- 6. Provision of affordable housing in line with the current standards.*
- 7. Careful design ensuring that development conserves and enhances the conservation area.*

The application as submitted includes and addresses the policy requirements listed above which are discussed in detail within this report. The remaining area of land within this application falls within the development boundary for Stoke Ferry and as such, development is permitted within the development boundary in accordance with policy DM2.

In terms of the principle of development the application is entirely in accordance with the adopted Local Plan, policies G88.3 and DM2 of the Site Allocations and Development Management Policies Plan (2016).

Highways/ Access and Village Hall Car Park:

The application site proposes access via a single access road off Lynn Road, which is as referred to in the Local Plan policy G88.3, forming a cul de sac development to an adoptable highway standard and four small shared private drives. All dwellings include the required number of off-road parking provision adjacent to or within very close proximity to the dwelling, with cycle parking in secure sheds within the gardens. Norfolk County Council as the Local Highway Authority has no objections to the proposed development subject to the inclusion of conditions to secure detailed plans of the roads, footways, foul and surface water drainage and ensure the development is in accordance with these; ensure the road(s) and footway(s) shall be constructed to binder course surfacing level; secure the required visibility splays; ensure the access / on-site car and cycle parking / turning for the village hall shall be laid out, demarcated and surfaced in accordance with the approved plan and retained thereafter; and the submission and agreement of a Construction Traffic Management Plan.

In response to the proposed scheme, and previous consents on this site, the Highway Authority has raised concerns that plots 27-29 may give rise to on-street parking on Lynn Road close to a bend where forward visibility for vehicles travelling west is restricted. Such on-street parking would result in eastbound vehicles having to move out into the opposing traffic lane to pass the parked vehicles and in doing so approach the westbound traffic in the same lane around a bend where visibility is restricted. While some degree of on-street parking may already occur connected with the existing village hall, on-street parking associated with the development will increase the potential for vehicle conflict, to the detriment of highway safety. The Highway Authority request that if the application is to be determined in its current form, they would recommend waiting restrictions are included along Lynn Road.

Where possible (where the historic wall ends) the footpath has been widened to 2m along the frontage of the site on Lynn Road. Pedestrian footpaths then extend alongside the access road through the site linking into Indigo Road to the north.

Policy G33.8 requires the provision of a 26 space car park, with a suitable plan for the management and maintenance of the car park. The proposed development includes the provision of a 23 space car park (including 2 disabled spaces) for the village. While the car park has three spaces less than that required by the policy, and as was previously approved, the car park is being provided as part of this scheme and this community benefit should be acknowledged. The difference in spaces is not sufficient to warrant the refusal of the planning application. The car park would include EV charging points (details to be secured via condition) and also secure cycle parking. In terms of a scheme to secure the management and maintenance of the car park, this can be secured via condition alongside the phasing of the delivery of the car park. The Parish Council are keen to ensure the car park is delivered as soon as reasonably possible and discussions have been held with Freebridge as to the timing of this.

The Village Hall car park is identified within the Neighbourhood Plan Community Projects Action Plan; '3. To encourage the establishment of a Village Hall Car Park, adjacent to the Village Hall on Lynn Road.' Policy SF8 allocates the land for the car park and Policy SF1 seeks to support proposals that would result in the enhancement or improvement of existing community facilities.

The Parish Council has raised concerns about the phasing of development across the site and the delivery of the car park. It is proposed a clause is attached to secure the timely delivery of the car park, and that this is included within the Section 106 agreement for the site. The applicant does not propose to include secure cycle parking for the village hall but there is sufficient land available for this should the Village Hall Committee seek to provide this.

The Local Highway Authority do not object to the scheme as proposed, and the development is broadly consistent with the NPPF, National Design Guide, Policy CS11 of the Core Strategy and Policies DM15 and DM17 of the Site Allocations and Development Management Policies Plan and policies SF1, SF7, SF8, the Community Action Plan of the Neighbourhood Plan.

Form and Character and Impact on the Historic Environment:

The application site is currently an unused brownfield site, formally a petrol station, now cleared with boarding and heras fencing around the perimeter.

The site is located in Stoke Ferry Conservation Area and is located to the north east of Grade II Listed Buildings. In terms of levels the site slopes from the north east to the south

west of the application site with the higher land being at the Indigo Road end of the site which shaped the form of development proposed and this change in gradient will be retained.

On Lynn Road, opposite the 2Agriculture commercial buildings do little to enhance the character and appearance of the Conservation Area. The development of this site means the reuse of this centrally located parcel of land which has the potential to positively contribute to the visual amenity of the locality.

Stoke Ferry Neighbourhood Plan includes policy SF4 Design and character which requires all new development to contribute positively to the character of the area by respecting Stoke Ferry's local distinctiveness and character and seek to enhance its quality. It requires development proposals to be consistent with the principles and guidance laid out in the Stoke Ferry Design Codes document.

Policy SF5 'Historic environment and Conservation Area' seeks to protect the special character of Stoke Ferry Conservation Area and its setting.

In the Neighbourhood Plan the application site is identified as a Community Action 1 Site for visual enhancement with measures to improve the visual appearance of the sites encouraged and the Parish Council will work with interested parties as required to achieve these. In addition, the wall along the frontage of the site at Lynn Road is identified as an important unlisted building due to its locally important character and historic features under policy SF6.

The proposed scheme creates a street scene which responds to the existing network of streets surrounding the application site. Along the frontage of Lynn Road the existing historic wall is to be retained. The positioning of plots 1 and 27-29 which should utilise materials commonly seen in the local vernacular in this prominent location.

The design of the units, incorporating detached, semi-detached and terraced two storey dwellings across the site, are simple in form utilising traditional proportions and a range of materials (flint, buff/ cream brick and red brickwork with rather slate or red pantiles roof tiles) that is consistent with character and appearance of the Conservation Area. It would be our preference that flint would be used in key locations visible in the Conservation Area, such as plot 1 and plots 27-29. While flint is shown on the drawings the applicant proposes flint panels. The Council is not prepared to accept the use of flint panels in this sensitive location and therefore discussions have been held as to alternative materials such a good quality brick which would be more appropriate in this locality. The details of the materials can be secured via a condition. The proposed scheme also includes a range of detailing which includes brick quoin detailing, dentil and string courses, corbelled brick eaves, stone cils, brick window and door arch/ header details, timber doorcases, porches, dummy chimneys and window detailing including sliding sash windows.

The positioning of dwellings follows the estate road with four private shared drives. The number of dwellings is maximised without harming the form and character of the locality and the use of boundary treatments and landscaping will add interest to the site and soften its appearance. While some details are provided for boundary treatments a condition is added to secure the materials to be utilised. A landscaping plan is also required for the site and this will be conditioned also. Open space (compliant with Policy DM16) would be located to the north of the village hall, to the north of the site between Indigo Road and the proposed development and with an area of open space adjacent to Lynn Road which would enhance the development entrance. Whilst the comments of the Greenspace Officer and the CSNN officer are noted, these areas of open space are broadly in line with those previously

approved in terms of the location and will be managed and maintained by Freebridge as part of the wider estate.

Views into the site are limited to the near distance from adjacent roads and properties. In these views the site is seen in the context of the existing built environment of the settlement, the Conservation Area, neighbouring existing residential development and the existing 2Agriculture mill opposite.

The Conservation Officer raises no objection and considers that the development would make a positive contribution to the locality and to the wider Conservation Area. The Conservation Area Advisory Panel felt the layout and design were good but would require conditions on the materials, particularly the use of flint.

The proposal is considered acceptable and complies with the NPPF, Policies CS08 and CS12 of the Core Strategy 2011 and Policy DM15 and DM16 of the SADMP Plan 2016. Neighbourhood Plan policies SF4, SF5, SF6 and the Design Codes document.

Neighbour / Residential Amenity:

In terms of external relationships with neighbouring properties, the scheme has been designed to minimise any loss of privacy and amenity to neighbours directly abutting the site, particularly Plot 1 where the first-floor window on the southern elevation has been removed to prevent overlooking. Permitted development rights should be removed to ensure a window cannot be inserted at a later date.

The relationship between the proposed dwellings backing onto the western boundary and the existing neighbouring dwellings is acceptable with a back to back distance of at least 21m and in many cases there is existing landscaping for additional screening.

Plot 29 and to a lesser degree plot 28 are 90 degrees to the public highway. On the opposite side of Lynn Road, a reserved matters scheme is currently under consideration for a frontage development of dwellings to continue the existing street scene. In this case the dwellings proposed as part of the scheme would be 8m in distance to the boundary of the rear garden of plot 29 and 18m to the boundary of the rear garden of plot 28. While the relationship to no.29 is close, the reserved matters design for 23/00177/RMM is not yet agreed and there is likely to be the opportunity to accommodate changes to the dwellings/ internal layouts to improve this relationship and reduce overlooking.

The changes in levels across the site means that levels vary between plots by 300mm up to 700mm in one case. However, the orientation, positioning and site layout manages this relationship carefully and would not result in the loss of residential amenity for future residents. In terms of levels between existing residential neighbours and the dwellings proposed; the gradient of the land is in keeping with that outside of the application site and as a result the dwellings proposed are at a comparable finished floor level and ridge height to the existing dwellings surrounding the site. The development proposed would as a result not result in overshadowing, a loss of privacy or appear overbearing for neighbours. Residents to the south of plot 1 have raised concerns about the difference in ridge height between their dwelling and plot 1 as proposed. This difference is approximately 1.3m however this is with a separation distance of 16m between the two dwellings, and plot 1 is to the northwest of the existing dwelling. This relationship is considered acceptable as would not cause overshadowing, would not result in a loss of privacy and the separation distance and landscaping between would not give the appearance of this being overbearing.

Neighbouring residents have raised concerns at the potential noise to be generated by dwellings in this location, however there is an extant consent on site and this is a housing

allocation. The use of the site has been accepted in principle and would not give rise to unacceptable levels of noise or disturbance as a result of the current proposed scheme.

The Community Safety and Neighbour Nuisance officer has considered the close proximity of the existing commercial use of the site opposite on Lynn Road, the 2Agriculture site. The applicant has submitted a Noise Impact Assessment which shows that with the inclusion of specific mitigation measures the development is acceptable in terms of residential amenity. Mitigation measures include fencing, double glazing and ventilation systems. The CSNN officer is satisfied with the information provided subject to the necessary condition.

In addition the CSNN officer requested conditions to secure additional information on the proposed:

- Lighting Scheme
- Protection scheme from construction
- Further details required – air source heat pump(s)

The Waste and Recycling officer requested a collection point for plots 27-29 and this has been provided on amended plans.

In terms of neighbour and residential amenity the proposal would comply with the NPPF, National Design Guide, Policy CS08 of the Core Strategy 2011 and Policy DM15 of the SADMP Plan 2016 subject to the detailed conditions proposed.

Planning Obligations

The current application provides the required amount of open space in accordance with Policy DM16. The Parish Council has requested that no play equipment is provided on site due to the close proximity of the site to the recreation ground on Lynn Road (approximate 130m away as the crow flies). The applicant has agreed to make a financial payment of £5,000 to fund a slide on the recreation ground, at the request of the Parish Council. This will be secured via the Section 106 agreement.

The development provides the village hall car park in accordance with Policy G88.3. An agreement for the maintenance and management of this will be secured via a Section 106 agreement, and the intention is that this will be handed over to the Village Hall Committee on completion.

The education and library contributions to Norfolk County Council, as required by Policy CS14, will be secured via the Community Infrastructure Levy and therefore the applicant will not need to make these additional financial contributions. The County Council would seek contributions towards increasing capacity at the primary school to the total value of £129,730.00. In addition, a contribution of £2,900 is required towards the library service for Stoke Ferry.

Norfolk Fire Services have indicated that the proposed development will require the provision of at least one fire hydrant, connected to the potable water supply. A condition is proposed to secure this.

The previous planning consent did not include an affordable housing contribution because the scheme had significant decontamination costs, which will again be the case with the current application. However, a contribution was made last time to the Village Hall in the form of £20,000 of which £10,000 was already received. However, this application is for 100% affordable housing and as stated above will include decontamination works on the site. The applicant does not propose to make a financial contribution to the village hall community facility as requested in policy G88.3. On balance, while this element of the

proposed development is not policy compliant, it is considered reasonable given the tenure of the proposed development and other contributions/ provisions included for the local community. It is recommended that on this basis the application should be supported.

Other Material Considerations:

Contaminated land – The application site is an unused brownfield site, formally a petrol station, now cleared, and this and other previous site uses have led to contamination of the land.

Previous groundworks on site included some remediation of contamination and the placement of material within 'borrow pits'. Three of these will require careful excavation and relocation.' Information submitted includes plans showing borrow pit locations and relocation plans, and a Land Quality Statement (LQS). Conditions requiring the remediation scheme to be carried out and validated have not been fully discharged and the applicant will need to undertake a thorough review of the earlier investigations and remediation strategy in order to understand the site conditions and remediation objectives. The review should ensure that all of the site has been sufficiently considered to ensure that it can be suitable for the proposed use. This should be secured via conditions on a consent.

The applicant will also need to contact the Environment Agency to clarify if the movement of the material within borrow pits would constitute a waste activity, and if this will need to be carried out under an environmental permit or waste exemption.

Air Quality - This proposal will be situated next to an existing permitted Environmental Permitting Regulation (EPR) installation (the 2Agriculture premises). As part of a technical review a number of improvement conditions have been set to ensure that air quality improvements are made by the operator. These are monitored by Borough Council air quality stations and any information collected is shared with the EA. Amenity issues from the site form part of the EA permit and are managed by the EA accordingly.

Flood Risk and Drainage – The site is located in Flood Zone 1, the lowest risk flood zone. A detailed drainage strategy has been produced for the site and submitted. This updates the previously agreed drainage strategy for the site. The plan identifies the existing and proposed drainage arrangements for foul and surface water, it includes the position and capacity of soakaways, impermeable areas and infiltration rates across the site.

The Internal Drainage Board has confirmed that the proposals have no adverse impact on the Board or its operations.

Anglian Water has confirmed that the foul drainage from this development is in the catchment of Stoke Ferry Water Recycling Centre and this will have available capacity for these flows. The sewerage system at present also has available capacity for these flows.

Affordable Housing / Housing Need – The application is for 100% affordable housing. However, for the purposes of policy compliance the applicant is proposing 4 x 2 bed 4 person houses for rent and 1 x 3 bed 5 person house & 1 x 2 bed 4 person house for shared ownership as the s106 units.

The applicant has in their Planning Statement provided evidence for the need for this affordable housing, to meet the shortfall in provision across the Borough. This relates to the Housing Needs Assessment. A range of dwellings sizes are to be provided in the development from one bedroom to four bedroom units.

The Stoke Ferry Neighbourhood Plan includes policy SF3 'Housing mix (size, type, and tenure)'. The policy states that 'support will be given to the provision of a wide range of types of housing that meet local needs and enable the creation of a mixed, balanced and inclusive community. The housing mix (size, type, tenure) of new housing provided should meet the needs of the parish as reflected in the Stoke Ferry Housing Needs Assessment (HNA) 2020,14 or successor document.'

The Stoke Ferry Housing Needs Assessment HNA estimated there will be a need for 40 affordable homes for sale and 28 affordable homes for rent over the plan period. The result of a life-stage modelling process suggests that by 2036, the size distribution of dwellings should be focused on delivering more three-bedroom homes as a priority but with reasonable proportions of 1,2 and 4 bed homes. This is consistent with the development as proposed.

Archaeology – There is potential for previously unidentified heritage assets with archaeological interest (buried archaeological remains) to be present within the current application site and that their significance would be affected by the proposed development. Therefore the proposed development should be subject to a programme of archaeological mitigatory work in accordance with National Planning Policy Framework (2021), Section 16: Conserving and enhancing the historic environment, para. 205. Conditions should be imposed to secure this information prior to the commencement of development.

Trees – There are a number of existing mature trees which border the application site, although these are within the control of neighbouring residents.

An Arboricultural Impact Assessment has been submitted in support of the application which has been reviewed by the Arboricultural Officer. The officer does raise some concerns about the fact that although the design will result in some conflict between trees and construction work the applicant has proposed arboricultural solutions to mitigate these constraints, which will be covered by conditions. Post build there will be a less than harmonious relationship between the existing trees and new dwellings with pressure on existing trees for regular pruning or removal post development by new residents. Because of this, a new Tree Preservation Order will be made to help resist future resident requests for harsh pruning and felling of the trees. However, these concerns should be balanced against the fact that there is an extant consent on the site which allows a very similar pattern of development to that proposed. Significantly the Arboricultural officer does not object to the development but recommends conditions to protect the trees.

Ecology - Torc Ecology Ltd previously completed a Preliminary Ecological Appraisal (PEA) of the site in 2015 and were subsequently commissioned by Freebridge Community Housing to update the PEA in 2023. The previous Preliminary Ecological Appraisal identified bat roosts within the adjacent Village Hall and potential for bats in trees within the site. A Bat Ecological Assessment has been carried out by Torc Ecology in support of the current proposals for the site. No bats were identified returning to roost at either the village hall or the trees, although a key flight line was identified in association with the village hall. Importantly, no further survey work is considered necessary.

The provision of sensitive landscaping and lighting within the development will retain the key flight line identified and retain dark corridors for bats to navigate around the site. Additionally new dwellings are recommended to have integrated bat boxes installed in order to enhance the site by providing roosting opportunities that are currently unavailable. The mitigation measures recommended should be conditioned as part of any planning consent.

Natural England identified that the application site was within the zone of influence for European designated sites. Norfolk Green Infrastructure and Recreational disturbance

Avoidance and Mitigation Strategy ('GIRAMS') provides a mechanism for mitigation for new residential development within this ZOI which is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development.

A shadow Habitats Regulations Assessment has been submitted by the applicant which concludes subject to the mitigation measures (the GIRAMS payment) being secured via a Section 106 agreement, there are no adverse effects of the development proposal on the integrity of internationally designated wildlife sites in relation to recreation. The proposed development is of a nature and scale that there are no additional recreation implications beyond those being mitigated by the Norfolk GIRAMS.

Crime and Disorder - Norfolk Constabulary raise no objection and confirm their comments have been addressed. Norfolk Constabulary would be happy to accept a Secured by Design Award Application for this development.

Additional issues raised by representations – The Norfolk and Fens Cycling Campaign state the only walking/cycling route through that is shorter than a driving route uses what appears to be a private road. This does not comply with Borough policy CS11 Transport. They also ask that the plans are checked to ensure that dropped kerbs are provided for cycles, wheelchairs and other wheeled users at appropriate points on walking/cycling routes. The Local Highway Authority has no objections to the scheme as proposed and the Council is satisfied that the link through to Indigo Road to the north of the site is sufficient and will be maintained by the applicant Freebridge. In terms of dropped kerbs this will be considered as part of the detailed design work with the Local Highway Authority.

CONCLUSION:

The site is an allocation of the Development Plan and therefore is acceptable in principle. The design of the scheme has been amended to reflect the existing form and character of the locality which will enhance the character and appearance of the Conservation Area. The applicant proposes a car park to serve the village hall. The site is heavily contaminated and the applicant has accepted the need to provide the require investigation works and mitigation measures to bring the site forward for development.

Notwithstanding the above, the proposal is fully acceptable and complies with the NPPF, Policies CS01, CS02, CS06, CS08, Cs09, CS11, CS12, CS13 and CS14 of the Core Strategy 2011, Policies DM1, DM2, DM15, DM16, DM17 and G88.3 of the SADMP Plan 2016 and Policies SF1, SF3, SF4, SF5, SF6, SF7, SF8, SF12, SF13, SF14 and the Design Codes document. Members are recommended to:

(A) APPROVE subject to conditions and the completion of a Section 106 Agreement to secure affordable housing, GIRAMS payment, Open Space contribution and delivery of the car park within four months of the date of this resolution to approve.

(B) REFUSE In the event that the Section 106 Agreement to secure affordable housing, GIRAMS payment, Open Space contribution and delivery of the car park is not agreed within four months of the date of this resolution to approve.

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 No's –

FB-1008-P01 LOCATION PLAN
FB.1008.P02 E BLOCK PLAN & DEVELOPMENT MIX
FB.1008.P03 D SITE PLAN - SOUTH
FB.1008.P04 E SITE PLAN – NORTH
FB-1008-P05 HOUSE TYPES PLANS AND ELEVATIONS ONE BEDROOM
TERRACE - PLOTS 11-14
FB-1008-P06 HOUSE TYPES PLANS AND ELEVATIONS TWO BEDROOM
SEMI - PLOTS 15-18 & 21-22
FB-1008-P07 HOUSE TYPES PLANS AND ELEVATIONS TWO BEDROOM
SEMI - PLOTS 21 & 22 (STEPPED)
FB-1008-P08 HOUSE TYPES PLANS AND ELEVATIONS TWO BEDROOM
TERRACE - PLOTS 27,28,29
FB-1008-P09 HOUSE TYPES PLANS AND ELEVATIONS 2 / 3 BEDROOM
SEMI-DETACHED - PLOTS 2,3,8,9
FB-1008-P10 HOUSE TYPES PLANS AND ELEVATIONS THREE
BEDROOM DETACHED - PLOTS 4 & 5
FB-1008-P11 HOUSE TYPES PLANS AND ELEVATIONS THREE
BEDROOM DETACHED - PLOTS 6,7,19,20
FB-1008-P12 A HOUSE TYPES PLANS AND ELEVATIONS THREE
BEDROOM SEMI -DETACHED – PLOTS 24 & 25
FB-1008-P13 PLANS AND ELEVATIONS THREE BED SIX PERSON PLOTS 1 &
23
FB-1008-P14 HOUSE TYPES PLANS AND ELEVATIONS FOUR
BEDROOM DETACHED - PLOTS 10 & 26
FB.1008.P17 A SHED
3861.SK01 P6 DRAINAGE STRATEGY
3861.SK02 P6 LEVELS STRATEGY
3861.SK05 P2 ACCESS ROAD TRACKING LAYOUT
3861.SK06 P3 SITE ACCESS AND VILLAGE HALL TRACKING LAYOUT
3861.SK04 P2 BORROW PIT RELOCATION PLAN

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

3 Condition: No works shall commence on the site until such time as detailed plans of the roads, footways, foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. All construction works shall be carried out in accordance with the approved plans

3 Reason: To ensure satisfactory development of the site and a satisfactory standard of highway design and construction.

- 4 Condition: No works shall be carried out on roads, footways, foul and surface water sewers otherwise than in accordance with the specifications of the Local Planning Authority in consultation with the Highway Authority
- 4 Reason: To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway.
- 5 Condition: Before any dwelling is first occupied the road(s) and footway(s) shall be constructed to binder course surfacing level from the dwelling to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- 5 Reason: To ensure satisfactory development of the site.
- 6 Condition: Notwithstanding details on the approved drawings, prior to the first occupation of the development hereby permitted visibility splays measuring 2.4m x 48m and 2.4m x 42m shall be provided to the north-west and south-east of the access respectively where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.
- 6 Reason: In the interests of highway safety.
- 7 Condition: Prior to the first occupation of the development hereby permitted the proposed access / on-site car and cycle parking / turning for the village hall shall be laid out, demarcated and surfaced in accordance with the approved plan and retained thereafter available for that specific use.
- 7 Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.
- 8 Condition: For the duration of the construction period all traffic associated with the construction of the development will comply with the Construction Traffic Management Plan and unless otherwise approved in writing with the Local Planning Authority in consultation with the Highway Authority.
- 8 Reason: In the interests of maintaining highway efficiency and safety.
- 9 Condition: No works shall commence on the site until the Traffic Regulation Order for waiting restrictions on Lynn Road has been secured by the Highway Authority.
- 9 Reason: In the interests of highway safety.
- 10 Condition: No demolition/development shall take place until an archaeological written scheme of investigation (WSI) 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.

- 10 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF. This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.
- 11 Condition: No demolition/development shall take place other than in accordance with the written scheme of investigation approved under condition 10 and any addenda to that WSI covering subsequent phases of mitigation.
- 11 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 12 Condition: The development shall not be occupied or put into first use 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 10 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 12 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 13 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).
- 13 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 14 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.

- 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. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 15 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.

- 15 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 16 Condition: 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 13, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 14, 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 15.

- 16 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.
- 17 Condition: Notwithstanding the details on the submitted plans hereby approved 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.

- 17 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 18 Condition: Notwithstanding the details hereby approved prior to first occupation/use of the development hereby permitted, full details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, heights, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the occupation/use hereby permitted is commenced or before the building(s) are occupied or in accordance with a timetable to be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 18 Reason: To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.
- 19 Condition: Notwithstanding the approved details no development over or above foundations shall take place on site until full details of the window style, reveal, cill and header treatment has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 19 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 20 Condition: Prior to the first use/occupation of the development hereby permitted, full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority.
 - a, Hard landscape works, to include but not be limited to, finished levels or contours, hard surface materials, refuse or other storage units, street furniture, structures and other minor artefacts, boundary types, and any paved surfaces (including manufacturer, type, colour and size) underground modular systems, and sustainable urban drainage integration (see detailed design proposals for street trees planting pits/trenches at ii)
 - b. Soft landscape works, to include planting plans (which show the relationship to all underground services overhead lighting and the drainage layout), written specifications (including cultivation and other operations associated with plan and grass establishment), schedules of plants noting species, plant sizes, proposed numbers and densities, tree planting details including method of staking, and irrigations, detailed design proposals for street trees planting pits/trenches including, but not limited to, locations, soil volumes in cubic metres, cross sections and dimensions.
- 20 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 21 Condition: All hard and soft landscape works shall be carried out in accordance with the details approved in condition 20. 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.

- 21 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 22 Condition: Prior to the occupation of the development a landscape establishment and maintenance scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the initial establishment and maintenance of all landscaped areas for a minimum period of 5 years and specify the maintenance responsibilities and arrangements for its implementation. The landscape maintenance scheme shall be carried out as approved.
- 22 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 23 Condition: A landscape management plan including long-term design objectives, management responsibilities, management, and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of any part of the buildings or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
- 23 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 24 Condition: No works or development shall take place until a scheme for the protection of the retained trees (section 5.5, BS 5837:2012, the Tree Protection Plan) has been approved in writing with the Local Planning Authority. This scheme shall include:
 - a, a site layout plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (section 4.6 of BS5837:2012) of every retained tree on site and on neighbouring or nearby ground to the superimposed on the layout plan. The positions of all trees to be removed shall be indicated on this plan.
 - b, a schedule of tree works for all the retained trees in paragraphs (a) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 2010, Recommendations for tree work.
 - c, the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers, (section 6.2 of BS5837:2012), to form a construction exclusion zone, and the type and extent of ground protection (section 6.2.3 of BS5837:2012) or any other physical tree protection measures, such as tree boxes. These details are to be identified separately where required for different phases of construction work (e.g., demolition, construction, hard landscaping). Barrier and ground protection offsets should be dimensioned from existing fixed points on the site to enable accurate setting out. The position of barriers and any ground protection should be shown as a polygon representing the actual alignment of the protection.

The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.

d, the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 7.7 of BS5837:2012). the details of the working methods to be employed with regard to site logistics including, the proposed access and delivery of materials to the site; space for storing materials spoil and fuel, and the mixing of cement; contractor car parking; site huts, temporary latrines (including their drainage), and any other temporary structures.

All tree protection shall be carried out in complete accordance with the approved details.

- 24 Reason: To ensure the existing trees within the development site are suitably protected throughout the demolition and construction phases of this development.
- 25 Condition: No work or other operations development shall take place on site until details of all Arboricultural Supervision to include a schedule of site supervision and monitoring of the arboricultural protection measures as approved in condition 24 above, shall be submitted to the Local Planning Authority for approval in writing. Site arboricultural supervision and monitoring shall thereafter be carried out in strict accordance with the approved details.
- 25 Reason: To ensure the existing trees within the development site are suitably protected throughout the demolition and construction phases of this development.
- 26 Condition: The development shall be implemented in accordance with the recommendations of the 'Bat Ecological Impact Assessment of Land at Lynn Road' carried out by TORC Ecology and dated 12 July 2023.
- 26 Reason: In the interests of protected species in accordance with the NPPF and Policy CS12.
- 27 Condition: Prior to the installation of any external lighting a detailed outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lighting, the extent/levels of illumination over plots, the site and on adjacent land and the measures to contain light within the curtilage of the site. The scheme shall be implemented in accordance with the approved scheme and thereafter maintained and retained as agreed
- 27 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF and policy SF13.
- 28 Condition: Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 28 Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with the current and previous land uses in line with the NPPF and the EA Groundwater Protection; Principles and Practice.
- 29 Condition: Prior to commencement of development a detailed Construction Management Plan must be submitted to and approved in writing by the Local Planning Authority in consultation with Norfolk County Council Highway Authority. This must include details of on-site parking for construction workers, access arrangements for delivery vehicles and temporary wheel washing facilities for the duration of the

construction period. It should also include proposed timescales and hours of the construction phase, deliveries/collections and piling. The scheme shall also provide the location of any fixed machinery, their sound power levels, the location and layout of the contractor compound, the location of contractor parking, the location and layout of the materials storage area, machinery storage area and waste & recycling storage area, proposed attenuation and mitigation methods to protect residents from noise, dust and litter and communication methods to the wider community regarding the construction phases and likely disruptions. If piling is required, full assessment of noise and vibration impacts should be included. The scheme shall be implemented as approved.

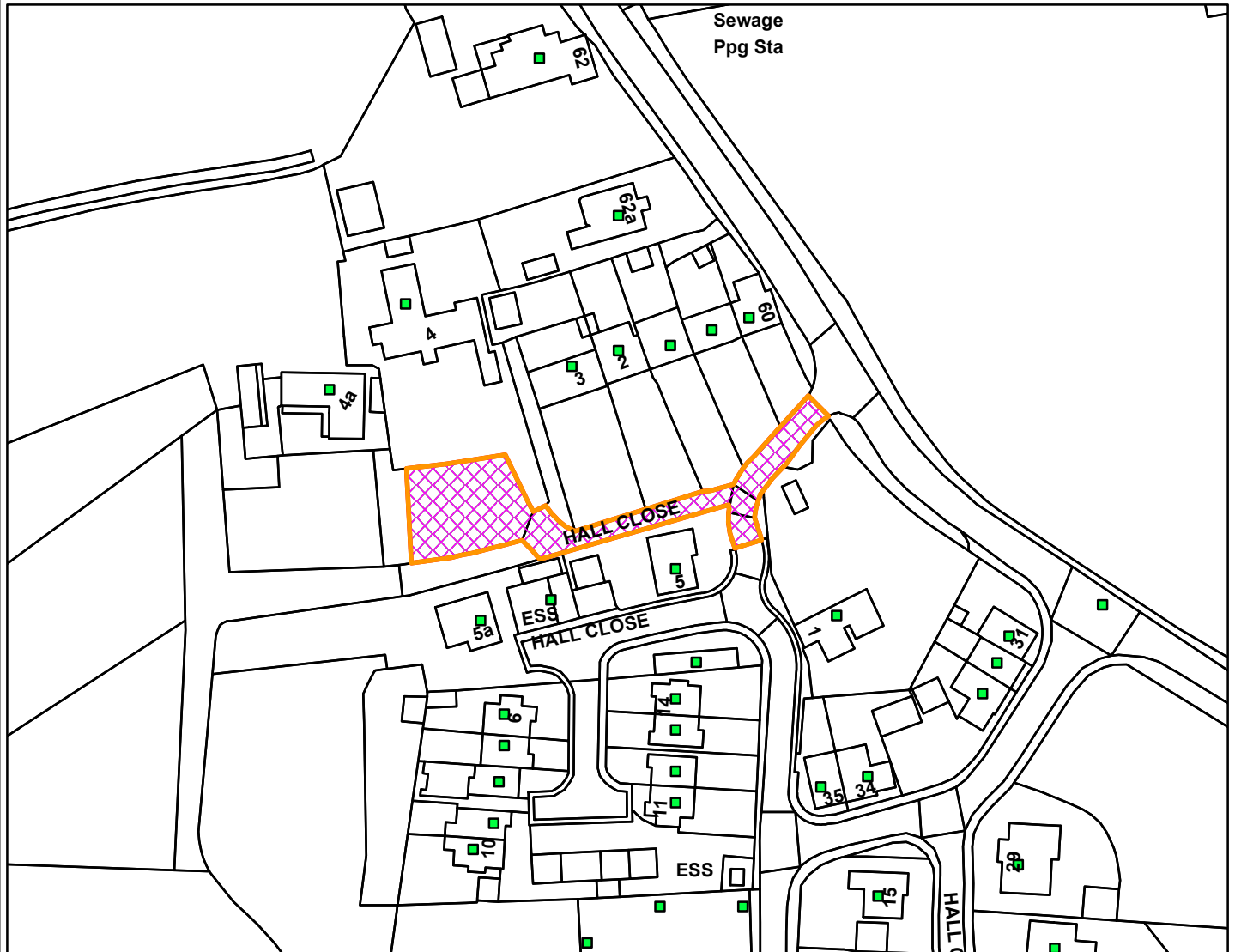
- 29 Reason: In the interests of the amenities of the locality in accordance with the NPPF.
- 30 Condition: Construction or development work on site, along with collections and deliveries of waste products, material and equipment, shall only be carried out between the hours of 0800 and 1800 weekdays, and 0900-1300 on Saturdays, with no work allowed on Sundays and Bank/Public Holidays. Piling on site shall only be carried out between the hours of 0900 and 1700 weekdays.
- 30 Reason: To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.
- 31 Condition: Notwithstanding the details already submitted, prior to the installation of any air source heat pump(s) a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the make, model and sound power levels of the proposed unit(s), the siting of the unit(s) and the distances from the proposed unit(s) to the boundaries with neighbouring dwellings, plus provide details of anti-vibration mounts, and noise attenuation measures. The scheme shall be implemented as approved and thereafter maintained as such.
- 31 Reason: In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- 32 Condition: The development hereby approved shall be constructed fully in accordance with the recommendations and specifications identified in the Environmental Noise Assessment for a Proposed Residential Development at Lynn Road, Stoke Ferry, Report No.JG/J3726/18417 (dated July 2023):
- Gardens should be surrounded by 1.8 m close-boarded fences (with a minimum surface density of 10kg/m²), with the exception of plots 27-29, where a 2.5 m tall barrier/close[1]boarded fence fences (with a minimum surface density of 10kg/m²) should be erected.
 - Double glazing fitted with compression seals should be built into all bedrooms and living rooms. The weighted sound reduction index of the windows should be no lower than $R_w = 32$ dB.
 - In plots 26-29 a Type 4 ventilation system should be installed, without trickle vents or in-wall vents in bedrooms.
- all be constructed fully in accordance with the recommendations and specification identified in
- 32 Reason: In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- 33 Condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting

that Order with or without modification), no new windows/dormer windows (other than those expressly authorised by this permission) or no enlargement of the dwellinghouse consisting of an addition or alteration to its roof shall be allowed on plot 1 on the eastern or southern elevations of the dwelling without the granting of specific planning permission.

- 33 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.
- 34 Condition: The development shall not be brought into use until a scheme for a fire hydrant has been implemented in accordance with a scheme that has previously been submitted to and approved in writing by the Local Planning Authority.
- 34 Reason: In order to ensure that water supplies are available in the event of an emergency in accordance with the NPPF.



Porcherie 4A Hall Close Heacham PE31 7JT



Legend

[Empty legend box]

Scale: 1:1,250

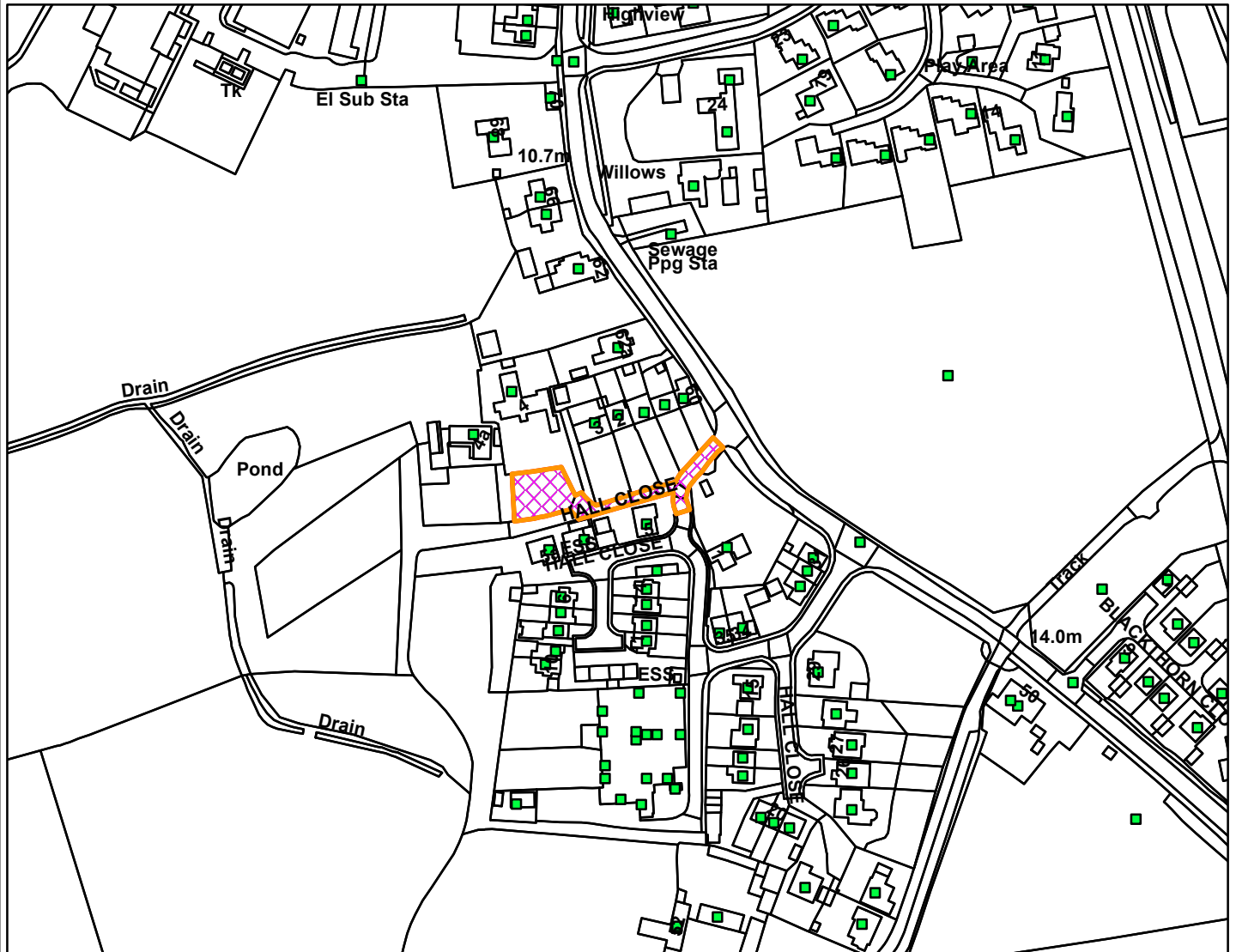
Reproduced from the Ordnance Survey map with permission of the Controller of His Majesty's Stationery Office © Crown Copyright 2023.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	19/12/2023
MSA Number	0100024314



Porcherie 4A Hall Close Heacham PE31 7JT



Legend

[Empty legend box]

Scale: 1:2,500

Reproduced from the Ordnance Survey map with permission of the Controller of His Majesty's Stationery Office © Crown Copyright 2023.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	19/12/2023
MSA Number	0100024314

Parish:	Heacham	
Proposal:	Proposed 3 Bedroom Bungalow	
Location:	Porcherie 4A Hall Close Heacham Norfolk PE31 7JT	
Applicant:	Mr Williams	
Case No:	23/00681/F (Full Application)	
Case Officer:	Mrs Jade Calton	Date for Determination: 28 July 2023 Extension of Time Expiry Date: 16 January 2024

Reason for Referral to Planning Committee – Referred by Sifting Panel

Neighbourhood Plan: Yes

Case Summary

The application site is located to the north-west of Hall Close, Heacham and comprises curtilage land historically associated with No. 4 Hall Close to the north.

Full planning permission is sought for the construction of a three bedroom bungalow.

The site is located within the development boundary of Heacham, which is classified as a Key Rural Service Centre within the Core Strategy’s Settlement Hierarchy.

Key Issues

- Principle of Development
- Site History
- Form and Character
- Neighbour Amenity
- Highway Safety
- Other Material Considerations

Recommendation

APPROVE

Planning Committee
9 January 2024

THE APPLICATION

The application site is located to the north-west of Hall Close, Heacham and comprises curtilage land historically associated with No. 4 Hall Close to the north.

Access to the site is served via a private track off Hall Close.

The site currently comprises a gravel parking and turning area with access to No.4A Hall Close. It is currently bounded by a 1.8m close boarded timber fence and garden trees to the north; the same fence and conifer hedge to part of the eastern boundary; a single storey timber stable building, low level wall and access gates to the western boundary; and a section of 1.8m fencing and the remainder a low level hedgerow to the southern boundary.

Planning permission has previously been refused on the site (22/01932/F) for the construction of a bungalow and the this application seeks to address the issues raised.

Full planning permission is sought for the construction of a three bedroom bungalow with a footprint of approx. 103m sq. It would be orientated with it's principal elevation facing east, with on-site parking for two vehicles to the front and side and a private garden to the west.

A small strip of land to the west of the site will be separated from the proposed development in order to maintain access to No.4A and provide parking for the donor dwelling.

Traditional building materials are proposed, such as a red brick plinth and quoins, carrstone and red clay pantiles.

The site is located within the development boundary of Heacham, which is classified as a Key Rural Service Centre within the Core Strategy's Settlement Hierarchy.

SUPPORTING CASE

There is no supporting case accompanying the application.

PLANNING HISTORY

22/01932/F: Application Refused: 25/01/23 – (Delegated) Proposed 3 bedroom bungalow – Porcherie, 4A Hall Close, Heacham

20/00427/F: Application Permitted: 08/06/20 (Delegated) - Variation of condition 2 of planning permission 18/00608/F: Extension to side and rear of dwelling house – Porcherie, 4A Hall Close

18/00608/F: Application Permitted: 31/08/18 (Delegated) - Extension to side and rear of dwelling house – Porcherie, 4A Hall Close

18/00628/F: Application Withdrawn: 27/06/18 - Construction of two detached cottage type dwellings – Porcherie, 4A Hall Close

09/01702/F: Application Permitted: 23/11/09 (Delegated) - Replacement of existing piggery with new dwelling - 4 Hall Close, Heacham

Planning Committee
9 January 2024

23/00681/F

06/02121/O: Application Permitted: 28/11/06 (Delegated) - Outline Application:- Construction of dwelling - Land South Of Weathercocks, 4 Hall Close

11/01288/F: Application Permitted: 19/09/11 - Variation of Condition 2 of planning consent 09/01702/F to allow the use of Drawing 2/213/3H which shows a revised chimney and 1 extra rooflight to the living room - 4 Hall Close

RESPONSE TO CONSULTATION

Parish Council: OBJECT - Building in Countryside, Over development of site. Neighbourhood Plan Policy 4 must be a principal residency. Therefore, cannot be a holiday home or let and not sold on in the future as a holiday home or let. Neighbourhood plan Policy 5.7 the garden space on this property is very small not in keeping with intended occupation, it is cramming in a property on a small plot. Policy 6 parking would mean that the vehicle would need to manoeuvre on the narrow road to turn. In HPC view the reason that this was refused last year still remains.

Highways Authority: NO OBJECTION - subject to a condition relating to parking, in accordance with the approved plan.

Natural England: Standing Advice regarding GIRAMS and protected sites.

Arboricultural Officer: NO OBJECTION - subject to conditioning tree protection in accordance with the Arboricultural Report.

Historic Environment Service: There are no known archaeological implications.

REPRESENTATIONS

ONE representation received from a Third Party **NEITHER OBJECTING NOR IN SUPPORT** of the application, but makes the following comments: -

- Concerned about the impact of the development on their home.
- Loss of light.
- Trees adj. already shade garden.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS11 - Transport

CS12 - Environmental Assets

Planning Committee
9 January 2024

23/00681/F

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 1 - Small Scale *(windfall and infill) development

Policy 2 - Housing Mix

Policy 4 - Principal Residence Requirement

Policy 5 - Design Principles

Policy 6 - Residential Car Parking

Policy 11 - Green Infrastructure

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
National Design Guide 2021

PLANNING CONSIDERATIONS

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

- Principle of Development
- Site History
- Form and Character
- Neighbour Amenity
- Highway Safety
- Other Material Considerations

Principle of Development:

Full planning consent is sought for the construction of a detached 3-bedroom bungalow, situated to the north-west of Hall Close, Heacham, via a private access track.

The site lies just inside of Heacham's development boundary as defined by the Development Plan.

Planning Committee
9 January 2024

23/00681/F

Heacham is classified as a Key Rural Service Centre within the Core Strategy's Settlement Hierarchy. Limited growth of a scale and nature appropriate to secure the sustainability of each settlement, will be supported within the Development Limits of such Centres.

As such the principle of development would be acceptable in accordance with the Settlement Hierarchy within the Development Plan.

Policy 4 of the Heacham Parish Neighbourhood Plan relates to 'Principal Residences' and requires new dwellings to be suitably controlled, stating that 'due to the impact upon the local housing market of the continued growth of dwellings used for holiday accommodation (as second or holiday homes) new open market housing, excluding replacement dwellings, will only be supported where there is a restriction to ensure its occupancy as a Principal Residence.

Sufficient guarantee must be provided of such occupancy restriction through the imposition of a planning condition **OR** legal agreement. New unrestricted second homes will not be supported at any time.

Principal Residences are defined as those occupied as the residents' sole or main residence, where the residents spend the majority of their time when not working away from home.

The condition **OR** obligation on new open market homes will require that they are occupied only as the primary (principal) residence of those persons entitled to occupy them'.

The policy further requires proof that the dwelling is being used as a principal residence via verifiable evidence.

The Planning Practice Guidance (PPG) sets out that legal agreements should only be used where it is not possible to secure the development via planning conditions. In this instance, it is considered that a suitably worded planning condition will adequately control the occupation of the dwelling and it is not considered necessary to replicate this control via a S106 agreement.

The Applicant's agent has asserted that the new dwelling will be a principal residence.

Site History:

A previous application, ref: 22/01932/F sought consent for the construction of a three bedroom bungalow on the site but was refused for the following reasons: -

1. *The proposed development does not preserve or respond sensitively to the character and context of the immediate locality by virtue of its restricted size and contrived layout. As such, this would result in an undesirable development that would appear cramped, detrimental to the quality of the local environment. Consequently, the proposal fails to represent good design and is therefore contrary to Policies 1 and 5 of the Heacham Parish Neighbourhood Plan (2022); Policies CS06 and CS08 of the Core Strategy (2011); Policy DM15 of the Site Allocations and Development Management Policies Plan (2016), and the general provisions of the NPPF.*

Planning Committee
9 January 2024

23/00681/F

2 *By virtue of its contrived layout and cramped from of development, there would be limited space to the site's frontage, which fails to provide adequate parking and manoeuvring space for the associated dwelling. Consequently the proposal does not represent a desirable development that would function well and add to the overall quality of the area, contrary to Policy 1 of the Heacham Parish Neighbourhood Plan (2022); Policy CS08 of the Core Strategy (2011); Policy DM15 of the Site Allocations and Development Management Policies Plan (2016); and the general provisions of the NPPF.*

The current application proposes to address the reasons for refusal by reducing the footprint of the dwelling, from the previous 122 square metres to the current proposed 103 square metres. The site area remains the same as previously proposed at approx. 407 square metres (excluding the access).

The building to plot ratio has therefore reduced from 29% to 25% coverage.

Form and Character:

The application site measures approx. 407 sqm (excluding access) and is of a rough rectangular shape.

Whilst the development immediately to the north and north-east of the site comprises more traditional style properties, rural in character with relatively spacious plots, in contrast, the modern development immediately to the south is far more densely laid out with small plots. This development was approved as part of a larger housing development under outline planning permission in 1992 (2/92/2088/O), with subsequent applications for full planning permission coming forward in a piecemeal fashion between 1996 and 2013.

The application site comprises a parcel of land which has been severed from the historic wider site, probably farmhouse curtilage, and is read in context with the northern side of Hall Lane.

However, it is only the narrow private access track to the south of the application site which separates the site from the modern estate type development immediately adjacent, and thus could be argued to also be seen in context with the newer development in the locality.

Although the northern side of Hall Close comprises a more traditional development, there is the exception of the donor dwelling No.4a Hall Close (conversion of piggery to annexe in 2006 and subsequent replacement annex with new dwelling in 2009).

In 2006 outline consent was granted on the application site (06/02121/O) for residential development, and whilst limited weight can be afforded to this due to its age and the fact that there has since been in particular the introduction of the Heacham Parish Neighbourhood Plan (2022), the site history is something to be mindful of.

Nationally, the NPPF's overarching aims are for the presumption in favour of sustainable development, but above all, decisions should be made in accordance with the development plan, unless material considerations indicate otherwise.

The NPPF encourages decisions to support development that makes efficient use of the land, whilst taking into account the desirability of maintaining an area's prevailing character and setting.

Planning Committee
9 January 2024

23/00681/F

SADMP Policy DM15 states that ‘development must protect and enhance the amenity of the wider environment including its heritage and cultural value. 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 proposals should also demonstrate that adequate parking facilities are available’.

In regard to Heacham’s Neighbourhood Plan, Policy 1 (small scale windfall and infill development) is relevant and states: -

Proposals for infill residential development within the development boundary of Heacham village will be supported on their merits taking account of the scale of the proposal in relation to the size and location of the proposed site, the character of the immediate area, the size of the village as a whole

In assessing the proposal against the abovementioned Policies, when taking into account the form and layout of the locality as a whole, and the mix in densities, it cannot be said that the proposed development does not respond to the character and context of the area. Whilst the proposed development site is relatively small, it is certainly no smaller than the adjacent plots directly to the south of the site, and the reduction in footprint means that a reasonable 25% plot coverage can be achieved which is well within the development limits of the area.

Although the proposed bungalow would be located forward of Nos.4 and 4A it would be set back within its plot which would provide a transitional step and rounding off of development at the end of the private track. The layout and modest form of the proposed dwelling would ensure that sufficient space is maintained between dwellings and would therefore cause no visual harm to this part of the Close.

The scale of the proposal is clearly proportionate to the size and location of the site and it would provide a ‘smaller house’ (bungalow) to contribute to the local housing stock, which is encouraged throughout the Neighbourhood Plan.

Although the proposed parking layout may be slightly constrained, with the exception of dwellings to the north and north-east, tight parking arrangements, including tandem parking and parking to the front of dwellings is not uncommon in the wider vicinity. Furthermore, the proposed plans demonstrate that there is sufficient space for two vehicles to park in accordance with the adopted standards. It is therefore considered that the space provided on site for vehicle parking would not appear unduly limited or contrived, or uncharacteristic of the area.

The Parish Council’s concerns in relation to the development being cramped on a small plot with a very small garden space are acknowledged. However, as explained above, while the neighbouring dwellings to the north-east are set in comparably more spacious plots, there is some variation and the prevailing form and character of the area is not uniform. Therefore, on balance, it is not considered that the introduction of a modest dwelling within a more compact plot would cause significant harm to the character and appearance of the area, and thus the first reason for refusal of the previous application (22/01932/F) has been adequately addressed.

Conditions have been recommended for the removal of Permitted Development Rights for extensions to the new dwelling and outbuildings to ensure that appropriate spacing around the built form is retained.

Planning Committee
9 January 2024

23/00681/F

The proposal therefore accords with Neighbourhood Plan policies 1 and 2; Local plan Policies CS06, CS08 and DM15; and the general principals of the NPPF.

Neighbour Amenity:

The proposed development involves the construction of a small-scale bungalow with adequate separation distances between that and neighbouring dwellings.

The concerns raised by the Third Party in relation to the impact on their amenities, including loss of light and overshadowing have been taken into consideration in the recommendation of this application. However, it is considered that the existing 1.8m close boarded fence and garden trees along the northern boundary will mostly screen the development from the property to the north, thus causing no overlooking or loss of privacy.

An Arboricultural Implications Plan supports the application which demonstrates that the proposed development would be located outside of the root protection zones of the small trees along the northern boundary and the mature Blue Spruce (on third party land) in the north-east corner. The trees will therefore continue to offer appropriate screening from the development, thus limiting any impact on neighbour amenities. A condition will be imposed securing their retention.

The separation distance between the proposed dwelling and No.4 to the north is approx. 21m (dwelling to dwelling). This, together with the modest height of the proposed bungalow would mean that there would be no significant overshadowing, overbearing impact or loss of light to the neighbouring property to the north.

The same applies to the neighbouring property to the north-east No.3, there is adequate separation distance between dwellings and sufficient screening from boundary treatment so not to cause a material impact on residential amenity.

It is not considered that the proposed development would have any impact on the existing residential development to the south.

Conditions have been recommended for the removal of Permitted Development Rights for extensions to the new dwelling, new windows, additions to the roof and outbuildings to ensure that there is no future impact on neighbour amenities.

It is considered therefore that the proposal accords with Neighbourhood Plan Policies 1 and 5; Local Plan policies CS08 and DM15; and the general principals of the NPPF.

Highway Safety:

The proposal involves the construction of an additional dwelling served from the existing private track onto the private element of Hall Close. As such, the proposal would not affect the current traffic patterns or the free flow of traffic on an adopted highway.

The Local Highway Authority raises no objection to the proposed development on highway safety grounds, subject to a standard condition relating to the proposed on-site parking.

The proposal includes the provision of two car parking spaces on site, one to the southern side and one to the frontage. This accords with the number of spaces required by the

Planning Committee
9 January 2024

adopted standards and set out within the Neighbourhood Plan to serve a dwelling of the size proposed.

The Parish Council's comments in regard to parking and manoeuvring on site are noted. And whilst the previous application (22/01932/F) was refused on grounds that 'there would be limited space to the site's frontage, which fails to provide adequate parking and manoeuvring space', this element of the scheme has now been addressed in the current application. The footprint of the proposed dwelling has been reduced and therefore provides more space on site to provide less contrived parking (not in the tandem layout previously proposed). The proposed parking layout is not uncommon.

On balance, it is considered that due to the small-scale nature of the development, and the likely low numbers and slow speed of vehicular movements in the vicinity of the access to the site and generally within the small cul-de-sac, it is considered that any increase in the type of movements of concern, would not be so significant as to result in unacceptable risk to highway safety.

Thus, the proposal accords with Neighbourhood Plan Policy 6; DMP Policies DM15 and DM17; and section 9 of the NPPF, which together and amongst other matters, require safe access and adequate parking facilities.

Other Material Considerations:

Crime and Disorder

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

CONCLUSION:

The proposed development involves the construction of a three bedroom bungalow, located within the development boundary of Heacham. An existing access would be utilised served from a private track off Hall Close. There would be no material impact on neighbour amenities nor highway safety. Whilst it is acknowledged that the site is quite small, given the density of the development to the south, and the fact that the proposed dwelling is proportionate to the size of the plot and in turn, the private garden space is commensurate to the scale of the dwelling, it is not considered that the proposed development would be out of keeping with character and context of the area.

Furthermore, the proposal would provide a small house of principal residence, which are both key priorities within the Neighbourhood Plan.

It is considered, therefore, that the proposed development accords with Heacham Parish Neighbourhood Plan Policies 1, 2, 4, 5, 6 and 11; Core Strategy Policies CS01, CS02, CS06, CS08, CS11 and CS12; SADMP Policies DM1, DM2, DM15 and DM17; and the general provisions of the NPPF.

Planning Committee
9 January 2024

23/00681/F

RECOMMENDATION:

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

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
 - 2 Condition: The development hereby permitted shall be carried out using only the following approved plans: 22070-02 Rev. C.
 - 2 Reason: For the avoidance of doubt and in the interests of proper planning.
 - 3 Condition: The dwelling hereby approved shall be occupied only as the primary (principal) residence of those persons entitled to occupy it. The occupiers of the dwelling shall be required to provide evidence that they are meeting the requirements of the condition, and shall make this information available at all reasonable times to the Local Planning Authority.
 - 3 Reason: In order that the development permitted is in accordance with the requirements of the Heacham Parish Neighbourhood Plan (2022).
 - 4 Condition: No development shall commence on any external surface of the development until a sample panel of the materials to be used for the external surfaces of the building(s) and/or extension(s) hereby permitted has been erected on the site for the inspection and written approval of the Local Planning Authority. The sample panel shall measure at least 1 metre x 1 metre using the proposed materials, mortar type, bond and pointing technique. The development shall be constructed in accordance with the approved details.
 - 4 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with Neighbourhood Plan Policy 5; Local Plan Policies CS08 and DM15; and the general principles of the NPPF.
 - 5 Condition: Prior to the commencement of the development hereby permitted all tree removal/pruning work and protection measures including tree protective fencing, and ground protection, shall be implemented in strict accordance with the part 4 and part 5 of the approved 'Tree Report and Arboricultural Implication and Tree Protection Plan' dated October 2023 by Heritage Tree Specialists.
 - 5 Reason: In the interests of the amenities of the locality, in accordance with Neighbourhood Plan policies 5 and 11; Local Plan Policies CS06, CS08, CS12 and DM15; and the general principles of the NPPF.
- This needs to be a pre-commencement condition given the potential for trees to be lost during development.
- 6 Condition: The trees along the northern boundary of the site shall be retained (and protected during construction) as shown on the approved Tree Plan. Any of those trees or plants that within a period of 5 years from the completion of the development die or

Planning Committee
9 January 2024

23/00681/F

become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted.

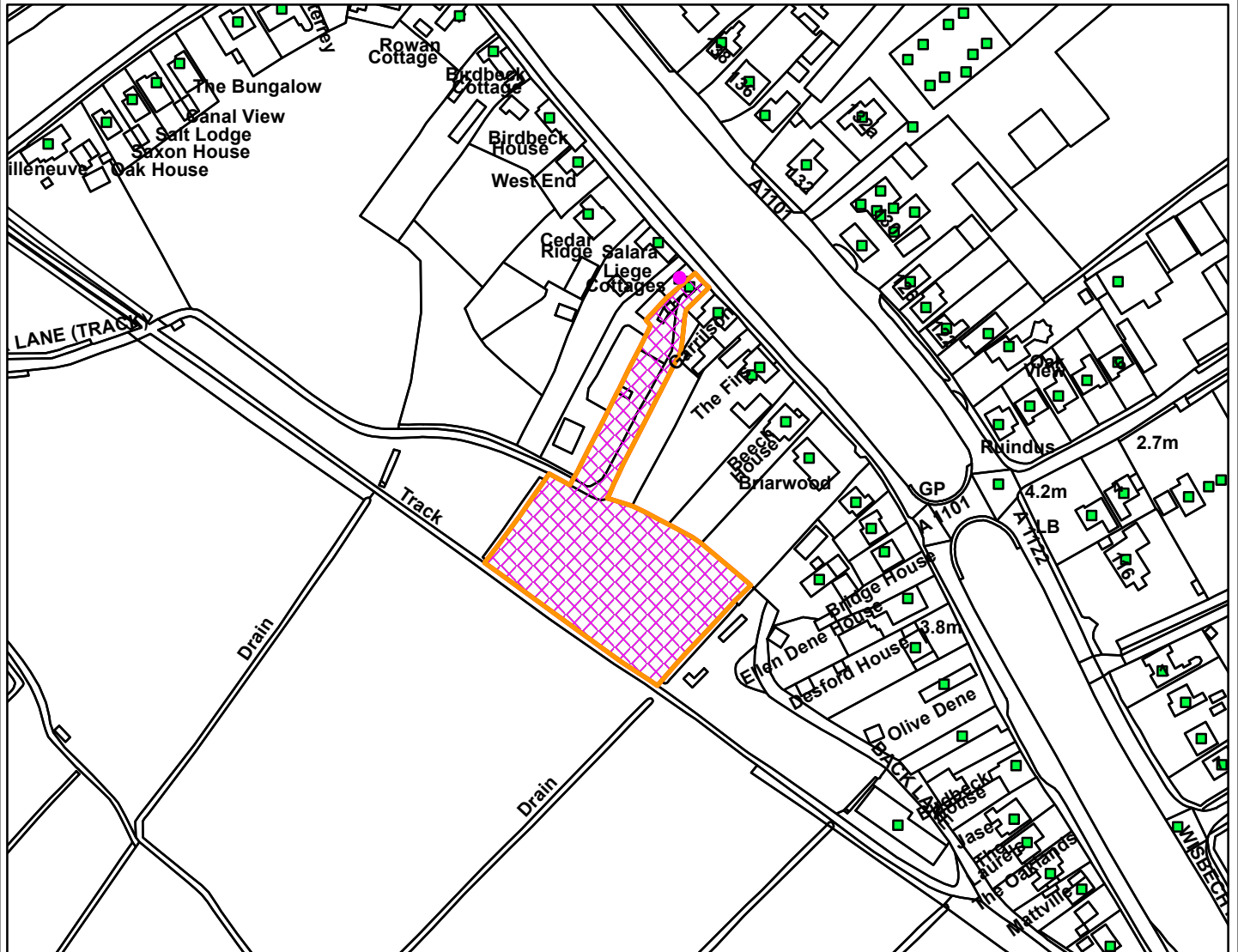
- 6 Reason: In the interests of the amenities of neighbouring residents, in accordance with Neighbourhood Plan policies 5 and 11; Local Plan Policies CS08 and DM15; and the general principles of the NPPF.
- 7 Condition: Prior to the first occupation of the development hereby permitted the proposed on-site car parking/turning areas shall be laid out in accordance with the approved plan and retained thereafter available for that specific use.
- 7 Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety, in accordance with Neighbourhood Plan Policy 5; Local Plan Policy CS08, CS11, DM15 and DM17; and the general provisions of the NPPF.
- 8 Condition: Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C and D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the enlargement, improvement or other alteration of a dwelling house, alterations to the roof, the enlargement of a dwelling house consisting of an addition or alteration to its roof, or the erection or construction of a porch outside any external door of a dwelling house, shall not be allowed without the granting of specific planning permission.
- 8 Reason: In order that the Local Planning Authority may retain control of development which might be detrimental to the amenities of the locality and neighbouring residents if otherwise allowed by the mentioned Order, in accordance with Neighbourhood Plan Policies 1 and 5; Local plan Policies CS08 and DM15; and the general provisions of the NPPF.
- 9 Condition: Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the provision within the curtilage of the dwelling house of any building or enclosure, swimming or other pool shall not be allowed without the granting of specific planning permission.
- 9 Reason: In order that the Local Planning Authority may retain control of development which might be detrimental to the amenities of the locality and neighbouring residents if otherwise allowed by the mentioned Order, in accordance with Neighbourhood Plan Policies 1 and 5; Local plan Policies CS08 and DM15; and the general provisions of the NPPF.
- 10 Condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no new windows/dormer windows (other than those expressly authorised by this permission), shall be allowed without the granting of specific planning permission.
- 10 Reason: In order that the Local Planning Authority may retain control of development which might be detrimental to the amenities of neighbouring residents if otherwise allowed by the mentioned Order, in accordance with Neighbourhood Plan Policies 1 and 5; Local plan Policies CS08 and DM15; and the general provisions of the NPPF.

Planning Committee
9 January 2024

23/00681/F



1 Liege Cottages Basin Road Outwell Wisbech PE14 8TQ



Legend

Scale: 1:2,500

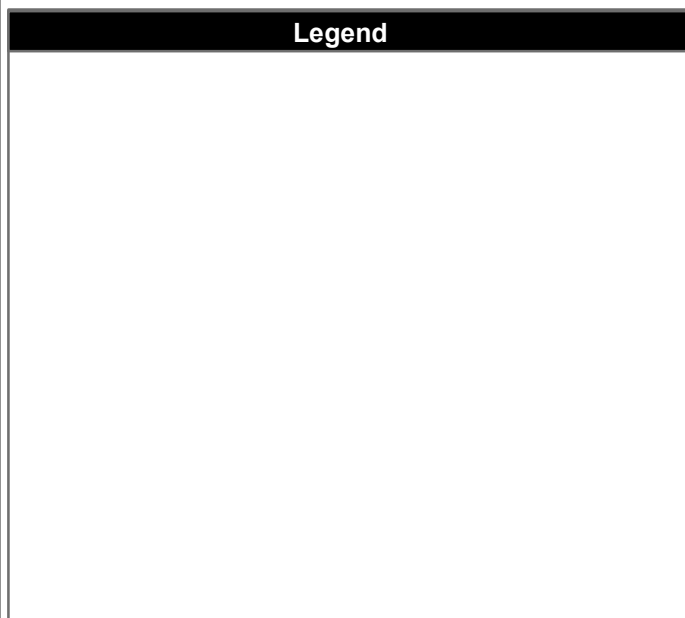
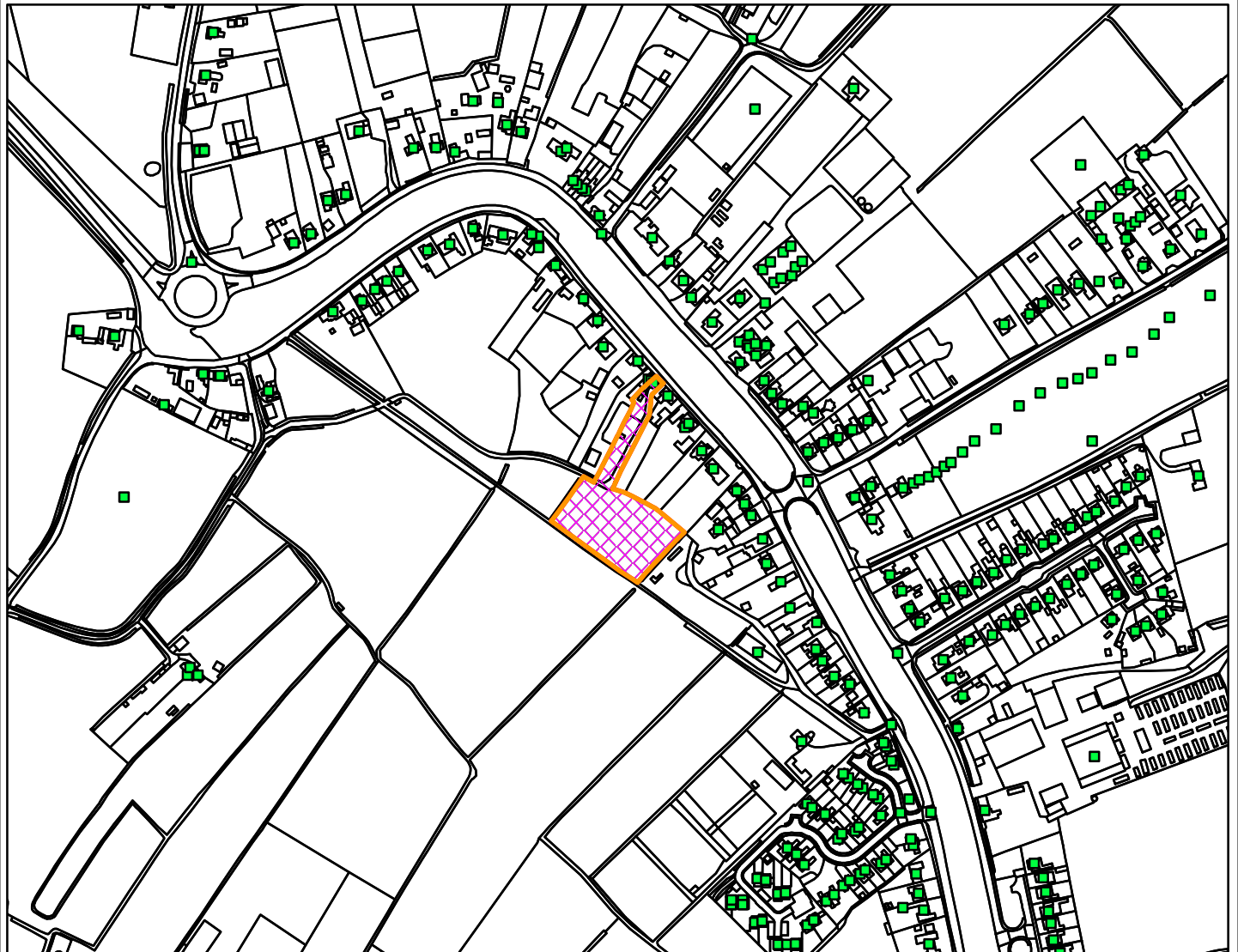
Reproduced from the Ordnance Survey map with permission of the Controller of His Majesty's Stationery Office © Crown Copyright 2023.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	20/12/2023
MSA Number	0100024314



1 Liege Cottages Basin Road Outwell Wisbech PE14 8TQ



Scale: 1:5,000

Reproduced from the Ordnance Survey map with permission of the Controller of His Majesty's Stationery Office © Crown Copyright 2023.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	20/12/2023
MSA Number	0100024314

Parish:	Outwell	
Proposal:	Retrospective: Change of use of dwellinghouse to a mixed use as a dwellinghouse and for the keeping and breeding of up to 16 dogs together with the retention of kennel buildings, a cat building and open runs and a proposed field shelter.	
Location:	1 Liege Cottages Basin Road Outwell Wisbech PE14 8TQ	
Applicant:	Mr & Mrs Jones	
Case No:	23/00940/F (Full Application)	
Case Officer:	Bradley Downes	Date for Determination: 18 August 2023 Extension of Time Expiry Date: 15 January 2024

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

Neighbourhood Plan: No

Case Summary

The site lies on the south side of Basin Road to the rear of the donor dwelling 1 Liege Cottages. While the semi-detached main dwelling is within the built up extent of Outwell and within the development boundary, the application site lies outside the development boundary and is therefore classified as countryside. The proposal is retrospective for the change of use of part of the residential garden to Sui Generis use for commercial breeding and selling of puppies together with ancillary development and uses. The proposal involves erection of a kennel building and runs, a cat building, and field shelter. The business currently has a breeding licence for up to 16 adult dogs and maximum of 3 litters per year. The application arose as a result of an enforcement investigation.

Key Issues

- The Principle of development
- Impact on character and appearance
- Impact on neighbour amenity
- Highway Safety
- Other material impacts
- Specific comments and issues

Recommendation

APPROVE

THE APPLICATION

The site lies on the south side of Basin Road to the rear of the donor dwelling 1 Liege Cottages. While the semi-detached main dwelling is within the built-up extent of Outwell and within the development boundary, the application site lies outside the development boundary and is therefore classified as countryside. Outwell is classified as a key rural service centre, joined with Upwell.

The proposal is retrospective for the change of use of part of the residential garden to Sui Generis use for commercial breeding and selling of puppies. The proposal involves erection of a kennel building and runs near the rear of the site for accommodating the animals, together with a cat building, and field shelter. The business currently has a breeding licence for up to 16 adult dogs and maximum of 3 litters per year. The business has a 3-star breeding license which means it meets the minimum expected welfare standards. The application arose as a result of an enforcement investigation.

PLANNING HISTORY No relevant planning history

RESPONSE TO CONSULTATION

Parish Council: OBJECT for the following reasons:

Site is in built-up area, not suitable for this type of business.
all work has been carried out before permission is granted - should be no presumption this would be allowed.
Proposed shelter is on a right of way of a private land owner.
noise from this property is not good for the mental state of those living close by.
what facilities are put in place for dog waste and drainage?
the site in in a flood plain.
there is not adequate off road parking for staff and customers.
Outwell PC are not aware that the owners have a licence to breed.
the noise, smell and lighting from the business will cause great consternation.

Highways Authority: NO OBJECTION

On the basis that the facilities are being used in relation to the breeding of dogs which tends to attract low levels of traffic, I believe it would be difficult to substantiate an objection on highway safety grounds to the small increase in on-street parking that may result. Your authority may wish to consider any social or domestic concerns that on-street parking may create.

NCC Public Rights of Way: NO OBJECTION

No objection in principle but would highlight that Public Right of Way known as Outwell Bridleway 3 is aligned east-west within the section shaded orange on the submitted plans. The full legal extent of this bridleway must remain open and accessible for the duration of the development and subsequent occupation.

Emergency Planning: NO OBJECTION

As the site could become isolated during a flood event, the occupiers sign up to the EA flood warning service and a flood evacuation plan should be prepared.

Planning Committee
9 January 2024

CSNN: NO OBJECTION

Provided the number of adult dogs is restricted to 16 to comply with the licence for breeding; the attached site plan is conditioned to be retained as agreed with respect to the fencing, noise attenuation measures, uses of different areas of the site, external lighting and the location of dog waste bins; full adherence with the noise plan document; and the EPA informative is attached to any approval issued, I confirm we would not object to this proposal.

The CSNN team have no registered complaints regarding the site. There remains potential for some dog noise impact on attached and adjacent residents, given the number of dogs and the close location of neighbours to the site. However, the applicants have worked with me to consider control of noise and have made detailed efforts to try and mitigate impacts on residential amenity. By attaching the EPA informative I make it clear that, regardless of planning consent, justified complaints will be investigated and action could be taken by this team upon evidencing a statutory nuisance.

I have no concern with noise levels of the proposed air conditioning units or external lighting as provided on the plan.

Environmental Quality: NO OBJECTION

The site lies to the west of the Wisbech canal landfill which has been investigated by the Council. No potential sources of contamination are identified in our records or in the information provided by the applicant.

Licensing: NO OBJECTION

(Verbal correspondence - file note on file). The site benefits from a breeding licence for up to 16 adult dogs and 3 litters per year, including 12 breeding bitches and 4 studs. The licence is 3 stars which meets minimum welfare standards. The operator has more than 10 years of experience. If welfare conditions are not being met then licensing can inspect and take action.

Ecologist: NO OBJECTION

(Verbal correspondence – file note on file). The buildings on-site have low/negligible potential to support bats based on the features of those buildings as assessed from site photos. It is unlikely therefore that a bat roost was destroyed, but in any case, the matter would be for the police, not the Council. However, there are likely to be foraging and/or commuting bats through the site, but they would not be significantly affected by the proposed development.

The Council does not have any records of barn owls in the immediate area. It is considered there is not sufficient evidence to indicate that further surveys are necessary. On that basis, it is considered the ecology matters are sufficiently covered under the Wildlife and Countryside Act 1981.

REPRESENTATIONS

FIFTEEN different letters were received in total, with **FOURTEEN OBJECTIONS** letters and **ONE SUPPORT**.

The supporting letter was received by owner of the field within the site area which is rented to the applicants and raises the following points:

- Dogs barking from other properties, not all from the site.
- Outwell has many heavy vehicles on the roads, therefore proposed business would not significantly impact on traffic flow in the village.
- The area was not entirely residential historically, site was previously used as a working farm with pigs and chickens.
- As site used to be working farm there is plenty of space for parking.
- Neighbouring property has a large workshop to the rear which benefits from permission for commercial vehicle repair.
- Applicants previously had licenced breeding business for over 20 years in Fenland and had not received complaints.
- The applicants live adjacent the site which shows they are confident they can minimise impact from the kennels on themselves or neighbours.
- Outwell needs new and diverse businesses. The business will also contribute to the economy of other businesses in the village.

The 14 letters of objection raise the following concerns:

Noise and disturbance

- Housing 16 dogs, puppies, cats and staff is going to cause significant disturbance to neighbours.
- Donor dwelling is small semi-detached and unsuitable for breeding of dogs with additional noise and traffic.
- Vehicle movements on site cause disturbance due to the gravel driveway.
- Policy CS10 in relation to impact on local residents has not been considered in the details submitted.
- Supporting text for Policy DM15 states that developments likely to have a significant impact on residential amenity should be sited away from residential areas.
- The area is mainly occupied by older generation. Dogs barking is not conducive of a peaceful old age.
- Working from home, proposal will cause disturbance on calls from clients and meetings.
- Application has caused significant worry and stress and would affect mental wellbeing.
- If applicant breeds larger dogs the situation would be unbearable.
- Kennels at Mullicourt Road have large dogs which can be heard almost a mile away.
- Current noise levels with 4 dogs reveals that soundproofing is hopelessly inadequate.
- Noise will restrict practical use of opening windows.
- How will the noise, smell, and vermin be managed at night.
- Any movement in neighbours gardens is likely to set off barking.
- Barking would be worse if neighbours get a pet dog themselves.
- Application takes away the peace of the countryside.
- Noise travels far in this area due to the openness of the surroundings.
- Noise plan refers to nearest dwelling as The Firs, but Garrilson and 2 liege cottages are even closer?

Planning Committee
9 January 2024

Traffic and parking

- Multiple workers will be required despite limited parking.
- Basin Road is often used as an alternative route during repairs and sees many near misses.
- Traffic will increase, increasing air pollution and houses getting damaged by vibration.
- No suitable off-road parking on Basin Road.
- Parking on Basin Road will cause problems with larger farm vehicles getting past.
- No parking has been shown for the business on the submitted plan.

Public right of way

- Application form states that site cannot be seen from public footpath but the application site intersects a public Bridleway.
- General Public has right of way over Back Drove, including the area between the applicant's land and the rented field.
- Concerned that public right of way will be cut off.
- If using the right of way will set off barking of dogs in close proximity to elderly neighbours then I'd likely avoid it entirely, making the right of way un-useable for the public as intended.

Other comments

- Business will add to the residential drainage system, is there capacity?
- Cannot see that drainage is provided or what happens to the dog faeces.
- The development conflicts with character and appearance of the area.
- Council was made aware the kennels were being built but made no effort to investigate.
- Applicant allegedly destroyed bat roost.
- Potentially barn owl roost within 40m of the site.
- Description of Basin Road in DAS is inaccurate and manipulated in favour of applicant.
- Description is ambiguous. Does it mean puppies will be conceived and delivered in the dwelling?
- The application does not mention the type of dogs being bred.
- The DAS states that the dwelling will not be used for the business except for paperwork, but then says that viewings will take place within the dwelling.
- DAS sets out that the business will be a positive and add to local economy without any substance as to what these benefits are.
- LPA should issue a stop notice if they have been made aware of work requiring planning permission continuing without consent.
- Construction work has continued including buildings that are not mentioned on the application.
- Only 10 kennels on site, how will 16 dogs be accommodated? Is there more kennels on site or do multiple dogs share with puppies.
- Concerned with welfare of dogs. Could more information be provided on welfare and which animals are being bred.
- What is the purpose of planning rules if they are ignored.
- Kennels would affect property value.

Planning Committee
9 January 2024

- Properties will be harder to sell, nobody wants to live next to a property breeding dogs.
- Would the committee members accept this if it was their neighbours?
- If people need dogs they should obtain from the many that are being abandoned due to covid-19, not from someone profiting from more breeding.
- Applicant can't see their own buildings due to vegetation, but the building can be seen from Garrilson detracting from open countryside.

LDF CORE STRATEGY POLICIES

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS10 - The Economy

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
 Planning Practice Guidance (PPG)
 National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations:

The Principle of development
 Impact on character and appearance
 Impact on neighbour amenity
 Highway Safety
 Other material impacts
 Specific comments and issues

The Principle of development

While the dwelling 1 Liege Cottages lies within the development boundary for Outwell, the operational part of the proposals involving the kennels is outside the development boundary, so it is subject to those policies which seek to restrict development in the countryside to that which is identified as suitable in rural areas as set out in other policies of the Development Plan. Outwell is designated with Upwell as a key rural service centre in Policy CS02 of the Core Strategy 2011. Policy CS02 states that in key rural service centres limited growth of a

scale and nature appropriate to secure the sustainability of each settlement will be supported.

Policy CS10 of the Core Strategy 2011 is also relevant, which concerns economic development. The policy makes an allowance for rural employment sites in the countryside, with the criteria that the operation should be appropriate in size and scale to the local area, it should be adjacent to the settlement, and the proposed development would not be detrimental to the amenity of local residents. Further, the NPPF says that planning decisions should enable the sustainable growth of all types of business in rural areas and there are many cases of kennels and dog breeding business in rural areas in the borough.

It is considered the site lies adjacent to the settlement and that the scale of the business is appropriate for the local area. The proposed breeding business employs 1 full time and 1 part time member of staff. The full time member of staff lives at the address. The proposal would contribute to economic benefit in terms of employment and supporting economic development of rural areas. Overall, it is considered the land use and principle of development is acceptable subject to the impact on the amenity of neighbours, which is considered later in the report.

Impact on character and appearance:

The development involves erection of a kennel building with footprint of approximately 59 sqm and a total height of 3.05m. A field shelter is proposed in the field to the rear of site, this will be approximately 9.6sqm and 2.6m tall. The development also involves fencing. While some of the fencing is currently above a height of 2m, it is understood this will be reduced to avoid the need for another planning application i.e. considered permitted development.

The small scale of the buildings and location to the rear of the dwelling means that they are not easily visible from the street. The buildings are similar in scale to what could be constructed as domestic outbuildings and therefore it is considered they do not have any significant impact on the character and appearance of the street scene.

It is also considered the proposed buildings are small enough in scale that they do not have any significant impact on the character and appearance of the countryside. Overall, it is considered the development would not conflict with the character and appearance of the area, in accordance with Policies CS06 and CS08 of the Core Strategy 2011 and DM15 of the SADMPP 2016.

Impact on neighbour amenity:

The proposed buildings are not considered to have any significant overbearing or overshadowing impact on neighbouring occupiers due to their small scale. No first-floor windows are proposed and windows at ground floor level in the kennels building will not have any significant overlooking impact. It is considered the main issues in relation to this application is the impact of the proposal on neighbouring residential amenity as a result of noise and handling of waste.

The supporting text for Policy DM15 states that developments which are likely to have a significant impact on residential amenity should ideally be sited away from residential areas. This is reflected in the main text of the Policy which states that development that has a significant adverse impact on the amenity of others will be refused. As such, while it is noted the site lies immediately adjacent to a predominantly residential area, this does not automatically prohibit the development proposed unless it can be demonstrated there will be a significant adverse impact on the residential amenity of neighbouring occupiers which

cannot be mitigated. It is also noted that land immediately to the north-west benefits from a lawful development certificate for MOT and vehicle repairs under 04/01831/LDE, and therefore the application is not considered within the context of a pristine background noise environment.

Regarding waste and surface water drainage, the outdoor runs are set out over a grassy area and will naturally absorb surface-water waste when the dogs are using these areas. When the dogs are in the kennel, it is not anticipated that there will be significant urine waste. A soakaway is provided for the proposed kennel building which will assist surface-water runoff and would adequately prevent any increased risk of surface-water flooding off-site. Solid waste shall be double bagged and stored temporarily in bins on-site, which are collected regularly by a waste company.

The dwelling associated with the proposed use lies in a row of linear dwellings. Immediately to the north-west is the other half of the semi-detached pair 2 Liege Cottages, beyond that 'Salara'. From the nearest point of the kennel building to the nearest point of the neighbouring dwelling, there is a gap of approximately 72m to Salara, and 48m to 2 Liege Cottages. To the east of the site lies 'Garrilson' (56m), followed by 'The Firs' (54m). The Firs is slightly closer as it is set further back in its plot. The proposed kennel building lies in between the gardens of 2 Liege Cottages and Garrilson, who ultimately would be most affected by the proposed development as a result.

There have been objections to the proposal relating to noise and disturbance issues, and concerns raised regarding the welfare of the animals. The welfare of the dogs and the general management of the site are not planning considerations, these matters are subject to a separate licencing regime. However, it is acknowledged that poor welfare may impact on the overall noise that may be generated from the use. The welfare of the dogs and the management of the business is monitored by Licensing; they are responsible for enforcement to ensure minimum standards of space and enrichment are provided for the dogs. It is considered this will limit the noise from barking to an extent. However, additional control is required from planning control to ensure that noise is minimised and will not give rise to undue adverse effects on neighbouring occupiers.

During the course of this application, certain aspects of the scheme have been amended in order to mitigate the noise impact from dog barking as far as practicable. This has included reducing the total number of adult dogs from 17 to 16, erecting additional noise attenuation fencing, and producing a robust noise management plan. The submitted noise management plan sets out the strategies which will be employed to further mitigate noise on site. This management plan sets out when the dogs are confined to the kennels (8pm to 8am), how many will be in each outdoor pen at once and how many taken to the exercise field at any one time (maximum of 4 dogs at once), how the site will be monitored (CCTV and noise sensors) and methods of enrichment to placate the dogs in absence of staff (radio, toys, regular feeding).

Some confusion was raised in third party comments regarding whether viewings would take place in the dwelling or the kennel as the supporting statement says both at different points. The agent has confirmed that viewings for puppies will take place in the dwelling to minimise disturbance to the dogs to the rear of the site. Breeding of puppies will only take place in the kennel building.

The Borough Council Community Safety and Neighbourhood Nuisance team (CSNN) consider the noise attenuation measures put in place and the noise management plan submitted and subject full compliance with these measures, will enable the proposed dog breeding business to be carried out without significant detriment to neighbouring occupiers.

Planning Committee
9 January 2024

While some barking from dogs is unavoidable, it is considered the proposed mitigation would be capable of minimising any significantly adverse impact on residential amenity.

The recommended conditions include compliance with the noise management plan, permanent retention of physical noise attenuation features, timings and uses of different areas of the site, controlling installation of external lighting and ensuring of dog waste storage and collection is carried out as proposed. The application will also be conditioned to limit the use to keeping and breeding of the applicants own dogs, with no boarding or grooming of other peoples dogs to take place. Customer visiting hours shall also be limited, and the maximum number of adult dogs permitted to be on site for the purposes of the business is no more than 16 dogs. Officers note the applicant has two pet dogs which would not count toward the 16 dog limit.

If the site causes amenity issues, the Council will have suitable planning enforcement powers to enforce the planning conditions imposed and statutory nuisance powers from the CSNN team to control noise on the site. The CSNN team do not object on the basis of the conditional mitigation set out above. Subsequently, it is considered that the proposed dog breeding business would not have a significant adverse impact on residential amenity that may otherwise warrant refusal.

Third party comments have raised additional concerns in relation to amenity. Firstly, is the gravel driveway and noise generated from additional vehicle movements from customers. As set out in the supporting statement, the business expects to sell approximately 20 puppies per quarter, and most viewings of puppies are carried out remotely via video call. Based on the numbers provided, additional vehicle movements arising from the business would be limited to 2-3 a week. A third party also raised concern that increased traffic visiting the site would result in additional road vibration causing damage to neighbouring property. It is considered that such a low number of visits would not have any significant impact on residential amenity in terms of noise and disturbance from vehicle movements or vibrations. Notwithstanding, damage to neighbouring property is not a material consideration, rather it is a civil matter.

Third parties have also raised concern that the applicant may wish to breed larger dogs in the future. It is considered that the existing noise attenuation and noise management plan would still be effective in managing the noise at the site. It would also be unreasonable to impose a restriction on which breeds of dog can be kept on the site via planning condition. Officers note that the specific breed of dog is controlled via the Borough Council licencing along with the scale of the individual kennels and runs.

It is considered the proposed waste storage and disposal details provided, in addition to the extensive cleaning regime set out in the supporting statement are sufficient such that it is considered the development would not have any significant impact in terms of odour or vermin. Licencing controls add robustness to this consideration.

While it is noted that there are 16 dogs on site but only 10 kennels, the agent has stated that dogs are often doubled up in the kennels with the same breeds to aid socialisation skills. Third party comments raised concern that the proposed breeding business would affect property values and the ability to sell their properties in the future. While this is noted, it is not a material consideration for which any weight can be attached. Lastly, a third party raised concern that the proposed kennel building disrupts their view of the countryside. Views are also not material planning considerations and as set out above, it is considered the building would not have any significant overbearing or overshadowing impact.

Overall, for the reasons set out above, and subject to full compliance with the recommended conditions, it is considered the development would not have any significant detrimental impact on residential amenity in accordance with Policy DM15 of the SADMPP 2016 and CS08 of the Core Strategy 2011. Subsequently, it is considered the application meets the requirement in Policy CS10 that the proposed business would not be detrimental to the local residents.

Highway safety:

The development is not likely to pose a risk to highway safety due to the relatively low number of trips generated from the business. Public comments have raised concerns regarding the parking arrangements, however the parking spaces proposed are adequate to serve the needs of the business, and it is considered limited on-street parking in this location would not be detrimental to highway safety. On this basis there is no objection from the County Highway Officer.

Other material impacts:

Third party representations raised concern that a bat roost may have been destroyed on the site. The Borough Council ecology officer considers that the buildings on site have low to negligible potential to support roosting bats and therefore it is unlikely that a bat roost has been destroyed. In any case, it would be a matter for the police to deal with and the allegation is not a material planning consideration. Roosting barn owl was also mentioned. The Borough Council do not have any records of a barn owl roost within close proximity to the site. It is not considered necessary for any further surveys to be carried out. Overall, it is considered the proposed development would not have any significant impact on protected species or biodiversity.

Third party responses expressed concern that the Public Right of Way could be affected as a result of the development. Two impacts were raised, firstly being the potential for the right of way to be physically blocked. Ensuring the right of way remains open is the responsibility of the landowner and enforceable by the County Council, it is not a material planning consideration. The second impact is the fear that using the public right of way will set off barking and that this will lead to nuisance. The possibility of passing dog walkers to set off barking on-site is acknowledged, however it is considered the infrequency of the use of the Public Right of Way and the measures put in place to limit dog barking are sufficient to ensure that usage of the adjacent Public Right of Way does not pose a significant risk to the amenity of neighbouring occupiers in terms of noise and disturbance.

The Parish Council have raised concern that the proposed field shelter is situated on a private right of way. It is noted that the proposed field shelter does not intersect with the extent of the adjacent Public Right of Way. Due notice has been served on all relevant landowners. Any other matters relating to private covenants or rights of way are not material planning considerations. The Parish Council also expressed uncertainty whether the business was licenced to breed. It is noted the Parish Council comment was received on the 20th June at which time the business did not have a granted licence. However, a dog breeding licence was granted on the 4th July so the site does not benefit from a breeding licence. The Parish Council lastly mentioned that the 'site is in a flood plain'. The site does not lie in any flood zone, however it does lie in a 'Dry Island' which could become isolated in a flood event. This is not considered to have significant implications for the proposed development.

The Borough Council emergency planner has recommended that a flood evacuation plan is prepared and that the occupiers are subscribed to the EA flood warning system. As the site

Planning Committee
9 January 2024

lies within a dry island and not within any area at direct risk of flooding, it is not necessary to impose these requirements via planning condition. However, the recommendations can be set out via an informative on the decision notice.

Specific comments or issues:

Some third-party responses raised concern with the way the case was dealt with via planning enforcement. One comment suggests that the Council has made no effort to investigate the site, while another comment states that a stop notice should have been issued. An enforcement file is open for the site,(ref: 23/00261/UNAUTU) and a site visit was carried out by the enforcement officer. A full expediency consideration has been completed in this matter, and it has not been necessary to serve an enforcement notice. This planning application was submitted shortly after the site visit from the enforcement officer.

Lastly, the description mentions a 'cat building' and this is reflected on the plan as it forms part of the kennel building, attached to the north side. No change of use is proposed for breeding or boarding of cats. For the avoidance of doubt, the 'cat building' will be conditioned for private use only.

CONCLUSION:

The land use principle of the proposed development is considered acceptable. The key issue is consideration of potential impact on neighbours from the operation of the business. Officers consider that due to the existing controls in place by the Licensing team and the further mitigation proposed in the form of acoustic fencing and the noise management plan, it is considered the operation of the business would not have a significant detrimental impact on the amenity of neighbouring occupiers. The development would pose no significant material impact on the character and appearance of the area and would not be detrimental to highway safety.

Subject to the conditions set out below, the proposal is considered to comply with Policies DM2 and DM15 of the SADMPP 2016 and CS06, CS08 and CS10 of the Core Strategy 2011. The recommendation is to approve the application.

RECOMMENDATION:

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

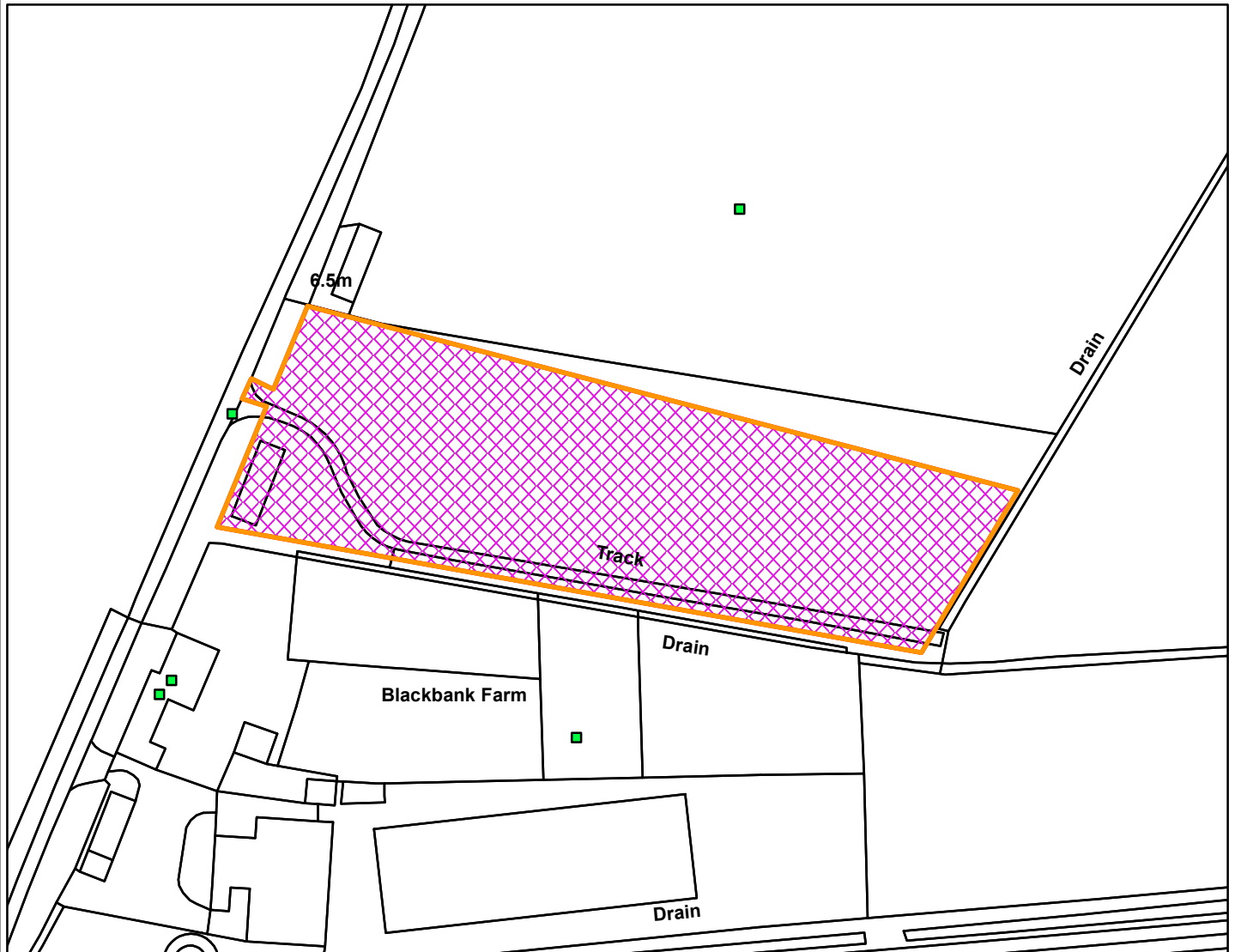
- 1 Condition: The development hereby is hereby permitted in accordance with dwg nos. 03B (Location Plan), 04E (Proposed Site Plan), 05B (Proposed Floor Plan), 06A (Proposed Kennel Elevations), and 07A (Proposed Field Shelter Elevations).
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: The use of the dwelling and garden as a place for keeping and breeding dogs for commercial purposes shall be limited to 16 adult dogs for commercial purposes and for the sole use of the occupiers of the dwelling 1 Liege Cottages, Basin Road, Outwell and shall at no time be separated or sold as a separate business site. No boarding, grooming or day care of dogs not owned by the applicant is permitted.
- 2 Reason: In the interests of the amenities of the locality in accordance with the principles of the NPPF.

Planning Committee
9 January 2024

- 3 Condition: The proposed development shall be carried out in accordance with the Noise Management Plan submitted 4th October 2023. In particular, the noise management plan states:
- Dogs shall be kept inside the kennel building between 20:00 PM and 08:00 AM every day.
 - No more than 4 dogs shall be exercised in the field to the rear (shaded green on the dwg no. 04E) at any one time. The field shall only be used for the dogs between the hours of 08:00AM and 20:00PM.
 - No more than 4 dogs shall occupy any single outdoor pen as detailed on Dwg no. 05B at any one time and shall only be used for dogs between the hours of 08:00AM and 20:00PM.
 - All noise attenuation fencing and insultation to the kennel building as detailed in the noise management plan and shown on Dwg nos. 04E and 05B shall be retained in perpetuity.
 - No more than 1 customer may visit the site at any one time by appointment only between the hours of 10:00 AM and 18:00 PM Monday to Sunday.
 - Puppy viewings shall take place in the main dwelling only.
- 3 Reason: In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- 4 Condition: Installation of external lighting and storage of waste shall be carried out and retained hereafter in accordance with the details on dwg nos. 04E and 05B Site Plan and Floor Plan), unless otherwise agreed in writing by the Local Planning Authority.
- 4 Reason: For the avoidance of doubt and to safeguard the amenities of the locality in accordance with the NPPF.
- 5 Condition: The use of the 'cat house' and 'cat run' hereby approved as annotated and shown on dwg no. 05B shall be limited to purposes incidental to the needs and personal enjoyment of the occupants of the dwelling 1 Liege Cottages and shall at no time be used for business or commercial purposes.
- 5 Reason: For the avoidance of doubt and to safeguard the amenities of the locality in accordance with the NPPF.



Blackbarn Drove Ringmore Road Southery PE38 0NL



Legend

[Empty legend box]

Scale: 1:1,250

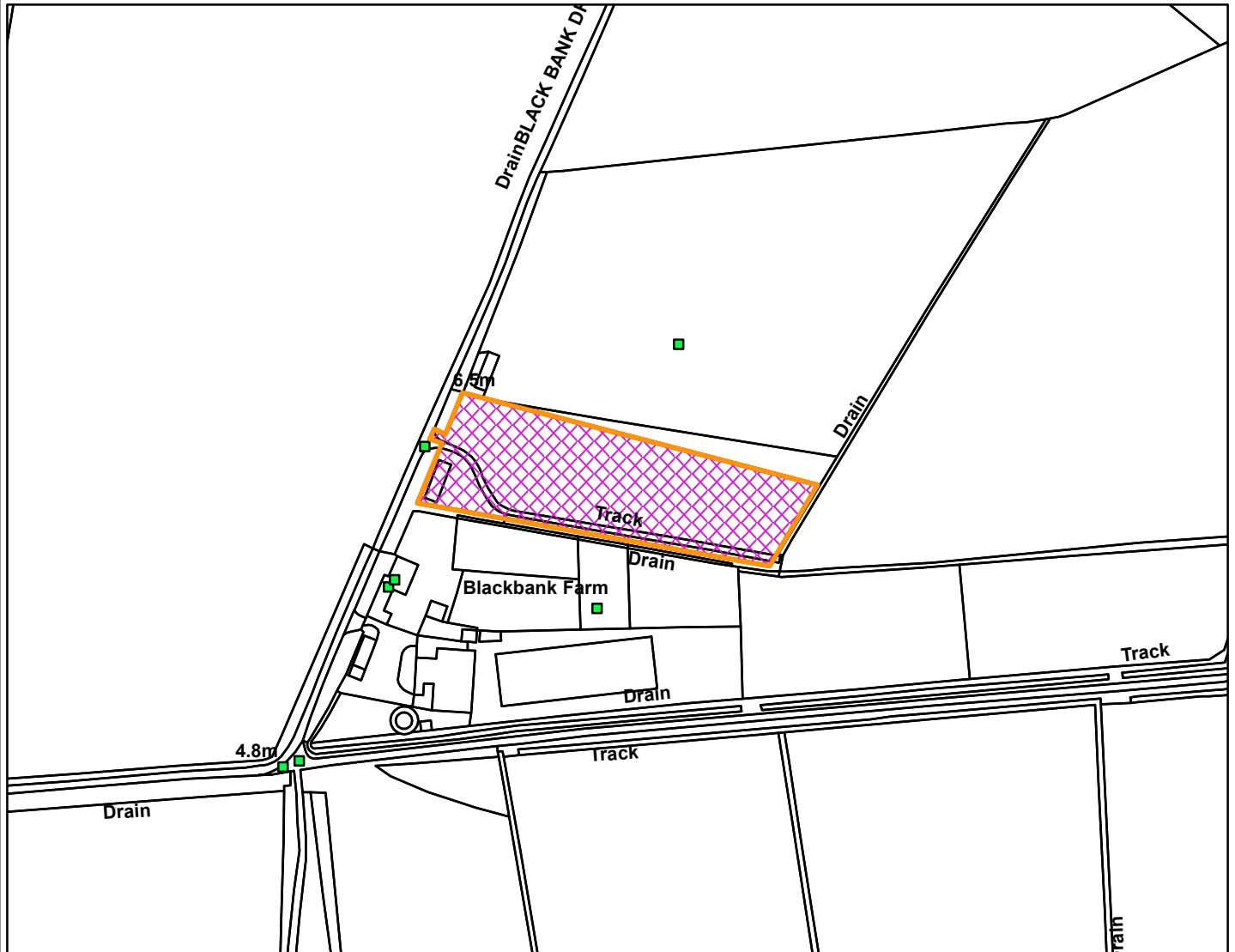
Reproduced from the Ordnance Survey map with permission of the Controller of His Majesty's Stationery Office © Crown Copyright 2023.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	20/12/2023
MSA Number	0100024314



Blackbarn Drove Ringmore Road Southery PE38 0NL



Legend

[Empty legend box]

Scale: 1:2,500

Reproduced from the Ordnance Survey map with permission of the Controller of His Majesty's Stationery Office © Crown Copyright 2023.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	20/12/2023
MSA Number	0100024314

Parish:	Southery	
Proposal:	Proposed erection of cottage and barn/carport with rear garden including the creation of ponds.	
Location:	Blackbarn Drove Ringmore Road Southery Norfolk PE38 0NL	
Applicant:	Mr & Mrs Javey & Annette Osler	
Case No:	23/01693/F (Full Application)	
Case Officer:	Mrs C Dorgan	Date for Determination: 27 November 2023 Extension of Time Expiry Date: 12 January 2023

Reason for Referral to Planning Committee – Called in by Cllr Lawrence.

Neighbourhood Plan: No

Case Summary

This application seeks planning consent for the 'proposed erection of cottage and barn/carport with rear garden including the creation of ponds' on Blackbarn Drove, off Ringmore Road in the village of Southery. The site is 0.70ha in size. The application site currently consists of a derelict structure (formerly a dwelling) and a barn structure in poor condition with agricultural land to the rear. The existing dwelling structure is considered 'abandoned' in line with paragraph 80 of the NPPF.

Southery is categorised as a Rural Village in the Site Allocations and Development Management Policies Plan (2016), and as such the village has a development boundary. The application site is approximately 500m to the north east of the development boundary on land categorised as open countryside.

Key Issues

- Planning History
- Principle of development
- Form and character
- Impact on neighbour amenity
- Access/ Highway safety
- Other Material Considerations

Recommendation:

REFUSE

THE APPLICATION

This application seeks planning consent for the 'proposed erection of cottage and barn/carport with rear garden including the creation of ponds' on Blackburn Drove, off Ringmore Road in the village of Southery. The site is 0.70ha in size. The application site currently consists of a derelict structure (formerly a dwelling) and a barn structure in poor condition with agricultural land to the rear. The existing dwelling structure is considered 'abandoned' in line with paragraph 80 of the NPPF.

Southery is categorised as a Rural Village in the Site Allocations and Development Management Policies Plan (2016), and as such the village has a development boundary. The application site is approximately 500m to the north east of the development boundary on land categorised as open countryside.

The application seeks consent for a substantial three bedroom single storey detached dwelling. This has a ridge height of 6.5m and an eaves height of 2.3m. The proposed dwelling is situated in excess of 10m back from the access track, and is positioned so that the front elevation of the proposed dwelling is in the location of the rear elevation of the existing structure. The materials proposed are Kempston antique/ Camtech old (or similar) with flintwork infill panels to the front elevation, and clay single pantiles. PV panels/ tiles are proposed for the rear elevation.

The replacement barn is proposed forward of the dwelling to the southwest of the site, in the position of the existing barn. The proposed barn is 5.5m in height to the ridge and 2.4m to the eaves. The barn consists of two enclosed bays and three open bays at ground floor. The first floor is open to provide loft storage and is accessed via an external staircase. This is proposed to be constructed from timber with clay pantiles with PV panels/ tiles.

To the rear of the dwelling is a large landscaped area including an orchard and two ponds. The trees along the boundaries are to be retained. The boundary treatments include a 1m post and rail fence to the front of the site and a 1.2m post and rail fence along the side boundaries. The fencing will be added to by hedging to be planted alongside. On the rear boundary the existing hedging will be retained. There is also a 1.8m close boarded fence proposed alongside the dwelling on the front elevation, this would be situated behind the proposed barn in the street scene however.

The site falls in gradient as you move towards the rear of the site and the existing drainage ditches to the southern and eastern boundaries of the site are to be retained.

SUPPORTING CASE

The spatial and design terms the application proposal to be in accordance with NPPF para 80 in that it reuses an existing rural building in the countryside and will lead to a significant enhancement to its immediate vicinity.

The bespoke bungalow/cottage design with accompanying timber carport is considered appropriate to this location and is an example of good sustainable design as required by both local and national planning policy. Use of solar panels and high levels of insulation - alongside battery storage will significantly reduce energy use in accordance with local and national policies of sustainability.

The landscaping scheme in conjunction with the build will lead to a significant benefit in terms of biodiversity. This landscaping also significantly enhances the immediate surrounding and retains the more rural setting.

The site is in Flood Zone 1 and as such flood risk does not form a constraint to development.

This application proposal has received significant support from locals which is proven evident from the 13 supporting comments (from the date of this Supporting Statement) which all generally support the idea of removing the 'eyesore' and 'unsafe' existing structures with the more attractive and in-keeping cottage and supporting landscaping. The application has also received Parish Council support along with no objections from NCC Highways or Environmental Quality.

With all the above taken into consideration we strongly believe this that planning permission be granted

PLANNING HISTORY

21/01919/F: Application Withdrawn: 07/04/22 - Proposed replacement dwelling - North of Blackbank Farm, Black Bank Drove, Southery

RESPONSE TO CONSULTATION

Parish Council: SUPPORT

Members of Southery Parish Council would like to support application 23/01693/F also noting that this will be a good use of an isolated building and will enhance the area.

The planning and design and access statement quotes that: Whilst the site is in open countryside and rural policies of restraint are applicable- reference is made to NPPF para 80 which is a national enabling policy that does allow new residential development in the open countryside in certain circumstances. It is considered that the proposal is consistent with Para 80. "The development would use redundant or disused buildings and enhance its immediate setting" It is also noted that the development endeavours to use part of the existing disused building, and, the landscaping scheme will in conjunction with the build lead to a significant benefit in terms of biodiversity.

Highways Authority: NO OBJECTION subject to condition.

Having visited the site we were aware of the existing buildings that are present and the potential traffic they could result. On balance therefore we have no objection to the principle of the application and recommend a condition is attached to secure the access and parking and turning area.

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

The applicant has provided a screening assessment indicating no known contamination. We have reviewed our files and the site is on land seen developed for the duration of our records. The surrounding landscape is largely agricultural. The information submitted does not indicate the presence of significant land contamination. However, the former agricultural use means that it's possible that some unexpected contamination could be present.

Planning Committee
9 January 2024

Therefore we recommend a condition is included. Due to the age of the property on site there is the potential for asbestos containing materials to be present and we recommend an informative is included.

Public Rights of Way Officer: NO OBJECTION

We have no objection in principle to the application but would highlight that a Public Right of Way, known as Southery Footpath 6 is aligned along Black Bank Drove, close to the proposed access to the development site. The full legal extent of this footpath must remain open and accessible for the duration of the development and subsequent occupation.

REPRESENTATIONS

THIRTEEN representations of **SUPPORT** received. These are summarised below-

- Support improvements to village
- Applicants are lifelong members of the village
- Proposal is for an attractive, well-designed, eco-home
- Scheme includes re-use of existing cottage
- Includes landscaping features to encourage wildlife/ biodiversity
- Redevelopment of derelict building will improve the area. The existing building is of low architectural merit, and its vernacular character contributes to the village.
- Design appropriate and will blend into the landscape.
- Improve views from neighbouring dwellings and the visual appearance of locality.
- Enhance security in the locality.

LDF CORE STRATEGY POLICIES

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations are:

- Planning History
- Principle of development
- Form and character
- Impact on neighbour amenity
- Access/ Highway safety
- Other Material Considerations

Planning History:

This planning application follows an earlier application submitted last year for a 'proposed replacement dwelling'. That application was withdrawn by the applicant following discussions with the planning officer. The officer was unconvinced as to the justification for the proposal having regard to its position in the open countryside and therefore the application was headed for a recommendation of refusal.

At that time the application was for a 'replacement' dwelling and as such consideration was given to whether the derelict structure could be classed as an existing dwelling in planning terms or had been abandoned.

Whether a use or property has been abandoned is based on site specific circumstances however is commonly assessed based on the following factors:

- a) the physical condition of the premises;
- b) the period of non-use;
- c) whether there had been any intervening use;
- d) evidence regarding the owner's intentions.

At that time information submitted with this application, stated that the bungalow was last occupied in September 1955 and none of the owners since this time period have sought to restore the building. Satellite images dating back to 1999 show the bungalow in a state of disrepair, with vegetation covering the majority of the roof of the building. From 2006 onwards, the house is visibly in complete disrepair with only very limited parts of the structure. The dwelling has continued to deteriorate since the 2018 images and as of the site visit, only parts of the original walls still stand. The building is in a very poor stage being incomplete and having an unsound shell. A substantial amount of demolition and rebuilding would be required to create a habitable dwelling. No obvious curtilage or garden land is visible on current satellite images. Prior to the submission of this application (and the previous 2021 application) there has been no evidence of intention evidenced.

Thus, the evidence suggested overall that any reasonable person would conclude that a residential use had ceased to exist. There was therefore no existing dwelling on site to replace, and the proposal constituted the construction of a new dwelling in the countryside.

Planning Committee
9 January 2024

Principle of Development:

This application seeks consent for the construction of a new dwelling in the countryside which is controlled through Policy DM2 of the Site Allocations and Development Management Policies Plan (2016). As the site is outside of the development boundary outlined on inset map G.85 the site is considered to be within the wider countryside and countryside protection policies apply. Policy DM2 of the SADMPP (2016) permits the construction of dwellings in the countryside where certain parameters are met.

The applicant refers to the NPPF paragraph 80 which restricts the development of isolated homes in the countryside unless one or more of the criteria apply. Criteria a, b and d are not relevant to this application. Criteria c refers to development which 'would re-use redundant or disused buildings and enhance its immediate setting.' However, given the dwelling has been abandoned this reverts to countryside and is not classed as a disused/ redundant site. Criteria e requires the design of the development to be 'of exceptional quality'. The dwelling proposed while acceptable is not of an exceptional quality design with outstanding architecture and would not significantly enhance its immediate setting.'

No additional justification has been put forward to demonstrate an identified need for a new dwelling in the countryside. The Borough Council has a five year land supply and this proposal would result in unnecessary development in an unsustainable location. The application is contrary to the NPPF, Policies CS06 and CS08 of the Core Strategy (2011) and Policy DM2 of the SADMPP (2016).

Form and Character:

Proposed plans indicate the construction of a single storey bungalow with ridge line running parallel to the adjacent highway. The proposed building is of simple design and, considering the mix of dwelling styles in the immediate vicinity, is considered unlikely to lead to any significantly adverse impact on the street scene. The materials proposed are considered appropriate to the form and character of the rural locality.

There is no recognisable curtilage visible on site and the red line area has been drawn with the rear boundary projecting into surrounding agricultural land. Looking at historical aerial photography dating between 1999 and 2022 it appears evident that the curtilage of the dwelling was drawn much tighter to the former dwellinghouse. The rest of the site was used for agriculture rather than as amenity space during this time. As noted above, the principle of development is not considered acceptable as it would result in the loss of agricultural land as domestic garden extends into the countryside, and this would similarly impact on the rural form and character of the locality.

The boundary treatments proposed would not lead to any adverse impact on the intrinsic character and beauty of the countryside. Details of the boundary treatments have been provided, as are the landscaping details which are detailed on the proposed plans (and could be conditioned). These should prevent any further encroachment into the countryside. However, while the ponds and landscaping may improve biodiversity within the site this benefit does not outweigh the in principle objections to the development as proposed.

In terms of the form and character of the development proposed, this is not in accordance with the NPPF and Local Plan Policy CS08 of the Core Strategy and Policy DM15 of the Site Allocations and Development Management Policies Plan.

Impact on Neighbour Amenity:

The application site is a sufficient distance from neighbouring residential properties either side of the site and given this is a single storey dwelling proposed, is therefore considered unlikely to lead to any adverse impacts on the amenity of neighbours and is therefore in accordance with the NPPF and policy DM15 of the Site Allocations and Development Management Policies Plan.

Access/ Highway Safety:

Access is proposed via Black Bank Drove which coincides with a public bridleway. No objections have been raised by the Local Highway Authority or the PROW team and no significant impact is therefore considered likely. The proposed development would not give rise to any concerns/ objections regarding the access and highway safety and as such the application accords with the NPPF, policy CS11 and policy DM15 of the Local Plan.

Other Material Considerations:

Flood Risk/ Drainage - The application site lies in flood zone 1 and is therefore at the lowest risk of flooding. Given the nature of the site and scale of development proposed the drainage arrangements can be addressed via the building control process, although the applicant has provided details as part of the proposed plans. This is fully in accordance with the NPPF.

Existing trees – The applicant has submitted a Tree Survey, Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement May 2023 produced by Rick Morrish Associates. This details how existing trees will be protected during the construction process. The development proposed does not require the removal of any existing trees and the application could be conditioned to be in accordance with the Assessment, Plan and Statement.

Contamination – The Environmental Quality officer has requested that were permission to be granted a condition should be attached in case of any unexpected contamination found during construction. This is due to the former use of the site for agriculture).

CONCLUSION:

The application seeks planning consent for the construction of a single dwelling on land categorised as countryside in the adopted Local Plan. While there is the remains of a dwelling on site, the poor condition of this means that it is classed as 'abandoned' and as such this cannot be considered a replacement dwelling. The application fails to meet any of the requirements of paragraph 80 of the NPPF because this cannot be considered a redundant/ disused building (due to its poor condition) and the development proposed is not of 'exceptional quality'.

Policy DM2 of the Site Allocations and Development Management Policies Plan seeks to protect the countryside by restricting new development. This application fails to meet any of the criteria within this policy and as such is contrary to the adopted Local Plan policy.

The Council has a five year land supply and the proposed development represents unnecessary development in the open countryside contrary to national and local policy with insufficient justification. For the reasons explained above and below it is recommended that Members refuse this application.

Planning Committee
9 January 2024

RECOMMENDATION:

REFUSE for the following reason(s):

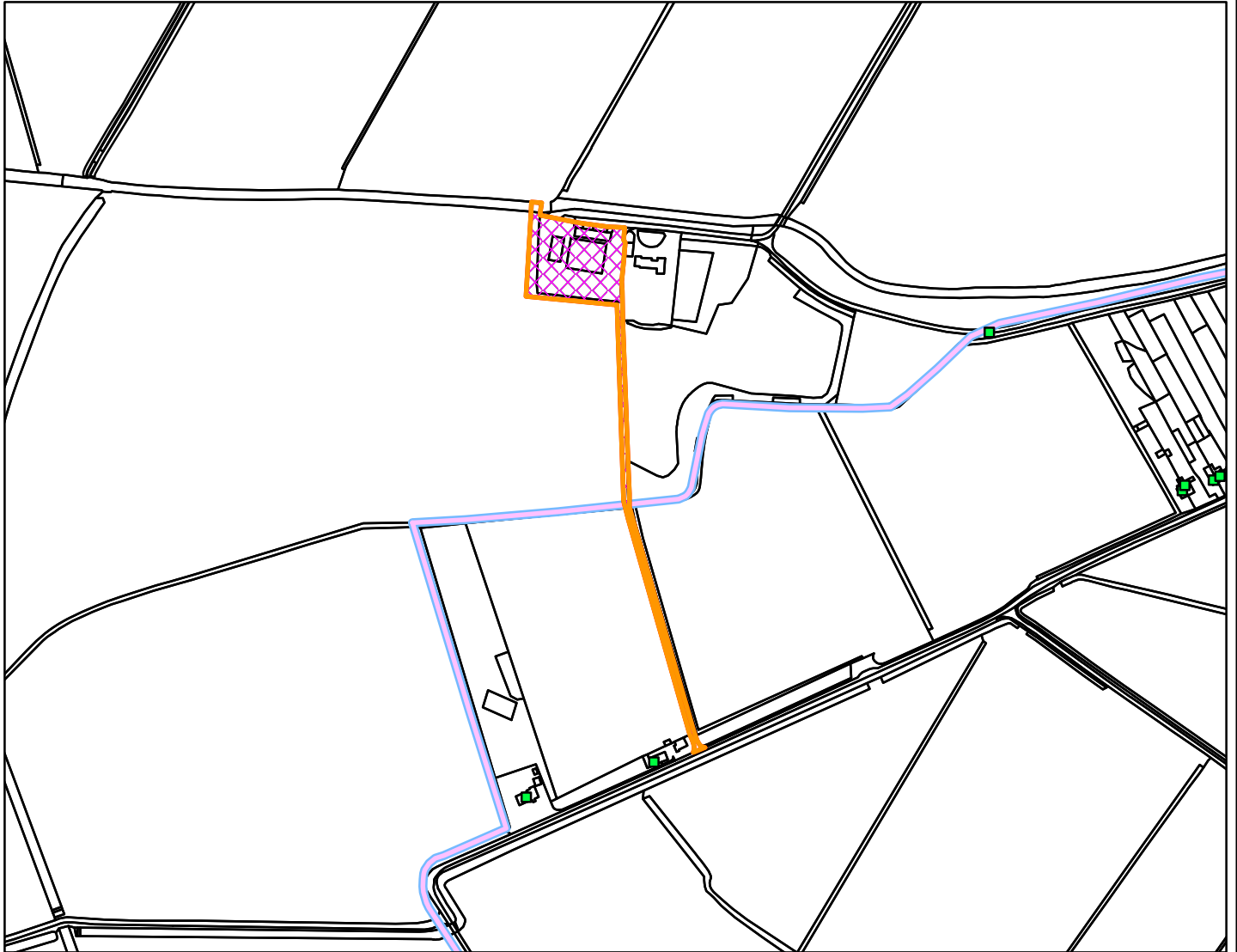
- 1 The application is considered to comprise of the construction of a new dwelling with garages and landscaping (including ponds) in the open countryside for the purposes of the Local Plan.

The application site is outside of any defined development boundary and therefore within the wider countryside for the purposes of Policy DM2 of the Site Allocations and Development Management Policies Plan (2016). The scheme fails to meet the required criteria of paragraph 80 of the NPPF. The Borough Council also has a five year housing land supply. As a result the scheme would result in an unnecessary development in an unsustainable location and would result in harm to the rural locality. Improvements to biodiversity on the site would not outweigh the harm caused due to the loss of agricultural land as the curtilage of the dwellinghouse is extended.

No additional justification has been provided to outweigh these conflicts and the proposal is therefore considered contrary to the NPPF, Policies CS02, CS06 and CS08 of the Core Strategy (2011) and Policy DM2 of the SADMPP (2016).



Long Beach Farm Thurlands Drove Upwell PE14 9AP



Legend

[Empty legend box]

Scale: 1:5,000

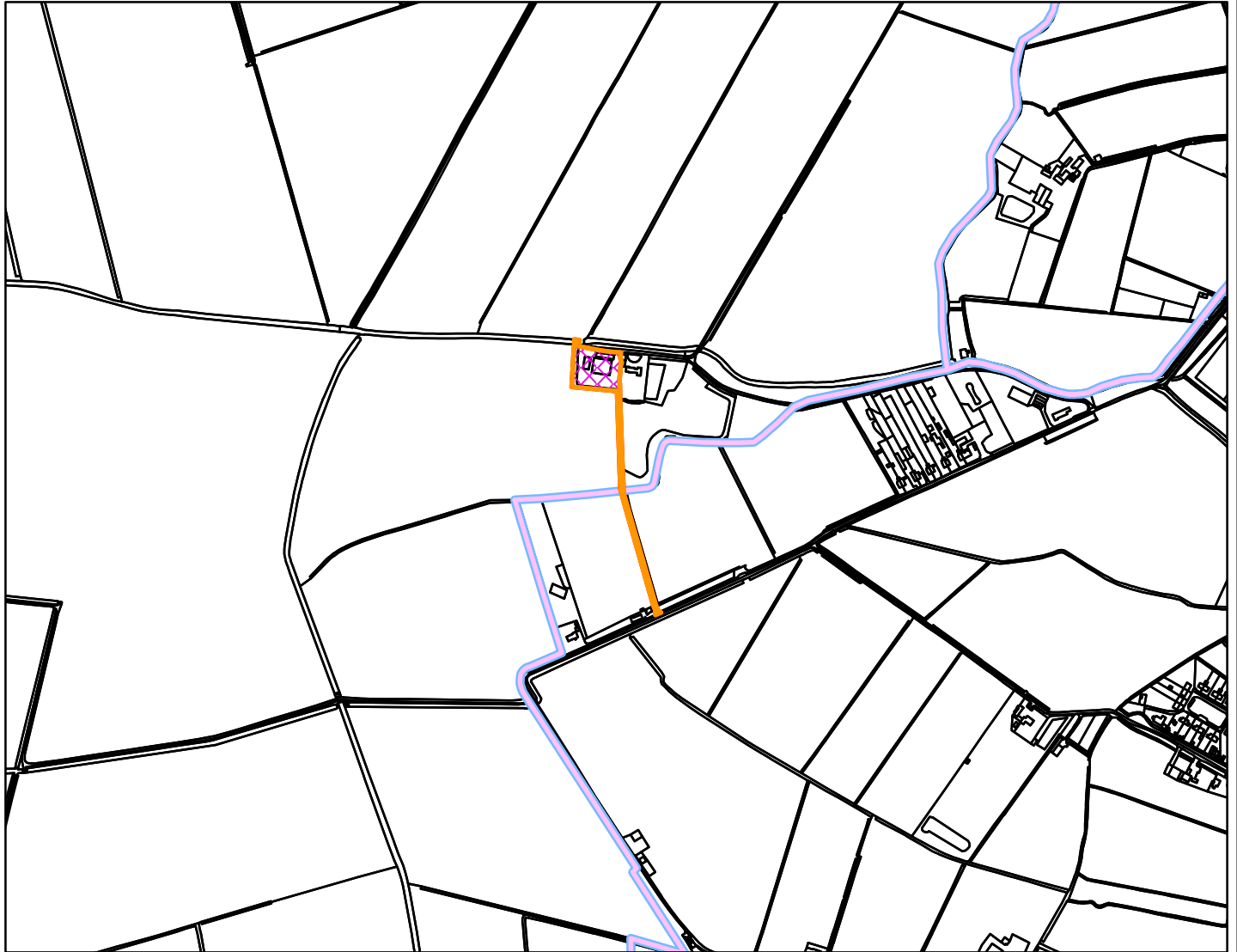
Reproduced from the Ordnance Survey map with permission of the Controller of His Majesty's Stationery Office © Crown Copyright 2023.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	14/12/2023
MSA Number	0100024314



Long Beach Farm Thurlands Drove Upwell PE14 9AP



Legend

[Empty legend box]

Scale: 1:10,000

Reproduced from the Ordnance Survey map with permission of the Controller of His Majesty's Stationery Office © Crown Copyright 2023.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	14/12/2023
MSA Number	0100024314

Parish:	Upwell	
Proposal:	Conversion of agricultural building to 2 x residential dwellings to include proposed works to adjacent building for conversion into a garage	
Location:	Long Beach Farm Thurlands Drove Upwell Norfolk PE14 9AP	
Applicant:	Long Beach Farm Ltd	
Case No:	23/02010/F (Full Application)	
Case Officer:	Helena Su	Date for Determination: 2 January 2024 Extension of Time Expiry Date: 12 January 2024

Reason for Referral to Planning Committee – Devolve Authority to Fenland District Council

Neighbourhood Plan: No

Case Summary

This is a cross-boundary application with an identical application ref: F/YR23/0937/F being processed with Fenland District Council. This report contains two elements: A) procedural issue regarding application ref: 22/01756/FM in accordance with the Local Government Act 1972 and B) response to consultation sought by Fenland District Council in relation to application ref: F/YR23/0937/F.

The land is approximately 0.59ha and comprises an agricultural building within a site known as Long Beach Farm. The county boundary between Cambridgeshire and Norfolk cuts across half of the proposed access/driveway from Thurland's Drove. Therefore approximately 0.08ha of the overall site area lies within King's Lynn and West Norfolk.

The application is for the conversion of agricultural buildings to two residential dwellings and to covert an adjacent building into a garage to serve the proposed dwellings.

Key Issues

- Cross-boundary Application
- Form and Character
- Impact on Neighbours
- Highway Safety
- Flood Risk and Drainage
- Other Material Considerations

Recommendation

A) The Assistant Director (Environment & Planning) recommends that the Planning Committee devolves its decision-making authority to Fenland District Council in respect of this 'cross-boundary' application.

B) If A) is accepted, it is also recommended that the comments raised by statutory consultees, interested parties, plus any additional views of the Planning Committee, are forwarded to Fenland District Council for them to take into account in the decision-making process. This will also constitute the response to consultation sought by Fenland District Council in relation to application ref: F/YR23/0937/F and under application ref: 23/02063/CON.

THE APPLICATION

The land is approximately 0.59ha and comprises agricultural buildings within a site known as Long Beach Farm. The county boundary between Cambridgeshire and Norfolk cuts across half of the proposed access/driveway from Thurland's Drove. Therefore, approximately 0.08ha of the overall site area lies within King's Lynn and West Norfolk.

The application is for the conversion of agricultural buildings to two residential dwellings and to convert an adjacent building into a garage.

Recently, a Prior Approval application was made to, and approved by, Fenland District Council (FDC) for the change of use from an agricultural building to form two dwellings involving partial demolition of existing buildings (Class Q(a) and (b)) under ref: F/YR23/0191/PNC04. The Prior Approval application was made solely to FDC as the application site fell entirely within their District.

This planning application is now made to FDC and Borough Council of King's Lynn and West Norfolk (BCKLWN) as the proposal seeks to use an access within BCKLWN's land. The proposal also includes the conversion of another existing building to serve as a garage to the proposed dwellings: these fall entirely outside of BCKLWN.

SUPPORTING CASE

Planning Agent - *We do not feel we need to submit anything.*

PLANNING HISTORY

23/02063/CON: CONSULTATION BY FENLAND DISTRICT COUNCIL: Conversion of agricultural buildings to 2 x dwellings (2-storey 4-bed) and a detached garage/storage building, involving the demolition of existing lean-to and glasshouse

RESPONSE TO CONSULTATION

Parish Council: Upwell Planning Group have checked the Upwell PC Boundary Map, Long Beach Farm is most definitely and wholly out of our patch in Upwell, either all Fenland or part Outwell PC. Therefore, they are not inclined to comment.

Highways Authority: Having due regard to the existing class uses which the site presently enjoys, it would be difficult to substantiate an objection to the proposal on highway safety grounds.

Public Rights of Way: No objection on Public Rights of Way grounds as although Upwell Isle footpath 6 is in the vicinity, it does not appear to be affected by the proposals.

Middle Level Commission: The above application appears to involve development within the Board's 9m byelaw strip. Development within, over, or under a Board maintained watercourse, or within the Board's maintenance strip, requires the Board's prior written consent.

District Emergency Planning: Because of its location in an area at risk of flooding, suggests that the occupiers:

- Should sign up to the Environment Agency flood warning system (0345 988 1188 or www.gov.uk/flood)
- A flood evacuation plan should be prepared (more details at www.gov.uk/flood):
- This will include actions to take on receipt of the different warning levels.
- Evacuation procedures eg isolating services and taking valuables etc
- Evacuation routes

REPRESENTATIONS

ONE OBJECTION summarised as follows:

- Track that accesses the proposal is single track and not designed for excessive amounts of traffic. Additional traffic would affect the quality of life for our and future generations.
- Impact on ecology, in particular bats. The removal of the barn to replace it with two dwellings would be a massive shame and impact the future breeding for these species.
- Impact on views as the front elevation would face neighbouring properties.
- Light pollution at night from the additional cars accessing the track leading to the property.
- Noise disturbance from demolition, construction, traffic, family/garden noise. Noise would impact wildlife.
- Pressure on local infrastructure and services.
- Will removal of asbestos be done safely and in the correct manner?
- Questions access to the site. Requests construction vehicles not use Thursland Drove
- The planning application can have an impact on mental health.

LDF CORE STRATEGY POLICIES

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

Planning Committee
9 January 2024

CS08 - Sustainable Development

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations are:

- Cross-boundary Application
- Form and Character
- Impact on Neighbours
- Highway Safety
- Flood Risk and Drainage
- Other Material Considerations

Cross-boundary Application:

The application affects both King's Lynn and West Norfolk Borough Council (KLWNBC) and the neighbouring Fenland District Council (FDC). In accordance with National Planning Practice Guidance (Paragraph: 011 Reference ID: 14-011-20140306) where an application site straddles one or more local planning authority boundaries, it is necessary to submit identical applications to each planning authority, identifying which part of the site is relevant to which authority. This has been done.

The planning fee is payable to the authority of whichever area contains the largest part (within the red line) of the whole application site. In this case FDC has the greater site area (i.e., 80%) and has been paid the appropriate fee.

In the absence of alternative administrative or statutory arrangements, a planning application should be determined by the planning authority in whose administrative area the development proposed is to be carried out. In the case of cross boundary applications, this can lead to two planning authorities making individual determinations, imposing different conditions on the permissions, if approved, or could lead to a conflict in the decision-making process (approve/refuse).

Although there is no set guidance on dealing with such applications, the latter course of action is not recommended as it does not promote a co-ordinated approach to development management and may result in inconsistency in terms of conditions, obligations or indeed where one authority recommends approval and the other refusal. This is highly undesirable in terms of achieving a co-ordinated approach to delivering development and contrary to the overall tenor of Government Guidance, which encourages 'joint working' between planning authorities in relation to the use of their planning powers.

Planning Committee
9 January 2024

In this case, the majority of the development site is under the control of FDC. Section 101(1) of the Local Government Act (1972) authorises a Local Authority to arrange for the discharge of functions by any other local authority. For KLWNBC, this would mean that the Council can delegate its development control function to FDC in respect of this cross-boundary application.

Given that 86% of the application is in FDC area and only the access is within KLWN, Members are recommended to devolve decision-making to FDC.

Form and Character:

As the proposal seeks to use an existing access, with no works proposed to the access, the impact on form and character would be as existing.

The agricultural buildings subject to the planning application would not be easily visible within BCKLWN and therefore it is considered the development would not have any significant adverse impacts on the character and appearance of any BCKLWN areas.

In terms of form and character, the proposal would meet Policy CS06 and CS08 of the Core Strategy 2011, and Policy DM15 of the SADMPP 2016.

Impact on Neighbours:

The access to the proposed dwellings is immediately north-east of Tye Cottage along Thurlands Drove. The access is an existing access serving the agricultural unit to the north. The use of the access for residential use for two dwellinghouses is not considered to cause harm on neighbour amenity.

A third-party comment raised concerns regarding noise and disturbance from the headlights of cars using the access. Tye Cottage is screened from the access by an approximate 1.8m closed boarded fence in between Tye Cottage's dwelling and garage. Therefore, disturbance from the use of the access is considered to be minimal.

In terms of neighbour impact, the proposal would meet Policy DM15 of the SADMPP 2016.

Highway Safety:

The proposal seeks to use an existing access to the south of Long Beach Farm and along the north of Thurlands Drove. The Local Highway Officer and Public Rights of Way raised no objections as the proposal does not affect the public right of way known as Upwell Isle footpath 6 or affect highway safety given its current use.

A third party raised comments regarding the use of the access for excessive traffic related to the proposal. Considering the scale of the proposal, for two dwellings, the use of the access is considered low, especially considering the access is currently used in association with farmland to the north.

In terms of highway safety, the proposal would meet Policy DM15 of the SADMPP 2016.

Flood Risk and Drainage:

Although the Middle Level Commission nor Internal Drainage Board (IDB) are statutory consultees for this application, they have commented. As the application appears to involve

Planning Committee
9 January 2024

development within the Board's 9m byelaw strip, the applicant must apply for written consent from the relevant drainage bodies. No development is proposed to take place for the proposal within the boundary of BCKLWN.

Irrespective, land drainage consent is a separate legislative regime from Planning covered by the Land Drainage Act (1991) and therefore it is not pre-requisite for this application. It would not be appropriate to duplicate the requirements.

Furthermore, BCKLWN's District Emergency Planner has suggested that future occupiers of the site should sign up to the Environment Agency's flood warning system and prepare a flood evacuation plan. The proposed dwelling falls entirely within Fenland's district and the Emergency Planner's comment is recommended to be passed to FDC for their consideration.

In terms of drainage and flood risk, the proposal would meet Policy CS08 of the Core Strategy 2011.

Other Material Considerations:

Third party comment raised concerns regarding ecology, views, light pollution, noise disturbance, pressure on local infrastructure, removal of asbestos, and impact on mental health.

These comments are not material to the application within BCKLWN area. It is recommended all comments made to the application is passed to Fenland District Council to consider in the determination of their planning application.

CONCLUSION

It is recommended that, in accordance with Section 101(1) of the Local Government Act (1972), the Planning Committee devolves its development control powers to Fenland District Council in respect of Application 23/02010/F. This would allow a single determining authority for the application, with Fenland District Council having the majority of the site in their area.

The comments raised by statutory consultees, interested parties, plus any additional views of this committee, are to be forwarded to Fenland District Council for them to take into account in the decision-making process.

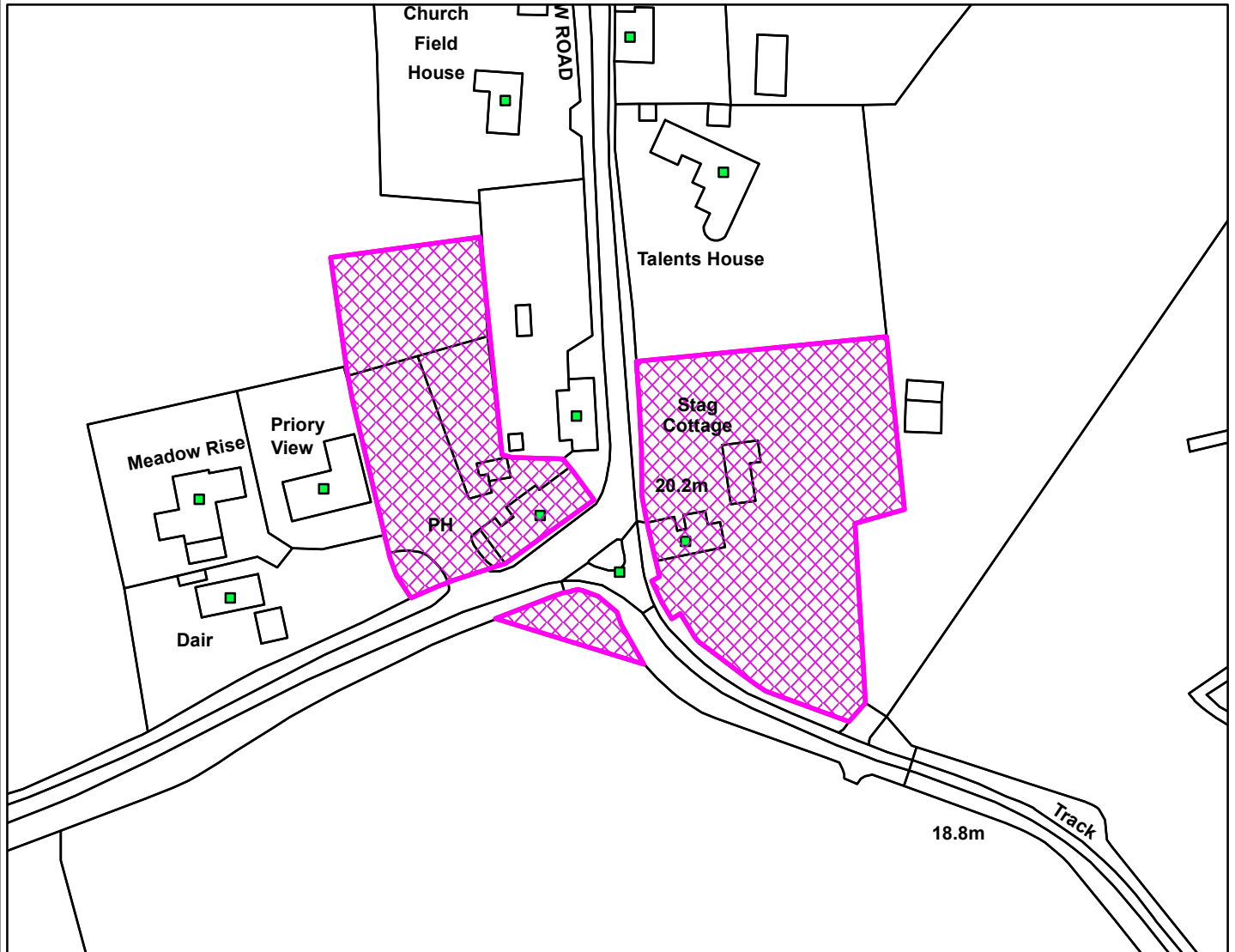
RECOMMENDATION:

- A)** The Assistant Director (Environment & Planning) recommends that the Planning Committee devolves its decision-making authority to Fenland District Council in respect of this 'cross-boundary' application.
- B)** If A) is accepted, it is also recommended that the comments raised by statutory consultees, interested parties, plus any additional views of this committee, are to be forwarded to Fenland District Council for them to take into account in the decision-making process. This will also constitute the response to consultation sought by Fenland District Council in relation to application ref: F/YR23/0937/F and under application ref: 23/02063/CON.

Planning Committee
9 January 2024



The Stag Inn/Ford Cottage Low Road West Acre PE32 1TR



Legend

[Empty legend box]

Scale: 1:1,250

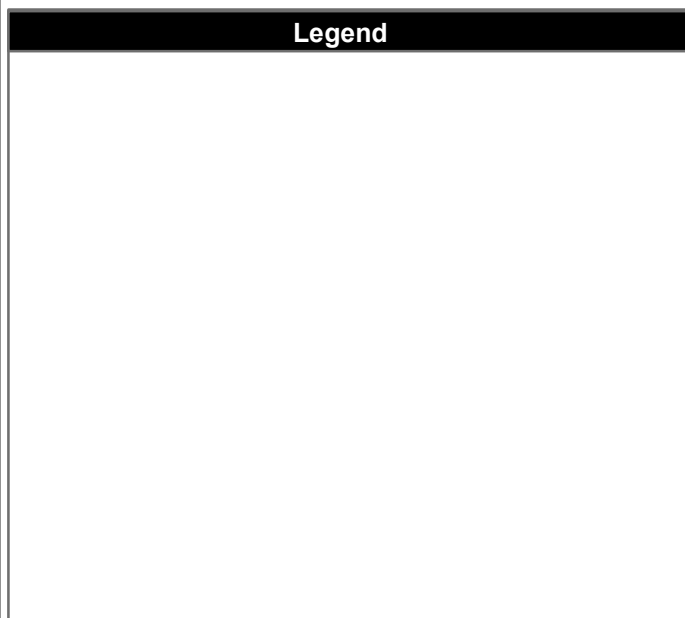
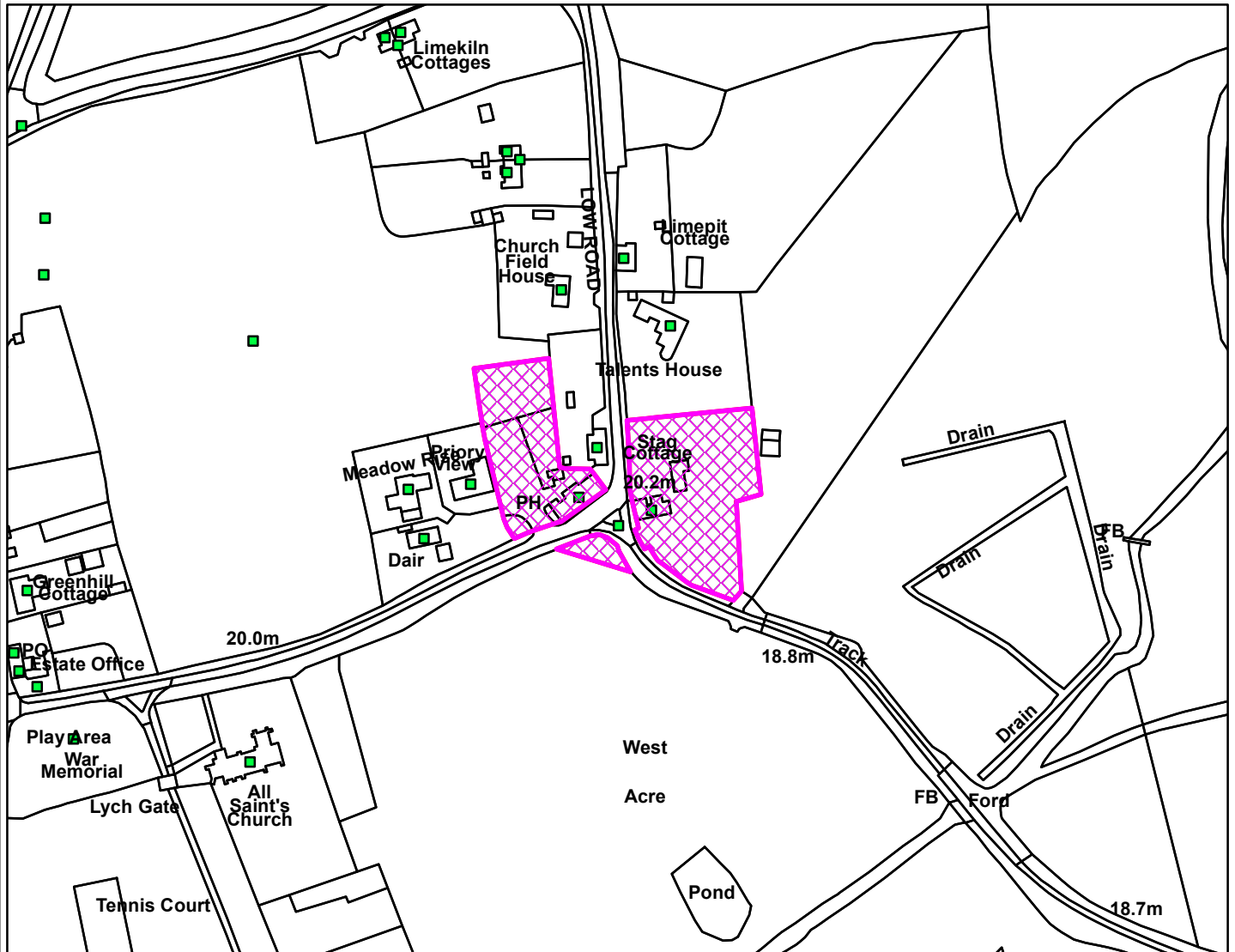
Reproduced from the Ordnance Survey map with permission of the Controller of His Majesty's Stationery Office © Crown Copyright 2023.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	20/12/2023
MSA Number	0100024314



The Stag Inn/Ford Cottage Low Road West Acre PE32 1TR



Scale: 1:2,500

Reproduced from the Ordnance Survey map with permission of the Controller of His Majesty's Stationery Office © Crown Copyright 2023.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	20/12/2023
MSA Number	0100024314

Parish:	West Acre	
Proposal:	The Stag Inn- Alterations and extension to pub, change of use to bedrooms for short-term letting. Enlarge the car park. Ford Cottage- Change of use from dwelling house to short-term let bedrooms including extension and alterations, car park and associated landscape work.	
Location:	Ford Cottage Low Road West Acre KINGS LYNN PE32 1TR	
Applicant:	Alec Birkbeck	
Case No:	22/01857/F (Full Application)	
Case Officer:	Connor Smalls	Date for Determination: 26 December 2022 Extension of Time Expiry Date: 12 January 2024

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

Neighbourhood Plan: No

Case Summary

The application site relates to the combined plots of The Stag, an existing pub, and Ford Cottage, an existing and currently vacant dwelling, as well its associated plot and currently empty workshop building located on Low Road within the rural village of West Acre. The character of the area is rural in nature and lies within a sensitive locality.

The application seeks full planning permission for the refurbishment and extension of The Stag, on Low Road, West Acre which would see the provision of short term let rooms at first floor alongside works including to extend the car park and provision of cycle parking.

To Ford Cottage, immediately opposite The Stag, the application proposes the refurbishment and extension of the property to provide short term holiday let uses at first floor alongside a breakfast room, kitchen and ‘snug’ alongside further toilets at ground floor. Extensive landscaping is proposed to the Ford Cottage garden including a new car parking and cycle parking provision, areas of planting and paving.

The application site is adjacent to the River Nar Site of Special Scientific Interest (SSSI) within the locality as well as the Scheduled Ancient Monument (the precinct of the medieval West Acre Priory) to the south.

Planning Committee
9 January 2024

Key Issues

- Principle of development
- Form and character
- Impact on neighbour amenity
- Highway safety and parking
- Flood risk
- Ecology
- Impact on Trees
- Any other matters requiring consideration prior to determination of the application

Recommendation APPROVE

THE APPLICATION

The application site relates to the combined plots of The Stag, an existing pub, and Ford Cottage, an existing and currently vacant dwelling, located opposite each other on the corner of Low Road within the rural village of West Acre. West Acre is defined as a Smaller Village and Hamlet where only very limited development is acceptable. The character of the area is very rural in nature with limited built form. Neighbouring dwellings are located to the north and west of The Stag and to the North of Ford Cottage. The application site lies within a sensitive area with the River Nar Site of Special Scientific Interest (SSSI) within the locality as well as the Scheduled Ancient Monument (the precinct of the medieval West Acre Priory) to the south.

The application seeks consent for the refurbishment and extension of The Stag which would see the provision of five short term let rooms at first floor. The extension would consist of a twin gable extension at first floor with single storey elements at ground floor. Alongside this, works to extend the car park and introduce cycle parking as well as disabled spaces, powered two wheeler parking (such as motorbikes and scooters etc), a storage shed and landscaping.

To Ford Cottage, the application proposes the refurbishment and extension of the property to provide four short term holiday let uses at first floor alongside a breakfast room, kitchen and 'snug' alongside further toilets at ground floor. The proposed extension/remodelling would be to the north and would consist of twin gables with an inset element between. Extensive landscaping is proposed to the Ford Cottage garden including a new car parking and cycle parking element, areas of planting and paving. To the south of Ford Cottage, two areas of hedging have seen gaps created which has then been offset in other areas of the site.

Overtime, elements have been removed from the scheme which has included a café at ground floor to Ford Cottage as well as the use of the workshop adjacent to Ford Cottage. Following the pre-application on site a village shop and cycle hire element were dropped prior to this application.

It is important to note that the current earth mound on site as a result of works already undertaken to the car park area will form part of a separate application in order to address the core considerations of the use proposed within this original application now.

Planning Committee
9 January 2024

SUPPORTING CASE

None currently submitted.

PLANNING HISTORY

22/00029/PREAPP: INFORMAL - Likely to refuse: 14/04/23 - PRE-APPLICATION FULL (WITH CONSULTATIONS AND A MEETING): Remodelling of Stag Inn to provide additional holiday let beds and improved bar space. Change of use of Ford Cottage from house and light industrial workshop to cafe, farm shop, concessions and additional bedroom spaces (holiday let) - West Acre, Stag, Low Road, West Acre

05/01763/F: Application Withdrawn: 17/10/05 - Construction of 3 dwellings following demolition of redundant farm buildings - Land At Church Green, West Acre

RESPONSE TO CONSULTATION

Parish Council: OBJECT -

West Acre Parish Council (WAPC) has discussed at some length the possibility of supporting the revised proposals if a suitably robust series of conditions can be agreed. These should be aimed at removing all areas of potential confusion where there is a possibility of misinterpretation, and which could have a negative impact on the village. Reluctantly therefore WAPC has to continue to object to these proposals on the grounds explained below but Councillors could change their position to one of support if appropriate conditions are agreed.

West Acre Parish Council (WAPC) is pleased to note that the revised application is more limited in scale and that it attempts to reflect some of the comments made by consultees. The last paragraph on page 3 of the DAS appears to confirm that Ford Cottage will be developed as self-catering accommodation, complementing, we assume, a fully catered B & B offer in the Stag Inn. If this is correct, then councillors think it is a positive change in that it will serve to limit the amount of crossroad pedestrian movement, reducing the risk of accidents on the blind highway corner between Low Road and Church Green.

However, councillors still find the catering arrangements difficult to interpret. This is because the descriptions of the proposals on pages 11 & 12 of the DAS suggest that the ground floor at Ford Cottage may actually also provide dining space and breakfast for both the bedrooms above the Stag Inn and at Ford Cottage. Councillors regret this continuing confusion and struggle to understand how self-catering and dining spaces together with kitchen use shared between guests and management can be combined. Councillors believe therefore that these matters remain to be clarified before impacts can be understood in full.

The generous provision of toilets on the ground floor contributes to this confusion. There is an accessible toilet but no accessible accommodation, and guests at Ford Cottage have facilities in their own rooms. A single unisex toilet is surely the most that is needed if the intended use of the premises is as stated. Councillors do remain disappointed that there is to be no provision for accessible or family rooms included in the accommodation offer.

Planning Committee
9 January 2024

WAPC very much recognises that the pub is a facility valued by many members of the community, and that the proposed expansion of the business is likely to bring some employment opportunities to the area. We would however note that this is not a 'community venture' in the sense that it is not directed, owned, or financed by the community. For the sake of balance, we would also point out that some members of that same community have felt alienated by developments at the pub and sadly have taken their custom elsewhere.

Councillors welcomed the opportunity to have confidential sight of the business plan. However, we found it very limited in scope – not least in its time span - and based on a confusion between the finances for the existing pub and the proposed expansion of the business. It was therefore not clear that the pub itself is not viable. There were also a number of miscalculations, some contradictions and an apparent confusion between set-up costs and running costs. While we welcome small scale employment opportunities (in line with the local plan) we think these should be based on a much clearer financial model.

If officers are recommending approval, WAPC would wish to see suitable conditions imposed because councillors remain concerned about the potential increase in both pedestrian and vehicular traffic on the narrow village lanes. The pub and Ford Cottage are located in a quiet residential area which is clearly not the village centre, and we would therefore expect to see conditions focused on ensuring that no further expansion is permitted.

We would suggest therefore the conditions listed below are needed in order to.

1. Conform to the local plan
 2. Protect village character
 3. Protect residential amenity
 4. Reduce cross movement of the highway
- Limit the use of the ground floor and garden at Ford Cottage to guests of the self-catering B & B only.
 - No further expansion of the pub and B&B business to be permitted beyond the current proposals.
 - Booking conditions specify that occupation of the accommodation is not permitted for large groups or for use such as stag and hen parties. This is in line with the tourist market outlined on page 1 of the DAS and not uncommon elsewhere.
 - Contact numbers of local personnel are made available should there be any problems with incidents such as anti-social behaviour - or - provision is made for a resident manager.
 - Reinstate the banks and hedgerow in the recently created gaps in the highway verge to the immediate south of Ford Cottage and on Fullers Lane. We note that there is easy access from Fullers Lane via the field gate for maintenance, so the new openings should not be needed for this purpose. (If it is proved that they are, the gap should be gated)
 - Install additional highway signage limiting the speed of vehicles entering and exiting the pub car park.
 - Install clear signage reminding pub patrons that the pub is located in a quiet residential area, and they should be respectful of that fact especially when leaving late at night.
 - Music to be limited to indoors, and specific limits to be imposed on the number and nature of events.
 - Control the venting of odours from kitchens etc.
 - Control Lighting – this corner of the village has always enjoyed dark skies and we note the Pub is already considerably brighter than it was.

Planning Committee
9 January 2024

Councillors have also noted the advice that a further retrospective application is due to be submitted in order to seek approval for the recently constructed large mound with tunnels. This is already being used as a play area by some children visiting pub events with family. We have concerns about noise, safety, visual impact, and its incongruous nature. Councillors note that retrospective applications rarely offer a full and fair assessment of impacts, and it would have been better therefore for the mound feature to be included in this application so that all consultees had the opportunity to consider the bigger picture in a more comprehensive fashion. Members of the community were given an absolute assurance in a public meeting a few years ago that West Acre Estate would make no further retrospective applications. The current mention of a new retrospective application does lead us to question the assurances given in the current proposals and therefore to ask for the conditions listed above.

An overview is also important with regard to the increasing commercial pressures that are changing the nature of the village. The council would like to see much greater consideration given to such cumulative impacts.

Councillors would also note that there is already a great deal of holiday accommodation in this area of Norfolk. This application removes what were two family homes from the housing market. Given the increasing housing crisis we now face, WAPC would ask that this also be taken into consideration.

Highways Authority: NO OBJECTION -

No objection is raised to the final scheme. Conditions are recommended as well as an informative that would be included should the application be approved.

Public Rights of Way Officer: NO OBJECTION -

We have no objections on Public Rights of Way grounds as there are none in the vicinity. The Norfolk Trail known as The Nar Valley Way is aligned along the track adjacent to the Ford Cottage site, we would request that access remain available at all times.

Conservation Officer: NO OBJECTION -

No objections are raised to the revised scheme, however conditions are recommended for materials, doors and window details as well as landscaping.

Historic Environment:

The field to the north of the Inn has produced artefacts of Roman, Saxon, medieval and later dates. In addition aerial photographs, surveys and artefacts show that the field to the east of Stag Cottage contained medieval settlement. The precinct of the medieval West Acre Priory (a Scheduled Monument) lies immediately to the south. Consequently, there is potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance will be adversely affected by the proposed development.

If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigatory work in accordance with National Planning Policy Framework. Conditions are recommended and would be attached to an approval.

Planning Committee
9 January 2024

Historic England: NO OBJECTION -

The proposed development site lies adjacent to the scheduled monument of 'West Acre Priory, and square barrow within the precinct' (List Entry Number 1008352). Based on the available information we consider that the proposed development would not have any adverse impact on the setting of the Priory scheduled monument and would not cause any harm to its significance.

However, we note and support the comments of the Borough Council's Conservation Team regarding the design and materials of the proposed extensions and the comments of Norfolk County Council Environment Service relating to non-designated buried archaeological remains.

Environmental Quality: NO OBJECTION -

Due to the age of the property on site there is the potential for asbestos containing materials to be present- an informative is recommended for any approval. The information submitted does not indicate the presence of significant land contamination. However, the former use as a Blacksmiths yard means that it's possible that some unexpected contamination could be present. Therefore, a condition is recommended for any approval.

Natural England: NO OBJECTION -

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Ecology: NO OBJECTION -

A lighting strategy will indeed need to be conditioned and must be agreed in consultation with a professional ecologist and in accordance with Bat Conservation Trust and the Institute of Lighting Engineers.

The Proposed Site Plan shows that new hedgerow will be planted along the north-eastern boundary and along parts of the western boundary which borders Low Road. This is considered sufficient to offset the loss from the hedgerow that has been removed.

The updated information addressed my previous objection. If you are minded to grant consent please condition the lighting strategy.

Arboricultural Officer: NO OBJECTION -

No objection is raised to the latest proposal subject to conditions regarding the development being protected and carried out in accordance with the submitted Arboricultural Impact Assessment as well as hard and soft landscaping details. These conditions are recommended for any approval.

Community Safety and Neighbourhood Nuisance:

There are no objections to The Stag Inn.

Despite the revised D&A Statement and plans, we still have an objection to Ford Cottage.

Planning Committee
9 January 2024

The dining space still shows capacity for sixteen persons, yet there are only four double bedrooms in Ford Cottage. With a kitchen and dining space in The Stag, we do not see the requirement for breakfast facilities to be supplied for guests of the pub across the road in Ford Cottage. The desirability for a kitchen and breakfast room in Ford Cottage is recognised, however, having this as self-catering seems an unlikely scenario. We remain hugely concerned that to allow this permission as presented would likely result in this becoming a shared space, café or open access building and site for much larger numbers than ought to be (through the 8 persons maximum room capacity), particularly if the cycle hire and 'open' cycle spaces are included. This would be at detriment to residential amenity and we object (unless robust planning conditions can be utilised to control the use of the garden and house only for the occupiers of the four Ford Cottage bedrooms, including removal of cycle hire for 'tourists' who are not residing in the premises.)

The earth bank is still stated to be the subject of a separate planning application. It has still not been stated clearly what the purpose of this bank is and no elevational etc details have been shown on plans. Again, as it has been used as a play space for children, it appears to us that this is to facilitate a public/open use of the garden at Ford Cottage for passers-by and users of The Stag Inn, and no details have been supplied to the contrary. We object to this on residential amenity grounds.

REPRESENTATIONS

KLWNBUG The Norfolk and Fens Cycling Campaign (summarised for clarity)

Original comment:

The Stag Inn is in a location with great potential for cycle-tourism. It is brilliant to see the cycle parking provision much increased and, as it is on a road that already has a 20mph limit, could the objection from NCC Highways be resolved by making Low Road one way for motorists east of the church?

The current plans aren't "meeting NCC's parking guidelines" because the cycle parking is sited further from the entrances than the regular car parking, contrary to the "Essential cycle parking requirements" on page 35 of the Parking Guidelines. Additionally, the Parking Guidelines and National Planning Policy Framework paragraph 112 (a) and (c) effectively require that cycle parking is reached without conflicting with cars manoeuvring in the car park. Finally, the close proximity of the bins to both areas of cycle parking is also unattractive and likely to discourage cycling.

It would be better if the bulk of non-resident cycle parking could be provided near The Stag entrance, instead of requiring most visitors arriving by cycle to cross a Low Road near a blind bend. I am not sure whether this is a safety concern for NCC Highways.

Additional comment (following amended plans):

Thanks the applicant for addressing KLWNBUG's comments with regard to the cycle parking split and location and wish them well with finding an acceptable resolution for other consultee objections.

Planning Committee
9 January 2024

Public Comments

To latest plans: **SIX** public **OBJECTIONS** regarding:

- No changes to address highway safety concerns.
- The site location is not the village centre- it is on a blind bend.
- Church Green and Low Road should be designated as pedestrian priority with the status of “a quiet lane” and with consideration given to further reducing the speed limit. Additional signage is needed at the exit to the pub carpark to remind patrons of the prevailing speed limit and of the need to respect the quiet residential character of this part of the village.
- A recent event helped by The Stag Pub/West Acre Estate used the garden at Ford Cottage as a base for a charity run. This event was advertised at starting and finishing at the Stag- evidence of future plans for both sites.
- The property should remain as a private dwelling providing a home for a single family, housing should now be a priority over holiday lets.
- Does not agree that The Stag currently has a "small but loyal customer base"- illustrates not conducting proper market research.
- No actual evidence is presented that the pub requires a development on this scale in order to be viable.
- At Ford Cottage no meaningful data or research on potential traffic movement and footfall numbers that would result from these proposed changes- increase in highway safety issues.
- The two properties are likely to be treated by as one site with a dual function. This means that Stag customers will be allowed to access facilities and the grounds at Ford Cottage and The Ford Cottage bed and breakfasters will also be allowed to use the Stag facilities- increase in pedestrian safety issues. How will this be effectively managed in order to limit the use of Ford Cottage and gardens to B & B residents only.
- If the flow of patrons across the road is to be controlled then the highway verge and hedgerow on Fullers Lane will need to be reinstated.
- *Additional signage may also be required to ensure all patrons understand that Ford Cottage and garden is for B & B guests only.
- The "adventure playground" mound- needs to be removed or made inaccessible.
- The current application may not yet fully describe the applicant's vision for greater public use of what was a private residential garden and that this is not being debated as part of the current application.
- Insufficient noise mitigation.
- Ambiguity over future use.
- No provision for on-site staff accommodation and no other suggestion as to how anti-social behaviour might be prevented and/or controlled, or how emergencies are dealt with.
- The Borough Council should approve the plans for the Stag, but refuse the plans for Ford Cottage.
- Reiteration of the disproportionate scale of the development based on West Acre as a smaller village and hamlet.
- A bat colony has been seriously disturbed, hedgerows have been destroyed in the nesting season, and hedgehogs have disappeared from the vicinity.
- Cumulative effect of continued development in the small village of West Acre (expansion of the theatre, expansion of Duration brewery, expansion of the Stag Pub, change of use at Ford Cottage).

Planning Committee
9 January 2024

To previous consultations: **FIVE** public **NEUTRAL** comments regarding:

- Over intensification of vehicular movement.
- Detrimental impact on residential amenity.
- Highway and pedestrian safety concerns.
- Opening hours of The Stag.
- Amenity impacts- noise from intensified use, music from inside and odour.
- Excessive lighting.
- Drainage.
- Bin stores close to boundaries.
- Impact on bats.
- Size and location of garden on plans. Play area.
- Solar array.
- Catering arrangements.
- Wider village context.

THIRTY TWO public **OBJECTIONS** from **TWELVE** objectors regarding:

- Support development of The Stag Inn and do not object in principle to modest development of the Ford Cottage site if it is shown to be in line with the requirements of the Local Plan which specifies very limited development in the village.
- Impact on West Acre's quiet and rural character.
- Boundary issues such as demarcation and planting (a meeting with the applicant has reached agreement on the line of the boundary and the height (2m) and position of the proposed fence 1m from boundary).
- Planting.
- Noise mitigation.
- Impact for biodiversity.
- Disappointed to see that there is no real reference to the Estate's rewilding project- little detail on ecological gains.
- Loss of privacy.
- The mound is to be subject to a separate application, and in terms of coherence it is not at all clear why this should be necessary- currently causing amenity issues.
- Confusion as to the intended ground floor uses for Ford Cottage and how the proposed kitchen, toilets and dining area (which looks like it could also be a café) will work in reality.
- Openings already created in the existing garden boundary hedgerows to Ford Cottage suggests that there is an intention to open up a much larger visitor attraction in what should be a private garden.
- Local roads are not suitable for increased vehicle and pedestrian traffic- blind corner between The Stag and Ford Cottage.
- Concerns have been expressed by the cycling community, and the area is already problematic for walkers.
- Transport note is unclear and unjustified.
- Impact on amenity- noise and disturbance.
- Retrospective nature of some works.
- There seems to be an assumption that the application has to be accepted in its entirety in order to render the village pub viable. Questionable financial viability of the proposal.
- CSNN concerns and objection.
- Smell from existing pub- deep fat fryer.

Planning Committee
9 January 2024

- As the work carried out by the Estate had disturbed bat roosts and colonies, the intervention of the Rural Crimes Officer of Norfolk Constabulary resulted in a Community Resolution Order being served on the Estate.
- Increased lighting and impact on ecology such as bats and dark skies.
- Bat colonies must be protected by a bat mitigation license to ensure that the colony is not disturbed unlawfully.
- Ecological value of hedge lost.
- Discrepancies on plans.
- Size of kitchen to Ford Cottage.
- The garden of the stag pub is now converted to a car park and there is now no seating area at all.
- Turning Ford Cottage into a holiday destination will remove one possible home for locals.
- State of current site and health and safety issues.
- Scale of proposed developments- over intensification in use, and inappropriate for the location.
- Disabled rooms provision- would the ground floor at Ford Cottage not be an opportunity for very well located accessible accommodation.
- Use as holiday let to Ford Cottage including potential for large parties. Tourists would not be part of the local community of residents.
- There does not appear to be any staff accommodation and it is not clear how the catering arrangements are supposed to work. Office space and a laundry are no longer on plans. Would staff be from the village or create increased vehicle movements.
- Unclear plans regarding materials.
- Concerns over maintenance of Ford Cottage in relation drainage and the River Nar.
- Level of parking.
- Suggesting that The Stag is experiencing a decline in trade may be misleading as it only reopened in the last few years.
- More detailed business plan required.
- What ecological protections are in place.
- Low Road should become one way.
- Location of bins adjacent to neighbours boundaries and associated impacts.
- Drainage.
- Consultee objections.
- Café opening hours.
- Solar array.
- Opening hours of The Stag.
- Potential transportation of food from one premises to another.
- Potential new road signs.

THIRTY SIX public **SUPPORT** comments from **THIRTY ONE** supporters regarding:

- Strongly support refurbishment of the pub- The Stag is at the centre of the community.
- Site is an easy walk or cycle along newly opened routes. Being on the Nar Valley Way, and with the new Rewilding project, the village attracts many walkers and visitors.
- The Stag and the surrounding buildings involved can only benefit from the updating and money that will be spent.

Planning Committee
9 January 2024

- Development will support the local community and give opportunities for local people to be employed .
- This regeneration of the pub and surrounding buildings will be a great asset to the village.
- The works that have been carried out so far have been done sympathetically.
- The proposal would be managed well to have minimal impact on local amenities, highways and noise and will help the local economy supporting the other rural leisure and tourism businesses without unreasonably excessive increase in noise or footfall and without unreasonably impacting residential amenity.
- The addition of more parking and lodgings would help all the local businesses become more sustainable.
- It could be argued the existing businesses in the village already brings footfall and vehicle movements into the village with relatively little disturbance - so the addition of rooms could actually reduce traffic in the village outside of arrivals and departures.
- Support local business.
- The need to preserve the rural nature of West Acre should be balanced with the needs to make the British countryside more generally available to both locals and visitors.
- The scheme was submitted initially as a pre-application enquiry and has been modified several times during the planning stage in response to concerns. It has been a democratic and inclusive process with the involvement of the local community.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS10 - The Economy

CS11 – Transport

CS12 - Environmental Assets

CS13 - Community and Culture

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM3 - Development in the Smaller Villages and Hamlets

DM11 – Touring and Permanent Holiday Sites

DM15 – Environment, Design and Amenity

Planning Committee
9 January 2024

DM17 - Parking Provision in New Development

DM19 - Green Infrastructure/Habitats Monitoring & Mitigation

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

OTHER GUIDANCE

PLANNING CONSIDERATIONS

The main considerations are:

- Principle of development
- Form and character
- Impact on neighbour amenity
- Highway safety and parking
- Flood risk
- Ecology
- Impact on Trees
- Any other matters requiring consideration prior to determination of the application

Principle of Development:

The application site consists of The Stag- an existing pub and Ford Cottage, a currently vacant dwelling. These properties are located on Low Road, within the village of West Acre. West Acre is defined as a smaller village and hamlet within Policy CS08 of the Core Strategy 2011 whereby development will be limited to specific identified in rural areas.

Policy DM3- Development in the Smaller Villages and Hamlets states:

“New development in the designated Smaller Villages and Hamlets will be limited to that suitable in rural areas, including:

small scale employment uses (under Policy CS10);
community facilities (under Policy CS13);
smaller scale tourism facilities (under Policy CS10);
conversions of existing buildings (under Policy CS06);
rural exceptions affordable housing; and
development to meet specific identified local need, including housing to support the operation of rural businesses (under Policies CS01 and CS06);”

Policy CS10 states that “the Council will permit the development of new tourism accommodation in rural areas subject to the following criteria being met:

Planning Committee
9 January 2024

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

In the Countryside, preservation of the natural and historic environment should be a priority.”

The proposed development has been amended over time with the removal of a village shop, café and workshop unit in response to the location within a smaller village and hamlet.

The final proposed use now relates to retaining and enhancing The Stag as a pub as well as introducing 5 individually let bedrooms at first floor for holiday let use with an associated extension and works to the external plot.

Ford Cottage would also see extensions and alterations to the building as well as extensive landscaping work to the ground floor to facilitate 4 holiday let rooms at first floor with a self-catering element at ground floor including kitchen, breakfast room and snug as well as further toilet facilities. Landscaping includes gabion walling, levelling for the new car park area, removal of area of hedging to the south, new planting and hedges across the garden as well as paving and flower beds.

With supporting documentation in accordance with Policy DM11 the use of the holiday lets are confirmed to be self-catering and the provision is considered to be in low in scale and appropriate with the status of West Acre. The location is within the village and, as explored below, the proposal is not considered to unacceptably harm the landscape.

Two conditions are recommended for any approval that would limit the use of the Ford Cottage Garden to be for the use of holiday let guests only as well limiting the use of the ground floor of Ford Cottage (kitchen, breakfast room and snug) as self-catering for use of the holiday let guests only. A separate condition would limit the number of holiday lets rooms to that currently proposed (9) and secure the use of the accommodation for holiday let purposes in accordance with Policy DM11.

With the above fully considered and balanced, the development is considered to be acceptable within the given setting of West Acre as a smaller village and hamlet taking into account existing development within the village and the requirements of policy. The retention of The Stag as a pub is supported and the addition of the now limited self-contained holiday let use is considered appropriate in scale. Therefore, the principle of development of the finally proposed scheme is considered acceptable and in accordance with Policies CS06, 10, 12, 13 as well Policy DM3, DM11 and the NPPF 2023.

Form and Character:

The application in relation to form and character will be addressed by looking at works to The Stag followed by works to Ford Cottage.

The Stag is a historic two storey building formed from a main range with a pitched cat slide roof and addition to the western gable, fronting Low Road. Fenestration is traditional in proportions with mostly traditional materials consisting of red brick, flint and brick with red pantile roof. Later poorer quality single storey additions are present to the rear.

Planning Committee
9 January 2024

The original submission for the Stag included two large, pitched roof gables to the rear of the building alongside a detached outbuilding for toilets. The building was identified as a non-designated heritage asset and it was felt by the Conservation Officer that the extension should be more subservient.

As such, the scheme has been amended over time to now include two gables with an inset first floor element between to house a new stair to first floor and new bedrooms. This would see the removal/demolition of existing rear lean-to extensions. These gables would be limited in stature, set below the ridge of the main dwelling. At ground floor, each gable would have a single story pitched roof element below and closest to the northern boundary with the neighbouring dwelling a small flat roof element.

Materials would be flint and soft red brick in lime mortar. The single-story elements to the rear would be in larch cladding. Pantiles to the roof are proposed and timber joinery is also detailed on plan.

An external storage shed to the eastern boundary of the car park area would be single storey, pitched roof and clad with a bin store to the west of the rear extension. To the rear of The Stag a temporary store would be removed and the site would be generally tidied up with appropriate storage buildings, a clearly defined shingle parking area and some elements of landscaping such as the planting by the entrance.

It is noted that some works have already taken place during the application which has included refurbishment work to the Stag (the first floor is not refurbished, and the loft is unchanged), the gravel/shingle car park area has been regraded and extended in size to cover the former beer garden area and there is a new 'community herb garden' adjacent to the road and access. The car park would provide 22 spaces, 2 EV parking spaces, 3 spaces for powered two wheelers (such as motor bikes and scooters etc), in addition 14 cycle spaces adjacent to The Stag.

Ford Cottage

The current dwelling consists of a two storey cottage with twin gables to the north and a detached workshop building further to north with parking area in front adjacent to Low Road. The cottage consists of a mix of brick with flint as well as red pantiles to the roof. Set within a very large garden the cottage is located on the edge of the village. Work already carried out has seen extensive stripping out of the building.

The original submission for Ford Cottage included a large extension and extensive alteration to the dwelling including varied and large openings as well as extensive areas of cladding. Ford cottage was also identified as a non-designated heritage asset and the Conservation Officer felt the proposal was not appropriate.

It was also previously proposed to replace the workshop at Ford Cottage with accessible bedrooms. Later proposals to use the workshop as an office and support building (e.g. laundry) have also been removed due to concerns over extensions and alterations to the building. A ground mounted solar pv array and additional pv panels have also been removed from the current application. The proposals at pre-application stage to build a courtyard to support a small shop and additional units, for e.g. a local potter, bike hire etc. have been removed.

The final submission for Ford Cottage is therefore significantly reduced compared to its original iterations. The form of the dwelling is proposed to be retained and remodelled to

Planning Committee
9 January 2024

provide self-catering accommodation with limited changes and reordering to fenestration. The scheme presented maintains the existing form of the building with remodelled rear extensions. Two gables would be present with an inset element between to the north. Materials are shown to be pantiles to the roof, new walls in soft red brick and lime mortar and a mix of timber and aluminium fenestration as shown on plan.

Work to Ford Cottage has already included the interior being stripped-out, most of the first floor windows removed as well as extensive external works to the grounds including excavation, levelling for the car park area, a new earthen mound (subject to a separate planning application which the agent for the application has informed the Officer for this application would be submitted prior to Christmas if possible) stone-filled gabion walls added and the removal of sections of hedge.

The final proposal to the garden includes the provision of the new shingle car park and cycle space area to the north of the dwelling providing 4 parking spaces and 10 cycle spaces. A single storey bin store is also proposed in this area. To the western boundary new native hedging is proposed on the bank between Low Road. Steps would lead to the east from the car park towards areas of grass. Paving is shown around Ford Cottage with low gabion walls and new flower planting. New native hedging is shown to the north eastern boundaries with various tree planting around the garden. To the southern boundary two areas of hedging are shown to be removed and the southern area of the garden, a new sewerage treatment plant and below ground drainage field is proposed.

Notwithstanding the above, a hard and soft landscaping plan is proposed as well as further details for boundary treatments.

The current earth mound on site as a result of works already undertaken to the car park area will form part of a separate application.

Conditions would be attached for material samples, sample panels and joinery details for both buildings.

Overall, it is considered the extensions and alterations to both buildings are in keeping and acceptable subject to material samples and details as described above. The works to The Stag's plot are more limited and are not considered to have an adverse impact on the visual amenity of the locality. To Ford Cottage, the proposed works are more extensive. However, the Low Road boundary hedge is shown to be retained and where hedging has been lost to the southern boundary, there is extensive replacement hedging around the plot. As such, it is considered that the final result as shown on plans would be acceptable and in keeping with the rural setting.

Therefore, the application would be in accordance with policies CS06, CS08, CS12, DM15 of the Site Allocations and Development Management Policies Plan 2016 as well as the NPPF 2023.

Impact on Neighbour Amenity:

It is considered that the continued use of The Stag as a pub alongside proposed holiday let rooms and the use of Ford Cottage for self-contained holiday letting would be compatible with the amenities of the rural residential locality based on the now limited scale of the proposal and appropriate control via planning conditions as outlined.

Planning Committee
9 January 2024

In relation to Ford Cottage itself, the extension would remain substantially set back from the northern boundary which is also screened by significant vegetation. To the northwest, views would only be towards Low Road or across the road to the front of The Stag and neighbouring dwelling to the north. Other boundaries to the south and east are to open countryside. Works to the garden of Ford Cottage are proposed to involve the new car park and cycle space area to the north of the dwelling, areas of paving, low gabion walls and new flower, tree and hedge planting. None of these elements are considered to offer a negative impact on neighbour amenity and the use of the garden would be controlled by condition to be in association with the holiday let us only.

It is important to note that the current earth mound on site as a result of works already undertaken to the car park area will form part of a separate application.

To The Stag, the continued use of the building as a pub is considered appropriate as the long standing and established use of the building. Parking was already present to the rear of the pub and the finally proposed plans show a modest increase and reconfiguration which is not considered to lead to any unacceptable neighbour impacts. The external storage shed to the eastern boundary of the car park area would be single storey and pitched roof. The building would be partially screened by an existing outbuilding in the neighbouring garden and would be well separated from the dwelling itself. As such, whilst quite large, this relationship is considered acceptable.

To the rear of The Stag, the first-floor extension would be, at the closest point, at least 7.4m away from the neighbouring dwelling. The height of the gables at first floor would be 5.5m, which is set below the ridge of the main building. The width of the gables would be approx. 3.9m. These gables would be of limited stature. At ground floor, each gable would have a single story pitched roof element below and closest to the northern boundary with the neighbouring dwelling a small flat roof element is proposed. Windows have been amended so that the only rear windows at first floor would be small and serving bathrooms (these are conditioned to be obscured glazed). Side facing first floor windows to the rear gables would not have direct views to neighbour amenity space.

It is considered that the impacts to the northern neighbour as a result of this extension would therefore be acceptable. The proposed extension at first floor would be overbearing and would not have a significant impact compared to the current relationship with the neighbouring dwelling and The Stag. Ground floor elements would be mostly screened by existing boundary treatment (close board fence). There would be ample separation to the western neighbour with no other nearby neighbouring dwellings.

Overall, the development is therefore considered to be in accordance with Policy CS08 of the Core Strategy 2011 and DM15 of the Site Allocations and Development Management Policies Plan 2016 as well as the NPPF 2023.

Highway Safety and parking:

Issues from NCC Highways have seen amendments over time which have included the types and level of uses proposed as part of the development. Alongside this, the provision of parking, cycle parking as well as location and design has all been altered over time to suit highways requirements.

Based on the current and final submission, NCC Highways raise no objection on either highway safety or parking grounds including cycle parking. Various conditions and an

Planning Committee
9 January 2024

informative are recommended and would be included on any approval including in regard to new access, visibility splays and cycle parking.

Therefore, subject to these conditions the development is considered to be acceptable in regard to highway safety, parking and cycle parking in accordance with Policy CS11 of the Core Strategy 2011, DM15 and DM17 of the Site Allocations and Development Management Policies Plan 2016 as well as the NPPF 2023.

Flood Risk:

The application site is located within flood zone 1, the area with the lowest level of flood risk. Mapping also shows the site itself (at either The Stag or Ford Cottage) not to be at risk from surface water flooding.

Ecology:

Protected Species

Ecological Impact Assessment Reports have been submitted both in regard to The Stag and Ford Cottage first in November 2022 and updated October 2023.

Ford Cottage

The site has been surveyed as follows: Phase 1: 01/06/2022, Phase 2 bat surveys: 21/07/2022, 22/08/2022. It is noted that: "demolition work was carried out inside the cottage between the two bat activity surveys. The incident was reported by NWS to the Westacre Estate and the project architect, who then notified the Norfolk Constabulary and had follow-up with the Wildlife Crime PC. The inspection and first bat activity survey had been carried out prior to this incident, with a prediction of low numbers of day-roosting pipistrelle and brown long-eared bats being present. The second bat survey also recorded this result, although the roosts had undoubtedly been interfered with between the surveys as the ceiling and first floor had been removed (photo 5). No evidence of harm to individual bats was found...this incident is regrettable but not considered a significant constraint to the overall survey results and impact assessment".

The site was surveyed again on 31/07/2023, it is noted that the site inspection found Ford Cottage to be seemingly the same as observed previously. This is set out below.

Bats

A minor negative impact on local soprano pipistrelle and brown long-eared bat populations is predicted as a result of roost displacement. A mitigation licence for bats will be required prior to construction activities re-commencing on the cottage. The workshop is deemed to be without associated bat roosts. There is further potential for minor negative disturbance impacts on local bat behaviour as a result of any excessive external lighting scheme for the development.

Hedgehogs

There is a potential for minor negative impacts on a local hedgehog population by way of accidents occurring to transient hedgehogs during the site construction, and long-term displacement impact from any impervious boundary fencing. Mitigation is advised.

Planning Committee
9 January 2024

Birds

Given an expected site absence, a neutral impact on birds is predicted.

Reptiles

Given an expected site absence, a neutral impact on reptiles is predicted.

Amphibians

Given an expected site absence, a neutral impact on amphibians is predicted.

The Stag

The site has been surveyed 01/06/2022, 14/07/2022, 28/07/2022 and 23/11/2022. It was then subsequently surveyed 03/08/2023 after the pub reopened with the current refurbishment taken place.

The most recent survey found that, in regard to bats:

The bat impact assessment remains unchanged from 2022. A minor negative roost displacement impact on a local soprano pipistrelle population is predicted as a certain result of re-roofing. Masonry repairs on the south elevation would have a certain minor negative roost displacement impact on a local soprano pipistrelle population and could have an intermediate negative impact from mortality if the repairs proceeded without confirming the roost was unoccupied. The current evidence is that The Stag no longer supports a very large maternity roosting colony of pipistrelles. However, the site's previous suitability for such a roost, and the current presence of a soprano pipistrelle maternity roost (albeit smaller) in the next-door property, points to a risk of a more significant (intermediate – major negative) impact on the local soprano pipistrelle colony if the works proceeded without suitable mitigation. There is further potential for minor negative disturbance impacts on local bat behaviour as a result of any excessive external lighting scheme for the refurbished pub and beer garden.

Birds

Previously in 2022 it was noted that Swift nesting in the pub roof was not confirmed, but one observed incident of roosting does raise it as a credible possibility in future. Mitigation was advised. In 2023 this was not however observed.

Hedgehogs

There is a potential for minor negative impacts on a local hedgehog population by way of accidents occurring to transient hedgehogs during the site construction, and long-term displacement impact from any impervious boundary fencing. Mitigation is advised.

Reptiles

Given an expected site absence, a neutral impact on reptiles is predicted.

Amphibians

Planning Committee
9 January 2024

Given an expected site absence, a neutral impact on amphibians is predicted.

A European Protected Species (EPS) mitigation licence for bats will be required for the conversion and refurbishment to proceed lawfully. Local planning authorities must consider the potential for developments assessed as affecting European Protected Species to satisfy the three derogation tests set out in the Conservation of Habitats and Species Regulations 2017 for licensing to permit otherwise unlawful activities.

The Three tests of Derogation are as follows:

Test 1 - Overriding Public Interest

In relation to Ford Cottage, the overriding public interest of the proposed development project is derived from it renovating deteriorating buildings into a new small-scale local business opportunity. This would provide some economic benefits for local builders and suppliers, and on-going staff requirements. The cost would be negative ecological impacts which are rated as being of a minor magnitude at a local level, and amenable to effective mitigation and compensation under a mitigation licence. Two bat boxes and two bird boxes are also recommended within the Ecological Impact Assessment as enhancements.

In relation to the Stag, the overriding public interest of the proposed development project is derived from it renovating a dated commercial building (public house) to achieve a more viable business. Proposed is to construct additional space to improve the bar and to provide guest bedrooms to supplement the income derived from the pub sales. There would be economic benefits for local builders and suppliers, employment from the business staffing needs, and development of the tourist use. The Stag is noted to be converted to a sustainable source of heating, and will be fully insulated, plus the doors and windows upgraded to double or triple-glazed. The cost is stated to be negative ecological impacts which are rated as being of a minor magnitude at a local level and amenable to effective mitigation and compensation under a mitigation licence.

Test 2 - No Satisfactory Alternative

In relation to Ford Cottage, the proposal is to convert and alter the existing building and subsequently use it for holiday letting purposes.

The only alternative to this proposal would be to leave the existing building as it is. This option would be a set-back to the property owner and would leave a potentially useful structural asset to continue unused and to further deteriorate (as there would be reduced purpose to repairing or replacing it). The economic benefits from the construction works and tourism use would be lost.

In relation to The Stag, the proposal is to renovate an existing locally-used public house and introduce a holiday let element. The alternatives to the proposed works would be to do nothing and leave the existing building without the full scale of proposed refurbishment. This option would not provide the level of economic benefits possible from the development proposal in relation to construction work and tourism, and may not include the full range of sustainability improvements. This option would also be a set-back to the property owner.

Test 3 - Maintaining A Favourable Conservation Status

Planning Committee
9 January 2024

In relation to Ford Cottage, the third test, maintaining a favourable conservation status for the local protected species population, is shown to be possible for the development works proposed with mitigation measures included as conditions.

The submitted Ecological Report states: “The surveys identified non-breeding day roosts for small numbers of soprano pipistrelle and brown long-eared bats. The surveys did not identify significant numbers of bats within the site, nor any species other than ones recognised as relatively common. Roost compensation will be created for the destroyed roosts and there are plentiful alternative roosting opportunities in the locality. There is no conceivable reason why the favourable conservation status of the bat species involved would be detrimentally impacted by the proposal if carried out under EPS mitigation licence.”

The submitted Report states “a European Protected Species (EPS) mitigation licence for bats will be required for the conversion to proceed lawfully. Following the currently approved English Nature Bat Mitigation Guidelines (MitchellJones 2004), the appropriate mitigation/compensation requirement for the level of impact currently predicted would be: “Flexibility over provision of bat boxes, access to new buildings etc. No conditions about timing or monitoring.” The bat roost status does not require any seasonal timing restrictions to avoid the maternity period or any dedicated bat lofts, and the hibernation roost potential has been assessed as low.” Two bat boxes and two bird boxes are also recommended within the Ecological Impact Assessment as enhancements. To mitigate potential impacts from lighting, a wildlife-sensitive lighting scheme would be adopted, this is secured by condition.

In relation to The Stag, the third test, maintaining a favourable conservation status for the local protected species population, is shown to be possible for the development works proposed with mitigation measures included as conditions.

The submitted Ecological Report states: “The surveys identified non-breeding day roosts for small numbers of soprano pipistrelle, although a potential for satellite maternity roosting should be recognised. There is no credible reason why the favourable conservation status of the bat species involved would be detrimentally impacted by the proposal if carried out under EPS mitigation licence. Timing restrictions and ecologist oversight should avoid most disturbance and any mortality, and the roost feature (pantile roof) would be reinstated so that bat roosting use could continue in future.”

The submitted Report states “A European Protected Species (EPS) mitigation licence for bats will be required for refurbishments affecting the established bat roost locations. To ensure that the proposal will not harm the long-term conservation status of the bat species concerned, a planning condition can be secured”, this licence would include precautionary measures. In addition, like-for-like replacement of the roof using traditional pantiles and an underlining that is either a bitumen type 1F felt with a hessian matrix or another Natural England-approved product would be used and the retention of the southeast elevation wall cavity or its replacement with an integral-style bat box is detailed. To mitigate potential impacts from lighting, a wildlife-sensitive lighting scheme would be adopted, this is secured by condition.

Construction impacts to hedgehogs are to be mitigated by barricading wet/drying concrete, fitting any open excavations with escape ramps and having precautionary methods of green waste and building material storage and movement. Boundary fences, where they exclude access to hedgehogs, will incorporate hedgehog access holes of 150mm by 150mm at ground level, this is secured by condition.

Planning Committee
9 January 2024

In addition, the commencement of roof stripping works, including setting scaffolding in place, must avoid the typical swift nesting season (1st May to 15th August); this timing restriction echoes the timing restriction to avoid the bat maternity season. Ideally, the reroofing of the building should be completed without (or only with partial – as directed by an ecologist) bird exclusion filler comb under the south roof aspect edge tiles.

Given the information provided within the Ecology Reports, the public benefit of providing a tourism use, the boost to the local economy and the limited impact on species which can be mitigated against, it is considered that a license is likely to be granted and that the scheme therefore passes the test of derogation.

It is recommended that any approval of the works should only be subject to a planning condition to implement the mitigation and enhancement measures set out in the Ecology Reports. Accordingly, it is recommended that this be controlled by way of planning condition.

It is noted that some works have taken place during application which has included refurbishment work to the Stag (the first floor is not refurbished, and the loft is unchanged), the gravel car park area has been regraded and extended in size to cover the former beer garden area and there is a new 'community herb garden'. As well as this, work to Ford Cottage includes the interior being stripped-out and most of the first-floor windows removed as well as extensive external works to the Ford Cottage grounds including excavation, levelling for the car park area, a new earthen mound (subject to a separate planning application) stone-filled gabion walls added and the removal of sections of hedge. This informed the additional surveys taken place as detailed within this report.

New planting is proposed including both new trees and flower beds around the Ford Cottage garden and new native hedgerow to the Low Road boundary in front of the car park as well as to the north east boundaries to the rear garden.

Protected sites and drainage

It was originally considered by Natural England that the development could cause potential significant effects on River Nar Site of Special Scientific Interest (SSSI) based on the impacts of the disposal of sewage and surface water runoff.

Submitted information states that parking areas are constructed using pervious techniques, and any extension to the parking areas will also be constructed this way. Where works have already taken place shingle has been used for parking areas. The surface water runoff from the roofs currently drain to soakaways, this would be the case going forward with soakaways 'sized to contain up to and including the 1 in 100 year rainfall event plus climate change'. As the surface water is proposed to infiltrate on-site, it is stated that there should be negligible impact on the nearby River Nar Site of Special Scientific Interest as the drainage will be contained on-site.

In relation to foul drainage, there is existing drainage in the north of the site, which serves the Stag Inn and comprises a septic tank and drainage field. Ford Cottage currently drains to a septic tank with associated drainage field to the south west. As part of the proposed works this drainage system will be upgraded and a 'Marsh Ensign Ultra Treatment Plant' which will discharge to a new drainage field (as shown the submitted site plan with this application: 190. PL06F) to the south of Ford Cottage within the grounds. As the foul drainage is proposed to be treated and infiltrate on-site, supporting information states that there should be negligible impact on the nearby River Nar Site of Special Scientific Interest as the

Planning Committee
9 January 2024

drainage will be contained on-site. The installation of the treatment plant is considered to provide a betterment to the existing drainage system for the site.

Based on the above, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

The submitted reports state that The River Nar SSSI and Castle Acre Common SSSI are linked to the proposed development site by the Nar Valley Way footpath. A minor but permanent negative impact on designated nature conservation sites is possible as a result of the renovation and use of the new facilities. An increase in pressure from dogs off the lead is of potential concern in the bird nesting season, and mitigation is proposed to nullify this impact.

The submitted Ecology Reports states that “monitoring and mitigation of the possible increase in pressure on nesting birds within the River Nar SSSI from dog walking activity is recommended to be adopted into the management plan for the ‘Nar Valley Wilderness Belt’. Monitoring for off-lead dog activity is advised within the site during March-August, and additional signage stating that dogs must be kept on a lead is recommended.” The report states that “the on-going management actions to prevent increased disturbance should be reviewed annually and consultation with Natural England sought for any changes in management.” This was previously questioned regarding the feasibility of Westacre Estate imposing these modifications to the River Narr SSSI management plan. The report considered that “given that the River Narr SSSI falls within Westacre Estate property the management plan modifications are regarded as feasible.” Natural England raised no objection in this regard nor did the BCKLWN Ecologist. This would be the responsibility of the West Acre Estate (the applicant) and the ecology report documents are conditioned which would secure that this mitigation is required in line with other elements outlined.

It is noted that all lighting has been removed from proposed plans and a prior to installation condition would be attached to any approval to ensure lighting is appropriate for the sensitive nature of the site and both buildings.

The Borough Council Ecologist raises no objection to the final scheme with the above lighting condition considered with a lighting scheme that must be agreed in consultation with a professional ecologist and in accordance with Bat Conservation Trust and the Institute of Lighting Engineers. It is also noted that the Proposed Site Plan shows that new hedgerow would be planted along the north eastern boundary and along parts of the western boundary which boarder Low Road. This is considered sufficient by the Ecologist to offset the loss from the hedgerow that has been removed.

Therefore, the application is considered to be in accordance with Policy CS08 and CS12 of the Core Strategy 2011, DM15 and DM19 of the Site Allocations and Development Management Policies Plan 2016 as well as the NPPF 2023.

Impact on Trees:

The Arboricultural Officer raises no objection to the final submission which has seen the layout of the drainage field to Ford Cottage amended to take into account the nearby trees.

The Arboricultural Impact Assessment (AIA) details that up to five C category trees (T7, T18 and possibly 3 trees from G3) will be removed for development purposes. The AIA states ‘in order to mitigate the loss of the above trees, a minimum of 2 new heavy standard root balled or containerised trees (12 to 14 cm stem girth) will be planted. The species, selected to be in

Planning Committee
9 January 2024

keeping with the development, will be as follows: 1 x Sweet Gum Lane Roberts - Liquidambar styraciflua 'Lane Roberts' 3 x Field Maple - Acer campestre (If G3 (3trees) are removed) and 1 x Small-leaved Lime - Tilia cordata'.

It is also of note that the latest site plan demonstrates additional new planting around the Ford Cottage garden.

Conditions are recommended and would be attached to any approval in regard to tree protection and tree management measures as well as the tree protection plan within the submitted Arboricultural Impact Assessment. A further condition would be attached regarding hard and soft landscaping.

Overall, with the above controls it is considered that the development would be acceptable in regard to the impact on trees and would therefore be in accordance with Policy CS08 and CS12 of the Core Strategy 2011, DM15 of the Site Allocations and Development Management Policies Plan 2016 as well as the NPPF 2023.

Other matters requiring consideration prior to the determination of this application:

Parish Council objection

The holiday let units proposed would be self-catering and access to the ground floor of Ford Cottage as well as the garden/plot would be limited via conditions for use of the holiday let rooms only. The self-catering kitchen, breakfast room and seating would be available for holiday let residents. This is considered an acceptable arrangement as detailed above. The level of toilet provision to Ford Cottage and the lack of accessible accommodation is noted. However, it is not considered that there is any explicit policy reason that could warrant refusal or further amendment on this basis.

The business plan/supporting information submitted with this application is sufficient to understand that the proposed use is for self contained holiday lets as well as the retained pub use to the Stag. Full details are included above as well as the controls recommended via conditions. The exact financial details and viability of the business is outside of the scope of this application and submitted documentation is considered adequate.

The number of holiday let rooms is conditioned as detailed in the above report, planning permission would be required for any operational development or further change of use. As The Stag is an existing business and the holiday let use is now more limited, assessment has been taken place both by the LPA and consultees based on the proposed level of use. It is therefore not considered reasonable to request further details or a management plan relating to the ongoing running and management of the use. As noted, separate nuisance legislation exists outside of the planning system which could deal with any potential future noise or amenity issues.

In relation to the front boundary of Ford Cottage facing Low Road, the hedge is shown on plan to be reinstated. Where gaps have been made to the southern boundary the BCKLWN Ecologist raises no objection as ample replacement plating is shown around the site. It is not considered a refusal could be substantiated on this basis.

It is not considered reasonable to add a condition regarding highway signage as this has not been requested by NCC Highways and would be controlled separately to this planning application. Signage to the existing pub use would not be reasonable to condition as this is an existing use. This relates to the playing of music as well as odour from the existing

Planning Committee
9 January 2024

building. New plant would be the subject of a separate planning application where impacts could be assessed. Lighting is controlled by a condition recommended on any approval.

In relation to the mound, this is addressed within the above report. Retrospective applications are a valid way of seeking planning permission and the LPA would assess the application in a consistent manner. The principle of development is explored within the above report, taking into account the loss of Ford Cottage as a single dwelling the principle of development remains valid despite this consideration in relation to policy.

Response to CSNN

CSNN raise no objection to the works to The Stag. In relation to Ford Cottage, it is considered that robust conditions would be suitable in relation to controlling the use of the ground floor and garden for users of the holiday lets only.

The merits of the earth mound are not assessed within this proposal and the agent for the application has stated they wish to submit an application before Christmas if possible.

Third Party Comments

KLWNBUG The Norfolk and Fens Cycling Campaign

Following amendments to the scheme concerns were withdrawn by this group and no comment has been received to the latest proposal. Cycle parking is considered adequate and acceptable by NCC Highways.

Public Objections and Comments

Issues raised regarding the scale and principle of the development, form and character of the proposal, impact on amenity, impact on ecology (including hedges) and protected species, drainage and impact on trees are addressed within the above report as well as the earth mound constructed on site. The majority of points raised by public objections and comments are addressed within the response to the Parish Council and wider report above.

Whilst some works were undertaken prior to the decision for this application being made, the LPA requested that these be stopped which has taken place on site. The health and safety of the current site is outside of the scope of this planning application. Plans have been amended over time and the agent for the application has confirmed that discrepancies have been assessed and resolved on plans. Whilst there are no ground floor disabled rooms provided it is not considered that there is any explicit policy reason that could warrant refusal on this basis. Where staff are employed from would be outside of the scope of this application, as noted the use of the holiday lets would be self-catering.

Making Low Road one way, designation as a 'quiet lane' and road signage would be outside of the scope of this planning application and would relate to Highways regulations and legislation. Bin stores are no longer adjacent to neighbouring boundaries. Consultee responses are noted within this report and addressed where necessary. Elements such as a Café and solar array are no longer part of the scheme. The opening hours of The Stag relate to an existing use outside of the control of this application. The potential transportation of food from one premises to another is not included within any supporting documentation. Food would be served within The Stag and the kitchen within Ford Cottage would provide a self-catering opportunity for holiday let residents. It is important to note that each application is determined on its own merits and any future operational development or change of use

Planning Committee
9 January 2024

would be subject to a separate planning application. A temporary event would be outside of the scope of this application.

CONCLUSION:

Overall, it is considered that the proposed scale and type of use is appropriate within the rural setting of the village of West Acre given its status as a smaller village and hamlet where development is limited to that suitable in rural areas. Two conditions are recommended for any approval that would limit the use of the Ford Cottage Garden to be for the use of holiday let guests only as well as to limit the use of the ground floor of Ford Cottage (kitchen, breakfast room and snug) as self-catering for use of the holiday let guests only. A separate condition would secure the use of the accommodation for holiday let purposes as well as limit the number of holiday let rooms to 9.

It is considered that the physical works to both The Stage and Ford Cottage are appropriate including use of materials. Several conditions are recommended to ensure a suitable visual finish to works. Landscaping works to both plots, especially notable to Ford Cottage, are also considered to be acceptable based on submitted plans with ample planting despite the loss of some openings to the south boundary hedge. Tree protection measures are secured via condition and the BCKLWN ecologist does not object to the proposed plans. The development is also considered acceptable based on drainage and impact on protected sites. Protected species impact is also considered to be acceptable as extensively explored within the above report.

It is considered that the combination of the existing use at The Stage as well as the now limited level of holiday let provision as well as control on this use would ensure a suitable impact on neighbour amenity. It is also noted that control exists outside of the planning system in regard to the potential for future nuisance via separate legislation. Norfolk County Council Highways raise no objection based on Highway Safety and parking with several conditions included within this recommendation. Flood risk is considered acceptable and conditions are recommended in relation to archeology.

Overall, the development is therefore considered to be in accordance with Policies CS06, CS08, CS10, CS11, CS12, CS13 as well Policy DM3, DM11, DM15, DM17 and DM19 of the Site Allocations and Development Management Policies Plan 2016 and the NPPF 2023 and is duly recommended for approval.

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:
 - THE STAG INN, PROPOSED PLANS AND ELEVATIONS, Drawing Number: 190. PL06F
 - FORD COTTAGE AND WORKSHOP PROPOSED PLANS AND ELEVATIONS, Drawing Number: 190. PL07D
 - PROPOSED SITE PLAN, Drawing Number: 190. PL09F
 - LOCATION PLAN, Drawing Number: 190. PL08D

Planning Committee
9 January 2024

- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: The use of Ford Cottage (including the kitchen, snug, breakfast room and toilet facilities at ground floor), plot and garden (as shown on plan 190. PL09F) shall be explicitly limited at all times to be in association with the holiday let use hereby permitted only unless otherwise agreed in writing by the Local Planning Authority.
- 2 Reason: In order that the Local Planning Authority may retain control over the development in interest of the amenities of the locality and to ensure that the scale of the development is appropriate given the location within a smaller village and hamlet in accordance with Policies CS02 and CS08 of the Core Strategy 2011, DM3 and DM15 of the Site Allocations and Development Management Policies Plan 2016 and the NPPF 2023.
- 3 Condition: The number of holiday lets hereby approved shall be limited to no more than nine rooms as shown on plans: THE STAG INN, PROPOSED PLANS AND ELEVATIONS, Drawing Number: 190. PL06F and FORD COTTAGE AND WORKSHOP PROPOSED PLANS AND ELEVATIONS, Drawing Number: 190. PL07D. These holiday let rooms shall be used for short stay accommodation (no more than 28 days per single let) only and shall at no time be occupied as a person's sole or main place of residence. The owners shall maintain an up-to-date register of lettings/occupation and shall make the register available at all reasonable times to the Local Planning Authority
- 3 Reason: In order that the Local Planning Authority may retain control over the use of the premises where an alternative use would be detrimental to the amenities of the locality in accordance with Policy CS08 of the Core Strategy 2011, DM15 of the Site Allocations and Development Management Policies Plan 2016 and the NPPF 2023.
- 4 Condition: The development hereby permitted shall be carried out in strict accordance in regard to the recommendations, mitigation and enhancements within the submitted Ecological Impact Assessment Reports for both Ford Cottage and The Stag (report references: 2022.060.1 and 2022.060) as well as the subsequent Addendum to both Ford Cottage and The Stag (report references: 2022.060.03 and 2022.060.02) Mitigation and enhancements shall be carried out prior to the occupation of the development hereby permitted. This shall include but not be limited to :
 - Two bat boxes and two bird boxes (which should include a swift terrace).
 - Boundary fences incorporating hedgehog access holes of 150mm by 150mm at ground level.
 - Like-for-like replacement of the roof and the retention of the southeast elevation wall cavity or its replacement with an integral-style bat box (to The Stag).
 - The commencement of roof stripping works, including setting scaffolding in place, must avoid the typical swift nesting season (1st May to 15th August).
 - Dog walking activity to be adopted into the management plan for the 'Nar Valley Wilderness Belt'.
- 4 Reason: To ensure that the development takes place in accordance with the principles and parameters contained within the Ecological Impact Assessment Reports in accordance with Policy CS08 and CS12 of the Core Strategy 2011 as well as DM15 and DM19 of the Site Allocations and Development Management Policies Plan 2016 and the NPPF 2023.

Planning Committee
9 January 2024

- 5 Condition: Prior to any further development on the development hereby permitted all Tree Protection and Tree Management measures shall be implemented in strict accordance with the Tree Protection Plan (Appendix 4) and Arboricultural Method Statement (Appendix 5) of the ARBORICULTURAL IMPACT ASSESSMENT AT FORD COTTAGE, WEST ACRE, KINGS LYNN by AT Coombes Associates Ltd. Dated 12 September 2023.
- 5 Reason: To avoid damage to existing trees that make a positive contribution to the visual amenity of the area in accordance with Policy CS12 of the Core Strategy 2011, DM15 of the Site Allocations and Development Management Policies Plan 2016 and the NPPF 2023.
- 6 Condition: No further development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. 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. 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 which 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 appropriate landscape design in accordance with Policy CS12 of the Core Strategy 2011, DM15 of the Site Allocations and Development Management Policies Plan 2016 and the NPPF 2023.
- 7 Condition: Notwithstanding approved plans, prior to first occupation of the development hereby permitted, a plan shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, heights, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the occupation hereby permitted is commenced or before the building is occupied or in accordance with a timetable to be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 7 Reason: To ensure that the development is compatible with the amenities of the locality in accordance with Policy CS08 of the Core Strategy 2011, DM15 of the Site Allocations and Development Management Policies Plan 2016 and the NPPF 2023.
- 8 Condition: Prior to the installation of any outdoor lighting, a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme must be agreed in consultation with a professional ecologist and in accordance with Bat Conservation Trust and the Institute of Lighting Engineers and shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height/locations of the lighting, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site. This shall include any lighting to both The Stag and its plot as well as Ford Cottage and its

Planning Committee
9 January 2024

plot. The scheme shall be implemented in accordance with the 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, Policy CS08 and CS12 of the Core Strategy 2011 and Policy DM15 of the Site Allocations and Development Management Policies Plan 2016
- 9 Condition: Prior to the commencement of the use hereby permitted the vehicular access for Ford Cottage shall be upgraded in accordance with the Norfolk County Council residential access construction specification TRAD 5 for the first 2 metres as measured back from the near channel edge of the adjacent carriageway. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- 9 Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety and traffic movement in accordance with Policy CS11 of the Core Strategy 2011, DM15 of the Site Allocations and Development Management Policies Plan 2016 as well as the NPPF 2023.
- 10 Condition: Prior to the first use of the Ford Cottage development hereby permitted a 2.4 metre wide parallel visibility splay (as measured back from the near edge of the adjacent highway carriageway) shall be provided across the whole of the site's roadside frontage. The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.
- 10 Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety in accordance with Policy CS11 of the Core Strategy 2011, DM15 of the Site Allocations and Development Management Policies Plan 2016 as well as the NPPF 2023.
- 11 Condition: Prior to the first use of the development hereby permitted the proposed access / on-site car and cycle parking / servicing areas shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 11 Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety in accordance with Policy CS11 of the Core Strategy 2011, DM15 of the Site Allocations and Development Management Policies Plan 2016 as well as the NPPF 2023.
- 12 Condition: Prior to first use of the development hereby permitted a scheme for the parking of cycles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.
- 12 Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policy CS08, CS11 of the Core Strategy 2011, DM15 of the Site Allocations and Development Management Policies Plan 2016 as well as the NPPF 2023.

Planning Committee
9 January 2024

- 13 Condition: No further 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.
- 13 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 14 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.
- 14 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 15 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.
- 15 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF
- 16 Condition: No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic building recording, the results of which have been submitted by the applicant and approved in writing by the local planning authority. In this instance the programme of historic building recording will comprise a photographic survey of the structures for which a brief is available from the Norfolk County Council Historic Environment Team.
- 16 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF
- 17 Condition: Before the first occupation of the first floor holiday lets to The Stag hereby permitted, the windows to the rear at first floor serving en-suites shall be fitted with obscured glazing and any part of the windows that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.
- 17 Reason: To protect the residential amenities of the occupiers of nearby property in accordance with Policy DM15 of the Site Allocations and Development Management Policies Plan 2016 and the NPPF 2023.

Planning Committee
9 January 2024

- 18 Condition: No development shall take place on any external surface of the development hereby permitted until samples of the materials to be used 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.
- 18 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF, DM15 of the Site Allocations and Development Management Policies Plan 2016 as well as Policy CS122 of the Core Strategy 2011.
- 19 Condition: No development shall commence on any external surface of the development until a sample panel of the materials to be used for the external surfaces of the development hereby permitted (for both Ford Cottage and The Stag) has been erected on the site for the inspection and written approval of the Local Planning Authority. The sample panel shall measure at least 1 metre x 1 metre using the proposed materials, mortar type, bond and pointing technique. The development shall be constructed in accordance with the approved details.
- 19 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF, DM15 of the Site Allocations and Development Management Policies Plan 2016 as well as Policy CS122 of the Core Strategy 2011.
- 20 Condition: No further development over or above foundations shall take place on site until 1:20 drawings of all new and/or replacement windows and doors have been submitted to and approved in writing by the Local Planning Authority. The plans shall include joinery details, cross sections and the opening arrangements as well as window style, reveal, cill and header treatment. The development shall be implemented in accordance with the approved details.
- 20 Reason: To ensure that the design and appearance of the development is appropriate in accordance with the principles of the NPPF as well as Policy CS08 and CS12 of the Core Strategy 2011 and DM15 of the Site Allocations and Development Management Policies Plan 2016.
- 21 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.
- 21 Reason: In the interests of protecting the environment and the future occupants of the development in accordance with the NPPF, policy CS08 of the Core Strategy 2011 and Policy DM15 of the Site Allocations and Development Management Policies Plan 2016.

PLANNING COMMITTEE -

APPLICATIONS DETERMINED UNDER DELEGATED POWERS

PURPOSE OF REPORT

- (1) To inform Members of the number of decisions issued between the production of the 4 December 2023 Planning Committee Agenda and the 9 January 2024 agenda. 120 decisions issued 111 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 20 November 2023 – 15 December 2023.

	Total	Approved	Refused	Under 8 weeks	Under 13 weeks	Performance %	National Target	Planning Committee decision	
								Approved	Refused
Major	8	7	1		7	87%	60%	2	1
Minor	54	45	9	50		92%	80%	4	1
Other	58	55	3	53		91%	80%	1	0
Total	120	107	13						

Planning Committee made 9 of the 120 decisions,7%

PLANNING COMMITTEE -

APPLICATIONS DETERMINED UNDER DELEGATED POWERS

PURPOSE OF REPORT

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

RECOMMENDATION

That the report be noted.

DETAILS OF DECISIONS

DATE RECEIVED	DATE DETERMINED/ DECISION	REF NUMBER	APPLICANT PROPOSED DEV	PARISH/AREA
---------------	---------------------------	------------	------------------------	-------------

09.03.2023	08.12.2023 Application Permitted	23/00410/F	Hall Farm Barn Docking Road Bircham Newton King's Lynn Conversion of existing barn to provide 1x dwelling (Class C3)	Bircham
07.09.2023	24.11.2023 Application Permitted	23/01627/F	The Well House Main Road Brancaster King's Lynn Proposed conversion of integral Garage and with new build detached Garage/Boatstore	Brancaster

14.09.2023	12.12.2023 Application Permitted	23/01662/F	Holly Bank The Drove Brancaster Staithe Norfolk Proposed alterations, reconfiguration and extensions to the existing dwelling	Brancaster
09.10.2023	04.12.2023 Application Permitted	23/01792/F	6 Old Roman Walk Brancaster King's Lynn Norfolk Extension and alterations to dwelling	Brancaster
12.10.2023	04.12.2023 Application Permitted	23/01818/F	29 The Close Brancaster Staithe King's Lynn Norfolk Proposed two storey rear extension to dwelling house	Brancaster
19.10.2023	11.12.2023 Application Permitted	23/01865/F	The Ship Hotel Main Road Brancaster King's Lynn Proposed covered kitchen and bar	Brancaster
02.06.2023	06.12.2023 Application Permitted	23/01186/F	The White House 62 Market Place Burnham Market Norfolk Demolition of existing double garage and construction of detached annex for elderly relative.	Burnham Market
14.07.2023	15.12.2023 Application Permitted	23/01309/F	Birkwood Station Road Burnham Market King's Lynn Proposed first floor extension, rear extension and side extension to dwelling	Burnham Market

04.10.2023	12.12.2023 Application Permitted	23/01776/LB	The Hoste Arms 14 Market Place Burnham Market King's Lynn Application for listed building consent for existing glazed conservatory roof to be removed and new insulated plasterboard ceiling installed with lead roof covering to match adjacent roof finishes	Burnham Market
19.10.2023	11.12.2023 Application Permitted	23/01866/F	The Hoste Arms 14 Market Place Burnham Market King's Lynn Existing glazed conservatory roof to be removed and new insulated plasterboard ceiling installed with lead roof covering to match adjacent roof finishes	Burnham Market
20.10.2023	14.12.2023 Application Permitted	23/01876/LB	Cobham House 43 North Street Burnham Market King's Lynn APPLICATION FOR LISTED BUILDING CONSENT: Alterations to single storey element of dwelling	Burnham Market
06.11.2023	24.11.2023 Application Permitted	23/01408/NMA_1	Great Farm Barn Whiteway Road Burnham Deepdale King's Lynn NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 23/01408/F: New Outdoor heated swimming pool with pool house incorporating plant room, changing facility & family space. Provision of solar panels	Burnham Norton

04.10.2023	21.11.2023 Application Permitted	23/01807/F	39 - 40 School Road Castle Rising King's Lynn Norfolk VARIATION OF CONDITION 2 OF PLANNING CONSENT 21/01734/F; Extension and alterations to dwelling	Castle Rising
27.07.2023	04.12.2023 Application Permitted	23/01391/F	59 Hall Road Clenchwarton Norfolk PE34 4AS Detached dwelling with Integral Garage and landscape works incidental to the site development	Clenchwarton
02.10.2023	24.11.2023 Application Permitted	23/01756/F	Shingfield Corner Lynn Road Hillington King's Lynn Extension.	Congham
02.06.2023	21.11.2023 Application Permitted	23/01200/F	1 Manorside Dersingham Norfolk PE31 6LE Proposed garage with a study on first floor	Dersingham
22.08.2023	13.12.2023 Application Permitted	23/01547/F	4 Sandringham Road Dersingham King's Lynn Norfolk Rear extension to bungalow to include a new pitched roof (retention)	Dersingham
03.10.2023	11.12.2023 Application Permitted	23/01766/F	24 Sandringham Avenue Docking KINGS LYNN Norfolk Proposed Detached Single Storey Garden Room and Staircase/Balcony to Existing Dwelling	Docking
04.10.2023	30.11.2023 Application Permitted	23/01759/F	Docking Bowls Club The Ripper Hall High Street Docking Replacement windows and doors (with upvc frames) to Bowls Club Pavilion	Docking

31.10.2023	12.12.2023 Application Permitted	22/00475/NMAM_1	Limagrain UK Ltd Station Road Docking KINGS LYNN NON-MATERIAL AMENDMENT TO Planning Permission 22/00475/RMM: RESERVED MATTERS: Residential development consisting of 30 dwellings	Docking
24.05.2023	11.12.2023 Application Permitted	23/00939/F	1 The Firs Downham Market Norfolk PE38 9SJ Erection of part single-storey and part two-storey extension, alterations to garage, formation of new access and dropped kerb, and 1.8m fence adjacent highway	Downham Market
21.07.2023	05.12.2023 Application Permitted	23/01363/F	Bardolph House 57 Bexwell Road Downham Market Norfolk Extensions and Alterations to dwelling	Downham Market
18.09.2023	21.11.2023 Application Permitted	23/01707/CU	62 Primrose Avenue Downham Market Norfolk PE38 9EU Change of use from garage/store to a workshop	Downham Market
23.10.2023	04.12.2023 Application Permitted	22/00371/NMA_1	The SWAN CENTRE Paradise Road Downham Market Norfolk NON-MATERIAL AMENDMENT to Planning Permission 22/00371/F: New entrance door on the south elevation of an original Victorian school building facing onto Paradise Road. Creation of mezzanine floor in meeting room.	Downham Market

02.10.2023	04.12.2023 Application Permitted	23/01750/F	Site East of 3 Burman Mews Lynn Road East Winch Norfolk VARIATION OF CONDITION 1 AND 2 OF PLANNING CONSENT 18/01045/RM; Reserved Matters Application: 2 no. proposed two storey dwellings with detached garages	East Winch
27.03.2023	22.11.2023 Application Permitted	23/00576/F	Kirklea 56 Church Road Emneth Norfolk Proposed dwelling	Emneth
26.06.2023	22.11.2023 Application Permitted	23/01123/F	The Old Vicarage 76 Church Road Emneth Wisbech Proposed outdoor tennis court	Emneth
20.10.2023	14.12.2023 Application Permitted	23/01874/F	Glyncli 87 The Wroe Emneth Wisbech Removal of condition number 3 attached to planning permission 2/78/3531/O: Site for Erection of Bungalow.	Emneth
19.05.2023	15.12.2023 Application Refused	23/00895/F	Land Adjacent To Skye Gardens Feltwell Norfolk Erection of four houses and garages	Feltwell
18.09.2023	15.12.2023 Application Permitted	23/01675/F	Timbers Lynn Road Fincham King's Lynn Full Planning Application for Building to Replace Existing Function Space Wedding Venue Marquee	Fincham
12.05.2023	24.11.2023 Application Permitted	23/00846/F	Sunnyside 80 Lynn Road Grimston King's Lynn Extension	Grimston

25.07.2023	14.12.2023 Application Refused	23/01382/F	Land At E570661 N322484 Back Lane Pott Row Norfolk Siting of 2no. Containers and Fencing (Retrospective)	Grimston
22.08.2023	21.11.2023 Application Permitted	23/01546/F	19 Poplar Avenue Heacham King's Lynn Norfolk Demolition of outbuilding and construction of single storey extension	Heacham
03.04.2023	21.11.2023 Application Permitted	23/00616/F	Nursery Cottage 2 Nursery Lane Hockwold cum Wilton Norfolk Create new vehicular access by extending existing culvert (see photograph A) using Norse Highways. Plan shows where access is required. Photographs B and C show site entrance to existing property (2 Nursery Lane).	Hockwold cum Wilton
03.07.2023	21.11.2023 Application Permitted	23/01168/F	8 Pearces Close Hockwold cum Wilton Norfolk IP26 4LU Two storey rear extension and front porch	Hockwold cum Wilton
13.10.2023	30.11.2023 Application Permitted	23/01830/F	Gainsborough House 42 South Street Hockwold cum Wilton Thetford Construction of a detached garage	Hockwold cum Wilton
24.11.2023	14.12.2023 Application Permitted	23/01168/NMA_1	8 Pearces Close Hockwold cum Wilton Thetford Norfolk NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 23/01168/F: Two storey rear extension and front porch	Hockwold cum Wilton

28.09.2023	30.11.2023 Application Permitted	23/01733/F	Poplars Broadwater Road Holme next The Sea HUNSTANTON VARIATION OF CONDITION 3 OF PLANNING CONSENT 14/01244/F; Variation of Condition 4 attached to planning consent reference 12/01836/F to amend the Protected Species Report to be superceded	Holme next the Sea
12.07.2023	04.12.2023 Application Permitted	23/01272/F	Value 4 Money 48 Westgate Hunstanton Norfolk Conversion of 1no.retail unit to 2no. retail units and demolition of rear storage building.	Hunstanton
04.10.2023	11.12.2023 Application Permitted	23/01773/F	1 Peddars Drive Hunstanton Norfolk PE36 6HF Retrospective: Single storey flat roofed rear extension and associated alterations. Rebuilding of garage. Placement of miniature shed to front garden.	Hunstanton
26.09.2023	06.12.2023 Application Permitted	23/01725/F	11 Davy Field Lynn Road Ingoldisthorpe KINGS LYNN Variation of condition number 2 and 3 attached to planning permission 20/01295/F: Construction of a new dwelling. Removal of condition number 1, 4 and 5 attached to planning permission 20/01295/F: Construction of a new dwelling.	Ingoldisthorpe

03.05.2023	09.11.2023 Application Permitted	23/00774/LB	Vacant 17 St James Street King's Lynn KINGS LYNN Alterations and creation of a new rear doorway	King's Lynn
10.08.2023	05.12.2023 Application Permitted	23/01467/F	Showroom 49 Bergen Way North Lynn Industrial Estate King's Lynn Reordering of site carpark including additional hardstanding. Refurbishment and re-branding of existing car showroom, workshop and MOT facility including the insertion of a new mezzanine to part of the main showroom, erecting a new photo booth building and re-painting existing ancillary buildings.	King's Lynn
20.09.2023	29.11.2023 Application Permitted	23/01723/F	Kings Lynn Railway Station Blackfriars Road King's Lynn Norfolk Installation of public art on the forecourt of Kings Lynn Station.	King's Lynn
26.09.2023	01.12.2023 Application Permitted	23/01711/F	50 Russett Close King's Lynn Norfolk PE30 3HB RETROSPECTIVE APPLICATION: Demolish existing single flat roof garage and build new replacement lean-to single garage.	King's Lynn
05.10.2023	05.12.2023 Application Permitted	23/01781/A	Unit 1A Hardwick Retail Park Campbells Meadow King's Lynn Advertisement application for 9 x illuminated fascia signs and 1 x other illuminated sign in brand standard Burger King brand	King's Lynn

13.10.2023	21.11.2023 Application Permitted	23/01829/F	The College of West Anglia Tennyson Avenue King's Lynn Norfolk Additional Bay to Front and First Floor Extension to the School of Nursing Studies	King's Lynn
16.10.2023	11.12.2023 Application Permitted	23/01836/F	1 Mariners Way King's Lynn Norfolk PE30 2NY RETROSPECTIVE APPLICATION FOR THE RETENTION OF THE EXISTING CONCRETE SLAB EXTENDING THE DRIVEWAY	King's Lynn
16.10.2023	15.12.2023 Application Permitted	23/01870/F	Showboat Amusements 30 - 32 Purfleet Street King's Lynn Norfolk VARIATION OF CONDITION 2 OF PLANNING CONSENT 22/02189/F ; Conversion of existing vacant 1st and 2nd floors to residential units (4No.), change of use from commercial to residential, ground floor to remain commercial	King's Lynn
17.10.2023	07.12.2023 Application Permitted	23/01842/LB	Brittons Estate Agents 27 - 28 Tuesday Market Place King's Lynn Norfolk Installation of internal partitions and glazed screens	King's Lynn
18.10.2023	13.12.2023 Application Permitted	23/01893/F	7 Monkshood Carters Close King's Lynn Norfolk Single storey extension	King's Lynn

18.10.2023	05.12.2023 Application Permitted	23/01902/F	St James Swimming Pool Blackfriars Street King's Lynn Norfolk Installation of public art on the facade of St James Swimming Pool.	King's Lynn
26.10.2023	22.11.2023 DM Prior Notification NOT Required	23/01916/DM	85 Gayton Road King's Lynn Norfolk PE30 4EH Prior Notification: Demolition of 2.5 storey building	King's Lynn
30.10.2023	07.12.2023 Application Refused	21/00800/NMA_1	Riverside Business Centre Cross Bank Road King's Lynn Norfolk NON-MATERIAL AMENDMENT TO Planning Permission 21/00800/F: Variation of condition 25 of planning permission 20/00694/F to change allowance of daily movements	King's Lynn
06.09.2023	13.12.2023 Application Permitted	23/01618/F	Cleveland House 10 Gayton Road Ashwicken Norfolk Erection of single-storey front, side, and rear extension(s) and detached garage.	Leziate
26.09.2023	06.12.2023 Application Permitted	23/01729/F	Highleigh 16 Brow of The Hill Leziate King's Lynn Variation of condition 2 attached to planning permission 21/01810/F: Two storey side and rear extension	Leziate

28.09.2023	28.11.2023 Application Permitted	23/01738/F	12 Fen Lane Ashwicken King's Lynn Norfolk Garage Conversion to Studio, alterations to access driveway, porch added to front elevation and proposed re-facade of front elevation.	Leziate
25.08.2023	21.11.2023 Application Permitted	23/01569/O	Renaissance 1A Mill Lane Marham KINGS LYNN Outline permission with some matters reserved for replacement of detached bungalow with a new pair of semidetached cottages	Marham
19.10.2023	12.12.2023 Application Permitted	23/01859/F	Marham Village Hall School Lane Marham King's Lynn Proposed extension to Marham Village Hall, School Lane, Marham	Marham
17.10.2023	12.12.2023 Application Refused	23/01841/F	Rosewall House 390 Smeeth Road Marshland St James Wisbech Steel Workshop/Garage for storage and safe protection of vehicles.	Marshland St James
05.07.2023	12.12.2023 Application Permitted	23/01194/F	Tower Farm Station Road Tower End Middleton Proposed demolition of utility for new kitchen/lobby extension and glazed link, part conversion of outbuilding	Middleton
26.09.2023	20.11.2023 Application Permitted	23/01726/F	Holkham View 115 Burnham Road North Creake Norfolk Replacement Outbuilding (Part Retrospective)	North Creake

12.10.2023	05.12.2023 Application Permitted	23/01820/LB	The Old Rectory 38 Rectory Lane North Runcton King's Lynn Application for listed building consent for internal alterations, installation of extract vent and adjustment of external waste pipes	North Runcton
29.09.2023	24.11.2023 Application Permitted	23/01748/F	48 Woodland Gardens North Wootton Norfolk PE30 3PX Front Extension and Alterations.	North Wootton
22.05.2023	21.11.2023 Application Permitted	23/01099/F	61 West End Northwold Thetford Norfolk RETROSPECTIVE APPLICATION: Demolition of old extension, addition of new extension and remedial works to existing walls to match, new roof lights, windows and doors.	Northwold
01.06.2023	21.11.2023 Application Refused	23/00985/FM	Land Between Jensons Way Housing Development And BK Charcoal Development Whittington 11 super insulated, low-energy houses built to Passivhaus standards, with shared open green space, planted tree boundary, and access road	Northwold
12.07.2023	07.12.2023 Application Permitted	23/01276/F	Wellington Lodge Farm Thetford Road Northwold THETFORD REMOVAL OF CONDITIONS 1, 8, 12 AND VARIATION OF CONDITIONS 2, 7, 9, 10, 13, 18 of Planning Permission 16/01151/FM: Installation of an anaerobic digester (AD) plant and associated infrastructure	Northwold

14.07.2023	29.11.2023 Application Permitted	23/01298/F	Land North of 62 - 64 West End Northwold Norfolk VARIATION OF CONDITION 1 OF PLANNING APPLICATION 22/00931/F -VARIATION OF CONDITIONS 1, 3 AND 7 OF PLANNING PERMISSION 21/01419/F: (Variation/Removal of conditions of Planning Permission 18/01541/F) Construction of 3 dwellings	Northwold
24.07.2023	07.12.2023 Application Permitted	23/01476/F	The Barns 101 Methwold Road Whittington Thetford Continued siting of mobile home to provide residential accommodation for an agricultural worker	Northwold
25.08.2023	05.12.2023 Application Refused	23/01575/F	Storage Depot At The Poplars Thetford Road Northwold Footpath linking the former coal yard to Methwold Road, Northwold. The footpath was previously approved under 22/01032/RMM and this footpath is in a slightly altered position.	Northwold
05.10.2023	04.12.2023 Application Permitted	23/01780/F	16 Methwold Road Northwold Norfolk IP26 5LN Variation of condition number 2 attached to planning permission 22/01751/F: Alterations and Extension to Existing Dwelling and Replacement Wall Adjacent to Driveway.	Northwold

11.09.2023	17.11.2023 Application Permitted	23/01642/LB	66 Church Road Old Hunstanton Hunstanton Norfolk Renovation works to the existing dwelling, including removal of internal partition walls, relocation of existing modern staircase and replacement of existing windows.	Old Hunstanton
21.09.2023	21.11.2023 Application Permitted	23/01695/F	J & J Wilson (Shops) Ltd Driftwood Lodge 36A Hunstanton Road Old Hunstanton Norfolk Single Storey Extension to Provide Additional Office Space	Old Hunstanton
03.10.2023	05.12.2023 Application Permitted	23/01760/F	A Summer Place 31 Golf Course Road Old Hunstanton HUNSTANTON Side extension to dwelling to form En Suite with garden store below.	Old Hunstanton
18.05.2023	04.12.2023 Application Refused	23/00898/O	395 Wisbech Road Outwell WISBECH Norfolk Subdivision of land to create additional, detached dwelling	Outwell
02.11.2023	14.12.2023 Application Permitted	23/01945/LB	The Old Rectory Rectory Road Outwell Wisbech APPLICATION FOR LISTED BUILDINGS CONSENT: Replace fixed arch window, which has rotted away. Circa 1970s installation. Replace with wooden arch window more fitting to period of house (Georgian/Victorian) as per plan drawings.	Outwell

27.11.2023	06.12.2023 Application Permitted	18/00581/NMAM_1	Land To The West of Tikka Chef Outwell WISBECH NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 18/00581/OM: Outline Application, 50 dwellings	Outwell
04.08.2023	06.12.2023 Application Permitted	23/01437/F	3 Oakland Cottages Pentney Lane Pentney Norfolk VARIATION OF CONDITION 1 OF PLANNING PERMISSION 17/00798/RM: 3 Proposed dwellings	Pentney
27.09.2023	06.12.2023 Application Permitted	23/01735/F	Land S of 1 To 18 W of Foxes Lair Narborough Road Pentney Norfolk Variation of condition number 2 attached to planning permission 21/01428/F: Detached 4-bed 2 storey dwelling.	Pentney
10.10.2023	08.12.2023 Application Permitted	23/01794/F	Oakland Cottages Pentney Lane Pentney KINGS LYNN VARIATION OF CONDITION 12 OF PLANNING PERMISSION 17/00032/O: Outline, 3 dwellings and to upgrade North access directly onto A47 to use as permanent site entrance	Pentney
23.10.2023	08.12.2023 Application Permitted	23/01888/F	The Limes Pentney Lane Pentney King's Lynn Retrospective application to regularise access, parking and turning area	Pentney

03.10.2023	27.11.2023 Application Permitted	23/01764/F	Primrose Cottage 34 Docking Road Ringstead HUNSTANTON Proposed K-rend Application to Front & Side Elevations (Chalk White Colour) BGllock up Garage Door, & Repair & Paint Existing Timber Cladding	Ringstead
03.10.2023	27.11.2023 Application Permitted	23/01767/F	The Courtyard Runcton Road Runcton Bottom South Runcton PROPOSED DETACHED GARDEN STORE AND HOME OFFICE	Runcton Holme
21.08.2023	30.11.2023 Application Permitted	23/01609/F	4 Parkside Sedgeford Hunstanton Norfolk Extension & Alterations to dwelling	Sedgeford
17.07.2023	30.11.2023 Application Refused	23/01313/F	Gannets Rest 36 The Beach Shepherds Port Snettisham VARIATION OF CONDITION 2 PLANNING APPLICATION DG1656 -Erection of Prefabricated Bungalow	Snettisham
18.07.2023	27.11.2023 Application Refused	23/01334/F	Shepherds Port Farmhouse 44 - 46 Beach Road Shepherds Port Snettisham Retrospective change of use to siting of 2 Mobile homes	Snettisham

23.08.2023	06.12.2023 Application Permitted	23/01561/F	Woodland North West of 7 - 8 (Plot 2) Snettisham King's Lynn Norfolk Variation of Condition 2, 11 and 12 of Planning Permission 21/02310/F: VARIATION OF CONDITION 2: 19/02079/F - Proposed new Dwelling	Snettisham
23.08.2023	06.12.2023 Application Permitted	23/01562/F	Plot 1 Norton Hill Snettisham Norfolk Variation of Condition 2, 11 and 12 of Planning Permission 21/02479/F: Construction of a single bespoke dwelling and associated works (amended design)	Snettisham
11.09.2023	22.11.2023 Application Permitted	23/01638/F	Sutton Lea Manor 4 Bircham Road Snettisham KINGS LYNN Proposed car port	Snettisham
19.10.2023	12.12.2023 Application Permitted	23/01861/F	Land To The Rear of 1,2 And 3 Carrstone Crescent Carrstone Crescent Snettisham KINGS LYNN PROPOSED CHANGE OF USE; Former Garden Centre (Class E) to Garden Land (Class C3). This change in use to garden land will create uniform gardens for all 4 plots and create a sustainable use for the land which would otherwise be inaccessible by the applicant and difficult to maintain.	Snettisham

16.11.2023	21.11.2023 Application Permitted	23/01474/NMA_1	35 Bluestone Road South Creake Fakenham Norfolk NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 23/01474/F: Replacement outbuilding for use as annex to dwelling house	South Creake
04.07.2023	05.12.2023 Application Permitted	23/01177/F	Merilyn 144 Grimston Road South Wootton King's Lynn Demolition of No.144 Grimston Road and replacement with 2no.dwellings	South Wootton
15.09.2023	06.12.2023 Application Refused	23/01670/F	Country House 30A Low Road South Wootton KINGS LYNN Detached Garage and workshop storage area.	South Wootton
17.09.2023	22.11.2023 Application Permitted	23/01672/F	Fairacres 56 Castle Rising Road South Wootton King's Lynn Retrospective planning permission for installation of outbuilding summer house in back garden	South Wootton
03.11.2023	15.12.2023 Application Permitted	23/01966/F	Wayside 33 Grimston Road South Wootton King's Lynn Proposed single storey rear conservatory and associated alterations	South Wootton
22.09.2023	28.11.2023 Application Refused	23/01698/F	Methodist Chapel Ferry Bank Southery Norfolk Conversion of Chapel to Dwelling.	Southery
23.09.2023	30.11.2023 Application Permitted	23/01700/F	65 Recreation Drive Southery Downham Market Norfolk "Retrospective" Extension to rear of the property	Southery

10.07.2023	29.11.2023 Application Permitted	23/01236/F	3 Ivy Farm Bircham Road Stanhoe Norfolk Installation of solar panels to the rear elevation of the garage, installation of a battery storage system in the garage with underground connections to the main house. Installation of an untethered electric car charger to the front elevation of the garage between the two garage doors. The intention is to reduce the carbon footprint of the property.	Stanhoe
01.08.2023	27.11.2023 Application Permitted	23/01416/LB	Deanscroft High Street Stoke Ferry King's Lynn Application for listed building consent to demolish current wall running along the front of the property and replace with a traditional Saxon Wrought Iron Style Metal Railing and Gate	Stoke Ferry
10.10.2023	30.11.2023 Application Permitted	23/01803/F	Tamarisk 6 Furlong Drove Stoke Ferry King's Lynn Single storey extension to front of existing bungalow	Stoke Ferry
20.04.2023	22.11.2023 Application Permitted	23/00711/F	2A The Drove Barroway Drove Norfolk PE38 0AJ Retrospective continued use of dwelling for dog breeding business	Stow Bardolph
02.10.2023	04.12.2023 Application Refused	23/01753/F	Hybrid Farm 246 The Drove Barroway Drove Norfolk PROPOSED DWELLING	Stow Bardolph

19.04.2023	28.11.2023 Application Permitted	23/00704/FM	Smartlift Bulk Packaging Ltd 21 Smartlift Way Terrington St Clement KINGS LYNN Proposed warehouse and office extensions	Terrington St Clement
11.10.2023	12.12.2023 Application Permitted	23/01810/F	35 Church Road Tilney St Lawrence King's Lynn Norfolk Single-storey rear extension including front porch and demolition of existing outbuilding.	Tilney St Lawrence
25.09.2023	12.12.2023 Application Permitted	23/01710/F	Haddon House 6 Church Lane Titchwell Norfolk Demolition of stone pillar	Titchwell
24.08.2022	15.12.2023 Application Refused	22/01690/F	Botany Bay Stonehouse Road Upwell Wisbech Demolition of existing dwelling and construction of a replacement dwelling	Upwell
30.06.2023	27.11.2023 Application Permitted	23/01347/F	Windywillows Market Lane Walpole St Andrew Wisbech Retrospective detached single storey outbuilding to be used as storage/shed and a hobby workshop .	Walpole
02.10.2023	21.11.2023 Application Permitted	23/01754/F	Fen Lodge Chalk Road Walpole St Peter Norfolk Variation of condition 2 attached to planning permission 22/02002/F: Alterations and extension to bungalow forming additional bedroom, garden room and attached garage incorporating a gym room.	Walpole

05.10.2023	30.11.2023 Application Permitted	23/01782/F	The Old Methodist Chapel 24 Sutton Road Walpole Cross Keys King's Lynn Single storey front extension	Walpole Cross Keys
01.11.2023	06.12.2023 Prior Approval - Refused	23/01939/PAGPD	Mill Lodge Mill Bank Walpole Highway Wisbech Single storey rear extension which extends beyond the rear wall by 5.63m with a maximum height of 3.40m and a height of 2.40m to the eaves	Walpole Highway
18.10.2022	30.11.2023 Application Permitted	22/01848/FM	Lakeside Fisheries Sibley Field Farm Biggs Road Walsoken RETROSPECTIVE APPLICATION: To regularise buildings and uses in conjunction with fishing lakes. Retention of existing building for 5 holiday lets and a store. Retention of clubhouse and managers accommodation including 4 holiday lets. Retention of workshop including one holiday let. Retention of shower and toilet block and store buildings. Formation of overflow and log cabin parking	Walsoken
04.04.2023	05.12.2023 Application Permitted	23/00618/FM	Pondworld Retail Park Lynn Road Walsoken Norfolk Proposed Commercial Units - Class E	Walsoken

24.07.2023	07.12.2023 Application Permitted	23/01365/F	Wisbech Community Farm Lynn Road Walsoken WISBECH VARIATION OF CONDITION 5 OF PLANNING PERMISSION 21/02270/F: Change of use of agricultural land to appointment only therapeutic facility in the form of a community farm, associated buildings and construction of a new access	Walsoken
08.08.2023	30.11.2023 Application Permitted	23/01460/RMM	Land N of 4 To 6 Lynn Road Walsoken Norfolk Approval of the layout, scale, appearance and landscaping of the 6 industrial units	Walsoken
09.10.2023	24.11.2023 Application Permitted	23/01832/F	Black Duck Farm Fengate Road Walsoken Wisbech Removal of Condition 1 of Planning Permission 2/74/1136/F/BR	Walsoken
10.10.2023	30.11.2023 Application Permitted	23/01839/F	Land N of Units 3 To 6 Grassgate Lane Walsoken Norfolk VARIATION OF CONDITIONS 1 AND 4 OF PERMISSION 19/00812/RMM: Reserved Matters Application, Industrial Units	Walsoken
23.11.2023	04.12.2023 Application Permitted	18/01421/NMAM_6	Land To South of The Poplars Lynn Road Walton Highway Norfolk NON-MATERIAL AMENDMENT TO PERMISSION 18/01421/RMM: Construction of 25 dwellings	West Walton

02.10.2023	30.11.2023 Application Permitted	23/01789/F	21 Gravelhill Lane West Winch King's Lynn Norfolk Construction of detached carport.	West Winch
06.09.2023	12.12.2023 Application Permitted	23/01614/F	The Vicarage 30 Lynn Road Wiggshall St Germans King's Lynn Proposed access and installation of dropped kerbs.	Wiggshall St Germans
29.09.2023	11.12.2023 Application Permitted	23/01747/F	Land W of Waxwings Vine Hill Stow Bridge Norfolk REMOVAL OF CONDITION 3 AND VARIATION OF CONDITION 4 OF PLANNING PERMISSION 2/00/0872/F: Construction of 2 bungalows and garages	Wiggshall St Mary Magdalen
25.05.2023	14.12.2023 Application Permitted	23/00955/F	24 Lynn Road Wimbotsham King's Lynn Norfolk Construction of new dwelling	Wimbotsham

PLANNING COMMITTEE

DATE: 9 January 2024

UPDATE ON TREE MATTERS

Prepared by Brian Ogden, Arboricultural Officer

1.0 Introduction

1.1 This report seeks to update Members on recent Tree Preservation Orders (TPO's) that have been served since 1 May 2023, along with a summary on some of the other aspects of the work in relation to trees.

2.0 Summary of Work

2.1 Set out in table 1 is a breakdown of the numbers of the various types of applications or work types carried out during the period.

2.2 Members will be aware that tree work applications have to be responded to within 6 weeks in the case of a conservation area notification, and 8 weeks in the case of a TPO tree work application. If responses are not received within these timescales the work is deemed to be acceptable and can be carried out.

2.3 There is a requirement for planning applications to be responded to well within the 8 or 13 week time period, to ensure applications can be dealt with within the requisite time period. There is also a requirement to respond to discharge of conditions with a specified time period, to ensure development can commence.

2.4 Although not time specific, the serving of a new TPO is often a matter of urgency in order to prevent the trees being felled or inappropriate pruning taking place. Once served there are time limits for objections to be received, and responses to be sent and the matter placed before the Planning Committee. If this is not all completed within 6 months of the serving then the TPO will lapse.

2.5 In addition to this there have been a number of pre application site visits undertaken for both tree work applications and planning applications, as well as the general day to day tree related enquiries that have to be addressed during the course of the day.

Table 1 – Breakdown of tree related applications and work received since 1 May 2023 – 30 October 2023

	Numbers
Planning Applications	
Planning Applications considered	295
Pre-Applications considered	9
Applications to discharge tree and landscape conditions	45
New Tree Preservation Orders	
New TPO's - Date Served	13
TPO's with objections received (Planning Committee Confirmation)	2
Still to be confirmed	6
Tree Work Applications/Notifications	
Conservation Area Notifications approved	97
Conservation Area Notification Refused (TPO Served)	0
Conservation Area Notification Pending	0
Tree Preservation Order applications approved	62
Tree Preservation Order applications refused/partially Refused	3 4
Tree Preservation Order applications appealed	0
Tree Preservation Order application pending	0

3.0 Details of TPO's Served and Confirmed since February 2014

- 3.1 13 TPO's have been served since 1 May. Where no objections have been received they have been confirmed under delegated powers. When objections have been received these will need to be considered by the Planning Committee, as to whether or not the TPO is confirmed. Since 1 May, 7 TPOs have been confirmed under delegated powers with none confirmed at Planning Committee.
- 3.2 We have received, and carried out, No appeals relating to decisions regarding works to protected trees. We currently have no appeals in process.

4.0 Recommendation

- 4.1 That members of the Planning Committee note the contents of the report

